

January 25, 2021

Hon Corey Wingard  
Minister for Infrastructure and Transport  
GPO Box 1533, ADELAIDE SA 5001

Dear Minister,

I write on behalf of the 195 business members of the Kangaroo Island Business and Brand Alliance (KIBBA) to request information and assurances regarding the safety and quality of marine infrastructure at Penneshaw and Cape Jervis. Our Board also seeks assurances about transport security for Kangaroo Island.

We note the following:

1. In 2019, Sealink was forced to suspend its services temporarily because the berthing facilities at Cape Jervis required emergency repairs, causing great concern among the community of Kangaroo Island. These structural problems had been notified in December 2017 (see pictures attached on following pages) but repairs were not effected at that time. Sealink is our only “road” connection to the mainland and essential for all freight to and from the Island. Our producers and in fact every business and every person on the Island depends on the reliability of this service.
2. During and for some months following the bushfires of 2019-20, the Sealink service was unable to cope with the volume of freight that needed to be mobilised for the fire-fighting effort and for the recovery. We have numerous examples of delays and compromises which affected both of these efforts and I am happy to furnish these to you if you require. Several examples include the mobilisation of heavy machinery and the timely delivery of emergency feed for stranded livestock. The rapid and extreme curtailing of ferry services because of tourism decline during the COVID-19 crisis appears to have exacerbated these delays.
3. The State Budget recently set aside \$40m for marine infrastructure upgrades but I can find no detail about those repairs and whether they might include ferry berthing infrastructure at Penneshaw or Cape Jervis.
4. KIBBA participated in a ferry service consultation process on behalf of our members, which was facilitated by KPMG. We have received no report or feedback from that consultation process.

Given the above issues we request:

1. An assurance that the appropriate repairs have been done at Cape Jervis and that future notifications of urgent repairs will not be ignored.
2. That Sealink or any future operator of the ferry service will be required to maintain supplies to the Island in the event of an emergency or crisis and facilitate the



movement of essential equipment even when tourist demand is low, such as during the COVID-19 shutdowns.

3. That essential ferry berthing infrastructure will receive a share of the \$40m funds in proportion to the critical importance of this service.
4. That KIBBA will have an opportunity to participate further in consultation and have input to the final contract to be negotiated with a new provider in the next three years so that we can help to secure a fair, affordable and equitable ferry service for Kangaroo Island businesses and the entire community.

Kind regards



Brett Miller

Chair, Kangaroo Island Business and Brand Alliance

[chair@authentickangarooisland.com.au](mailto:chair@authentickangarooisland.com.au)

cc Kangaroo Island Tourism, Food, Wine and Beverage Association  
Agriculture Kangaroo Island



Information about how to obtain a review of this decision is detailed on the back of this notice

553

WHSIN: 165023

08/08/2019

3

**IMPROVEMENT NOTICE** *Work Health and Safety Act 2012 (SA)*

This notice is issued under section 191 of the *Work Health and Safety Act 2012 (SA)*. This notice requires the person (which includes a body corporate, the Crown or public authority) to whom it is issued to remedy a contravention of the Act or Regulations. Section 210 requires the person to whom an improvement notice is issued, must as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

**WHSIN 165023**

**NOTICE ISSUED TO:** Legal name of person/business or undertaking:  
The Crown in the Right of the State of South Australia Department of Planning Transport & Infrastructure  
BN: 92 366 288 135 / ACN:  
Trading as: DPTI  
Address: 77 Grenfell Street, ADELAIDE SA 5000, AUSTRALIA

**DETAILS OF CONTRAVENTION:**  
Site location: Penneshaw Ferry Terminal  
Adam Brennan, reasonably believe on 09/07/2019 at 15:56 (hh:mm) that you have contravened a provision in circumstances that make it likely that the contravention will continue or be repeated of the: *Work Health and Safety Act 2012 (SA)* section Act 19 (3) (b) and *Work Health and Safety Regulations 2012 (SA)*, regulation 213 (2) (b):

