

**26 OCTOBER 2023**

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**Scathing National Heritage listing values assessment unlikely to thwart huge Adelaide west park lands hospital project**

John Bridgland\*

The likely failure of a national heritage listing values assessment to thwart state-legislated progress of the looming Women’s and Children’s Hospital project would confirm that Adelaide’s historic green belt has never been more vulnerable to state-initiated park lands development projects than right now. That’s the brutal reality confronting South Australians committed to ‘protecting’ their world-renowned city landscape circle of green open space.

Disturbingly, most inner-city communities using the park lands are largely unaware of the extent of threat to the park lands integrity as state Labor approaches the middle of its four-year term and pursues a ‘build-it-and-they-will-come’ park lands project schedule. This includes the \$3.2b hospital project, a new, \$135m Adelaide Aquatic Centre project, and funded upgrades to various sports group ‘pavilions’.

Labor’s senior ministers, assisted by state planning bureaucrats, now appear to be confident that they face no major constraints regarding any future park lands construction spree of choice – as long as it arises from a new parliamentary statute. Traditionally, this approach has been rare, but there is a new mood prevailing within Labor’s state cabinet – that a legislative mechanism is to be the future standard ‘method of choice’. Even if a site is tenured by the Adelaide City Council, which for more than 174 years has had custodianship of three quarters of the park lands, public challenges to new legislation will be very difficult to mount. Moreover, once site-specific legislation passes, the contents of statutory policy documents arising under the *Adelaide Park Lands Act 2005*, intended to ‘protect’ the park lands,



The west park lands 10-storey Women’s and Children’s hospital concept, slated for completion in 2031. Note the eight-storey car park at right. Government commissioned architects describe these as “buildings that complement and are sensitive to a park lands setting through a range of deeply considered design measures.” Non-specialist observers not on the government payroll would probably be unlikely to agree.

will always be overwhelmed by the new law. So too would be the state’s 2016 planning legislation and its instruments, which otherwise might frustrate it.<sup>1</sup>

**Why state Labor is pursuing an aggressive new park lands project agenda**

There are four reasons why state Labor is confident that it can now tough out public opposition to future park lands raids.

1. Since March 2022 Labor has had control of the numbers in state parliament’s House of Assembly, and is skilled in getting independents in the Legislative Council to agree to its legislative approach.
2. Labor under Premier Malinauskas is invested in a new and cavalier public-land-use policy vision in which the park lands are now perceived to be primarily an infrastructure land bank comprising free, city edge land. Moreover, state cabinet is confident that draft legislation enabling new development projects can now be easily passed in each house of parliament to enforce this view.

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<sup>1</sup> Previous state legislation enabling park lands raids routinely overwhelmed standard checks and balances, including (since 2006) the contents of the *Community Land Management Plan* and the *Adelaide Park Lands Management Strategy*. The *New Women’s and Children’s Hospital Act 2022* is a textbook case study, replicating this approach.

3. Core party voter attitudes in inner-city electorates, exposed through 2022 post-poll trend analysis, indicate that some younger voters are less sensitive to the consequences of park lands infrastructure raids than previous generations of Labor voters. Some don't even comprehend the unique global status of the park lands, or the importance of diligently advocating protection of them from exploitation.

4. Under the Commonwealth Constitution, state legislation retains primacy, such that where new state park-lands-related legislation conflicts with related commonwealth legislation, which might have potential to frustrate it, the state law will ultimately prevail. This means, for example, that while the commonwealth government can potentially fine a state government for disregarding commonwealth-legislated National Heritage listing values, it's unlikely to be of major political consequence.<sup>2</sup>

