



Commonwealth  
National  
Preventive  
Mechanism

 FOR CONSUMERS

# Post Visit Summary

Yongah Hill Immigration Detention Centre

13 January 2025

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# Summary

## Our visit

The Commonwealth National Preventive Mechanism (NPM) conducted an announced visit to Yongah Hill Immigration Detention Centre (YHIDC) from Tuesday 4 to Thursday 6 June 2024.

YHIDC is an immigration detention facility located in Northam, Western Australia. The facility is controlled by the Australian Border Force (ABF), while detention services were contracted to Serco Asia Pacific Pty Ltd (Serco), and health services to International Health and Medical Services (IHMS).

The visit was conducted by four OPCAT Monitors from the Commonwealth NPM accompanied by the Commonwealth Ombudsman, Iain Anderson.

The Commonwealth NPM's previous visit to YHIDC was in May/June 2023.

## What we found

YHIDC is a remote and isolated facility which (by sheer distance) limits detained persons contact with family and social supports. This impacts the psychological wellbeing and mental health of some detainees and contributes to an overall feeling of hopelessness. Twenty-nine of the 160 people detained there have been there for over 6 years.

Our 2024 visit to YHIDC found that the working relationships between ABF, Serco and IHMS and with local law enforcement are positive, and COVID visiting restrictions had been lifted. The programs and activities at the centre and their facilities are some of the best across the detention network.

However, we identified several areas that are not satisfactory. There is limited access in the high security complex area to lines of communication for people accommodated in that area and they do not have the same access to facilities, programs, and activities available to the general population compounds. The current search and seizure legislation limits the ability to effectively manage illicit substances within the centre. We also had concerns with the use of a 'soft room' being used as part of the High Care Accommodation (HCA).

## Recommendations and comments

Based on our visit to YHIDC, I recommend the following:



### **Recommendation 1**

The Department cease the use of the soft room until such time as appropriate guidelines, practices, and procedures, including notification procedures, are developed and implemented, to ensure the safety and wellbeing of the detained persons while held in the soft room.

### **Recommendation 2**

The Department provide equitable access to communication and information sharing with detainees throughout all compounds in the detention centre, to ensure that it provides all detainee compounds with clear and current information in a timely manner.

### **Recommendation 3**

The Department consider alternative accommodations (where available) to the High Care Accommodation (HCA) for quarantine and other non-HCA reasons when the time exceeds 24 hours.

### **Recommendation 4**

The Department provide equitable access to purposeful programs and activities and facilities to individuals detained in the high security complex.

I also make the following comments:

**Comment 1:** There is a need for improved search and seizure powers within detention centres to decrease the movement and use of illicit substances. I note the Australian Government announced its intention to introduce legislation that will have this effect.

**Comment 2:** We will monitor the transition to, and services provided by, the new detention health services provider who commences in December 2024.

**Iain Anderson**

Commonwealth Ombudsman  
Commonwealth National Preventive Mechanism

## Facility & demographics

YHIDC consists of several accommodation compounds, which vary in capacity, style, and function.

Compound	Profile	# people in detention
Hawk	General Population	67
Falcon	General Population	63
Cassowary	Vulnerable / protection	19
Swan	Step down one	4
Kingfisher	Offline	0
Eagle	Step down two	5
High Care Accommodation 1	Operational Quarantine	0
High Care Accommodation 2	Behavioural Management	0
Health Care 2	Adjacent to health services	1
Health Care 3	Adjacent to health services	1
Quail	Processing	0

Table 1: Accommodation at YHIDC: Profile, and number of people in detention, 6 June 2024 [Source: Department of Home Affairs]

On 6 June 2024 (the last day of our visit), there were 160 people detained at YHIDC, which was at approximately 35% of its operational capacity. The youngest person detained at YHIDC was 22 and the eldest was 82 years of age.

