



File: T&F19/1322  
A1330772

State Administration Centre  
200 Victoria Square  
Adelaide SA 5000  
GPO Box 1045  
Adelaide SA 5001  
DX56205  
Tel 08 8226 9500  
Fax 08 8226 3819  
<http://www.treasury.sa.gov.au>  
ABN 19 040 349 865

15 January 2020

Ms Alison Sandy  
Seven Network (Operations) Limited  
GPO Box 604  
BRISBANE QLD 4001

Sent via email: [asandy@seven.com.au](mailto:asandy@seven.com.au)

Dear Ms Sandy

**Freedom of Information - Theme parks, carnivals, shows and rides**

I refer to your application under the *Freedom of Information Act 1991* (FOI Act), received by the Department of Treasury and Finance (DTF) on 15 October 2019.

Your application specifically requested:

*'Documents since 1 January 2018, specifically reports, audits, ministerial/departmental briefings and attachments, AV material including CCTV/video footage, photos relating to:*

- 1. Workplace Health and Safety breaches involving theme parks, carnivals and shows;*
- 2. Records of failures in compliance following inspections of rides.'*

After consultation, the scope was amended to:

*'Documents since 1 January 2018, final report/ executive summary/ briefing that was sent to the Executive Director, SafeWork SA or the Minister about:*

- 1. Workplace Health and Safety breaches involving theme parks, carnivals and shows;*
- 2. Records of failures/breaches in compliance following inspections of rides, in particular photos or video*

*where an incident/accident occurred prior to the inspection and a breach/failure was discovered.'*

Under the Act, an agency has 30 days to respond to a freedom of information request. As DTF did not respond to your request within the time frame required, the department is 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 time frame had been met.

The purpose of this letter is to advise you of my determination.

A total of 37 documents were identified as answering the terms of your application and I have determined as follows:

- I grant you access in part to 1 document, a copy of which is enclosed, and
- I refuse you access to 36 documents.

Please refer to the attached schedule that describes each document and sets out my determination and reasons in summary form.

### **Document released in part**

Document 16

Clause 12(1) of Schedule 1 of the Freedom of Information Act 1991 (the Act) states that a document is exempt from disclosure if 'it contains matter the disclosure of which would constitute an offence against an Act'. This document contains information obtained by SafeWork SA inspectors in the course of exercising their powers and functions under the Work Health and Safety Act 2012 (the WHS Act), the release of which would be an offence under section 271 of the WHS Act. I have therefore determined to exempt this information pursuant to clause 12(1) of Schedule 1 to the FOI Act.

### **Documents refused in full**

Documents 1-2, 4-5, 7-13, 17-32, 35-37

These documents contain information obtained by SafeWork SA inspectors in the course of exercising their powers and functions under the WHS Act, the release of which would be an offence under section 271 to the WHS Act.

Documents 1-15, 17-34, 36-37

These documents consist of briefing notes prepared specifically for use in Parliament, the disclosure of which would infringe the privilege of Parliament. I have therefore determined to exempt the documents in full pursuant to clause 17(c) of Schedule 1 to the FOI Act.

### **Exemptions**

#### **12—Documents the subject of secrecy provisions**

- (1) *A document is an exempt document if it contains matter the disclosure of which would constitute an offence against an Act.*

#### **Section 271 of the WHS Act—Confidentiality of information**

- (1) *This section applies if a person obtains information or gains access to a document in exercising any power or function under this Act (other than under Part 7).*
- (2) *The person must not do any of the following:*
  - (a) *disclose to anyone else—*
    - (i) *the information; or*
    - (ii) *the contents of or information contained in the document;*
  - (b) *give access to the document to anyone else;*
  - (c) *use the information or document for any purpose...*
- (3) *Subsection (2) does not apply to the disclosure of information, or the giving of access to a document or the use of information or a document—*
  - (a) *about a person, with the person's consent; or*
  - (b) *that is necessary for the exercise of a power or function under the Act; ...*

**Clause 17 – Documents subject to contempt etc**

*A document is an exempt document if it contains matter the public disclosure of which would, but for any immunity of the Crown—*

*(c) infringe the privilege of Parliament*

Please note, in compliance with Premier and Cabinet Circular PC045 - *Disclosure Logs for Non-Personal Information Released through Freedom of Information* (PC045), DTF 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://www.dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars> Please visit the website for further information.

