



Government  
of South Australia

TRS20D3188

Hon Emily Bourke MLC  
Parliament House  
North Terrace  
ADELAIDE SA 5000

Treasurer  
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[emily.bourke@parliament.sa.gov.au](mailto:emily.bourke@parliament.sa.gov.au)

*Emily*  
Dear Ms Bourke

## APPLICATION UNDER THE *FREEDOM OF INFORMATION ACT 1991*

I refer to your application made under the *Freedom of Information Act 1991* (the Act), dated 28 September 2020.

Your application seeks access to:

*"All documents, including any email, memorandum, note and/or advice, comprising materials relied on or referred to by the Treasurer in making the decision referred to below, or alternatively recording or evidencing the said decision and/or the reasons for the said decision. The decision in respect of which access to the above documents is sought is the decision of the Treasurer, the Honourable Rob Lucas MLC, pursuant to section 5(9)(b) of the Shop Trading Hours Act 1977 (the Act), to declare, on 5 November 2019, non-exempt shops, excluding shops that are solely or predominantly the retail sale of motor vehicles or boats, situated within the: • Central Business District Tourist Precinct exempt from the provisions of the Act between the hours of 9.00am and 11.00am on Thursday, 26 December 2019; and • the Metropolitan Shopping District and Glenelg Tourist Precinct exempt from the provisions of the Act between the hours of 9.00am and 5.00pm on Thursday, 26 December 2019, which exemption was subject to the following conditions: • Normal trading hours prescribed by section 13 of the Act shall apply at all other times. • All employees working during these extended hours will do so on a strictly voluntary basis. • Any and all relevant industrial instruments are to be complied with. • All work health and safety issues (in particular those relating to extending trading hours) must be appropriately addressed, from 22 March 2018 to 5 November 2019."*

## Determination under review

The Office of the Treasurer did not make a determination on your initial application within the 30-day time period required by the Act. Accordingly, the Treasurer's Office was deemed to have refused access in full to all documents relevant to your application.

## **Outcome of Internal Review**

A total of 3 documents were identified as answering the terms of your application.

I grant you access in part to 2 documents; copies of which are enclosed.

I refuse you access to 1 document.

## **Released in Part**

Document 1 and 3.

Document 1 is released in part as it contains legal advice subject to legal professional privilege. This advice is redacted pursuant to clause 10(1).

Document 3 is correspondence between my office and Safework SA, personal identifying information has been redacted pursuant to clause 6(1) of the Act.

## **Refused in Full**

Document 2.

I advise the document is publicly available on the Government Gazette website, published on 5 November 2019, and therefore has not been provided to you.

## **Exemptions**

### **Clause 6 – Documents affecting personal affairs**

- (1) *A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person.*

### **Clause 10 – Documents subject to legal professional privilege**

- (1) *A document is an exempt document if it contain matter that would be privileged from production in legal proceedings on the ground of legal professional privilege.*

Please note, in compliance with Premier and Cabinet Circular PC045 - *Disclosure Logs for Non-Personal Information Released through Freedom of Information* (PC045), the Department of Treasury and Finance is now required to publish a log of all non-personal information released under the Act.

In accordance with this Circular, any non-personal information determined for release as part of this application, may be published on the DTF website. A copy of PC045 can be found at the following address: <https://dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars>. Please visit the website for further information.



As I am determining this application as Principal Officer, section 29(6) of the Act does not provide for an internal review. If you are dissatisfied with my determination you are entitled to exercise your rights of external review with the Ombudsman.

Alternatively, you can apply to the South Australian Civil and Administrative Tribunal. If you wish to seek a review, section 39(3) of the Act states you must do so within 30 calendar days of receiving the determination.

If you require any further information, please contact Ms Vicky Cathro, Ministerial Liaison Officer, by telephone on 8226 9769 or by email to [vicky.cathro@sa.gov.au](mailto:vicky.cathro@sa.gov.au).

