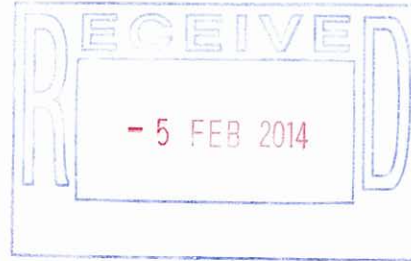




# Premier of New South Wales



2013-515736

4 FEB 2014

The Hon Greg Smith SC MP  
Attorney General and Minister for Justice  
Level 31 Governor Macquarie Tower  
1 Farrer Place  
Sydney NSW 2000

Dear Attorney *Greg,*

Thank you for your letter of 6 December 2013 regarding a proposed Independent Pricing and Regulatory Tribunal (IPART) review of the NSW Trustee and Guardian Fee Structure.

I agree to the review being conducted by IPART, in accordance with section 9(1)(b) of the *Independent Pricing and Regulatory Tribunal Act 1992*. The review should be conducted within the timeframe and on the terms specified in the attached Terms of Reference.

I note that, in accordance with usual practice for section 9 IPART reviews, NSW Trustee and Guardian will fund the review.

Yours sincerely

**Barry O'Farrell MP**  
Premier

## NEW SOUTH WALES TRUSTEE & GUARDIAN FEES REVIEW

### Terms of Reference

I, Barry O'Farrell, Premier of New South Wales, pursuant to Section 9(1)(b) of the *Independent Pricing and Regulatory Tribunal Act 1992*, request the Tribunal to review the fees charged by the New South Wales Trustee & Guardian (NSWTG) for services provided to its clients, in order to recommend a fee structure that is clear, fair and transparent.

#### **In conducting the review, the Tribunal should:**

- Review the costs of service delivery (including a full expense analysis) for all services delivered to clients;
- Review the extent to which there are differences in cost recovery between client groups;
- Review and harmonise the existing fee schedules which reflect the former Office of Protective Commissioner and Public Trustee of NSW's operating base; and
- Consider how NSWTG fees and charges should be reviewed in the future.

#### The Tribunal should also:

- Review the capacity of the NSWTG to seek full cost recovery for the services provided to each client group based on the nature of those services and the value of each client's estate.
- Advise on options for meeting any funding shortfall that may arise; and
- Have reference to IPART's report on the Office of the Protective Commissioner's fees dated October 2008 and the Regulatory Impact Process of the former Public Trustee of NSW dated April 2008.

The Tribunal is to conduct the review and provide a final report to both me and the Attorney General by 30 November 2014.



Barry O'Farrell  
Premier of New South Wales