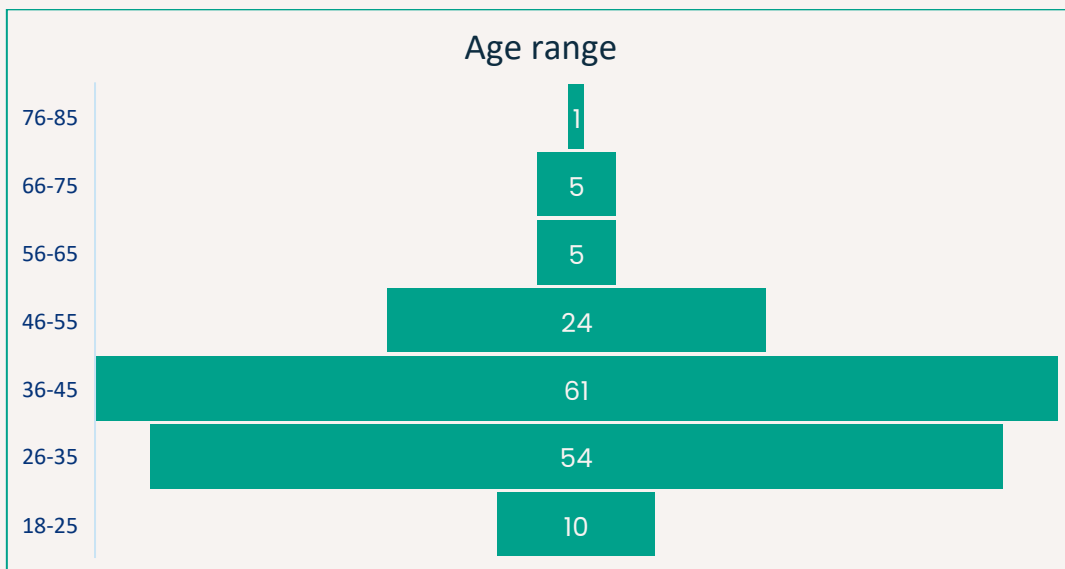


Figure 1: Age range of people detained at YHIDC, 6 June 2024 [Source: Department of Home Affairs]

The length of time spent in detention ranged from six days to 4,726 days (nearly 13 years). Of the 160 people in detention on 6 June 2024, 61 (38.12%) had been in detention

for less than one year. Seventy-three people (45.62%) had been in detention for one to 5 years, and 26 (16.25%) had been in for between 6 and 10 years. Three individuals had been in detention at YHIDC for more than 10 years. This length of time is unacceptable. The Commonwealth Ombudsman and Commonwealth NPM have repeatedly made recommendations about reducing the amount of time people remain in immigration detention.

People who had their visa cancelled under section 501 of the *Migration Act 1958* (based on character grounds) made up 61% of those held at VIDC. People who over-stayed in Australia after their visa had expired made up 8%. Unauthorised maritime arrivals (UMAs) were 19% of the population and visa cancellations (for reasons other than character) made up 9% of the centre's population. The remaining population consisted of people who had arrived by air without prior immigration approval and seaport arrivals.