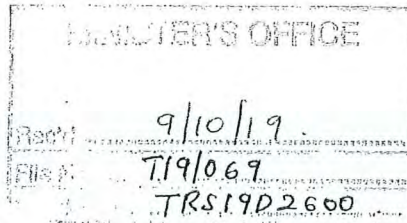
Yours sincerely



**Hon Rob Lucas MLC**  
*Principal Officer*

8 December 2020

BRIEF



Government  
of South Australia  
Department of Treasury  
and Finance

MINUTES forming ENCLOSURE to

19SWSA0597

TO: TREASURER

CC: UNDER TREASURER  
DEPARTMENT OF TREASURY AND FINANCE

SUBJECT: 2019 CHRISTMAS TRADING ARRANGEMENTS

**PURPOSE**

- To provide you with options for declaring an exemption pursuant to section 5 of the *Shop Trading Hours Act 1977* (the Act) that provides additional trading hours for non-exempt shops over the 2019 Christmas shopping period.

**BACKGROUND**

- The exemption you declared for the 2018 Christmas shopping period was your first Christmas shopping exemption as the Minister responsible for the Act.
- The 2018 exemption provided non-exempt shops (excluding motor vehicle and boat yards) with the following additional trading hours:

**Greater Adelaide Shopping District (CBD and suburbs)**

- 9.00am to 11.00am on Sundays, 2, 9, 16, 23 & 30 December 2018
- 9.00pm to 12 midnight on Thursdays, 13 & 20 December and Friday, 21 December 2018
- 5.00pm to 6.00pm on Saturday, 22 December 2018 and Sunday, 23 December 2018

**Central Business District (CBD) Tourist Precinct (CBD)**

- 9.00am to 11.00am on Wednesday, 26 December 2018

**Metropolitan Shopping District and Glenelg Tourist Precinct (suburbs)**

- 9.00am to 5.00pm on Wednesday, 26 December 2018

- The correct framing of an exemption is to provide for the additional hours beyond those prescribed by the Act. Therefore the effect of last year's exemption enabled non-exempt shops in the CBD and suburbs to trade:
  - from 9am to 5pm on Sundays 2, 9, 16 & 30 December and from 9am to 6pm on Sunday, 23 December (instead of 11am to 5pm).
  - until 6pm on Saturday 22 December (instead of until 5pm).
  - until 12 midnight on 13, 20 & 21 December (instead of until 9pm). This gave shops the option of trading beyond 12 midnight due to the Act only prescribing a closing time (not an opening time) on a weekday and Saturday.
  - from 9am to 5pm on Boxing Day Wednesday, 26 December (instead of 11am to 5pm in the CBD and not at all in the suburbs).

For Official Use Only – I3 – A2



- The exemption for shops in the Adelaide CBD and suburbs was consistent with Christmas exemptions declared by former Ministers of the previous Government, with the exception of your decision to allow Boxing Day trading in the Adelaide suburbs (Metropolitan Shopping District and Glenelg Tourist Precinct).
- It was well received by most retail stakeholders, however the Shop Distributive and Allied Employees' Association (SDA) and the South Australian Independent Retailers (SAIR) were opposed to Boxing Day trading in the suburbs.
- It should be noted that last year's exemption included additional trading hours for the Milllicent Shopping District (MSD) as a result of CSO advice. [REDACTED]

- The MBCA has since addressed this issue with two exemptions that were applied for and granted during 2019 (Easter Saturday and Geltwood Festival) and SafeWork SA expects the MBCA to make an application, that addresses the relevant criteria, for extended Christmas trading hours in the MSD for you to consider as a separate matter to the declared Christmas exemption for the CBD and suburbs.
- Christmas Day last fell on a Wednesday in 2013 and the exemption declared that year by the then Minister for Industrial Relations, the Hon John Rau MLC, allowed non-exempt shops in the CBD and suburbs to open at 9am on Sundays 1, 8, 15, 22 and 29 December 2013 and trade until 12 midnight on Thursday, 19 December; Friday, 20 December; and Monday, 23 December 2013. The SDA supported those additional hours.

