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5 October 2010

Mr Bruce Barbour
NSW Ombudsman
Level 24, 580 George Street
SYDNEY 2000

Dear Mr Barbour

The Australian and New Zealand Ombudsman Association (ANZOA) would appreciate the opportunity to contribute to the discussion raised by your *Issues Paper: Council Internal Ombudsman – 'Independent Ear' or 'Complaints Commissioner'?*

ANZOA is a professional association and the peak body for Ombudsmen in Australia and New Zealand. A list of ANZOA Members is attached to this letter.

Essentially ANZOA supports the comments made by the Energy & Water Ombudsman NSW (EWON) on this issue, in particular that:

- internal complaints handling by local councils and authorities is to be acknowledged and encouraged
- external dispute resolution through a statutory (or industry) Ombudsman should be a last resort
- it is to be commended that councils seek to adopt best practice in complaint handling and good administrative practice
- however, an internal complaints handling system is not an 'ombudsman', and should not be titled as such.

We note that your issues paper refers to the ANZOA policy statement that was issued in May 2010 - '*Essential criteria for describing a body as an Ombudsman*'.

As noted by EWON, an internal dispute resolution process might meet a number of the criteria listed by ANZOA, eg accessibility, procedural fairness. However, it does not meet the key criterion of independence, as in any sense an internal process cannot be independent or seen to be independent of the local council/authority of which it is a part.

As suggested in the *Issues Paper*, such offices should not be called an ombudsman, but instead should be called '*Complaints Commissioners*' or some other title that accurately describes the function they perform at council.

Comments by ANZOA or EWON are not a criticism of any local authorities or their complaints handling processes. ANZOA supports and encourages best practice dispute resolution for all government and industry service providers including local

councils/authorities. However, the use of the title 'internal ombudsman' to describe this dispute resolution is inappropriate and potentially confusing for complainants.

ANZOA is concerned that use of the term 'internal ombudsman' will undermine the integrity of the independent ombudsman concept.

ANZOA strongly supports the suggestion in the Issues Paper that an office called a '*Complaints Commissioner*' or similar would achieve similar ends or create similar value in councils/local authorities.

Thank you for considering the view of the Australian and New Zealand Ombudsman Association in your enquiry.

Yours sincerely



Fiona McLeod

Chair

Australian and New Zealand Ombudsman Association



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