



Actions Speak

ACT Policing

Implementation of recommendations from our March 2021 report *ACT Policing's administrative framework for engagement with the ACT Aboriginal and Torres Strait Islander community*

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Acknowledgement of Country

We acknowledge the Traditional Custodians of the ACT and recognise any people or families with connection to the lands of the ACT and region. We acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

Terminology in report

We recognise there are many Aboriginal and Torres Strait Islander peoples from across Australia who have made Canberra their home and Aboriginal and Torres Strait Islander communities are non-homogenous. In this report, we use the term 'ACT's Aboriginal and Torres Strait Islander communities' when referring to Aboriginal and Torres Strait Islander people residing in the ACT. We note that some of the documents provided to our Office by ACT Policing use 'First Nations People and Communities'.



Why did we do this report?

Our investigation report, *ACT Policing's administrative framework for engagement with the ACT Aboriginal and Torres Strait Islander community* [Volume 1](#) and [Volume 2](#), published in March 2021, sought to examine the administrative arrangements ACT Policing had in place to support its engagement with the ACT's Aboriginal and Torres Strait Islander communities.

We commenced the investigation in response to complaints from individuals, as well as broader interactions with both the ACT's Aboriginal and Torres Strait Islander communities and ACT Policing, which identified examples of poor practice as well as examples of excellent and respectful community engagement.

We made 9 recommendations to ACT Policing aimed at improving its approach to supporting its members' engagement with the ACT's Aboriginal and Torres Strait Islander communities in a positive and respectful manner. Our recommendations reflect 4 themes of good administration:

- a strong governance framework that supports the delivery of program commitments
- policies and procedures that clearly articulate expectations
- transparency and accountability with the community
- the ability to measure and evaluate success.

ACT Policing accepted 6 recommendations, partially accepted 2 recommendations and noted one recommendation.

In October 2022, in our [Did They Do What They Said They Would? Volume 2](#) report, we assessed ACT Policing as having partially implemented all 9 recommendations.

In this report we have assessed ACT Policing's implementation of all 9 recommendations as ACT Policing has taken action to address all, despite having initially noted or partially accepted some. Further, ACT Policing has since advised us it now partially accepts the one initially noted recommendation (Recommendation 4).

How did we assess implementation?

We conducted a desktop review of ACT Policing's implementation of the 9 outstanding recommendations. This involved assessing ACT Policing's [Strategy for Engagement with First Nations People and Communities 2023-2028](#), as well as reviewing internal supporting documents including a draft monitoring and evaluation framework, standard operating procedures, cultural training resources and ACT Policing's website. Where our review led to further questions, we sought additional information from ACT Policing.



What did we find?

We found ACT Policing had implemented 4 recommendations in full and partially implemented 5 recommendations.

4 Implemented



5 Partially Implemented



Next steps

We acknowledge the historical mistrust underlying the engagement between the ACT's Aboriginal and Torres Strait Islander communities and ACT Policing. Building positive engagement and addressing this mistrust will be a long journey, requiring public commitments and demonstrated action by ACT Policing over many years.

ACT Policing's [Strategy for Engagement with First Nations People and Communities 2023-2028](#) will play a pivotal role in shaping ACT Policing's ongoing engagement with the ACT's Aboriginal and Torres Strait Islander communities. We encourage ACT Policing to finalise and implement a monitoring and evaluation framework to support the strategy as a matter of priority. This is essential to enable ACT Policing to determine and demonstrate the effectiveness (or otherwise) of the strategy, and to make timely adjustments to the strategy, where required.



We were pleased to observe the feedback from consultations undertaken by ACT Policing with the ACT's Aboriginal and Torres Strait Islander communities reflected in the strategy. We also note the positive steps taken to improve access to and uptake of cultural training across the ACT Policing membership and the review of the First Nations Liaison Officer roles to ensure they are fit for purpose.

We will monitor the effectiveness of ACT Policing's [Strategy for Engagement with First Nations People and Communities 2023-2028](#) through routine engagement with ACT Policing and by assessing any complaints received by our Office. We will also seek updates from ACT Policing on its work to address the outstanding recommendations to ensure these are delivered.