### What, exactly, is the state proposal?

The objective is to build a \$3.2b Women's and Children's Hospital on 5.68ha of park lands west of the city, and restrict public access to 13ha of surrounding park lands for several years while construction occurs. The means to achieve it was the November 2022 passing of Labor's *New Women's and Children's Hospital Act 2022*. Since Gazettal in February 2023, bringing the Act into effect, a slew of landscape, planning and environmental studies regarding the project have been completed. Labor's 39-page case presentation (written in April but only released by the commonwealth government in October) argues that the project is not only legitimate, but also enlightened and economically rational in state health infrastructure terms.<sup>3</sup> Some case extracts prompt incredulity, in which the state argues that a colossal, 10-storey hospital building and a separate eight-storey car park has minimal effect on the park lands landscape, and delivers an admirably acceptable visual impact. A taste of its tone, for example, can be

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<sup>2</sup> Moreover, it is unlikely that in 2023 federal Labor would even seek to punish any state Labor administration. The tribal nature of Australian politics has always played a key consequential role in federal-state relationships.

<sup>3</sup> *New Women's and Children's Hospital, Application number 01772, Commencement date 12/4/23*, as found on the EBBC Act Business Portal as an attachment titled '00-2023-09606 Referral (1)' (39 pages), see link: <https://epbcpportal.awe.gov.au/open-for-comments/project-decision/?id=edd8635b-936c-ee11-9ae7-000d3a794f5a>

observed in this extract: "The design response achieves buildings that complement and are sensitive to a park lands setting through a range of deeply considered design measures."



Concept drawing of the frontage of the future hospital. Previous state Premiers would never have dreamed of prosecuting such huge development projects in the park lands. But, obviously still sensitive to public criticism, state commissioned architects in 2023 confidently claim that this six-storey podium fulfils a special visual role. They say: "Despite having an overall height of 10 storeys with plant and a helipad on top, the building has a visual bulk and scale dominated by the six-storey podium. The upper storeys are set back and articulated to reduce their visual prominence."

### Expert independent analysis challenges Labor's 'ordained wisdom'

However, another park-lands-related assessment recently released (also on 17 October, appearing in the same cache of reports) comprises an expert analysis probing whether the proposal is consistent with the National Heritage values under section 68 of the commonwealth's *Environment, Protection and Biodiversity Conservation Act 1999*. It delivers a compelling case that the project would be grossly inconsistent with the landscape and with multiple National heritage listing values. The project demonstrates a profound Government of SA disregard of the values under the commonwealth Act's provisions. (A detailed summary of this assessment begins on page 5 of this newsletter.)

This damning analysis was completed by Adelaide's most experienced assessors in this field, DASH Architects. The firm's 14 July 2023 findings (only released by the commonwealth government in October) noted that only when the state government realised how at odds was the proposed project with



the commonwealth listing values (earlier this year) was DASH was asked for advice to mitigate some design features to better align them with the Heritage listing values. Several changes were adopted; however, at least four major impact matters were simply too overwhelming to mitigate. They contribute to key findings in the assessment.<sup>4</sup>

In the early months of 2023 the Malinauskas government already knew how damning the assessment would be, but accepted that the project's design failings, and the DASH assessment findings, were too comprehensive to ignore, and therefore must be referred to the commonwealth department. It meant that they would eventually be made public. This only occurred when a cache of documents was released on a commonwealth government portal on 17 October 2023. The commonwealth release purpose was to seek public feedback on the findings.<sup>5</sup> But the website allowed public response for only 10 days. Tellingly, the state government had made no mention of the assessment in its brief project summary in the same cache.<sup>6</sup>



An aerial shot of the proposed hospital's eight storey multi-deck car park, to be built on old park lands olive groves – green, open space as Colonel Light conceived it in 1837.

<sup>4</sup> Four fundamental park lands themes are disregarded: "Physical expression of [Colonel] Light's 1837 Adelaide Plan; Legibility of encircling park lands; Definition of the inner and outer park lands boundary; and Diversity of use of the place for recreation, sports, events and meeting spaces."