## DISCUSSION

- On 20 August 2019, SafeWork SA emailed key retail industry stakeholders seeking feedback to assist with your considerations for extended trading hours during the 2019 Christmas shopping period. That email and the undisclosed recipients are enclosed as Attachment 1.
- The same email was personally sent to Mr Josh Peak, Secretary, SDA and Ms Sonia Romeo, Assistant Secretary, SDA on 21 August 2019.
- SafeWork SA received submissions / feedback from the following:
  - **SDA** (Mr Josh Peak, Secretary)
  - **Shopping Centre Council of Australia** (Mr Angus Nardi, Executive Director)
  - **SAIR** (Mr Colin Shearing, Chief Executive Officer)
  - **Rundle Mall Management Authority** (Ms Johanna Williams, General Manager)
  - **Coles** (Ms Sophie Wong, State General Manager SA/NT)
  - **Woolworths Group** (Mr Paul Crossley, Government Relations Manager)
  - **Kmart** (Mr Craig Young, Impacts and Comm's Store Support Manager)
  - **Harris Scarfe** (Mr Daniel Nikoleaff, Area Manager)
  - **Jetty Road Development Group** (Ms Alex Brown, Jetty Road Development Coordinator)
- A summary of that feedback is attached (Attachment 2).
- The following is a breakdown of each aspect of that feedback and some options that could assist with your considerations.

For Official Use Only – I3 – A2



### **Late night trading until 12 midnight**

- All feedback supported at least three 12 midnight trading nights which also provides the option of staying open into the next day.
- The normal three nights in recent years have been for the CBD and suburbs to both be provided with the two Thursday's and the Friday prior to Christmas Day, however this has been varied in the past depending on what day of the week that Christmas Day falls.
- SafeWork SA understands that the take up of this option has mostly been limited to the Rundle Mall precinct on the Friday prior to Christmas Day and the major shopping centres in the suburbs on the two Thursday's, with some centres trading beyond 12 midnight into Friday morning on the Thursday nearest to Christmas Day.
- Previous exemptions have been kept simple by providing all three nights to the CBD and suburbs with the knowledge that retailers and shopping centres in the CBD and suburbs will choose what best suits their needs.
- This year's feedback mostly supports previous arrangements however the Rundle Mall Management Authority (RMMA) is seeking Friday, 13 December instead of Thursday, 12 December (whilst retaining the following Thursday and Friday) and is also seeking Monday, 23 December. The RMMA has since advised SafeWork SA that if midnight trading stays limited to three nights then Thursday, Friday and Monday in the lead-up to Christmas Day is their preference.
- The Shopping Centre Council (SSC) are also seeking Monday, 23 December instead of Thursday, 12 December (whilst retaining the Thursday and Friday prior to Christmas Day).

### **Options and considerations**

- If maintaining three nights of midnight trading is preferred the most desirable option for shops, particularly with Christmas Day falling on a Wednesday, appears to be Thursday, 19 December; Friday, 20 December; and Monday, 23 December 2019 – noting this is the same as what was provided in 2013 when Christmas Day last fell on a Wednesday.

### **Additional Saturday and Sunday hours**

- All feedback supported a 9.00am opening time on every Sunday in December and all bar the SAIR support an additional hour of evening trade until 6.00pm on Saturday, 21 December and Sunday, 22 December 2019.
- The Rundle Mall Management Authority also supported trading until 6.00pm on Saturday, 28 December and Sunday, 29 December 2019 for the CBD only.

### **Options and considerations**

- A 9am opening on every Sunday in December has become widely accepted whilst allowing an additional hour of evening trading on the Saturday and/or Sunday prior to Christmas Day has been a feature of recent Christmas exemptions.
- The weekend before Christmas is often a normal weekend for people engaged in sport, recreational activities, employment in other industries etc. and the additional evening hour can provide better access to shops on those days.
- With respect to the RMMA request for similar consideration on the weekend immediately following Christmas Day in the CBD only. SafeWork SA considers the factors in support of the weekend prior to Christmas are less prevalent on the following weekend and difficult to justify providing these hours exclusively to the CBD.

### Boxing Day

- Similar to last year there is strong support for Boxing Day trading across all of Adelaide, with the SSC and Harris Scarfe wanting a further extension so that shops can trade from 9am to 9pm due to Thursday night being a traditional late-night trading night.
- The RMMA prefer Boxing Day trading being exclusive to the CBD but if this year's exemption again allows 9am to 5pm trading in the suburbs, they are seeking 7am to 5pm in the CBD.
- The SDA, SAIR and Jetty Road Development Group remain opposed to non-exempt shops in the suburbs being permitted to trade on Boxing Day.
- If Boxing Day trading is approved in the suburbs, the SDA is requesting stronger protections for workers by asking that SafeWork SA make publications and provide information for employers about their obligations and the SafeWork SA enforcement policy regarding voluntary work; and require all stores affected by the exemption to maintain a register of volunteers who volunteer to work on Boxing Day and be made available to SafeWork SA on request.