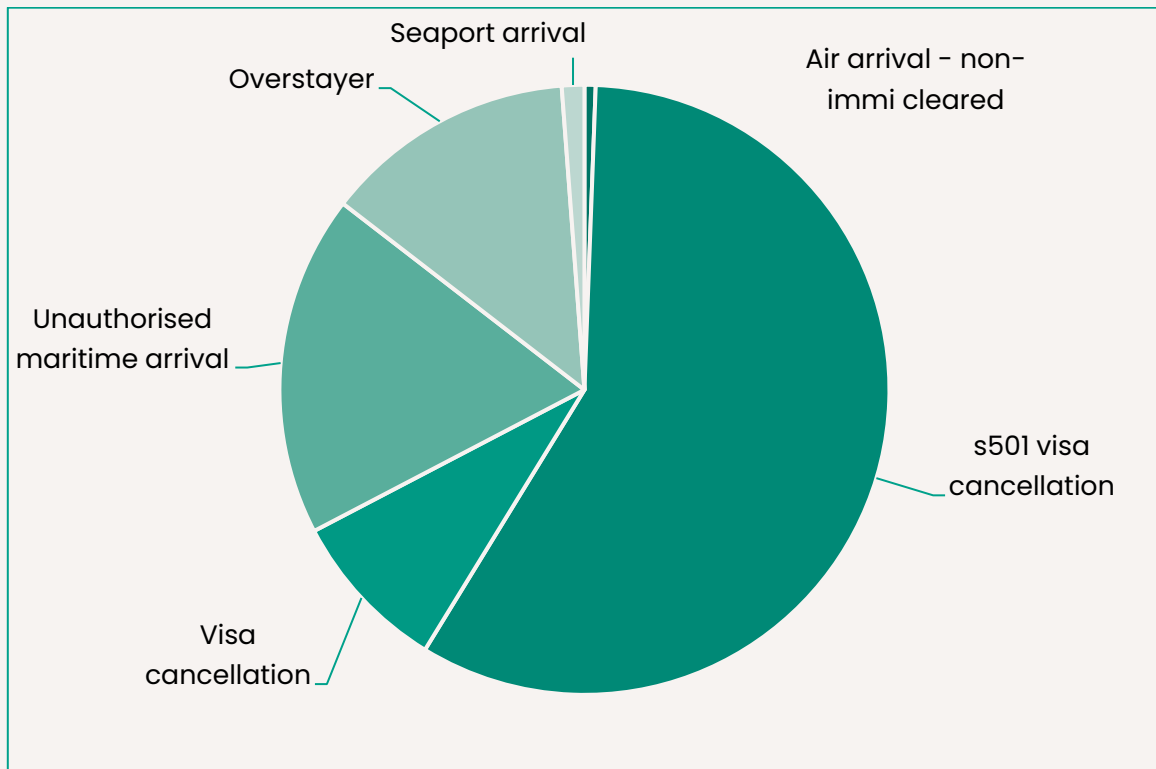


Figure 2: Reason for detention: YHIDC population, 6 June 2023 [Source: Department of Home Affairs]

# Observations

## Progress against previous recommendations

Following the Commonwealth NPM visit in 2023, **2 recommendations and 3 suggestions** were made to improve the operations of the YHDIC. These recommendations and suggestions and the observed progress against them are as follows:

Suggestion	Progress
<p><b>Recommendation 1:</b> The ABF should end its national COVID-19 restrictions across the immigration detention network (IDN) to align with current community and international practice.</p>	<p><b>Accepted. Partially implemented.</b> The majority of COVID-19 restrictions had been lifted at YHIDC and across the IDN, returning to pre-COVID rules. However, quarantine remains (although it has been reduced).</p>
<p><b>Recommendation 2:</b> The ABF should consider ways to improve access to fresh air and exercise for those held in the HCA.</p>	<p><b>Accepted. Partially implemented.</b> We were informed that people can be taken outside in the HCA for fresh air and exercise. However, it is not a suitable space for outdoor activity.</p>
<p><b>Suggestion 1:</b> Consider alternative solutions to address the challenges facing the existing Hawk and Falcon demountable buildings without impacting the rights and movement of people in detention.</p>	<p><b>Accepted. Not yet implemented.</b> We were informed at our 2024 visit that they have been given budget funding for works that will address this suggestion and it is in the planning stage.</p>



<p><b>Suggestion 2:</b> With due regard for the need to maintain manageable populations across the IDN, the ABF should consider reviewing its definition of ‘critical family’ in order to minimise the impact of separating people in detention from their family and social supports.</p>	<p><b>Accepted. Partially implemented.</b> The population across the Immigration Detention Network (IDN) has decreased allowing for a number of detainees to be transferred closer to their families, however, there are still a number of detainees at YHIDC who are separated from their families and social supports due to the continued limitations of the ABF’s definition of ‘critical family’.</p>
<p><b>Suggestion 3:</b> The ABF should develop comprehensive procedural guidance relating to the accommodation, welfare, security, and management of transgender individuals in detention, noting the requirements outlined in Australian and international best practice guidance.</p>	<p><b>Not accepted.</b> The Department did not accept this suggestion and responded “noting that while the ABF does not have specific policies for transgender detainees held in the IDN, the ABF endorses a person-centred approach with each detainee having an ongoing management plan tailored to support individual circumstances and needs. All aspects of care and management for detainees, inclusive of those with diverse gender identities, are carefully considered utilising a collaborative stakeholder approach to identify and address specific requirements and vulnerabilities.” No further action was taken.</p>

## Governance

### Positive working relationships

As at previous visits, we found there continues to be strong stakeholder relationships between ABF, Serco and IHMS with open communication and information sharing. All of the staff we engaged with reported that they had positive relationships with the other stakeholders. Staff also reported that local law enforcement were responsive and have a positive and appropriate working relationship with the facility.