<sup>5</sup> DASH ARCHITECTS, *National Heritage Impact Assessment, 'New Women's and Children's Hospital Project*, 14/7/23. This is contained in Attachment 4, found on the URL enabling access to this and other related Government of SA project docs regarding this park lands site:

<https://epbcpportal.awe.gov.au/open-for-comments/project-decision/?id=edd8635b-936c-ee11-9ae7-000d3a794f5a>

<sup>6</sup> <https://epbcpportal.awe.gov.au/all-referrals/project-referral-summary/?id=8cfc5e7d-5e27-ee11-9965-000d3a794b49>

## Exposing a public illusion

For some years there has been a widely held illusion among park-lands-aware South Australians that the 2008 commonwealth listing had the potential to present a major hurdle to state-driven park lands development project proposals. The listing applied to most areas of Adelaide's park lands, excepting an excluded area commonly known as Riverbank, which extended west to the historic Thebarton police barracks. This meant that any development project within the perimeter of the police barracks would be exempt from commonwealth assessment. The total area required for the project comprises 5.65ha. However the hospital proposal also includes *additional* park lands adjacent to that – totalling about half the required hospital area (2.85ha) – land not in the exclusion zone. This is where the hospital project became vulnerable to, and subject of, a Heritage listing values assessment.<sup>7</sup>

Ironically, had it not been for senior health clinicians' mid-2022 pressure on the government to opt for the most expansive hospital development project, a more limited proposal using only the police barracks land would have avoided any subsequent scrutiny of the project's impact on National Heritage listing values under the commonwealth legislation.

Well ahead of last year's 31 October 2022 parliamentary introduction of the hospital bill, state Labor would have asked its planning bureaucrats to explore the potential for a commonwealth National Heritage listing values assessment to block the intent of the government's (then secret) draft legislation. State cabinet inquiries would have determined to ministers' satisfaction that there would be minimal commonwealth legislation 'hurdle' risk regarding

<sup>7</sup> See Commonwealth "EBBC Act Public Portal", Attachment 12, 'Description of proposed works.pdf'. Areas highlighted to access park lands captured in the Adelaide Park Lands and City Layout map comprise: 1. Landscaping/outdoors: 10,860m<sup>2</sup>; 2. Hospital: 4391m<sup>2</sup>; 3. Car park: 5035m<sup>2</sup>; 4. Central energy plan/fire pump: 2473m<sup>2</sup>; 5. Gaol Road and Loading Dock: 5765m<sup>2</sup>. These sums deliver a total proposed alienated area of 28,524m<sup>2</sup>, that is: 2.8524ha.

what was then a secret, multi-billion dollar west park lands new hospital proposal.

## Bureaucrats scope the risk

State bureaucrats would have felt confident that the SA legislation (the *New W&C Hospital Act 2022*) would trump any negative consequences arising from the commonwealth legislation (the *EPBC Act 1999*, regarding Heritage listing values). They also would have been comforted that public release of the assessment findings would be conveniently delayed for some time, after which party tacticians would do their best to avoid drawing any attention to them.

## Adelaide Aquatic Centre assessment



Concept plan of the proposed new \$135m Adelaide Aquatic Centre, to be constructed at Park 2 of the park lands, adjacent to Jeffcott Road, North Adelaide. The proposed site is adjacent to the existing ageing swim centre. This project was also assessed by DASH Architects in June 2023 under a state-commissioned brief, but the full assessment has never been publicly released. No law requires it, if the commissioning agency does not wish to 'self-refer' to Canberra.

The public release of the west park lands (Park 27) Heritage values assessment contrasts with the other 2023 analysis by DASH Architects, which is centred on the proposed Adelaide Aquatic Centre development in Park 2 of the Adelaide park lands. This project is not a product of state legislation, is kilometres distant from Park 27, and unrelated to the hospital project.