### **Options and considerations**

- Boxing Day trading was well received by retailers, consumers and retail workers last year despite anecdotal evidence from SDA that some workers were required to work against their will.
- I can advise that SafeWork SA did not receive any complaint from a retail worker alleging a breach of the exemption condition that required all staff to be engaged on a voluntary basis.
- With respect to the SSC and Harris Scarfe request for 9am to 9pm trading due to that day being a Thursday, it should be noted that all shops in the CBD and suburbs can trade until 9.00pm on Friday, 27 December and have the opportunity to promote that Friday as the principal late-night trading night for that week.
- SafeWork SA considers that the 9am to 5pm trading provided last year enabled many retail workers to volunteer to work, with the added benefit of public holiday penalty rates, and still have the opportunity to participate in evening activities with family and friends.
- The RMMA request for exclusive trading in the CBD or for two more hours than the suburbs goes against the intent of last year's exemption in providing equal opportunity and access for retailers and customers to Boxing Day sales.
- With regard to the SDA request for stronger worker protections on Boxing Day, SafeWork SA sees this as problematic for employers and workers.
- The *Fair Work Act 2009* (the Cth Act) provides worker protections across all industries for working on public holidays. The Cth Act contains a National Employment Standard (NES) for Public Holidays that:
  - provides an entitlement for employees to be absent from work on a day or part-day that is a public holiday;
  - protects an employee's workplace right to reasonably refuse to work on a public holiday, and will guarantee payment where an employee is absent from work because of a public holiday; and
  - protects employees from adverse action for having, using, or seeking to use their workplace right to reasonably refuse to work on a public holiday.



- The SDA could also be comparing the information and material relevant to New South Wales (NSW) on the Fair Trading NSW website. The *Retail Trading Act 2008* (NSW) contains a provision that applies to all shops and states 'a shop is not required to be kept closed on Boxing Day if the shop is staffed only by persons who have freely elected to work on that day'.
- The issue in SA is that any exemption (public holiday or otherwise) only applies to non-exempt shops and this includes hardware; furniture; floor covering; and motor vehicle parts and accessories shops that can already trade from 9am until 5pm on every Sunday and most public holidays including Boxing Day.
- Whilst it would be prudent to maintain the condition that is attached to every exemption that: *'all employees working during these extended hours will do so on a strictly voluntary basis'* - the reality is that many retail workers can not rely upon the conditions of the exemption and the assistance of SafeWork SA, not to mention all the workers in other industries that may work on Boxing Day.
- Under the Act, a shopkeeper who contravenes or fails to comply with a restriction or condition to which an exemption is subject is guilty of an offence that carries a maximum penalty of \$100,000. SafeWork SA can take a complaint and investigate any alleged breach of an exemption condition.
- The SafeWork SA website is updated every year with information about the coming Christmas trading period including the conditions attached to exemption. This year we can add further information about the contravention of an exemption condition. Further, SafeWork SA emails the key stakeholders in Attachment 1 to advise of Christmas trading exemption and the attached conditions.
- SafeWork SA considers the rest of the SDA request as impractical due to the confusion that already exists amongst retailers and employees as to exactly who the conditions apply whilst continuing to note that Boxing Day in particular already has protections provided by the Cth Act and enforced by the Cth Fair Work Ombudsman.

#### **Black Friday**

- The Shopping Centre Council (SCC) and the Rundle Mall Management Authority (RMMA) have both advocated for 9.00pm to 12 midnight trading on 'Black Friday', 29 November 2019 with the RMMA seeking it for just the CBD.
- The SSC and RMMA have submitted that Black Friday (a traditional day of sales in the USA for many years and gaining traction around the world) has become a significant annual trading event in other parts of Australia and an exemption for this night would provide an opportunity for South Australian retailers and consumers to participate in major sales until 12 midnight which has become the practice in other states.
- It should be noted that a single exemption notice cannot operate in respect of a period greater than 30 days and 29 November occurs 31 days prior to the last Sunday in December (29 December).

