



Ref: D/12/3730

Mr James Cox PSM
Chief Executive Officer
and Full Time Member
Independent Pricing and Regulatory Tribunal
PO Box Q290
QVB Post Office NSW 1230



Dear *Jim* Mr Cox

Thank you for your letter requesting comment from the Department of Finance and Services (DFS) on the proposed Independent Pricing and Regulatory Tribunal Regulation 2012.

I have no comment to make in relation to the proposed regulation but note that the Regulatory Impact Statement invites submissions about whether to change the test that applies before a legal challenge can be mounted in relation to an arbitral award.

DFS supports removing the current requirement for both parties to agree to an appeal since this requirement could be seen by access seekers as a potential barrier to competition.

Thank you for the opportunity to comment. If you have any questions, please contact Alison White on (02) 9372 8742 or by email alison.white@services.nsw.gov.au

Yours sincerely

Michael Coutts-Trotter
Director-General

6 JUN 2012