**BRIEF DESCRIPTION OF HOW THE PROVISION IS BEING OR HAS BEEN CONTRAVENED:**  
12 June 2019, SafeWork SA received from The Department of Planning Transport & Infrastructure (DPTI) a document prepared by Aurecon, dated 1 December 2017, Reference: 501187. Page 25 of the document identified the following as a high priority concern: Typical high levels of corrosion to the strut connections on the mooring platform. The weld on the southern cleat/strut has failed. 9 July 2019, DPTI advised that no repair works were undertaken by DPTI on the berthing structures following immediate receipt of the condition assessment report in December 2017.

**DIRECTIONS AS TO THE MEASURES TO BE TAKEN TO REMEDY OR PREVENT THE CONTRAVENTION OR LIKELY CONTRAVENTION:**  
(It is mandatory to comply with these directions)  
DPTI must engage a competent person to undertake further analysis of the cleat/strut connections and mooring structure to determine whether or not the structural integrity of the cleat/strut connections and mooring structure in its current condition is suitable for the intended use. On completion, a copy of the outcome of the analysis is to be provided to SafeWork SA.

**RECOMMENDATION (IF ANY):**

**ISSUING INSPECTOR:**  
Signature of Inspector  
Adam Brennan  
Inspector ID No: 56

Date Issued: 17/07/2019 at 14:30 (hh:mm)  
PH: 8303 0257  
Mob: 0439 689 662  
Psychosocial and Industrial

**THIS CONTRAVENTION MUST BE REMEDIED BEFORE:** 14/08/2019 at 12:00 (hh:mm)

Service Method:  
Email  
Notice given to:  
Chrys Triantafyllou

Relationship to person to who notice is issued:  
Principal Engineer Marine Assets

An Inspector may make minor technical changes to this notice in certain circumstances. This does not change the validity of the notice.  
2019-4553



**IMPROVEMENT NOTICE**

*Work Health and Safety Act 2012 (SA)*

This notice is issued under section 191 of the *Work Health and Safety Act 2012 (SA)*. This notice requires the person (which includes a body corporate, the Crown or public authority) to whom it is issued to remedy a contravention of the Act or Regulations. Section 210 requires the person to whom an improvement notice is issued, must as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

**NOTICE ISSUED TO:** Legal name of person/business or undertaking:

The Crown in the Right of the State of South Australia Department of Planning Transport & Infrastructure  
 ABN: 92 366 288 135 / ACN:  
 Trading as: DPTI  
 Address: 77 Grenfell Street, ADELAIDE SA 5000, AUSTRALIA

**WHSIN 165027**

**DETAILS OF CONTRAVENTION:**

**Site location:** Penneshaw Ferry Terminal  
 I Adam Brennan, reasonably believe on 09/07/2019 at 15:56 (hh:mm) that you have contravened a provision in circumstances that make it likely that the contravention will continue or be repeated of the: *Work Health and Safety Act 2012 (SA)* section Act 19 (3) (b) and *Work Health and Safety Regulations 2012 (SA)*, regulation 213 (2) (b).

**BRIEF DESCRIPTION OF HOW THE PROVISION IS BEING OR HAS BEEN CONTRAVENTED:**

12 June 2019, SafeWork SA received from The Department of Planning Transport & Infrastructure (DPTI) a document prepared by Aurecon, dated 1 December 2017, Reference: 501187. Page 27 of the document identified the following as a high priority concern: Visual inspection of the steel support structure of the timber jetty identified significant areas of corrosion and loss of section and integrity of steel. 9 July 2019, DPTI advised that no repair works were undertaken by DPTI on the berthing structures following immediate receipt of the condition assessment report in December 2017.

