

Commonwealth High Risk Terrorist Offender Regime

FEDERATION FUNDING AGREEMENT – AFFORDABLE HOUSING, COMMUNITY SERVICES AND OTHER

Table 1: Formalities and operation of schedule													
Parties	The Commonwealth The State of Victoria												
Duration	1 July 2022 to 30 June 2023												
Purpose	<p>This Schedule supports the delivery of services by Victoria for the High Risk Terrorist Offender (HRTO) Regime under Division 105A of the Commonwealth Criminal Code, including the Continuing Detention Order (CDO) scheme and the Extended Supervision Order (ESO) scheme. The services may include but are not limited to:</p> <ul style="list-style-type: none"> a) preparatory work required to support evidence collection and arrangements for applications made under Division 105A and related proceedings; b) provision of information in relation to HRTO-eligible offenders; c) support and implementation of risk management assessments and frameworks for CDO offenders; d) housing for offenders on CDOs and Interim Detention Orders (IDO); e) support for ESO scheme implementation and governance; and f) assistance with compliance with any orders made under Division 105A. 												
Estimated financial contributions	<p>The Commonwealth will provide an estimated total financial contribution to Victoria of up to \$4.455 million in 2022-23 in respect of this Schedule.</p> <table border="1"> <thead> <tr> <th>(\$ million)</th> <th>2022-23</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Estimated total budget</td> <td>\$4.455</td> <td>\$4.455</td> </tr> <tr> <td>Less estimated National Partnership Payments</td> <td>\$4.455</td> <td>\$4.455</td> </tr> <tr> <td>Balance of non-Commonwealth contributions</td> <td>\$0</td> <td>\$0</td> </tr> </tbody> </table> <p>The services delivered by Victoria to support the HRTO Regime under Division 105A of the Commonwealth Criminal Code are expected to extend beyond 30 June 2023. The Parties acknowledge that future funding arrangements beyond 30 June 2023 will be as agreed by the Parties.</p>	(\$ million)	2022-23	Total	Estimated total budget	\$4.455	\$4.455	Less estimated National Partnership Payments	\$4.455	\$4.455	Balance of non-Commonwealth contributions	\$0	\$0
(\$ million)	2022-23	Total											
Estimated total budget	\$4.455	\$4.455											
Less estimated National Partnership Payments	\$4.455	\$4.455											
Balance of non-Commonwealth contributions	\$0	\$0											
Additional terms	<p><i>Contingent payments</i></p> <p>Payments for Outputs 2A and 2B in Table 2 of this Schedule are contingent. Victoria cannot claim payments for both outputs A and B in the same quarter, nor can the responsible Minister seek to re-allocate these payments to other outputs.</p> <p>Outputs 3 and 4 in Table 2 of this Schedule are also contingent services. If one or both outputs are not met within a reporting period, the responsible Victorian</p>												

Table 1: Formalities and operation of schedule

ministers may seek agreement from the responsible Commonwealth Minister(s), through an exchange of letters, to redirect the unused funding to another output identified in Table 2 of this Schedule.

Additional outputs

Additional outputs not currently listed in Table 2 may be agreed by the responsible Commonwealth and Victorian ministers to re-allocate unused funding.

Milestone reports

Victoria will submit a minimum of two bi-annual milestone reports. Victoria may submit quarterly milestone reports if necessary.

Payments for part-period activities

Where Victoria's activities against performance milestones for outputs apply to part of a bi-annual period of the financial year, Victoria is eligible to claim payment for the entire quarter in which the part period achievement is completed.

Quarter 1: 1 July – 30 September

Quarter 2: 1 October – 31 December

Quarter 3: 1 January – 31 March

Quarter 4: 1 April – 30 June.