Recommendation summary

<p>Recommendation 1 (Accepted) ACT Policing develops an overarching strategic plan to manage the development and delivery of ACT Policing’s roles and responsibilities in relation to ACT Aboriginal and Torres Strait Islander community specific justice programs.</p>	
<p>Recommendation 2 (Accepted) ACT Policing develops standard operating procedures for community policing activities and complementary programs to ensure contact with ACT Aboriginal and Torres Strait Islander community members is consistent with legislative requirements and appropriately facilitates access to community diversionary and support programs.</p>	
<p>Recommendation 3 (Accepted) ACT Policing consults with the ACT Aboriginal and Torres Strait Islander community, our Office, the Justice and Community Services Directorate, the Aboriginal Legal Service and any other relevant stakeholders to determine when and how it will ask members of the public whether they identify as Aboriginal or Torres Strait Islander.</p>	
<p>Recommendation 4 (Initially noted, now partially accepted) ACT Policing establishes performance measures and conducts regular and ongoing evaluation of community policing activities and complementary programs to enable it to measure success against justice targets and strategic objectives.</p>	
<p>Recommendation 5 (Partially accepted) ACT Policing develops an engagement and consultation strategy to manage its relationship with the ACT Aboriginal and Torres Strait Islander community.</p>	
<p>Recommendation 6 (Accepted) ACT Policing evaluates and clearly defines the roles and responsibilities of Aboriginal Liaison Officers (ALO).</p>	
<p>Recommendation 7 (Accepted) ACT Policing develops a strategy to support the development, delivery and ongoing evaluation of cultural training.</p>	

<p>Recommendation 8 (Partially accepted)</p> <p>ACT Policing amends its records management policy and procedure to ensure records relevant to engagement with the ACT Aboriginal and Torres Strait Islander community are created, stored and accessible to ACT Policing staff.</p>	
<p>Recommendation 9 (Accepted)</p> <p>AFP and ACT Policing amends current complaint handling guidelines to include prompts for complaint handlers to request and record Aboriginal and Torres Strait Islander status during the complaint process.</p>	

ACT Ombudsman assessment

ACT Policing's implementation of recommendations



Recommendation 1 (Accepted)

ACT Policing develops an overarching strategic plan to manage the development and delivery of ACT Policing's roles and responsibilities in relation to ACT Aboriginal and Torres Strait Islander community specific justice programs.

ACT Policing should adopt a program management approach to delivering new Police Services Model objectives, community policing programs and related commitments to justice targets for the ACT Aboriginal and Torres Strait Islander community under the plan.

Status: Implemented



Ombudsman comments

We assessed this recommendation as partially implemented in our [*Did They Do What They Said They Would? Volume 2*](#) report, published in October 2022.

Since then, ACT Policing has developed and published a strategic plan, [*ACT Policing Strategy for Engagement with First Nations People and Communities 2023-2028*](#) (the strategy). The strategy has been heavily informed by consultation with ACT's Aboriginal and Torres Strait Islander communities, as well as through consultation with ACT Government, justice services stakeholders and ACT Policing members. It sets out 9 principles that will inform ACT Policing's ongoing engagement with the ACT's Aboriginal and Torres Strait Islander communities.

A program management approach is adopted within the strategy with actions directed towards dismantling existing barriers to engagement, uplifting the skill base of ACT Policing members and building the foundations to increase positive engagement via enhancement of the First Nations Liaison Officer roles. The strategy contains 28 actions for change that ACT Policing is working to achieve over the course of 2023-2028.





Recommendation 2 (Accepted)

ACT Policing develops standard operating procedures for community policing activities and complementary programs to ensure contact with ACT Aboriginal and Torres Strait Islander community members is consistent with legislative requirements and appropriately facilitates access to community diversionary and support programs.

Procedures should:

- provide guidance to ACT Policing members to support decision making, including the administrative application of relevant legal requirements
- include triggers for the review or update of procedures to ensure they reflect the current operating environment.

Without limiting the procedures required:

- existing procedures relating to use of cautions, national custody guidelines, interviews, Sobering Up Shelter, and Alcohol and Drug diversions should be amended in accordance with the above
- new procedures should be developed for field contacts, arrests, Front Up and referrals to Police Community Youth Club.

