



Janine Young
ANZOA Secretary/Treasurer
Energy & Water Ombudsman NSW
Phone: [REDACTED]
Email: [REDACTED]

21 October 2024

The Hon Catherine King MP
Minister for Infrastructure, Transport, Regional Development & Local Government
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Minister.King@mo.infrastructure.gov.au

Dear Minister King

I write on behalf of the Australian and New Zealand Ombudsman Association (ANZOA), the professional association for Australian and New Zealand Ombudsmen, to commend the Australian Government's commitment to strengthening consumer protections in the aviation industry through the proposed Aviation Consumer Charter of Rights and the establishment of an Aviation Consumer Ombudsman.

ANZOA welcomes the Government's recognition of the need for fair, accessible, and independent dispute resolution for airline passengers. The proposed reforms, particularly the creation of a dedicated ombudsman scheme, represent a significant and overdue step towards ensuring accountability and transparency in the aviation sector.

However, we are concerned by the governance model outlined in the current proposal for the Aviation Consumer Ombudsman. Specifically, that the Ombudsman scheme would be accountable to the Minister as this could raise serious questions about the scheme's independence. Independence is a cornerstone of effective ombudsman practice, and ANZOA members are united in the view that governance structures must reinforce, not compromise, the independence of the Ombudsman and Ombudsman office.

All ANZOA members operate under governance models that ensure independence from government and industry. Members are either governed by Boards of Directors (for industry-based schemes) or report directly to Parliament (statutory schemes). This structural separation builds public trust and ensures that ombudsman schemes can operate without undue influence now or perhaps more critically, in the future as a result of changes in Government / Minister responsibility.

The Australian Airline Customer Advocate has long been publicly criticised by the media and peak consumer advocacy bodies for its lack of independence and effectiveness given its very close ties to Qantas, Virgin Australia and Jetstar. A model that places the Aviation Consumer Ombudsman under ministerial accountability risks undermining the very independence that the new scheme must embody to be credible and effective – and to very quickly, gain media / consumer advocate support.



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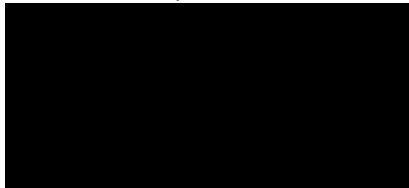
A key role of industry and parliamentary ombudsman is to identify, investigate and report on systemic issues – to senior executives from the entity responsible for the systemic issue, and relevant government ministers or regulatory authorities. This should be a key element of the work of the new Aviation Consumer Ombudsman. As well as improving customer service and preventing future complaints, it will enable the Minister for Infrastructure, Transport, Regional Development and Local Government now and in the future, to take actions beyond the scope of the Ombudsman when necessary to improve aviation services across Australia.

We therefore respectfully urge the Government to reconsider this aspect of the governance framework for the Aviation Consumer Ombudsman.

ANZOA is looking forward to inviting the Aviation Consumer Ombudsman, when appointed, to seek membership of ANZOA. Attached is the criteria for ANZOA Membership.

We remain committed to supporting the development of a robust and independent aviation ombudsman scheme and would welcome further dialogue to ensure the final model aligns with best practice standards and the expectations of Australian consumers.

Yours sincerely



Janine Young
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Australian and New Zealand Ombudsman Association