OPCAT Monitors observed numerous meetings during the week involving ABF, Serco, and IHMS working collaboratively, with free-flowing information sharing and sound knowledge on the topics and individuals discussed.

## Limitations of search and seizure powers

The current search and seizure powers contained in the *Migration Act 1958* limit searches so that a person cannot be searched if they are simply suspected of carrying drugs. Staff can only search someone if they have reasonable suspicion that they are carrying a weapon or tool of escape. The powers do not extend to prohibited items such as narcotics or illicit substances.

Facility staff and people in detention reported concerns with the presence of illicit substances and their concerns for safety, stating that it often leads to aggressive behaviour and an increase in unplanned use of force.

As we identified in our two most recent Annual Reports<sup>1</sup>, the current powers are not satisfactory to sufficiently manage the illicit substances throughout the immigration detention network.

We acknowledge that since our visit, it has been announced that the Australian Government will introduce legislation to boost search and seizure powers in immigration detention centres. We look forward to being consulted on this draft legislation.

[Government announcement regarding detention centre search powers.](#)

**Comment 1:** There is a need for improved search and seizure powers within detention centres, to decrease the movement and use of illicit substances. I note the Australian Government announced its intention to introduce legislation that will have this effect.

## Safety

### Unregulated 'soft room'

We observed a room within the High Care Accommodation (HCA) containing just a single vinyl covered foam couch chair. A typical HCA room has a fixed bed, toilet, shower and sink. However, this room was bare other than the chair, four walls and a

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<sup>1</sup> [Access All Areas: Monitoring Places of Detention 2022-23](#), [Monitoring Commonwealth Places of Detention 1 July 2021 – 30 June 2022](#)

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door. We were informed that this room, referred to as the “soft room” is used for detained persons only in exceptional circumstances and when there is a real risk of self-harm or damage to the other HCA rooms by a detained person. We were informed that while the room did not contain any toileting or bathroom facilities, a detained person would not remain in the soft room for more than a few hours, and they would always have a Serco officer remaining with them. They may or may not be restrained mechanically or physically.

The soft room lacks the basic amenities required to hold an individual for any length of time, including a toilet, sink and running water. In our view it meets the definition of a dry cell, the use of which is prohibited in the Immigration Detention Network.



Soft room picture taken during previous visit of 2023.

There are no policies telling staff how the soft room should or should not be used. Staff are not required to report on the use of the soft room. They are not required to notify anyone when it is used and they are not required to notify anyone about the detained person while they remain in the soft room. Without appropriate guidelines, practices and procedures in place, there is a risk the soft room could be used inappropriately.

For example, depending on how long a person remains in the soft room, use of the room could be equated with separate confinement. The use of separate confinement must be strictly regulated with specific guidelines, policies, and procedures that have appropriate safeguards, including limiting the amount of time in confinement to at least mitigate its negative effects. Measures should be taken to ensure the material conditions in separate confinement are equivalent to conditions within the rest of the

facility. People held in separate confinement should be seen by medical personnel at least once a day.

When detained persons are placed in any other HCA room in the facility, staff must follow a series of checks and balances. Responding officers must request and justify placement of the person in HCA based on the situation at hand. Approval must be granted by the facility's ABF Detention Superintendent, who is further required to consult IHMS on the physical and mental health of the detainee in question. The same checks and balances should be mandatory if YHIDC intends to continue to use the soft room.

In our 2021-22 Annual Report, we made comment on the undocumented use of 'Property Rooms' being used in a similar fashion – ostensibly used as 'cool down rooms' – a room to place a person in detention after they have been removed from an incident to give them time to calm down. It is disappointing to see the same kind of undocumented use of separate confinement in the detention network.