Status: Partially implemented



Ombudsman comments

We assessed this recommendation as partially implemented in our [*Did They Do What They Said They Would? Volume 2*](#) report, published in October 2022.

ACT Policing conducted an internal audit of all related governance documents and advised these were reviewed to ensure appropriate references to diversionary pathways and referrals to culturally appropriate support services. Positive enhancements have also recently been made to the Front Up program, including more regular contact between ACT Policing and relevant legal services and plans to expand the range of individuals who would be able to access the opportunities the program provides.

The First Nations Senior Liaison Officer (FNSLO) is now required, as part of their role description, to champion, design and develop procedures and processes related to ACT Policing's engagement with the ACT's Aboriginal and Torres Strait Islander communities. ACT Policing advised this will include the FNSLO continuing to develop procedures for conducting field contacts, arrests and referrals. However, we have not sighted evidence that procedures addressing these aspects are developed or in place as yet. ACT



Policing indicated these will be undertaken as part of business as usual, along with regular reviews of all procedures.

To consider Recommendation 2 fully implemented, we would expect to see ACT Policing's procedures for conducting field contacts, arrests and referrals finalised. This will assist in ensuring capacity is built across the agency and reduce reliance on the FNSLO and First Nations Liaison Officer (FNLO) roles.



Recommendation 3 (Accepted)

ACT Policing consults with the ACT Aboriginal and Torres Strait Islander community, our Office, the Justice and Community Services Directorate, the Aboriginal Legal Service and any other relevant stakeholders to determine when and how it will ask members of the public whether they identify as Aboriginal or Torres Strait Islander.

The position developed as an outcome of this consultation should be included in each of ACT Policing's relevant policies and procedures for members.

Status: Implemented



Ombudsman comments

We assessed this recommendation as partially implemented in our [*Did They Do What They Said They Would? Volume 2*](#) report, published in October 2022.

Since then, ACT Policing has consulted with the ACT's Aboriginal and Torres Strait Islander communities and the [*Chief Police Officer's Advisory Board*](#), on the appropriateness of collecting identifying information/data.

It was determined through this consultation process that requests for identifying information would not be appropriate in instances where it is not required by the law (per Part 1C [*Crimes Act 1914 \(Cth\)*](#) by virtue of s 187 of the [*Crimes Act 1900 \(ACT\)*](#)). This reflected an apprehension from communities that providing identifying information could negatively affect how police engage or interact with members of the community.

ACT Policing has established guidance for members to only request identifying information when required by law or:

- there is a manifest benefit to the advantage of the person being asked
- the benefit is explained to the person
- any potential for ACT Policing to use the person's response for a purpose other than which it is being sought is explained
- the person is advised their response to the question is voluntary.



The intention of our recommendation was to strengthen early intervention and diversion strategies. We recognise ACT Policing's approach acknowledges and balances the concerns raised by the ACT's Aboriginal and Torres Strait Islander communities and respects the need for sovereignty over their personal information.



Recommendation 4 (Initially noted, now partially accepted)

ACT Policing establishes performance measures and conducts regular and ongoing evaluation of community policing activities and complementary programs to enable it to measure success against justice targets and strategic objectives.

Demographic data should be analysed and used to inform evaluation activities and continuous improvement.

Status: Partially implemented



Ombudsman comments

We assessed this recommendation as partially implemented in our [*Did They Do What They Said They Would? Volume 2*](#) report, published in October 2022.

While ACT Policing had initially 'noted' this recommendation, the [*ACT Policing Strategy for Engagement with First Nations People and Communities 2023-2028*](#) (the strategy) incorporated an action item relating to evaluation and organisational performance against the strategy. As a result, ACT Policing now partially accepts this recommendation.

A draft *ACT Policing Strategy for Engagement with First Nations People and Communities: Monitoring & Evaluation Framework 2023-2028* has been developed by a consultant. ACT Policing is using this draft framework to inform the development of its own internal monitoring and evaluation framework. Work is scheduled for completion by the end of 2025.

