



TRS20D3192

Hon Emily Bourke MLC
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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 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 9 March 2020, 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 to be exempt from the provisions of the Act between the hours of: • 11.00am and 5.00pm on Monday, 13 April 2020, 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 9 March 2020.”

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. However, I have determined to process the request as if the statutory timeframe had been met.

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 refuse you access to 1 document, and advise the document is publicly available on the Government Gazette website, published on 9 March 2020, and therefore has not been provided to you.

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 Vicky Cathro on (08) 8226 9769.

Yours sincerely



Hon Rob Lucas MLC
Principal Officer

1 November 2020