Curiously, the centre's DASH 'National Heritage Impact Assessment' analysis cannot be found on any public website. The decision not to release it would have been made by the state government, which commissioned the work. However, in a four-page summary of the 30 June 2023 DASH Aquatic Centre assessment, found in an August 2023 URPS paper-based Planning Report on the Aquatic Centre proposal (which was only open for public inspection

for one month, closing in September) DASH reported that: "AACD [Adelaide Aquatic Centre Development] is consistent with the National Heritage values of the Adelaide Park Lands and City Layout ... and will not result in any 'significant impacts', and as a result a referral under section 68 of the EPBC Act 1999 may not be necessary."

This highlighted a procedural loophole enabled under the EPBC Act that allows a park-lands-site applicant to 'self-refer' or, alternatively, ignore the referral requirement altogether. It is a major loophole in that legislation.<sup>8</sup> It appears that the state government did not self-refer the DASH assessment to the commonwealth government. Scrutiny of 2023 'referrals' summaries on the commonwealth portal reveals no reference to this project. Beyond the four-page summary in the August URPS Planning Report, there appears to be no public access to what the DASH experts actually explored and concluded. What is certain is that the assessment would have been thorough, because the commonwealth legislation requires assessors to follow strict 'question/answer' guidelines. But here is revealed another problematic theme about the commonwealth law relating to such assessments – transparency (or not) appears to be entirely in the hands of the person or agency in control of, or owning, the assessment.

### UPDATE

#### **Park 2 Aquatic Centre project endorsed through shock casting vote by city council chair, Lord Mayor Dr Jane Lomax-Smith**

A potential snag to the state government's commencement of the centre project was removed on 10 October 2023 when a tied vote among councillors was 'resolved in the positive', lawfully tipping the project into the hands of government contractors waiting to fence a 2.5ha Park 2 site in anticipation of a looming SCAP development application approval. The council matter turned on endorsement of a controversially revised new version of the *Community Land Management Plan* for the park lands. It contains explicit new wording enabling the state government to replace the old centre with a new, \$135m, two-level building, and expand the car park by another 108 spaces.

<sup>8</sup> 2023 media reports on a major Canberra revision under way of this commonwealth Act have suggested that it is 'not fit for purpose', and this small example illustrates one reason why.

## Revealed: What the DASH assessment concluded about the hospital project

The DASH Architects' National Heritage Impact Assessment on the Women's and Children's hospital project proposal is a comprehensive work, arising from a template list of questions provided by the Australian Government Department of Climate Change, Energy, Environment and Water (DCCEEW) publication '*Matters of National Significance, Significant Impact Guideline 1.1*' (SIG 1.1 Guidelines).

To be clear – and this is especially important to South Australians unfamiliar with exactly what 'the hospital proposal' really meant, the 'core components' of the park lands project include:

- A 10-storey (with roof plant) hospital building located mostly within the footprint of the SAPOL (police barracks) land, but also extending northward into the boundary of the National Heritage place.
- An eight-storey car park structure (seven storeys above ground) with a footprint of around 5,100sq m; a two-storey central energy plant; landscaping and a new playground area; upgrades to Port Road; services and stormwater upgrades; and temporary works (which mean exclusion of the public from 13ha of formerly accessible park lands, for several years).

The DASH assessment findings were damning. The firm found that the impact on National Heritage values would be considered 'significant'. That word is not casually chosen; there is a set of demanding guidelines that stipulate that an action is likely to have a 'significant' impact on the National Heritage values of a National Heritage place if there is a real chance or possibility that it will cause: one or more of the National Heritage values to be lost; one or more of the National Heritage values to be degraded or damaged; or one or more of the National Heritage values to be notably altered, modified, obscured or diminished.

The assessment also found that the project would be inconsistent with not one but six of the heritage listing values appearing in the commonwealth Act. Several are also specifically referred to in the DASH Assessment chapters, in particular: the park lands 'historic pattern of

development'<sup>9</sup> and the effect on values in proposing to construct a multi-storey car park (total eight storeys), and an energy plant.

