From: Thomas Naylor
Sent: Tuesday, 15 July 2008 1:07 PM
To: IPART Mailbox
Subject: Submission on Review of the Office of the Protective Commissiomer.

Imelda Dodds has written and urged me as a private manager to submit my views on OPC fees.

Having read the Issues Paper and the OPC submission my views are

1.2.1 Criteria upon which to set fees.

To recommend a fee stucture for the OPC that is "clear,fair and transparent"

Currently as a private manager I receive an invoice from the OPC once the annual accounts that I provide are "passed". This invoice is not clear or transparent. It is couched in terms of the Protected Estates Regulation 2003 and the Protected Estates Act 1983, with references to Accounts Clause 4(1)(f) and Income Clause 4(1)(c) and a total payable demand within 21 days. Surely part of a "clear, fair and transparent" fee structure is one that itemises its charges with a calculation shown on how the fees are determined.

1.5 On the nature of OPC fee structures.

The disadvantage of the existing OPC's approach to fees is to lessen the NSW governments social welfare responsibility to its' most vulnerable citizens. The current situation passes on the cost of the OPC administering its clients that cannot pay to other "protected" persons by the OPC charging what it can rather than a fee for actual services. It should be a user pays for service rather than a charge to those to pay because they have he assets. The most appropriate way of funding the OPC clients who have limited capacity to pay for sevices they receive is for the NSW government to fully fund their payment as its' social welfare responsibility.

3.1.2 Services to privately managed clients.

Private Managers shoulder all the responsibility once the protect persons estate is set up to the OPC requirements. They draw very little on OPC services, and save the OPC a considerable amount. Yet this is not reflected in their fees. Once a Private Manager has established the estate of the protected person the OPC role becomes one of auditor. For the OPC to charge what it does at present for only auditing is a prime example of price exploitation.

The "7-point" services and tasks listed is a good starting point for basing a fee for service model on.

The current system charges an annual "filing" fee, which is a starting point for a basic annual fee.

Each additional item in the "7-point" list should then be appointed a value and a levy charged accordingly in addition to a basic annual service fee. The current system exploits those with assets that don't draw upon the the OPC range of services. How can a body charged with the responsibility of administering a protected persons'affairs levy charges for services that bear no relationship to the cost of providing those services? Regarding the fees charged by the OPC reflecting the private sector. As the OPC is performing a social welfare service the logical answer is that its fees should reflect what it provides and not what it can charge.

Under such a system you cannot justify a charging percentage of a protected person's income/ assets when the OPCs' role is only one of auditor!

Yours faithfully

Thomas Naylor