#### **Options and considerations**

- Retailers and shopping precincts such as the Rundle Mall and the major shopping centres can already promote and offer 'Black Friday' sales until 9pm on that day.
- If you are to declare a 9pm to 12 midnight exemption for Black Friday, then this can be drafted as a single stand-alone exemption for that night. The typical Christmas exemption (that will likely span from 1 December to 29 December) will then operate within the 30 day requirement.



## RECOMMENDATIONS

That you determine the 2019 Christmas trading and Black Friday exemption for non-exempt shops (excluding motor vehicle and boat dealers) from the following recommendations and options:

### Recommendation 1

- That non-exempt shops in the Greater Adelaide Shopping District are exempt between the hours of 9.00am and 11.00am on Sundays 1, 8, 15, 22 and 29 December 2019.

### Recommendation 2

#### Option 1

- That non-exempt shops in Greater Adelaide Shopping District are exempt between the hours of 5.00pm and 6.00pm on Saturday 21 December and Sunday, 22 December 2019.

#### Option 2

- Any alternative or additional Saturday and Sunday evening hours you determine having regard to the stakeholder feedback.

### Recommendation 3

#### Option 1

- That non-exempt shops in the Greater Adelaide Shopping District are exempt between the hours of 9.00pm and 12 midnight on Thursday, 19 December; Friday, 20 December; and Monday 23 December 2019.

#### Option 2

- Any alternative or additional 9.00pm to 12 midnight trading hours you determine having regard to the stakeholder feedback.

### Recommendation 4

#### Option 1

- That non-exempt shops in the Metropolitan Shopping District and Glenelg Tourist Precinct are exempt between the hours of 9.00am and 5.00pm; and in the Central Business District (CBD) Tourist Precinct between the hours of 9.00am and 11.00am; on Thursday, 26 December 2019 (Boxing Day).

#### Option 2

- Any alternative or additional Boxing Day trading hours you determine having regard to the stakeholder feedback.

See next page for Recommendation 5

## Recommendation 5

### Option 1

- That non-exempt shops in the Greater Adelaide Shopping District are exempt between the hours of 9.00pm and 12 midnight on Friday, 29 November 2019 (Black Friday).


### Option 2

- That non-exempt shops in the Central Business District (CBD) Tourist Precinct are exempt between the hours of 9.00pm and 12 midnight on Friday, 29 November 2019 (Black Friday).

### Option 3

- That you do not declare an exemption for Black Friday.

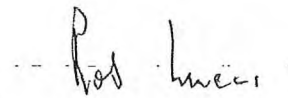
Should you wish to discuss this matter further, please contact David Brown, Policy Officer, Policy and Governance Team on telephone 8463 4987.

  
Martyn Campbell  
EXECUTIVE DIRECTOR  
SAFEWORK SA

8 October 2019

Rec 1-4 - Defu at this stage  
Rec. 5 Approved - under SS(8)(b) of the Act

NOTED/APPROVED/NOT-APPROVED

  
Treasurer  
31  
Date: 10 / 10 / 2019



**Signorelli, Belinda (DTF)**

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**From:** Ward, Justin (DTF)  
**Sent:** Thursday, 10 October 2019 3:47 PM  
**To:** Signorelli, Belinda (DTF)  
**Subject:** FW: 2019 Christmas trading submissions  
**Attachments:** SDA.pdf; Shopping Centre Council.pdf

Hi Belinda

Please see trail of emails below and attachments above

Thanks

**Justin Ward**  
 Policy Officer  
 Policy and Governance Team, SafeWork SA  
 Ph: +61 8 8303 0289

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**From:** Brown, David (DTF)  
**Sent:** Tuesday, 17 September 2019 2:13 PM  
**To:** Marciano, Nino (DTF) <[Nino.Marciano@sa.gov.au](mailto:Nino.Marciano@sa.gov.au)>  
**Subject:** 2019 Christmas trading submissions

Hi Nino

My deadline for responses for the 2019 Christmas trading feedback was Friday 14 September 2019, however I've had a few that have come through in the last couple of days. I'm pretty confident that I won't receive any more and can commence preparing a Brief for the Treasurer. Submissions/Feedback has been received from:

- SDA (attached)
- Shopping Centre Council of Australia (attached) – some useful statistics from last year included with this
- Harris Scarfe (this and the rest see below)
- Jetty Road Development Group
- Kmart
- Coles
- Rundle Mall Management Authority
- Woolworths
- South Australian Independent Retailers (SAIR)

Please note that the SAIR feedback seems to imply that the 2018 exemption included New Year's Day trading in the suburbs (in addition to Boxing Day) but that was not the case. Interesting to note that some submissions are seeking consideration for trading until 12 midnight on "Black Friday" 29 November 2019.