**Appeal Rights**

If you are aggrieved with this determination, you have a right to apply for internal review under subsection 29(1) of the FOI Act. Pursuant to subsection 29(2), your application must:

- be in writing
- be accompanied by the application fee of \$36.75
- be addressed to the principal officer, and
- be lodged at an office of DTF, or emailed to [freedomofinformation2@sa.gov.au](mailto:freedomofinformation2@sa.gov.au) within 30 days after the day on which you receive this letter or within such further time as the principal officer may allow.

If you require any further information please phone Russell Withers on (08) 8429 3631.

Yours sincerely



Matthew Hawkins  
ACCREDITED FREEDOM OF INFORMATION OFFICER

## Schedule of Documents

T&F19/1322 - Application made by Ms Alison Sandy - *"I am seeking access to documents since 1 January 2018, final report/ executive summary/ briefing that was sent to the Executive Director, SafeWork SA or the Minister about:*

1. *Workplace Health and Safety breaches involving theme parks, carnivals and shows;*
2. *Records of failures/breaches in compliance following inspections of rides, in particular photos or video Where an incident/accident occurred prior to the inspection and a breach/failure was discovered."*

Doc. No.	Date	Description of Document	# of pages	Determination	Exemption Clause
1	12/04/2018	Parliamentary Briefing Note - Royal Adelaide Show Fatality	2	Refused in full	12(1) - Disclosure would constitute an offence against an Act
					17(c) - Disclosure would infringe the privilege of Parliament
2	23/05/2018	Parliamentary Briefing Note - Royal Adelaide Show Fatality	4	Refused in full	12(1) - Disclosure would constitute an offence against an Act
					17(c) - Disclosure would infringe the privilege of Parliament
3	26/06/2018	Parliamentary Briefing Note - Prosecutions	3	Refused in full	17(c) - Disclosure would infringe the privilege of Parliament
4	26/06/2018	Parliamentary Briefing Note - Royal Adelaide Show Fatality	3	Refused in full	12(1) - Disclosure would constitute an offence against an Act
					17(c) - Disclosure would infringe the privilege of Parliament
5	17/07/2018	Parliamentary Briefing Note - Royal Adelaide Show Fatality	3	Refused in full	12(1) - Disclosure would constitute an offence against an Act
					17(c) - Disclosure would infringe the privilege of Parliament
6	18/07/2018	Parliamentary Briefing Note - Prosecutions	3	Refused in full	17(c) - Disclosure would infringe the privilege of Parliament
7	23/07/2018	Parliamentary Briefing Note - Prosecutions	4	Refused in full	12(1) - Disclosure would constitute an offence against an Act
					17(c) - Disclosure would infringe the privilege of Parliament

### Schedule of Documents

Doc. No.	Date	Description of Document	# of pages	Determination	Exemption Clause
8	27/08/2018	Parliamentary Briefing Note - Royal Adelaide Show	4	Refused in full	12(1) - Disclosure would constitute an offence against an Act
					17(c) - Disclosure would infringe the privilege of Parliament
9	28/08/2018	Parliamentary Briefing Note - Prosecutions	4	Refused in full	12(1) - Disclosure would constitute an offence against an Act
					17(c) - Disclosure would infringe the privilege of Parliament
10	3/09/2018	Parliamentary Briefing Note - Royal Adelaide Show	3	Refused in full	12(1) - Disclosure would constitute an offence against an Act
					17(c) - Disclosure would infringe the privilege of Parliament
11	10/09/2018	Parliamentary Briefing Note - Royal Adelaide Show	3	Refused in full	12(1) - Disclosure would constitute an offence against an Act
					17(c) - Disclosure would infringe the privilege of Parliament
12	11/09/2018	Parliamentary Briefing Note - Prosecutions	4	Refused in full	12(1) - Disclosure would constitute an offence against an Act
					17(c) - Disclosure would infringe the privilege of Parliament
13	11/09/2018	Parliamentary Briefing Note - Prosecutions	4	Refused in full	12(1) - Disclosure would constitute an offence against an Act
					17(c) - Disclosure would infringe the privilege of Parliament
14	17/09/2018	Parliamentary Estimates Briefing Note - SafeWork SA Prosecutions	3	Refused in full	17(c) - Disclosure would infringe the privilege of Parliament
15	17/09/2018	Parliamentary Estimates Briefing Note - SafeWork SA Prosecutions	3	Refused in full	17(c) - Disclosure would infringe the privilege of Parliament
16	4/10/2018	Minute to Treasurer	3	Released in part	12(1) - Disclosure would constitute an offence against an Act

