



**Government
of South Australia**

TRS19D2869

Hon Stephen Mullighan MP
Member for Lee
Unit 1, 62 Semaphore Road
SEMAPHORE SA 5019

Treasurer

Level 8

State Administration Centre

200 Victoria Square

Adelaide SA 5000

GPO Box 2264

Adelaide SA 5001

DX 56203 Victoria Square

Tel 08 8226 1866

treasurer.dtf@sa.gov.au

lee@parliament.sa.gov.au

A handwritten signature in cursive script, appearing to read 'Stephen'.

Dear Mr Mullighan

APPLICATION UNDER THE *FREEDOM OF INFORMATION ACT 1991*

I refer to your application made under the *Freedom of Information Act 1991* (FOI Act), dated 15 October 2019.

Your application seeks access to:

“All minutes, briefings and correspondence titled ‘Safework SA – Easter Monday 2019 – Shop Trading Hours Exemption’ as described on the Objective document management system, between 23 February 2019 and 15 October 2019.”

The legislative prescribed timeframe to determine this application has expired and is now deemed to have refused you access to all documents relevant to your application. I refer to my letter dated 3 November 2019 where I sought additional time to make my determination.

The purpose of this letter is to advise you of my determination. An extensive search was conducted within this office. A total of 1 document was identified as answering the terms of your application.

I grant you access in full to 1 document; a copy of which is enclosed.

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 *Freedom of Information Act 1991*.

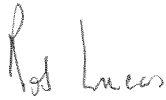
In accordance with this Circular, any non-personal information determined for release as part of this application, may be published on the DTF website. A copy of PC045 can be found at the following address: <https://dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars>. Please visit 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 Vicky Cathro on 8226 9769.

Yours sincerely

A handwritten signature in cursive script that reads "Rob Lucas".

Hon Rob Lucas MLC
Principal Officer

18 January 2020

MINUTES forming ENCLOSURE to

15/3/19
7069
TRSL9D582

19SWSA0169

TO: TREASURER
CC: UNDER TREASURER
 DEPARTMENT OF TREASURY AND FINANCE

SUBJECT: EASTER MONDAY 2019 – SHOP TRADING HOURS EXEMPTION

PURPOSE

- To:
 - provide you with options for the provision of extended trading hours on Easter Monday, 22 April 2019; and
 - to inform you of the administrative process for declaring an exemption by notice in the South Australian Government Gazette.

BACKGROUND

- On 13 March 2019, your office requested SafeWork SA to provide you with a brief and draft notice for the declaration of an exemption for non-exempt shops to trade on Easter Monday in 2019.
- As also requested, this brief provides two options for extended hours on Easter Monday that will either provide the Adelaide suburbs with the same hours permitted in the Adelaide CBD (11.00 am until 5.00 pm) or, similar to Boxing Day 2018, allow for 9.00 am to 5.00 pm trading in both the CBD and suburbs.

DISCUSSION

- Section 5 of the *Shop Trading Hours Act 1977* (the Act) outlines various methods for issuing exemptions from the operation of the Act, or specified provisions of the Act.
- One of those methods enables the Minister, acting on your own initiative, to declare an exemption for specified shopping districts by notice in the gazette. This was the method used for extended trading hours for the 2018 Christmas period.
- SafeWork SA can provide assistance with the administrative process for declaring an exemption as follows:
 - The Minister approves and signs the draft Exemption Notice.
 - A scanned copy of the signed notice is provided to SafeWork SA.
 - SafeWork SA then emails the South Australian Government Gazette (*DPC:Government Gazette SA*) with a request for a notice to be published in the next South Australian Government Gazette. The scanned copy of the signed notice is included along with a word version that SafeWork SA formats in accordance with Gazette requirements.
- The Gazette gets published every Thursday and notices must be submitted before 4.00 pm Tuesday on the week of intended publication.
- A notice declaring the Easter Monday trading exemption can be published in the Gazette as soon as Thursday, 21 March 2019 if the relevant attached Exemption Notice is signed and a copy provided to SafeWork SA by early afternoon Tuesday, 19 March 2019.

- Please note, similar to the 2018 Christmas trading exemption, that car and boat yards are historically excluded from this type of exemption at the request of the Motor Trade Association of South Australia on behalf of its members.
- The exemption will also contain the conditions that are generally attached to all trading exemptions. This includes that all employees working during these extended hours will do so on a strictly voluntary basis.

RECOMMENDATIONS

That you:

- note the process for declaring an exemption by notice in the Gazette pursuant to section 5 of the *Shop Trading Hours Act 1977*; and
- approve one of the following options for non-exempt shops to trade on Easter Monday.

OPTION 1

- That non-exempt shops in the Adelaide suburbs (Metropolitan Shopping District and Glenelg Tourist Precinct) are permitted to trade between the hours of 11.00 am and 5.00 pm on Monday, 22 April 2019.


OPTION 2

- That non-exempt shops in the Central Business District (CBD) Tourist Precinct and Adelaide suburbs are permitted to trade between the hours of 9.00 am and 5.00 pm on Monday, 22 April 2019.
- sign the attached Exemption Notice that relates to the approved option (noting that Option 2 only needs to provide a 9.00 am until 11.00 am exemption for the CBD due to the hours of 11.00 am until 5.00 pm already being permitted by the Act).

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


 Martyn Campbell
 EXECUTIVE DIRECTOR
 SAFEWORK SA

14 March 2019

NOTED/APPROVED/NOT-APPROVED OPTION 1.  Treasurer Date: 15 / 3 / 2019
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SHOP TRADING HOURS ACT 1977

Trading Hours - Exemption

NOTICE is hereby given that pursuant to section 5(9)(b) of the *Shop Trading Hours Act 1977* (the Act), I, Rob Lucas MLC, Treasurer, do hereby declare:

- Non-exempt shops, excluding shops that are solely or predominantly the retail sale of motor vehicles or boats, situated within the Metropolitan Shopping District and Glenelg Tourist Precinct exempt from the provisions of the Act between the hours of:
 - 11.00 am and 5.00 pm on Monday, 22 April 2019.

This exemption is 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 extended trading hours) must be appropriately addressed.



Hon Rob Lucas MLC
Treasurer

15 March 2019