Table 2: Performance requirements, reporting and payment summary

Outputs	Performance milestones	Report due	Payment (2022-23 FY)
EVIDENCE COLLECTION AND LEGAL SUPPORT			
<p>1A. Support evidence collection and arrangements for the Commonwealth's consideration, preparation and development of applications made under Division 105A and related proceedings in relation to high risk terrorist offenders.</p>	<p>Activities undertaken under Output 1A relate to support for the pre-assessment and assessment of individuals for consideration of a CDO or ESO. These activities occur whether an application is made or not.</p> <ul style="list-style-type: none"> a) document collection and analysis: <ul style="list-style-type: none"> i. review and coordinate all requests for information from the Commonwealth relating to a HRTO-eligible offender; or ii. liaise with all relevant Victorian agencies to procure documents, reports, records, and other materials to support an application under Division 105A and related proceedings. b) document redaction and provision to the Commonwealth: <ul style="list-style-type: none"> i. coordinate and undertake required redactions of all relevant documents; or ii. perform all other related functions associated with the redaction, production, and sharing of documents with the Commonwealth with respect to CDO or ESO matters. c) enduring engagement with the Commonwealth in relation to an application made under Division 105A and related proceedings: <ul style="list-style-type: none"> i. support the development and establishment and review of HRTO-related documents, arrangements and agreements as required; or ii. proactively engage with HRTO Regime governance processes as required. d) intelligence and risk assessments: <ul style="list-style-type: none"> i. conduct risk assessments of eligible offenders and prepare risk assessment reports; or ii. procure and analyse intelligence information in respect of eligible offenders and prepare intelligence products to assist the risk assessment process. 	<p>Bi-annual</p>	<p>\$189,584 quarterly (a maximum of \$758,336 in 2022-23)</p>

Table 2: Performance requirements, reporting and payment summary			
Outputs	Performance milestones	Report due	Payment (2022-23 FY)
1B. Provide specialist legal support associated with the Commonwealth's consideration, preparation and development of applications under Division 105A and related proceedings and management of these orders in relation to high risk terrorist offenders.	Activities carried out under Output 1B relate to specialist legal work associated with supporting an application made under Division 105A and related proceedings and/or management of CDO offenders, including through court processes.		
	<ul style="list-style-type: none"> a) prepare affidavits and other evidence in support of court applications and attendance at court hearings as required; or b) acquire ad-hoc legal services as necessary to support applications under Division 105A and related proceedings and CDO management. 	Bi-annual	\$81,520 quarterly (a maximum of \$326,080 in 2022-23)
ACCOMMODATION SUPPORT			
Payment may only be claimed against ONE output in this section within the same reporting period.			
2A. Housing a terrorist offender subject to an IDO or CDO	<p>Activities carried out under Output 2A relate to the provision of management and accommodation for an offender subject to a CDO or IDO. The maximum recoupable cost in 2022-23 under milestone 2A is \$2,428,260.</p> <p>Piper Unit (or equivalent) staff costs</p> <p>In calculating a milestone payment for the salaries of Piper Unit (or equivalent) staff costs, the cost to the Commonwealth will be determined as agreed staff costs multiplied by the ratio of Commonwealth CDO/IDO offenders divided by the total offenders housed in the facility (including state-based offenders). Costs to the Commonwealth for Piper Unit staff costs at Output 2A will be settled in arrears. Maximum agreed staff costs per Commonwealth offender housed are to be as follows:</p> <ul style="list-style-type: none"> • if one offender is housed in the Piper Unit (or equivalent): \$344,368 per quarter (a maximum of \$1,377,472 in 2022-23). • if two offenders are housed in the Piper Unit (or equivalent): \$557,553 per quarter (a maximum of \$2,230,212 in 2022-23). <p>CDO management costs includes, but are not limited to, the costs of sentence management, Major Offender and CV Intelligence Unit staff, training, programs, services and bed costs. These will be paid by the Commonwealth in full on a per CDO offender basis.</p> <ul style="list-style-type: none"> • If one offender is subject to a CDO: \$262,697. per quarter (a maximum of \$1,050,788 in 2022-23) • If two offenders are subject to a CDO: \$291,916 per quarter (a maximum of \$1,167,664 in 2022-23). 		

