

ASSISTANCE TO DELIVER HIGH PRIORITY REQUESTS FOR INFORMATION UNDER THE COMMUNITY SAFETY ORDER SCHEME

FEDERATION FUNDING AGREEMENT – AFFORDABLE HOUSING, COMMUNITY SERVICES AND OTHER

Table 1: Formalities and operation of schedule	
Parties	Commonwealth Australia Capital Territory (ACT)
Duration	This Schedule is expected to expire on 30 June 2025.
Purpose	<p>This Schedule will support the ACT to respond to the high-priority Requests for Information (RFIs) from the Commonwealth by the Immigration Minister and the Department of Home Affairs, made since December 2023. These RFIs will support the consideration and application for Community Safety Detention Orders (CSDOs) or Community Safety Supervision Orders (CSSOs) for high-priority NZYQ-affected individuals under the Community Safety Order (CSO) scheme under Division 395 of the <i>Criminal Code (Cth)</i>.</p> <p>This Schedule and payment is a one-off arrangement between the Commonwealth and the ACT to assist in expedited and comprehensive responses to the high-priority RFIs for the identified individuals in the NZYQ cohort. The Commonwealth will support the ACT for the margin of additional administrative and resource burden incurred for the purpose of expedited responses to RFIs. This agreement does not establish precedent for ongoing Commonwealth support for the CSO scheme.</p>

<p>Estimated financial contributions</p>	<p>The Commonwealth will provide an estimated total financial contribution to the ACT of \$1,000 in respect of this Schedule.</p> <hr/> <p>Table 1</p> <table border="1" data-bbox="389 309 1436 613"> <thead> <tr> <th></th> <th style="text-align: right;">2024-25</th> <th style="text-align: right;">Total</th> </tr> </thead> <tbody> <tr> <td>Estimated total budget</td> <td style="text-align: right;">1,000</td> <td style="text-align: right;">1,000</td> </tr> <tr> <td><i>Less estimated National Partnership Payments</i></td> <td style="text-align: right;">0.0</td> <td style="text-align: right;">0.0</td> </tr> <tr> <td>- Australian Capital Territory</td> <td style="text-align: right;">1,000</td> <td style="text-align: right;">1,000</td> </tr> <tr> <td>Balance of non-Commonwealth contributions</td> <td style="text-align: right;">0.0</td> <td style="text-align: right;">0.0</td> </tr> </tbody> </table> <hr/> <p>The Commonwealth will provide a maximum total financial contribution based on the actual costs incurred by ACT subject to a soft cap and national cap in responding to RFIs as requested by the Commonwealth for the purposes of Division 395 of the <i>Criminal Code (Cth)</i>.</p>		2024-25	Total	Estimated total budget	1,000	1,000	<i>Less estimated National Partnership Payments</i>	0.0	0.0	- Australian Capital Territory	1,000	1,000	Balance of non-Commonwealth contributions	0.0	0.0
	2024-25	Total														
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<p>Additional terms</p>	<p><i>Reporting</i></p> <p>Table 2 below provides the estimated payment (known as the soft cap amount) to ACT for delivery of the RFIs under this schedule.</p> <p>Where a state or territory's (state) actual costs exceeds their soft cap amount, the state will be eligible for a top up payment from the national residual pool for the difference between these two figures.</p> <p>The national residual pool is the funding amount available for distribution from the Commonwealth's total committed funding of \$1.0 million (known as the national cap) <i>less</i> the sum of payments made to states up to their soft cap amount under each of bilateral schedule supporting RFIs under the CSO scheme.</p> <p>Where the national residual pool is less than the sum of all eligible states' actual costs that exceed the sum of their soft cap amounts, the Commonwealth will determine the state's top up payment amount according to the following formula:</p> $\text{State top up payment} = \frac{\text{national residual pool} \times (\text{eligible state's actual cost amount that exceeds its soft cap})}{\text{sum of all eligible states' actual costs that exceed the sum of their soft cap amounts}}$															

Table 2: Performance requirements, reporting and payment summary

Output	Performance milestones	Report due	Payment
<p>Review and coordinate RFIs from the Department of Home Affairs or Immigration Minister relating to Commonwealth-identified high-priority NZYQ-cohort individual/s.</p>	<p>Performance report on period 11 December 2023 through 30 June 2024, reporting against the following minimum requirements:</p> <ul style="list-style-type: none"> • Number of RFIs processed for Commonwealth-identified high-priority clients • Number of RFIs returned to Home Affairs within requested time frame • Number of RFI responses where no material was returned • A breakdown of services delivered and related costs in respect to the Commonwealth identified high-priority NZYQ cases 	<p>31/08/2024</p>	<p>Payment is based on the actual costs incurred by ACT as reported in the performance report and is estimated to be \$1,000. This estimate is ACT's soft cap amount for payment.</p>
<p>Procure and prepare relevant documents and intelligence to support applications under the CSO scheme prior to providing documents to the Commonwealth.</p>	<p>Milestone reports will be verified by the CSO Taskforce before payment is processed.</p>		<p>See Additional Terms in Table 1 for eligibility for a top payment from the national residual pool.</p>

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

Signed for and on behalf of the Commonwealth
of Australia by

Signed for and on behalf of the
Australian Capital Territory by



The Honourable Tony Burke MP
Minister for Home Affairs, Minister for Immigration
and Multicultural Affairs, Minister for Cyber Security

21/8/2024



The Honourable Andrew Barr MLA
Chief Minister for the ACT

29/8/2024