### Attributes of the place – failure to pass four key tests

The assessment noted that: "... significant impacts on the National Heritage values of the Adelaide Park Lands and City Layout would impact the following attributes of the place of identified National Heritage value:

- Physical expression of [Colonel] Light's 1837 Adelaide Plan.
- Legibility of encircling park lands.
- Definition of the inner and outer park lands boundary.
- Diversity of use of the place for recreation, sports, events and meeting spaces."

The DASH assessment noted: "These attributes are associated with the following identified National Heritage values of the place:

**Criterion (a):** The place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history.

**Criterion (b):** The place has outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history.

**Criterion (d):** The place has outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of: (i) a class of Australia's natural or cultural places; or (ii) a class of Australia's natural or cultural environments.

**Criterion (f):** The place has outstanding heritage value to the nation because of the place's importance in demonstrating a high degree of creative or technical achievement at a particular period.

**Criterion (g):** The place has outstanding heritage value to the nation because of the place's strong or special association with a

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<sup>9</sup> From page 89: Proposing to site a new hospital in Park 27 being inconsistent with the historic pattern of development, and Page 95: "A small portion of Kate Cocks Park will also be encroached upon by the new hospital building. This change in use from an agistment to an institutional building is inconsistent with the National Heritage values of the park lands."



particular community or cultural group for social, cultural or spiritual reasons.

**Criterion (h):** The place has outstanding heritage value to the nation because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history."<sup>10</sup>

The DASH assessment referring to the SIG 1.1 Guidelines' Significant Impact Criteria concluded that:

- "The [proposed] hospital building and car park are inconsistent with open, low-scaled landscaped attributes of the place.
- "The impacts on the Park Lands are long-term impacts.
- "The hospital and car park building have the potential to impact on the legibility of the 1837 [Adelaide] Plan and encircling park land.
- "The construction of the 10-storey hospital building and the seven-storey (above ground) car park within the encircling park lands will likely result in long-term impacts to the legibility of [Colonel] Light's Adelaide Plan."<sup>11</sup>

The SA state government's Department for Health and Wellbeing's 39-page summary noted that the commonwealth legislation was "relevant to the project"<sup>12</sup>, but then misleadingly stated: "A referral under the *Environment Protection and Biodiversity Conservation Act 1999* is required to confirm the proposed action does not require formal assessment and approval [emphasis added] under the *Environment Protection and Biodiversity Conservation Act 1999*."

However, as the DASH assessment noted, it was not up to the applicant, or the assessment author, to determine whether the project should be categorised in a way such that the commonwealth department either required formal assessment and approval, or not. The DASH author skilfully avoided any implied obligation to categorise it, noting: "The

responsibility for this subsequent assessment remains vested with DCCEEW"<sup>13</sup>.

## Labor's spin doctors' dilemma – silence or a fresh campaign of spin?

As at the publication date of this newsletter there has been minimal media coverage about the commonwealth legislation's influence on Labor's two 2023 park lands raids, pursuit of each of which commenced after the March 2022 state election. Full contents of the DASH assessment relating to the controversial Adelaide Aquatic Centre development proposal remain publicly inaccessible.

In relation to the hospital project, public release of the DASH assessment on the Park 27 site (police barracks and additional adjacent land) was conveniently stalled for many months, and only became public on an obscure commonwealth website portal on 17 October, and probably only for 10 days. But that assessment regarding the Women's and Children's Hospital project is now in the public domain for those that downloaded it, and curious journalists may seek it out. The challenge for Labor's media spin doctors is to downplay a now-convenient political reality for Labor – that its state law almost certainly trumps commonwealth law, even if a Heritage listing values assessment of a park-lands-sited development project finds that it is unconscionable and could prompt another major park lands protest if the public fully comprehended that political reality. Meanwhile, state Labor's post-2022 infrastructure public-land-use policy position looks likely to influence the contents of state cabinet proposals for the park lands for years to come.