Hi David,

Thanks for the opportunity to reply.

On behalf of Harris Scarfe in South Australia we propose the following exemptions for Christmas Trading hours 2019. Our response is highlighted in yellow.

- from 9am to 5pm (instead of 11am to 5pm) on four Sundays in December and from 9am to 6pm on Sunday 23/12

- HARRIS SCARFE RESPONSE, from 9am to 5pm on 4 Sundays in December 1/12, 8/12 & 15/12 and from 9am to 6pm on Sunday 22/12
- until 6pm (instead of 5pm) on Saturday 22/12
- HARRIS SCARFE RESPONSE, until 6pm on 2 Saturdays in December 14/12 & 21/12.
- until 12 midnight (instead of 9pm) on 13/12, 20/12 and 21/12. This gave shops the option of trading beyond 12 midnight on those nights because on a weekday and Saturday the Act prescribes a closing time only and not an opening time
- HARRIS SCARFE RESPONSE, until 12 midnight on 12/12, 19/12 & 20/12.
- from 9am to 5pm on Boxing Day 26/12 (instead of 11am to 5pm in the CBD and not at all in the suburbs)
- HARRIS SCARFE RESPONSE, from 9am to 9pm on Boxing Day as this falls on a Thursday and is traditional late night trade in the suburbs.

Regards

Daniel Nikoleaff  
Area Manager



M: +61 (0) 437 624 912

[danielnikoleaff@harrisscarfe.com.au](mailto:danielnikoleaff@harrisscarfe.com.au)  
[www.harrisscarfe.com.au](http://www.harrisscarfe.com.au)



Hi David,

I write on behalf of [REDACTED] Chairperson, Jetty Road Mainstreet Committee (JRMCM). Thank you for the opportunity to provide comment on considerations in declaring exemption for extended trading hours for non-exempt shops during the 2019 Christmas period.

The JRMCM want to see our mainstreet continue to thrive during a time where the retail sector is already experiencing significant challenges. Our main area of interest relates to the exemption for Boxing Day trade outside the CBD. The current Shop Trading Hours Act 1977 identify Glenelg as a Tourist Precinct, which is part of the attraction and benefit for traders to operate on Jetty Road, Glenelg. The legislation benefits tourists and has also been good for locals and greater Adelaide, knowing that Glenelg is a place to visit on Boxing Day. Providing increased competition for our retailers by allowing major shopping centres to open puts a strain on our small businesses and their profits, on a day when they are already paying public holiday wages.

Allowing Boxing Day trade outside the CBD only helps larger corporations like Coles and Woolworths rather than supporting small business. Anecdotally the JRMCM received feedback from our Jetty Road, Glenelg traders that trade only picked up from around 12pm on 26 December 2018. From the local insights we received, the results were mixed with fashion and accessories retailing being down around 30-50% on the day and cafes, restaurants and take away retail trade was stable compared to the previous year.

The City of Holdfast Bay has access to Spendmapp data that measures actual bank transactions (EFTPOS and credit/debit) data to capture virtually all economic activity within a region. From July 2018 - June 2019 the City of Holdfast Bay resident escape expenditure (leakage) is valued at \$862.7 million and allowing other major shopping



centres to open on Boxing Day, giving consumers greater choice further contributes to the loss of resident expenditure within the City of Holdfast Bay's local economy.

If you would like to discuss the matter further you can contact [REDACTED] on [REDACTED] or email [REDACTED]

Kind regards

**JETTYRD  
GLENELG**

[REDACTED]  
Jetty Road Development Coordinator  
City of Holdfast Bay

P  
M  
E  
E

Glenelg Town Hall, Glenelg  
1 Moseley Square, Glenelg SA 5045  
[www.jettyroadglenelg.com](http://www.jettyroadglenelg.com)

Hi David,

Thankyou for reaching out. Yes we are supportive of aligning this years extended trading to that of last year, particularly regarding the 26 December.