Table 2: Performance requirements, reporting and payment summary

Outputs	Performance milestones	Report due	Payment (2022-23 FY)
	<p>a) accommodate a terrorist offender/s on an IDO or CDO from 1 July 2022 to 30 June 2023 in accordance with Division 105A of the <i>Criminal Code Act 1995</i> (Cth), relevant Victorian legislation, and the terms of any relevant agreements and arrangements in force;</p> <p>b) manage an offender/s in accordance with relevant detention management frameworks and implementation plans; and</p> <p>c) provide all information required in accordance with agreements/arrangements in place and/or as reasonably requested in relation to an offender/s.</p>	Bi-annual	Up to \$607,065 quarterly (a maximum of \$2,428,260 in 2022-23)
<p>2B. CDO housing readiness</p>	<p>Activities carried out under Output 2B relate to the maintenance of capabilities/staff required to maintain CDO housing readiness including the salaries of Piper Unit staff costs and CDO management costs (excluding bed costs and brokerage). The maximum recoupable cost in 2022-23 under milestone 2B is \$2,241,076.</p> <p>Payments for the Piper Unit (or equivalent) staff component will be determined in arrears. Calculation of payment assumes one nominal CDO offender as a ratio to the total number of offenders housed in the facility (state and nominal CDO). The cost to the Commonwealth will be determined as [agreed staff costs] divided by the total offenders housed in the facility.</p> <p>Piper Unit maximum staffing costs:</p> <ul style="list-style-type: none"> \$344,368 per quarter (a maximum of \$1,377,472 in 2022-23). <p>CDO management costs includes, but are not limited to, the costs of sentence management, Major Offender and CV Intelligence Unit staff, training, programs. These will be paid by the Commonwealth in full on a per CDO offender basis.</p> <ul style="list-style-type: none"> \$215,901 per quarter (a maximum of \$863,604 in 2022-23) 		
	<p>a) maintain the operational staff (including specialists) required to accommodate and manage an offender subject to a CDO/IDO; and</p> <p>b) provide operational support to activities at Output 1A as required, including intelligence and other operational corrections reporting required to support applications made under Division 105A.</p>	Bi-annual	Up to \$560,269 quarterly (a maximum of \$2,241,076 in 2022-23)

Table 2: Performance requirements, reporting and payment summary			
Outputs	Performance milestones	Report due	Payment (2022-23 FY)
CASE MANAGEMENT SUPPORT			
3. Complex CDO/IDO management costs	Activities carried out under Output 3 relate to the complex management needs of individuals subject to a CDO or IDO.		
	One or more of the following: <ul style="list-style-type: none"> a) review and assess risk and needs of individuals subject to a current CDO/IDO and staff overseeing management of an offender/s subject to a CDO/IDO that may sit outside the available programs, supports and services available within existing funding. This may include: re-fitting accommodation units to meet mobility needs, securing additional staff or training of existing staff to support daily personal care and specialised health or mental health services. b) where supports or services for individuals subject to a CDO/IDO or staff overseeing a CDO/IDO offender/s may be required, and where they sit outside available supports, programs, and services, Victoria would explore services and supports and engage an external service provider. 	Bi-annual	Up to \$50,950 quarterly (a maximum of \$203,800 in 2022-23)
PROGRAM MANAGEMENT SUPPORT			
4. Support for ESO establishment and governance	Activities carried out under Output 4 relate to the ongoing implementation of the ESO Regime and associated governance mechanisms.		
	a) support the ESO operating model through identification of jurisdictional specific services, information and intelligence sharing, membership on governance bodies, recruitment, training and any other relevant support for case management roles.	Bi-annual	\$146,817 quarterly (a maximum of \$587,268 in 2022-23)

Table 2: Performance requirements, reporting and payment summary			
Outputs	Performance milestones	Report due	Payment (2022-23 FY)
5. Violent Extremism Disengagement Program delivery	Activities carried out under Output 5 relate to the delivery of Victoria's Violent Extremism Disengagement Program and associated capability requirements.		
	One or more of the following activities: <ul style="list-style-type: none"> a) facilitate referrals to dedicated violent extremism disengagement programs for the purpose of assessing whether an offender is suitable for participation in the program. b) facilitate the delivery of violent extremism disengagement programs (dependent on capability, the outcomes of the assessment of suitability referred to above, and the willingness of the offender to participate voluntarily). c) maintain the operational staff (including specialists) and capability within violent extremism disengagement programs to assess offenders and deliver program services, where an offender is deemed suitable for participation. 	Bi-annual	\$37,915 quarterly (a maximum of \$151,660 in 2022-23)

The Parties have confirmed their commitment to this Schedule as follows:

Signed for and on behalf of the Commonwealth of Australia by:



The Honourable Clare O'Neil MP
Minister for the Department of Home Affairs

15 / 11 / 2023

Signed for and on behalf of the State of Victoria by:



The Honourable Enver Erdogan MLC
Minister for Corrections

15 / 11 / 2023