We reviewed the draft framework and consider it provides a good foundation and would be a valuable tool for determining how ACT Policing has performed against its targets. We would encourage ACT Policing to adopt as much of it as is feasible. Full implementation of this recommendation requires finalisation and endorsement of a monitoring and evaluation framework. We urge ACT Policing to promptly finalise and publish a framework to help build trust and communicate its approach to evaluating



progress against the 28 actions for change contained within the strategy.



Recommendation 5 (Partially accepted)

ACT Policing develops an engagement and consultation strategy to manage its relationship with the ACT Aboriginal and Torres Strait Islander community. The strategy should:

- link engagement and consultation activities to strategic objectives
- provide clear outcomes that are measured and reported on publicly by ACT Policing
- be developed in consultation with the ACT Aboriginal and Torres Strait Islander community.

Status: Partially implemented



Ombudsman comments

ACT Policing initially partially accepted this recommendation, stating that "the establishment of rigid guidelines, particularly relating to community and one-on-one engagement, will limit the ability of police to build trust and effective relationships with individuals."

We assessed this recommendation as partially implemented in the [*Did They Do What They Said They Would? Volume 2*](#) report, published in October 2022.

Since then, ACT Policing developed and published its [*ACT Policing Strategy for Engagement with First Nations People and Communities 2023-2028*](#) (the strategy) and is developing a monitoring and evaluation framework.

The strategy, developed in consultation with the ACT's Aboriginal and Torres Strait Islander communities, encompasses how ACT Policing will engage, consult and build positive relationships with these communities. It includes actions and outcomes to support the 6 identified strategic priorities.

A monitoring and evaluation framework will support ACT Policing to measure and report on its progress against the strategy. As such, we consider finalisation and endorsement of the monitoring and evaluation framework is critical to full implementation of this recommendation.



Recommendation 6 (Accepted)

ACT Policing evaluates and clearly defines the roles and responsibilities of Aboriginal Liaison Officers (ALO), to clarify expectations and ensure the ALOs



are enabled to support effective communication between the ACT Policing members and the ACT Aboriginal and Torres Strait Islander community.

Evaluation should:

- be conducted in consultation with the ACT Aboriginal and Torres Strait Islander community
- take place on a regular basis to ensure the roles remain aligned with program outcomes.

Status: Partially implemented



Ombudsman comments

We assessed this recommendation as partially implemented in our [*Did They Do What They Said They Would? Volume 2*](#) report, published in October 2022.

ACT Policing has since engaged an independent consultant to conduct a thorough review of the FNSLO and FNLO roles. This review included consultation through interviews and focus groups with representatives of the ACT's Aboriginal and Torres Strait Islander communities, ACT Policing and other ACT Government directorates.

The review, completed in November 2023, proposed 19 recommendations to help ACT Policing to enhance the ongoing effectiveness and impact of these roles, with ACT Policing accepting all but one of these. ACT Policing advised it is in the process of implementing the recommendations.

We encourage ACT Policing to continue to evaluate the FNSLO and FNLO roles on a regular basis.



Recommendation 7 (Accepted)

ACT Policing develops a strategy to support the development, delivery and ongoing evaluation of cultural training. The strategy should be informed by best practice in cultural training and include regular and ongoing evaluation so that training is best placed to achieve intended outcomes and is responsive to current issues and emerging risks.

Status: Implemented



Ombudsman comments

We assessed this recommendation as partially implemented in our [*Did They Do What They Said They Would? Volume 2*](#) report, published in October 2022.



ACT Policing has since engaged a consultant to develop and deliver a 'Cultural Literacy Training program' that is mandatory for all ACT Policing members. The training was rolled out in early 2024.

By 31 July 2024, over 750 members had participated in the comprehensive 2-day training workshops. This was a significant resourcing commitment by ACT Policing to increase the knowledge and skills of its members to work more effectively and respectfully with the ACT's Aboriginal and Torres Strait Islander peoples and communities.

Importantly, the training encouraged critical reflection by members of their own cultural assumptions, biases and stereotypes, and how they may affect interactions and outcomes in various settings. Pleasingly, the content of the program is the subject of ongoing evaluation with revisions also to be made where indicated by participant feedback.

ACT Policing advised that its First Nations Working Group is now working to incorporate cultural literacy training into recruit training or local procedures training.



