

# Joint Select Committee on the Greater Sydney Parklands Trust Act

## Answer to Supplementary Question

Linda Bergin OAM

Monday April 7, 2025

Dear Committee,

Thank you for the opportunity to answer the questions

1. *Should the Greater Sydney Parklands Trust be able to transfer funds between the associated Trusts?*
2. *How should the financial needs of the respective trusts be determined?*

### Part 5 Finance

The mechanism for this is the creation of a “fund” within NSW’s Special Deposits Account with separate accounts for each of the 3 associated trusts, the Entertainment Quarter and “each other park”. It is unclear what “each other park” means and it MAY not include Callan Park and Fernhill Estate. “Each other park” is not defined. Is it possible that those 2 parks would not have a “separate account” within the fund?

I have not been able to determine the definition of “each other park”.

My answer to the first question is NO UNDER THE PRESENT LEGISLATION, because there is no real-time public transparency around the Trust’s ability to “allocate money....to expenditure...for the associated Trusts... and the GSPT estate”. The GSPT estate includes supplementary land so, for example, it would be possible to use funds from the associated trusts to purchase non-park lands.

Additionally, there is no guarantee that reporting of movements of money within the fund will be included in annual reports, despite the assurance of former Chief Executive Suellen Fitzgerald at the first Inquiry into the Bill commenting on the fund: *“The other thing I think that it is coupled with is the requirement to report on that annually. I think annual reports are not always the most straightforward of documents, but with the legal advice that we have been given in that drafting, I think there is a specific requirement for that to be demonstrated.”*

Reading Section 7.8 “Financial Reports Concerning SDA accounts” (Government Sector Finance Act 2018) seem to make reporting of the SDA accounts optional in annual reports, which conflicts with Ms. Fitzgerald’s testimony if true. Even if included, this reporting could be up to 16 months after the fact.

There are no limits on the amounts of money that could be transferred. There is no definition of “priority”, “adequate funding” or “overall sustainability”.

## Recommendation

One solution would be to amend the GSPT Act to require transparency around movements of money within the fund by requiring the GSP to PUBLISH on its website any PROPOSAL to transfer “significant” (needs to be defined) funds between accounts.

This PROPOSAL should be accompanied by a STATEMENT OF REASONS and should be subject to specific and detailed rules for extensive PUBLIC CONSULTATION, including public notice. **Public Consultation should be set out in the Act**, separate to the Engagement Framework.

## Financial needs of the respective trusts

“Financial needs” is properly the role of the governing body, in consultation with the CTBs. However, there is nothing in the GSPT Act that requires the GSP to take account of advice from the CTBs.

I could suggest that the following is important and similar be added to **Division 2 Community trustee boards** (taken from Sydney Harbour Federation Trust Act **my bold**)

SYDNEY HARBOUR FEDERATION TRUST ACT 2001 - SECT 57A

The Trust's obligations to community advisory committees

(1) The Trust **must provide each community advisory committee with documents and information** relevant to matters on which the committee is to give advice or recommendations.

(2) In making decisions or taking action in respect of a plan area, the Trust **must consider any advice or recommendation of the relevant committee.**

## Funding for new capital works and asset backlog

I would also suggest adding a provision in the GSPT Act that funds for new capital works and any asset maintenance backlog for the entire GSP “parklands estate” should be provided by the NSW government, as has occurred with the Sydney Harbour Federation Trust ongoing but not completed.