## John Bridgland is a journalist and City of Adelaide ratepayer.

*More follows ... Labor debacle reveals consequences of flawed 2022 Hospital Act: see pages 7 and 8.*

<sup>13</sup>(Page 119). The technicalities at this point become almost baffling for outsiders to understand. Suffice to say that the worst outcome for the state government would be a commonwealth determination that the project was categorised as 'Clearly unacceptable'. Given the grossly excessive height, bulk and scale of the proposed hospital and adjacent car park building, this is incontestable. However, as at the date of this newsletter, the matter was yet to be determined. And even if a fine resulted from such a categorisation finding, it would be highly unlikely to thwart state government progress of the \$3.2b hospital project.

<sup>10</sup> Extract: DASH Assessment, page 119.

<sup>11</sup> Extract, DASH Assessment, page 117.

<sup>12</sup> Page 2 of 39. As found on the EBBC Act Business Portal as an attachment '00-2023-09606 Referral (1)' (39 pages), see link:

<https://epbcpbpublicportal.awe.gov.au/open-for-comments/project-decision/?id=edd8635b-936c-ee11-9ae7-000d3a794f5a>

## APPENDIX

26 OCTOBER 2023

Labor's 2022 hospital legislation bungle revealed

### **How the Malinauskas Labor government fumbled in a park lands grab debacle of its own making**

John Bridgland

A public illusion that state Labor is highly sensitive to park lands protesters when it tries to grab park lands sites for new developments can be discounted as a result of a fascinating recent case study, drawing on a Freedom of Information Act spill, initiated by Adelaide's 'Transparency Warrior', Rex Patrick.

In fact, the idea that state cabinet harbours a 'fear factor' in this particular example is overwhelmed by a more embarrassing reality for Premier Malinauskas and his senior ministers.

When the New Women's and Children's Hospital Bill 2022 was drafted, someone made a clumsy error when writing one of its key provisions. The upshot, played out eight months later in June 2023, was that state Labor was forced to publicly withdraw its plans to enclose eight hectares of land in Park 21 West, to enable SA Police (SAPOL) to construct major facilities to replace all of its operations at the old police barracks.

Labor's public back-down, led by Premier Malinauskas, claimed that the party had listened to the people, and was sensitively responding accordingly. At the time, Labor's spin doctors and senior ministers pretended that public pressure had prompted the party to seek another non-park-lands site for the police facilities. But behind the scenes, the back-down highlighted an own goal, a ministerial debacle. Moreover, as many South Australians now know, the subsequent search for a non-park-lands site for the barracks operations has been long and complicated and looks like costing state taxpayers more than \$90m to resolve. Meanwhile, all original schedule deadlines for the barracks operations move from the park lands to another place have been trashed.

#### **The devil in the 2022 bill and Act detail**

When state Labor rushed the passing of its *New Women's and Children's Hospital Act 2022* through state parliament in November last year, it contained a section enabling the raiding of



Protesters at Park 21 West on 1 April 2023. A month later they protested again, furious at Labor's bid to grab eight hectares and fence it off for a police facility.

alternative park lands sites to address the consequences of seizing the old police barracks site for a huge new \$3.2b Women's and Children's Hospital project. One of the consequences was the challenge to relocate all police operations facilities and staff from those historic barracks to somewhere else in Adelaide's park lands. The relocation plan appeared to be relatively straightforward and, enabled by new state law, impossible for protesters to block.

But recently released SA Police documents, obtained by Rex Patrick, reveal background as to how the Malinauskas state government mismanaged the plan and then mismanaged what happened afterwards. The documents reveal that SA Police not only warned the Labor government that a legislative debacle was looming ahead of the parliamentary activity, but also, after the law had been passed, advised how to resolve the consequential debacle. It is history now that Labor not only ignored the first warning, but also failed to follow sound advice as to how to fix it.

