

What's in a name?

Use of the term 'ombudsman'

Presenter

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The debate about 'ombudsman'

- Proposal of the Access to Justice Advisory Committee (1994)
- Developments since 1994 – proposals for control
 - Commonwealth/Banking Ombudsman draft code
 - Benchmarks for Industry-Based Customer Dispute Resolution Schemes
 - South Australian *Ombudsman Act* s 32
 - ANZOA membership approval criteria

The debate about 'ombudsman'

- Developments since 1994 – unsystematic use of 'ombudsman'
 - Internal ombudsman in local councils, universities, and companies
 - Industry ombudsman that do not deal with consumers
 - Government ombudsman subject to direction
 - Constant proposals for new ombudsmen offices

Should we be concerned?

- Two case studies
 - Proposed Airport Development and Aviation Noise Ombudsman
 - Workplace Ombudsman
- The issue: not the growth in oversight and complaint handling, but unsystematic use of the term 'ombudsman'

Should we be concerned?

- Something to be gained
 - Stimulus to good practice in complaint handling and oversight
 - Public awareness of the right to complain
 - Guidance in our own work
- Something to be lost
 - Public confusion
 - Public deception
 - Ill-considered changes to Ombudsman schemes

What would a definition contain?

- Drafting options
 - Aim for brevity and minimum criteria
 - Adjust definition to established practice
- Minimum essential criteria for 'ombudsman'
 - Independence
 - Jurisdiction
 - Powers
 - Accessibility
 - Procedural fairness
 - Accountability

How should the definition be applied?

- Legislation
- Guidelines/code
- ANZOA accreditation/validation
- Demonstrating Ombudsman best practice

Concluding observation

- Questions?



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