### Recommendation 1

The Department cease the use of the soft room until such time as appropriate guidelines, practices, and procedures, including notification procedures, are developed, and implemented, to ensure the safety and wellbeing of the detained persons while held in the soft room.

## Respect

### Communication initiatives are positive but need improvement.

In the general compounds at YHIDC, ABF officers have implemented an initiative called the "shop front," where ABF officers make themselves available at a set time weekly for an hour for detainee engagement. This is a positive and well received initiative. However, the people detained in the high security complex (HSC) do not have access to this.

We were informed that ABF officers do walk through the HSC to engage when they have the time, however, never on a set basis. If the people detained in HSC are sleeping, at appointments or busy with other activities at the time, they miss the opportunity for this communication.



## Recommendation 2

The Department provide equitable access to communication and information sharing opportunities with detainees throughout all compounds in the detention centre, to ensure that it provides all detainee compounds with clear and current information in a timely manner.

## Wellbeing and Social Care

### The use of High Care Accommodation (HCA) for quarantine

The HCA is used for quarantine purposes on initial entry for people being detained. The health assessment and clearances can usually be completed in 24–48 hours, except for Friday arrivals. If a person arrives on a Friday, they may remain in HCA quarantine for up to 4 days as no services are available to complete the health induction process over the weekend and public holidays. HCA is under constant CCTV monitoring, which is intended to keep people safe if they are required to be placed under close supervision. This level of monitoring is not required for most people in detention and thus poses an imposition on their privacy.

The current use of HCA for quarantine can be improved by having appropriate staff available over weekends to complete the assessments required to clear quarantine or utilising the alternative options available such as the health care accommodation rooms.



## Recommendation 3

The Department consider alternative accommodations (where available) to the High Care Accommodation (HCA) for quarantine and other non-HCA reasons when the time exceeds 24 hours.

# Physical and Mental Health

## General Health Services

The IHMS Access to Care Policy requires the standard of services provided by IHMS to be consistent with the Australian Public Health System and services are provided only when clinically required. We observed the health facilities at YHIDC and spoke with a detained person about their experiences with healthcare at the facility. We identified there is a gap as health assessments cannot be done over the weekend and there was a lack of clarity around the access to medication after midday on Saturdays when there is no medical staff or nurse available onsite.

Detained persons described mixed experiences to us regarding the healthcare within the centre. However, there was a general consensus amongst the detained persons we spoke with that there are good mental health counselling services available and a good health facility, yet staff retention seemed to remain an issue. We are aware that a new provider will be commencing in December 2024 to provide health services across the onshore detention network. We will monitor the transition.

**Comment 2:** We will monitor the transition to, and services provided by, the new detention health services provider who commences in December 2024.

## A Remote Location Impacting Mental Health

YHIDC is isolated, it is in a remote location, with limited public transport options to Northam from Perth and no public transport to the centre itself, that is seven kilometres away from Northam station. This further limits detained persons contact with family and social supports, and is especially limiting on visiting and support access to those detainees that have been moved from their home state, impacting on the psychological wellbeing and mental health of some detainees. Several of the detainees expressed feeling that they are in a situation of hopelessness and feeling “depressed”.

## Purposeful Activity

### Limited access to the facilities, programs, and activities in the high security complex

The age-appropriate programs and activities and the purpose-built facilities at YHDC are among the best across the immigration detention network and are overall well utilised by the people detained there. People have told us they particularly enjoy the cooking classes in the large kitchen room and the woodwork and leather work classes available in the trades workshop.

People housed in the high security complex (HSC) have restricted movement. They are, for the most part, confined to the compound other than 1 hour at 6am and one or two hours at 4:30pm where they can access the outdoor recreation area, called the Greenheart, which contains some gardens, soccer and basketball facilities and gym equipment. During this period, the computer precinct is also accessible, however the other facilities such as the kitchen/cooking classes, trades workshop, tailor shop, and classrooms are not available.

