



**Government  
of South Australia**

TRS19D1345

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](mailto:lee@parliament.sa.gov.au)

*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 21 May 2019.

Your application seeks access to:

*"All minutes, briefings and correspondence titled 'Treeclimb Amusement Device' as described on the Objective document management system, between 12 July 2018 and 21 May 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 26 May 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 black ink, appearing to read "Rob Lucas".

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

6 November 2019

MINISTER'S OFFICE	
Rec'd	4/10/18
File No:	TR2035
Physical ID:	TR518D1943

18SWSA0540

MINUTES forming ENCLOSURE to

TO:           TREASURER

CC:           UNDER TREASURER  
              DEPARTMENT OF TREASURY AND FINANCE

SUBJECT:   TREECLIMB AMUSEMENT DEVICE

#### PURPOSE

- To inform you of SafeWork SA's activities relating to the new amusement device, TreeClimb, scheduled to launch in the South Adelaide Parklands via a VIP event on Saturday 6 October 2018.

#### 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

- TreeClimb is a new amusement device scheduled to open shortly within the South Adelaide Parklands. It is an aerial park utilising a variety of high ropes and other obstacles, anchored to trees and other structures.
- SafeWork SA has been in communication with the owners Treeclimb SA Pty Ltd, initially via parent company Bounce Inc, since February 2018, when it sought advice on design codes for aerial park compliance.

- SafeWork SA met with representatives for the company on 19 April 2018, and learned of a proposed September 2018 opening date for the attraction. SafeWork SA made TreeClimb aware of the nature of its application review process and timeframes during this meeting.
- SafeWork SA had been advised by TreeClimb on multiple occasions in August and September 2018 of the imminent arrival of its applications, however the application was not provided.
- SafeWork SA contacted the operator on Friday 7 September 2018 to enquire on the application. At this time it was confirmed that a VIP launch was scheduled for Saturday 6 October 2018. The operator was informed that the registrations would be required before the first use of the amusement device, and that at best SafeWork SA required four weeks to process the applications.
- SafeWork SA contacted the operator again on Friday 28 September enquiring about the applications. A short time later the agency received the application to register the design of the amusement device only, and is yet to receive the application to register the device itself.
- On the same day SafeWork SA again confirmed with TreeClimb the requirement for registrations to be approved in order for the amusement device to be authorised to operate.
- On Wednesday 3 October 2018, following an initial review, SafeWork SA communicated to the applicant a number of issues it had identified with the design registration application. These issues will require, at a minimum, further work to be completed by TreeClimb's contracted engineer.
- SafeWork SA inspectors attended the site on 4 October 2018. They identified a compliance issue with a gate, which resulted in an improvement notice being issued.
- The inspectors also identified that the device was being operated for hire or reward, without the required registrations, as it was being used by winners of a promotional competition. The inspectors will return to the site on 4 October 2018 with the intention of issuing an improvement notice to ensure that the device is not operated until it is registered. The inspectors have not identified any immediate or imminent risk to the health and safety of patrons.
- SafeWork SA has now identified via the media that TreeClimb plans to proceed with a formal ribbon cutting ceremony on Saturday 6 October 2018 at its VIP launch. According to the article, the Hon Corey Wingard MP, Minister for Recreation, Sport and Racing will be cutting the ribbon.
- TreeClimb have been advised that if they operate without the relevant registrations they will be in breach of the legislation. SafeWork SA have also advised them, that the likelihood of having the registrations approved before the weekend is extremely low.
- In response, TreeClimb advised that they did not have concerns over advice on the basis they viewed the VIP launch as being a free event, therefore not meeting the legislative requirements of the amusement device being used for hire.
- SafeWork SA further advised them that the requirement also includes reward, and have provided them with written confirmation of what the term reward means. SafeWork SA have advised them that they could run the event but not allow patrons on.
- On the basis of the issues identified within the design registration application and having not yet received an application to register the device, which also requires technical review, SafeWork SA has a low prospect of issuing TreeClimb with its registrations ahead of the VIP launch.


- SafeWork SA will continue to work with TreeClimb to ensure they meet the legislative requirements.
- However, if necessary, SafeWork SA will use its compliance powers to ensure that the amusement device is not operated for hire or reward in accordance with the Act.

#### RECOMMENDATIONS

That you:

- Note the information on SafeWork SA's activities relating to the new amusement device, TreeClimb and SafeWork SA's proposed approach to addressing non-compliance with registration requirements.

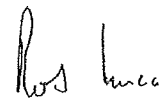
Should you wish to discuss this matter further, please contact Colin Marsh, Manager, Customer Services Team on telephone (08) 8303 0476 or 0401 125 721.



Martyn Campbell  
EXECUTIVE DIRECTOR  
SAFEWORK SA

4 October 2018

NOTED/APPROVED/NOT APPROVED



Treasurer

Date: 7/10/2018

## DTF:Treasurer

---

**From:** DTF:SWSA Policy And Governance  
**Sent:** Thursday, 4 October 2018 2:59 PM  
**To:** DTF:Treasurer  
**Cc:** Brown, David (DTF); Treasure, David (DTF); Bucco, Ashe (DTF); Lardner, Helen (DTF); Sneath, Erin (DTF); Marsh, Colin (DTF); Kay, Mandy (DTF); Sheppard, Barry (DTF); Kosti, Maria (DTF); AGD:SWSA Media  
**Subject:** 18SWSA0540 - Treeclimb Amusement Device  
**Attachments:** 18SWSA0504 - Treeclimb Amusement Device (signed).pdf  
  
**Categories:** Naveena

Good afternoon

Please find attached briefing about SafeWork SA's activities relating to the new amusement device, TreeClimb, schedule to launch in the South Adelaide Parklands via a VIP event on Saturday 6 October 2018.

Kind regards

*Kim Mai*

Correspondence Coordinator  
Policy and Governance Team

## SafeWork SA

Level 4, World Park A, 33 Richmond Road, Keswick  
P 08 8303 0470  
safework.sa.gov.au 1300 365 255



Government of South Australia  
SafeWork SA

Information contained in this email message may be confidential and may also be the subject of legal professional privilege or public interest immunity. If you are not the intended recipient, any use, disclosure or copying of this document is unauthorised.