Recommendation 8 (Partially accepted)

ACT Policing amends its records management policy and procedure to ensure records relevant to engagement with the ACT Aboriginal and Torres Strait Islander community are created, stored and accessible to ACT Policing staff.

Status: Partially implemented



Ombudsman comments

ACT Policing initially partially accepted this recommendation, stating that "creating formal record management procedures for this engagement will occur in close consultation with the Aboriginal and Torres Strait Islander communities and only if supported by the community."

We assessed this recommendation as partially implemented in our [*Did They Do What They Said They Would? Volume 2*](#) report, published in October 2022.

The intent of this recommendation was to improve record keeping in relation to ACT Policing's engagement activities to enable easier access and searchability of information, and to provide transparency and accountability of decision making.

We recognise that significant consultation has occurred on the appropriateness of collecting identifying information and data, as considered under Recommendation 3. However, under Recommendation 8,



we sought a clear policy and procedure setting out ACT Policing's record keeping requirements in relation to when, where and how to record:

- formal or informal interactions with communities
- feedback collected during formal engagements such as the Chief Police Officer's Advisory Board meetings/forums
- meetings with ACT Aboriginal and Torres Strait Islander community members or services.

We consider there is a balance to be struck between safeguarding data (especially in relation to identifying data) and appropriate recording keeping for engagement purposes.

We noted the FNSLO and FNLO have some role specific guidance for record keeping in relation to their engagement with external stakeholders, which may include Aboriginal and Torres Strait Islander community organisations. However, it is unclear if this guidance applies more broadly across ACT Policing.

To support implementation of Recommendation 8, we encourage ACT Policing to:

- further consult with the ACT's Aboriginal and Torres Strait Islander communities on the specific issue of appropriate recording keeping for engagement purposes (including options to de-identify such records)
- develop a standard operating procedure (SOP) or amend existing procedures applicable to all ACT Policing members to set out record keeping requirements, including the creation, storage and destruction of records relating to engagement with the ACT's Aboriginal and Torres Strait Islander communities.

Establishing clear record keeping about engagement will help to support further engagement with the ACT's Aboriginal and Torres Strait Islander communities, especially with regard to the identification and monitoring of systemic issues, while ensuring records can be managed in ways that are acceptable to the ACT's Aboriginal and Torres Strait Islander communities.

We will continue to monitor the implementation of this recommendation.



Recommendation 9 (Accepted)

AFP and ACT Policing amends current complaint handling guidelines to include prompts for complaint handlers to request and record Aboriginal and Torres Strait Islander status during the complaint process.

The guidelines should support ACT Policing to identify risks and issues affecting the ACT Aboriginal and Torres Strait Islander community.



Status: Implemented



Ombudsman comments

We assessed this recommendation as partially implemented in our [*Did They Do What They Said They Would? Volume 2*](#) report, published in October 2022.

Since then, ACT Policing’s consultation on the appropriateness of collecting identifying information/data, as considered under Recommendation 3, determined that requests for identifying information would not be appropriate in instances where it is not required by the law.

We recognise the need for data sovereignty and ACT Policing’s willingness to respect the ACT’s Aboriginal and Torres Strait Islander communities in their requests that police do not ask for identifying information as part of the complaint process.

We also commend ACT Policing for extending its cultural literacy training to the AFP’s Professional Standards and Workplace Issues Complaints Resolution teams to better equip them to identify risks and issues affecting the ACT’s Aboriginal and Torres Strait Islander communities. As such, we consider ACT Policing has implemented the intent of this recommendation.



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AFP

COMMISSIONER

Our reference: EC25-000080

13 February 2025

Mr Iain Anderson
Commonwealth Ombudsman

Via email: actombo@ombudsman.gov.au

Dear Mr Anderson

Thank you for your correspondence dated 10 January 2025 advising of the reassessment of ACT Policing's implementation of recommendations from the ACT Ombudsman's investigation report, *ACT Policing's administrative framework for engagement with the ACT Aboriginal and Torres Strait Islander community Volume 1 and Volume 2*.