**Schedule of Documents**

<b>Doc. No.</b>	<b>Date</b>	<b>Description of Document</b>	<b># of pages</b>	<b>Determination</b>	<b>Exemption Clause</b>
17	9/10/2018	Parliamentary Briefing Note - Royal Adelaide Show Fatality	3	Refused in full	12(1) - Disclosure would constitute an offence against an Act
					17(c) - Disclosure would infringe the privilege of Parliament
18	9/10/2018	Parliamentary Briefing Note - Prosecutions	4	Refused in full	12(1) - Disclosure would constitute an offence against an Act
					17(c) - Disclosure would infringe the privilege of Parliament
19	15/10/2018	Parliamentary Briefing Note - Prosecutions	4	Refused in full	12(1) - Disclosure would constitute an offence against an Act
					17(c) - Disclosure would infringe the privilege of Parliament
20	15/10/2018	Parliamentary Briefing Note - Prosecutions	4	Refused in full	12(1) - Disclosure would constitute an offence against an Act
					17(c) - Disclosure would infringe the privilege of Parliament
21	30/10/2018	Parliamentary Briefing Note - Royal Adelaide Show Fatality	3	Refused in full	12(1) - Disclosure would constitute an offence against an Act
					17(c) - Disclosure would infringe the privilege of Parliament
22	31/10/2018	Parliamentary Briefing Note - Prosecutions	4	Refused in full	12(1) - Disclosure would constitute an offence against an Act
					17(c) - Disclosure would infringe the privilege of Parliament
23	19/11/2018	Parliamentary Briefing Note - Prosecutions	4	Refused in full	12(1) - Disclosure would constitute an offence against an Act
					17(c) - Disclosure would infringe the privilege of Parliament
24	22/11/2018	Parliamentary Briefing Note - Prosecutions	5	Refused in full	12(1) - Disclosure would constitute an offence against an Act
					17(c) - Disclosure would infringe the privilege of Parliament

**Schedule of Documents**

<b>Doc. No.</b>	<b>Date</b>	<b>Description of Document</b>	<b># of pages</b>	<b>Determination</b>	<b>Exemption Clause</b>
25	30/01/2019	Parliamentary Briefing Note - Prosecutions	4	Refused in full	12(1) - Disclosure would constitute an offence against an Act
					17(c) - Disclosure would infringe the privilege of Parliament
26	31/01/2019	Parliamentary Briefing Note - Royal Adelaide Show Fatality	3	Refused in full	12(1) - Disclosure would constitute an offence against an Act
					17(c) - Disclosure would infringe the privilege of Parliament
27	7/03/2019	Parliamentary Briefing Note - Royal Adelaide Show Fatality	3	Refused in full	12(1) - Disclosure would constitute an offence against an Act
					17(c) - Disclosure would infringe the privilege of Parliament
28	12/03/2019	Parliamentary Briefing Note - Prosecutions	3	Refused in full	12(1) - Disclosure would constitute an offence against an Act
					17(c) - Disclosure would infringe the privilege of Parliament
29	7/05/2019	Parliamentary Briefing Note - Royal Adelaide Show Fatality	3	Refused in full	12(1) - Disclosure would constitute an offence against an Act
					17(c) - Disclosure would infringe the privilege of Parliament
30	21/05/2019	Parliamentary Briefing Note - Royal Adelaide Show Fatality	3	Refused in full	12(1) - Disclosure would constitute an offence against an Act
					17(c) - Disclosure would infringe the privilege of Parliament
31	12/06/2019	Parliamentary Briefing Note - Royal Adelaide Show Fatality	3	Refused in full	12(1) - Disclosure would constitute an offence against an Act
					17(c) - Disclosure would infringe the privilege of Parliament
32	15/07/2019	Parliamentary Briefing Note - Royal Adelaide Show Fatality	3	Refused in full	12(1) - Disclosure would constitute an offence against an Act
					17(c) - Disclosure would infringe the privilege of Parliament