#### **Public dissent on public land**

Of course, none of this drama was publicly known in late 2022, as Labor championed its plan to grab a big slice of green, biodiverse, open space near South Terrace (Park 21 West), and vigorously defended its right to do so under its new legislation. But ultimately, there would have to be a back-down. Labor stalled until two major site protests had been held, delivering widespread, withering criticism of Premier Malinauskas and his senior ministers. On 7 June 2023 he appeared to bow to public pressure. This

made colourful, political theatre. But that's all it was – theatre.

### **Journalists fooled**

The back story to this saga exposes how this government manipulated the media about the park lands issues at the time, covering up what had occurred behind the scenes. It reveals how the Adelaide media can be seduced by government spin to run with the government's "story" instead of probing what really occurred. Adelaide has Rex Patrick to thank for his diligence.

In mid-2022 Rex had returned to his home state after failing to win another senate term in the 2022 federal election. He describes himself as a 'transparency warrior', a wholly justified descriptor given his multiple and successful searches under *Freedom of Information Act 1991* provisions while a senator, and since, as a private citizen. In the case of this Adelaide story, the key theme is that governments and government agencies tend to expend significant effort to keep information secret that embarrasses agencies and government administrations. They will also manipulate journalists into presenting information that misrepresents what really occurred. In that sense, this tale also reveals the poverty of investigative reporting skills currently existing in Adelaide newsrooms.

### **Saga began in November 2022**

The legislative bungle had begun even before the legislation was introduced to parliament, because as police noted in secret advice, "SAPOL was not consulted prior to the drafting of the bill".<sup>14</sup> Why this occurred has never been explained, especially given that one of its draft sections was set to involve the police agency in major infrastructure operations consequences, and would have multi-million dollar effect. The 2022 hospital legislation reflected a government desire for SA Police to move its entire historic barracks, comprising multiple operations functions and hundreds of employees, from the nominated future hospital park lands site to another place in the park lands, ending more than a century's occupation west of the city. But the 2022

legislation did not actually enable this. Its wording restricted the move only to the Mounted Police Unit – the horses and associated staff. Senior police saw this outcome as an operational disaster, as then-secret memos reveal.

The days ahead of the parliamentary activity, and the days that followed the passing of the legislation, saw a stream of secret SAPOL communications with the state government. Documents secret at the time reveal that SA Police were quick to point out that the government had presided over a major bungle. The problem was that the wording left other police barracks operations units stranded.

### **Teasing out the real story**

In retrospect, the sudden late-2022 parliamentary foray was a classic example of a standard Labor 'sudden-strike, announce-and-defend' ploy, a favourite of the current Premier's much-admired role model, former Premier Jay Weatherill. SAPOL documents extracted via Patrick's Freedom of Information Act findings indicate that in the weeks following the passing of the legislation, the Premier and his advisors dithered in responding to sound Police advice, to act quickly and either amend the Act by revising the flawed section, or purchase another non-park-lands site – ideally, an eight-hectare vacant site (SA Brewing) only a kilometre west of the barracks. While Labor dithered, the party was burning valuable political capital that it had brought into government after the March 2022 election. We now know that SAPOL and the state government vigorously resisted Patrick's effort to obtain the documents he sought. His persistence took many months to deliver results, even involving appeals to the state ombudsman.

Only when state cabinet's papers are revealed in 10 years' time will South Australians know how senior ministers debated the public unrest at the time and potential solutions to a park lands problem that ministers themselves had created. Obviously, SAPOL's sound, practical advice had not been followed. Party tacticians probably feared that, if Labor tried to ram through amendments to the Act so suddenly after its passing, then other MPs or MLCs may have further scrutinised and challenged other provisions. Those fears were soundly based.

**Grateful thanks to Rex Patrick for his FOI pursuit of facts the state wants kept secret.**

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<sup>14</sup> 19 November 2022, *Commissioner's Briefing Paper, New Women's and Children's Hospital*, FOI search delivery: initiated, Rex Patrick, 'Doc 5'.