Thanks,



[REDACTED]  
Impacts & Comm's  
Store Support Manager  
Kmart Store Operations



[REDACTED]  
[REDACTED]  
[REDACTED]  
Level 2 / 690 Springvale Road  
Mulgrave Victoria Australia 3170

ABN 73 004 700 485 ACN 004 700 485

Hi David,

Thank you for the opportunity to submit our proposal for extended trading hours at Christmas.

We would support :

- from 9am to 5pm (instead of 11am to 5pm) on four Sundays in December and from 9am to 6pm on Sunday 23/12 - all stores
- until 6pm (instead of 5pm) on Saturday 22/12 - continue to open on this days and time - all stores.
- until 12 midnight (instead of 9pm) on 13/12, 20/12 and 21/12. This gave shops the option of trading beyond 12 midnight on those nights because on a weekday and Saturday the Act prescribes



a closing time only and not an opening time. It is likely we would open our busy stores like West Lakes, Marion and Tea Tree Plaza on the Thursday 20/12.

- from 9am to 5pm on Boxing Day 26/12 (instead of 11am to 5pm in the CBD and not at all in the suburbs) Continue to open on these days and times, and trade all stores

Please do not hesitate to contact me if you have any questions.

Kind Regards,  
Sophie

**Sophie Wong**

State General Manager | SA/NT

20B/40 Cheltenham Parade, St Clair SA 5011





Dear David

Thank you for your email and information about Christmas Trading Hours for 2019.

We have consulted with our major department stores and centres/arcades here in Rundle Mall and wish to seek the following exemptions for Rundle Mall Central Business District.

Given the significance of the trading period for our precinct, the timing of Christmas 2019 and the additional competition created with the Boxing Day exemption to the Metropolitan Shopping District in 2018, we wish to request the same exemptions as Christmas 2018, along with some further exemptions for 2019. These are marked in yellow in the table below and include :

1. Friday 29 November (Black Friday) – exemption 9pm – 12 midnight for **Rundle Mall & Central Business District ONLY**
2. Friday 13 December – exemption 9pm – 12 midnight
3. Monday 23 December – exemption 9pm – 12 midnight
4. Thursday 26 December (Boxing Day) – exemption **7am** – 11am **Rundle Mall & Central Business District ONLY**
5. Saturday 28 & Sunday 29 December – exemption 5pm – 6pm

#### **Friday 29 November – Black Friday**

We request the exemption for **Rundle Mall & Central Business District ONLY from 9pm – 12 midnight** for Friday 29 November for Black Friday sales due to the growing consumer trend and popularity of this sales event, coupled with the economic benefit to the state through increased shopping hours available to the flagship Department stores and unique retailers in the Adelaide CBD.

#### **Thursday 26 December – Boxing Day**

Given the competition that was created for the Rundle Mall precinct traders due to the introduction of Metropolitan Shopping District trading exemptions on Boxing Day 2018, we request to the Minister, an exemption for **Rundle Mall & Central Business District ONLY from 7am** to commence trade on Boxing Day, similar to the exclusive trading events for CBD shopping precincts in the Eastern seaboard states. Should a 7am start not be provided, we request a 9am – 11am exemption for Rundle Mall & Central Business District as per 2018.

DATE	2019 EXEMPTIONS REQUIRED RUNDLE MALL & CENTRAL BUSINESS DISTRICT	NOTES
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Fri 29 Nov (BLACK FRIDAY)	Exemption 9pm – 12 midnight	New for 2019
Sun 1 Dec	Exemption 9am – 11am	As per 2018
Sun 8 Dec	Exemption 9am – 11am	As per 2018
Fri 13 Dec	Exemption 9pm – 12 midnight	New for 2019
Sun 15 Dec	Exemption 9am – 11am	As per 2018
Thurs 19 Dec	Exemption 9pm – 12 midnight	As per 2018
Fri 20 Dec	Exemption 9pm – 12 midnight	As per 2018
Sat 21 Dec	Exemption 5pm – 6pm	As per 2018
Sun 22 Dec	Exemption 5pm – 6pm	As per 2018
Mon 23 Dec	Exemption 9pm – 12 midnight	New for 2019
Thurs 26 Dec	Exemption 7am – 11am	7am rather than 9am start. Should a 7am start not be provided, we request a 9am – 11am exemption
Sat 28 Dec	Exemption 5pm – 6pm	New for 2019
Sun 29 Dec	Exemption 5pm – 6pm	New for 2019

I welcome the opportunity to discuss this with you in more detail should you wish, and also welcome the opportunity to discuss the needs of the Central Business District and Rundle Mall for 2019 with the Minister.

