



## **Changes to NSW Trustee & Guardian's fees: Discussion Paper Joint response**

**15 October 2021**

Thank you for the opportunity to comment on NSW Trustee & Guardian's (NSWTG) discussion paper regarding increases to NSWTG fees.

This submission is written on behalf of Council for Intellectual Disability (CID), Mental Health Coordinating Council (MHCC), NSW Council for Social Services (NCOSS), Synapse and Senior Rights Service.

We have no comment on the specific fees suggested. However, we would like to comment on the assumptions within the paper.

The paper refers to people under financial management as 'customers', for whom the cost of providing services is not met by current fee rates. Case examples are given of people under financial management receiving services from NSWTG that suggests they are receiving favourable conditions they would not receive elsewhere. For example, in case study 2, the paper notes, 'As a comparison, if those funds had been invested with another well-known private financial manager, her likely returns would be less, and the fees would be more, shown below.'

People under financial management do not choose to invest with NSWTG. They cannot choose other providers or walk away from their relationship with NSWTG. Due to cognitive support needs, they are unlikely to be in a position to question or negotiate fees and investments. People under the Trustee's financial management are essentially captive 'customers', and as a result, NSWTG should avoid open market comparisons. NSWTG fees should always reflect the involuntary nature of the relationship with 'customers' and the community service NSWTG is intended to deliver. Low fees and strong returns should be the baseline of acceptable service delivery.

We continue to object to the use of the term 'customer' to describe people under financial management. The term does not reflect the human rights of people under financial management and gives the impression that the relationship is voluntary, equal and market based. We strongly encourage NSWTG to drop the use of this term and develop its response to its unique and sometimes problematic relationship with the people it represents.

The paper refers to an increase in complexity but does not link fee increase with an increase in the quality of services that people under financial management can expect to receive as a result. For example, the following questions are not answered:

- Will NSWTCG work with people under financial management to identify and support their will and preference, and be led by this information in decision making?
- Will NSWTCG assist people under financial management to develop their financial decision making abilities?
- Will NSWTCG actively assist people to access and use section 71 of the NSW Trustee and Guardian Act 2009?
- Will NSWTCG seek revocation of financial management orders where the person seeks release and/or alternative forms of support can be established?
- Will the quality and outcome of NSWTCG decisions be measured and reported to people under financial management?

Finally, we strongly suggest NSWTCG adopts accessible communication formats to ensure that people under financial management are supported to understand information presented to them as part of this consultation and in future developments.

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