**DIRECTIONS AS TO THE MEASURES TO BE TAKEN TO REMEDY OR PREVENT THE CONTRAVENTION OR LIKELY CONTRAVENTION:**  
 (It is mandatory to comply with these directions)

DPTI must engage a competent person to undertake further analysis of the steel support structure of the timber jetty to determine whether or not the structural integrity of the steel support structure in its current condition is suitable for the intended use. Repair methodology detailed in the Aurecon report. Detailed assessment and (non-destructive testing) is required on the steel legs. On completion, a copy of the outcome of the analysis is to be provided to SafeWork SA.

**RECOMMENDATION (IF ANY):**

**ISSUING INSPECTOR:**

Signature of Inspector: Adam Brennan  
 Inspector ID No: 56

Date issued: 17/07/2019 at 14:30 (hh:mm)

PH: 8303 0257  
 Mob: 0439 689 662  
 Psychosocial and Industrial

**THIS CONTRAVENTION MUST BE REMEDIED BEFORE:** 14/08/2019 at 12:00 (hh:mm)

**Service Method:**  
 Email  
 Notice given to: Chrys Triantafyllou

**Relationship to person to whom notice is issued:**  
 Principal Engineer Marine Assets

An Inspector may make minor technical changes to this notice in certain circumstances. This does not change the validity of the notice.

**EXTERNAL REVIEW**

An Inspector may extend the period for compliance with the notice if a decision to issue the notice is made on the basis of a decision to issue the notice.

**INTERNAL REVIEW**

An eligible person is:

1. The person to whom the notice is issued.
2. A person who is a worker on the premises.
3. A worker who is a worker on the premises.
4. A health and safety representative.

**How does a person apply for a review?**

The person must complete the application form and submit it to the Inspector within 14 days of the date of the notice. Upon receipt by SafeWork SA, the application will remain in effect until the person is aware of SafeWork SA's decision.

**What happens next?**

Your application will be reviewed by the Inspector. If the Inspector agrees with the notice, the notice remains in effect. If the Inspector disagrees with the notice, the notice is withdrawn. If the Inspector agrees with the notice, the notice remains in effect. If the Inspector disagrees with the notice, the notice is withdrawn.

**EXTERNAL REVIEW**

If SafeWork SA has conducted a review of the notice, the person may apply to the Administrative Review Tribunal for a review of the notice. The person must apply within 60 days of the date of the notice. The person must also pay a fee of \$100. The person must also provide evidence in support of their application. The Administrative Review Tribunal will make a decision on the application. The person must comply with the decision of the Administrative Review Tribunal.

**PRIVACY COLLECTION STATEMENT**

SafeWork SA collects, uses, discloses, and stores personal information for the purpose of administering the *Work Health and Safety Act 2012 (SA)* and all applicable regulations. SafeWork SA and all applicable regulations do not apply if other laws conflict or if that it is exercising its law enforcement powers. SafeWork SA's privacy information is available at [www.safework.sa.gov.au/privacy](http://www.safework.sa.gov.au/privacy).

**PENALTIES**

Failure to comply with this notice may be a criminal offence under the *Work Health and Safety Act 2012 (SA)*. The maximum penalty for an individual is \$50,000 and for a body corporate is \$250,000.

Failure to display this notice in accordance with the requirements of the *Work Health and Safety Act 2012 (SA)* is a criminal offence. The maximum penalty for an individual is \$5,000 and for a body corporate is \$25,000.

This portion may be signed and returned where contravention has been remedied before the specified date.

I certify that the requirements of this notice have been complied with:

Name: \_\_\_\_\_ (in block letters)  
 Position: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Date complied: \_\_\_\_\_

Inspector contact details:

Adam Brennan  
 Psychosocial and Industrial  
 GPO BOX 465  
 ADELAIDE SA 5000  
 PH: 8303 0257  
 Mob: 0439 689 662  
 Fax: 8303 0200  
 WHSIN: 165027

The Crown in the Right of the State of South Australia Department of Planning Transport & Infrastructure, Trading as DPTI, Wakefield House Government Office 30 Wakefield Street Adelaide SA 5000 2019-4553

Information about how to obtain a review of this decision is detailed on the back of this notice.