Kindest regards  
Johanna

**Johanna Williams | General Manager**  
**Rundle Mall Management Authority**

**UNFOLD RUNDLE MALL**

Level 2, 7 James Place Adelaide, SA, 5000

T: (08) 8203 7085

M: 0405 969 522

E: [j.williams@rundlemall.com](mailto:j.williams@rundlemall.com)

[www.rundlemall.com](http://www.rundlemall.com) | [Like us on Facebook](#) | [Follow us on Instagram](#)

Dear David

I am a Government Relations Manager at Woolworths Group and have been provided your email seeking feedback on Christmas trading hours.

Woolworths Group employs over 12,000 South Australians, operating 67 supermarkets, 17 Big W stores and 105 BWS and Dan Murphy's liquor outlets throughout the state. My email today relates to our supermarkets and Big W stores in the Adelaide metropolitan area.

Woolworths welcomes the general liberalisation of trading hours as we believe it would provide our customers with greater choice and convenience. We confirm that we strongly support a continuation of the exemptions provided over the last Christmas shopping period and indeed would also recommend a similar exemption be granted for New Year's Day trading in the suburbs.

As in 2018 we would intend to staff our stores with team members who have volunteered for the extra work. Shift penalties apply for work outside the normal trading hours, in accordance with the employee's relevant employment agreement.

Our practice in selecting staff for public holiday shifts is as follows:



- Prior to the extended trading period, team leaders will advise team members of the store's opening hours and ask whether any team member would like to work during that period.
- As per standard practice, full-time and part-time team members are prioritised over casual employees.
- After all employees have been consulted, rosters for shifts are developed and shared with the relevant employees.
- At any point between being originally asked to the commencement of the shift, all employees have the ability to opt out of work without being penalised.

For supermarkets, the first year of Boxing Day trading was in line with expectations. All of our stores were open - providing our teams with opportunities to earn extra money over the holiday period – and we served over 65,000 customers.

Similarly, all of our metropolitan Big W stores were open on Boxing Day 2018, with more than 350 team members electing to work on the day.

Should you require any further information or wish to discuss the above, please do not hesitate to contact me.

Regards  
Paul

**Paul Crossley**  
Government Relations Manager  
Woolworths Group

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Dear David,

Thank you for your email of 20<sup>th</sup> August with regards to 2019 Christmas Trading Hours.

Accordingly SAIR's position with regards to the proposed/indicated 2019 extended Christmas Trading Hours are as follows:

- opposed to exempting any Public Holidays for 'non-exempt' shops across the Adelaide Greater Metropolitan Area , particularly Boxing Day 26<sup>th</sup> December 2019, which happened last year
- opposed to extending Saturday and Sunday trading for 'non-exempt' shops for those days similar to last year i.e. from 5.00pm to 6.00pm

All the other exemptions as indicated which happened last year re extending shop trading hours for 'non-exempt' shops within the Greater Adelaide Metropolitan Area where opening from 9.00am instead of 11.00am on the Sundays of December 2019 and allowing trading from 9.00pm to midnight on particular Thursdays in December is acceptable by SAIR. In SAIR's view this position strikes a good balance for all retail traders across the State.

For your interests also, please note that SAIR is also opposed to the Treasurer exempting New Years Day Public Holiday (1/1/2020) to allow 'non-exempt' shops to trade across the Adelaide Greater Metropolitan Area, which happened on 1<sup>st</sup> January 2019



Kind Regards

**Colin Shearing**  
**Chief Executive Officer**



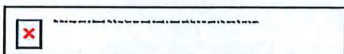
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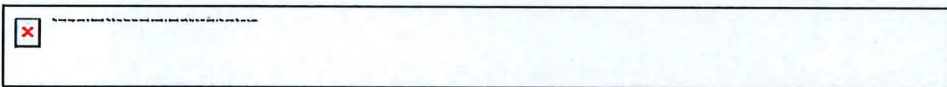


**David Brown**

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