Structured activities for the HSC are only available for up to 3 hours a day, within the compound only. This is a limited offering compared to what is available to the general compounds. For some of the HSC compounds, the structured activities are only run if they are initiated or requested by the detainees and this may not always be accommodated. This is not equitable access to purposeful programs and activities and may have an impact on the detainee's wellbeing and mental health.



#### Recommendation 4

The Department provide equitable access to purposeful programs and activities and facilities to individuals detained in the high security complex.

# Methodology

The primary function of an NPM is visiting places of detention.

The Commonwealth NPM visits places of detention to:

- Monitor the treatment of people in detention and the conditions of their detention.
- Identify any systemic issues where there is a risk of torture or ill-treatment.
- Make recommendations, suggestions, or comments promoting systemic improvement.

The Commonwealth NPM conducts three types of visits: announced, unannounced, and semi-announced. The type, location, and timing of each visit is determined by the Commonwealth NPM alone.

Each place of detention is assessed in terms of its performance based on the management and conditions for people in detention. We assess these against the five indicators of a healthy detention facility, adapted from those used by other international and domestic visiting bodies.

The five indicators of a healthy centre are:<sup>2</sup>

<b>Safety</b>	People in detention are held in safety and that consideration is given to the use of force and disciplinary procedures as a last resort.
<b>Respect</b>	People in detention are treated with respect for their human dignity and the circumstances of their detention.
<b>Purposeful activity</b>	The detention facility encourages activities and provides facilities to preserve and promote the mental and physical well-being of people in detention.
<b>Well-being and social care</b>	People in detention are able to maintain contact with family and friends, support groups, and legal representatives, and have a right to make a request or complaint.
<b>Physical and mental health</b>	People in detention have access to appropriate medical care equivalent to that available within the community. Stakeholders work collaboratively to improve general and individual health conditions for people in detention

<sup>2</sup> These indicators have been adapted from expectations used by international and domestic inspectorates.



This report is based on:

- Document review: prior to the visit, numerous documents were received from ABF as part of a formal document request. These included copies of administrative records and decisions, operational procedures, and population data.
- CCTV footage review.
- Interviews and discussions with staff.
- Interviews and discussions with people in detention.
- The observations of the visiting OPCAT Monitors.

During the visit, OPCAT Monitors met with the following staff at YHIDC:

- the ABF Acting Superintendent
- the Serco General Manager
- the Acting IHMS Manager
- senior members of ABF staff
- senior members of Serco staff.

As the team moved about the facility, they spoke with whichever staff they encountered, including numerous Serco Detention Service Officers (DSOs) and members of the Emergency response Team (ERT).

The team also spoke with many people in detention, during site walkthroughs, and visits to each of YHIDC's compounds.

# Mandate

The *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (OPCAT) is an international human rights treaty designed to strengthen protections for people deprived of their liberty.

OPCAT does not create new rights for people who are detained, rather it seeks to reduce the likelihood of mistreatment. OPCAT combines monitoring at an international level (by the Subcommittee for the Prevention of Torture) and by National Preventive Mechanisms (NPMs) at a domestic level.

NPMs are independent visiting bodies, established in accordance with OPCAT, to examine the treatment of persons deprived of their liberty, with a view to strengthening their protection against torture and other cruel, inhuman, or degrading treatment or punishment.

An NPM is not an investigative body. The mandate of an NPM differs from other bodies working against torture in its preventive approach: it seeks to identify patterns and detect systemic risks of torture, rather than investigating or resolving complaints concerning torture or ill-treatment. A separate team within the Office of the Commonwealth Ombudsman, outside the NPM, receives and considers complaints from people in detention.

In July 2018, the Australian Government announced the Commonwealth Ombudsman as the visiting body for Commonwealth places of detention (the Commonwealth NPM). At present, the Commonwealth NPM visits places of detention run by:

- the Department of Home Affairs
- the Australian Federal Police
- the Australian Defence Force.



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EC24-006468

Mr Iain Anderson  
Commonwealth Ombudsman  
Office of the Commonwealth Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Dear Mr <sup>Iain</sup>Anderson

Thank you for providing the *National Preventive Mechanism's (NPM) Post Visit Summary of its visit to the Yongah Hill Immigration Detention Centre (YHIDC)* in June 2024. I appreciate the opportunity to review the report and respond to its recommendations.