### Schedule of Documents

<b>Doc. No.</b>	<b>Date</b>	<b>Description of Document</b>	<b># of pages</b>	<b>Determination</b>	<b>Exemption Clause</b>
33	31/07/2019	Parliamentary Estimates Briefing Note - SafeWork SA Prosecutions	2	Refused in full	17(c) - Disclosure would infringe the privilege of Parliament
34	31/07/2019	Parliamentary Estimates Briefing Note - SafeWork SA Prosecutions	3	Refused in full	17(c) - Disclosure would infringe the privilege of Parliament
35	20/08/2019	Brief - Minute to Treasurer	4	Refused in full	12(1) - Disclosure would constitute an offence against an Act
36	5/09/2019	Parliamentary Briefing Note - Royal Adelaide Show Fatality	3	Refused in full	12(1) - Disclosure would constitute an offence against an Act
					17(c) - Disclosure would infringe the privilege of Parliament
37	8/10/2019	Parliamentary Briefing Note - Royal Adelaide Show Fatality	3	Released in part	12(1) - Disclosure would constitute an offence against an Act
					17(c) - Disclosure would infringe the privilege of Parliament



MINISTER'S OFFICE	
Rec'd	4/10/18
File No:	TR1035
Physical ID:	TRSID.1943

18SWSA0540

MINUTES forming ENCLOSURE to

TO:           TREASURER

CC:           UNDER TREASURER  
DEPARTMENT OF TREASURY AND FINANCE

SUBJECT:   **Clause 12(1)**

**PURPOSE**

- To inform you of SafeWork SA's activities relating to **Clause 12(1)**
- Clause 12(1)**

**BACKGROUND**

- SafeWork SA authorises the use of amusement devices under the Work Health and Safety legislation via registrations.
- Section 42 of the *Work Health and Safety Act 2012* (SA) (the Act) states that a person must not use plant at a workplace, or a person who conducts a business or undertaking must not direct or allow a worker to use the plant at a workplace, if the plant or its design are not authorised, and the regulations require them to be.
- An amusement device is defined under the *Work Health and Safety Regulations 2012* (SA) (the Regulations) as plant operated for hire or reward, that provides entertainment, sightseeing or amusement through movement of the equipment, or part of the equipment, or when passengers or other users travel or move on, around or along the equipment.
- Regulations 243 and 246, along with Schedule 5 of the Regulations, make it a requirement for amusement devices and their designs to be registered.
- Applications for these registrations are supported by technical specification documents and engineering reports. Applicants usually engage third party engineers to fulfil the technical aspects of the applications.
- Before issuing any registrations for amusement devices and their designs, SafeWork SA undertakes a thorough review, utilising its qualified engineering staff. The review process takes on average 4-6 weeks, and often requires communication with the applicant and their engineers.

**DISCUSSION**

- Clause 12(1)**



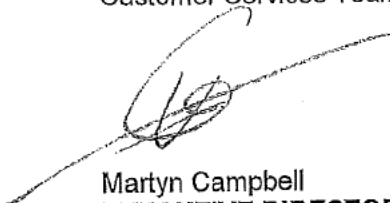
# · Clause 12(1)

## RECOMMENDATIONS

That you:

- Clause 12(1)

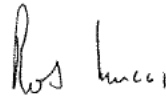
Should you wish to discuss this matter further, please contact Colin Marsh, Manager, Customer Services Team on telephone (08) 8303 0476 or 0401 125 721.



Martyn Campbell  
EXECUTIVE DIRECTOR  
SAFEWORK SA

4 October 2018

NOTED/APPROVED/NOT APPROVED



Treasurer

Date: 7/10/2018