



21 May 2014

Access to Justice Arrangements
Productivity Commission
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Dear Commissioners

Productivity Commission Draft Report: Access to Justice Arrangements

Thank you for giving the Telecommunications Industry Ombudsman (TIO) the opportunity to comment on the Productivity Commission's Draft Report on *Access to Justice Arrangements*.

ANZOA submission on the Productivity Commission's Draft Report

The TIO notes, and has provided input into, the Australian and New Zealand Ombudsman Association (ANZOA) submission which is being tendered to the Productivity Commission in response to its Draft Report on Access to Justice Arrangements. The ANZOA submission outlines its responses to a number of issues and recommendations raised in the Draft Report.

The TIO fully supports the ANZOA submission.

TIO submission on the Productivity Commission's Draft Report

We appreciate the Productivity Commission's consideration of the information provided in the [TIO's submission dated 11 December 2013 to the Productivity Commission](#) (submission 134). We do not intend to add to this information or that in the recent ANZOA submission, save on the issue covered by draft recommendations 8.5 and 8.6 of the Draft Report.

Ensuring practitioners are competent and experienced

We support the principles underlying draft recommendations 8.5 and 8.6 that ADR practitioners must be competent and experienced.

As part of our ongoing strategic work to improve the quality and efficiency of our dispute resolution services, we have developed a competency based learning program for our staff. The learning program has a number of modules and short courses that provide ongoing training on a range of topics relevant to dispute resolution, such as procedural fairness, investigations and decision-making. Other short courses include dealing with diversity and dealing with challenging conduct.

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As an extension to the learning program, we are developing a Graduate Certificate in Dispute Resolution (Industry) that is being made available to our dispute resolution staff. This nationally-recognised qualification has been developed in partnership with Box Hill Institute. In addition to the structured learning program, staff undertaking the Graduate Certificate will have to undertake further reading, apply the knowledge and skills to their day-to-day case management roles and be required to demonstrate competency in the subject areas covered by the program.

We understand that this program may be relevant to other Ombudsmen, and to staff of organisations who are involved in dispute resolution in service-based sectors and industries.

Investing in learning in this way will benefit the TIO by providing staff with professional development opportunities, and improving the quality and consistency of our dispute resolution work.

We have developed our own qualification because there is currently no qualification that provides targeted dispute resolution training relevant to industry Ombudsmen. It also has the added benefit of being a nationally-recognised qualification, increasing career opportunities for staff members beyond the TIO and contributing more generally to the creation of skills for those involved in dispute resolution.

This model of learning (comprising course work and on-the-job, practical training and a formal qualification in dispute resolution) could be considered by other dispute resolution bodies. It provides knowledge and skills relevant to the disputes that ADR practitioners are employed to resolve.

The TIO strongly supports appropriate training and experience for ADR practitioners to formalise and develop the skills of staff and the broader ADR industry.

Conclusion

In summary, the TIO supports the ANZOA submission to the Productivity Commission and trusts that the information in this letter will assist the Productivity Commission in finalising its Report on Access to Justice Arrangements in Australia.

If you require any further information, please contact Shobini Mahendra, **the TIO's** Manager – Policy and Research,

Yours sincerely

Simon Cohen
Ombudsman