ACT Policing has welcomed the opportunity to view and comment on the draft report prior to its publication and accepts your assessment. Attachment A provides comments on the draft report, along with additional details to clarify action taken to date in relation to the recommendations.

ACT Policing remains committed to working with First Nations communities in the ACT to build lasting and trusted relationships. These relationships increase positive engagement and support for the Aboriginal and Torres Strait Islander community to assist in reducing the over representation of First Nations people in the criminal justice system.

The Australian Federal Police (AFP) and ACT Policing are dedicated to supporting the intent of your recommendations, along with those that have been brought to light through further analysis conducted during implementation. ACT Policing's priority is ensuring an effective monitoring and evaluation framework is embedded in our processes to demonstrate and record progress against the recommendations and the *ACT Policing Strategy for Engagement with First Nations People and Communities 2023-2028*.

Should you require any additional information, please contact Coordinator, ACT Policing Legislation and Governance, [REDACTED] via email at ACTP-Governance-Compliance-Support@afp.gov.au.

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Thank you for your ongoing engagement with the AFP and ACT Policing. I look forward to continuing to work together to deliver the best policing outcomes for our communities.

Yours sincerely



Réece P Kershaw APM
Commissioner

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Attachment A

ACT Policing has reviewed the draft report and provide the following feedback.

As a long-term project, ACT Policing is committed to and will continue to work through the recommendations across the next 4 years. ACT Policing's monitoring and evaluation process and framework will be implemented, which will have the flow on effect of allowing us to finalise the work better across a number of the elements.

ACT Policing notes the draft report states the ACT Ombudsman will check back with ACT Policing on the continuing work undertaken on the recommendations.

ACT Policing broadly accepts the ACT Ombudsman's assessment of the implementation of the recommendations, though we seek to provide further clarification as outlined in the table below.

Report section	ACT Policing comment
Recommendation 1 (Accepted)	<i>ACT Policing Strategy for Engagement with First Nations People and Communities 2023-2028</i> (the Strategy) is available through ACT Policing's website. Further and ongoing engagement will occur with ACT Policing's workforce to ensure their familiarisation with the Strategy's objectives.
Recommendation 2 (Accepted)	The First Nations Senior Liaison Officer is conducting a systematic review of ACT Policing's functional governance to support the intent of the recommendation. An updated standard operating procedure (SOP) is in draft for the First Nations Senior Liaison Officer positions which outlines how the role effects ACT Policing's broader engagement with the First Nations community. This SOP will be published once ratified, and is expected to be completed by the end of 2025.
Recommendation 4 (Initially noted, now partially accepted)	ACT Policing's Futures Research and Evaluation Team is providing expertise and oversight of this body of work which has been informed by the KPMG Monitoring & Evaluation framework. <i>The ACT Policing Strategy for Engagement with First Nations People and Communities 2023-2028</i> (the strategy) has been published and is available on the ACT Policing website.

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Report section	ACT Policing comment
	Using the current Strategy, ACT Policing is developing an internal and fit-for-purpose monitoring and evaluation framework which will be completed by the end of 2025.
Recommendation 5 (Partially accepted)	ACT Policing continues to work on this recommendation, supported by ACT Policing's internal and fit-for-purpose monitoring and evaluation framework which will be completed by the end of 2025.
Recommendation 6 (Accepted)	ACT Policing continues to work on the accepted recommendations from the review completed in November 2023, as well as evaluate the First Nations Liaison Officer roles. This SOP will be published once ratified, and is expected to be completed by the end of 2025.
Recommendation 7 (Accepted)	<p>ACT Policing launched its <i>First Nations Cultural Literacy Training Program</i> in October 2023. In July 2024, the entire forward-facing workforce (over 750 members) completed the Training Program.</p> <p>As well as exploring options for training of new members, mechanisms for continuous learning for existing members will be explored by the First Nations Working Group.</p>
Recommendation 8 (Partially accepted)	ACT Policing is working on a customised solution in consultation with the ACT's First Nations community to allow the development of procedures which ensures records relevant to engagement with First Nations community are created and stored ACT Policing is committed to a record keeping system that provides ease of access and provides transparency and accountability, whilst safeguarding sensitive information. It is expected that this will be completed by the end of 2025.

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