The Department values the NPM's oversight of immigration detention as part of its function under the *Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*. The Department did not identify any omissions, errors of fact, or operationally sensitive matters in the report. The Department has agreed or partially agreed all of the recommendations. A response to each recommendation is attached.

Should your staff wish to discuss any aspects of the response, they may contact [REDACTED]

Alternatively, you are welcome to contact me directly.

Yours sincerely

[REDACTED]  
Stephanie Foster PSM

13 December 2024

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Attachment A

**Recommendation 1:**

**The Department cease the use of the soft room until such time as appropriate guidelines, practices, and procedures, including notification procedures, are developed and implemented, to ensure the safety and wellbeing of the detained persons while held in the soft room.**

The Department **partially agrees** to Recommendation 1.

To achieve a consistent approach and appropriate governance across the Immigration Detention Network (IDN), the Department is developing appropriate procedural guidelines, compliance and reporting. The Department will share the guidelines with the Commonwealth Ombudsman in Quarter four, FY2024-25.

The Department is not in a position to completely cease the use of the soft room during the development of the guidelines. The capability is an essential short term transition space between general accommodation and high care accommodation (HCA). Soft rooms are only used in exceptional circumstances where a detainee may pose a risk to themselves or the good order of the centre and de-escalation is necessary. To mitigate the risks identified in the report the Department will immediately ensure that soft rooms are used as 'transitory spaces' in accordance with the conditions set out in the Commander's decision record 2024 (previously provided to the Office); that is, the soft room is to be used for the shortest period of time, under open door arrangements, with access to amenities and constant service provider oversight of a detainee.

**Recommendation 2:**

**The Department provide equitable access to communication and information sharing with detainees throughout all compounds in the detention centre, to ensure that it provides all detainee compounds with clear and current information in a timely manner.**

The Department **agrees** with Recommendation 2.

The Department is evaluating the effectiveness of communication through various channels, including working collectively with key detention stakeholders and with detainees, through the Detainee Consultative Committee, to ensure updated communication and messages are relayed in a timely manner throughout all compounds, and positive or negative responses/feedback are monitored and/or actioned accordingly.

In addition, all detainees have access to departmental officers (ABF, Status Resolution and Removals) at a mutually agreeable time by submitting a Detainee Request Form. On matters relating to welfare, garrison or health, service provider staff provide up to date communication as required through displays or notice boards in common areas or clinics within the facility. This is monitored by the ABF service delivery teams on a regular basis.

**Recommendation 3:**

**The Department consider alternative accommodations (where available) to the High Care Accommodation (HCA) for quarantine and other non-HCA reasons when the time exceeds 24 hours.**

The Department **agrees** with recommendation 3.

The Department is currently reviewing the operational quarantine arrangements and will advise the Commonwealth Ombudsman of the outcome of the review in Q3 FY2024-25. In addition, the new Health and Wellbeing Services contract transitions on 10 December 2024, and will include a 24x7 Registered Nurse (RN) on site at every facility, including a 24x7 Virtual Care Centre (VCC) that will support the RN overnight and the clinical teams on the ground during the day. This will support the appropriate use of HCA over the weekend and will enable timely assessment required to clear quarantine.

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The measures above will be complemented with facility based governance meetings such as morning stakeholder meetings where these cases can be discussed.

**Recommendation 4:**

**The Department provide equitable access to purposeful programs and activities and facilities to individuals detained in the high security complex.**

The Department **partially agrees** with Recommendation 4.

The Department is not able to provide full access to the facility programs and activities schedule for individuals in the high security complex, due to the safety and security risks that these detainees can pose. At present, detainees in the high security complex are able to access a modified programs and activities schedule, such as brain games, with graduated access to the facility programs and activities schedule to access general woodwork and cooking classes commensurate to the safety risks posed.

The Department will work with the new service provider and with the NPM to improve access to purposeful programs and activities to individuals in the high security complex while mitigating the operational risks these detainees can pose.

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