

Commonwealth High Risk Terrorist Offender Regime

FEDERATION FUNDING AGREEMENT – AFFORDABLE HOUSING,
COMMUNITY SERVICES AND OTHER

Table 1: Formalities and operation of schedule

Parties	Commonwealth The State of Victoria (Victoria)																			
Duration	1 July 2023 to 30 June 2025. This Schedule is expected to expire on 30 June 2025.																			
Purpose	<p>This Schedule supports the delivery of services by state and territory agencies for the High Risk Terrorist Offender (HRTTO) regime under Division 105A of the Commonwealth Criminal Code Act (1995) (the Criminal Code), including the Continuing Detention Order (CDO) scheme and the Extended Supervision Order (ESO) scheme. This regime will continue to protect the Australian community from the threats posed by eligible high risk terrorist offenders. The services may include but are not limited to:</p> <ul style="list-style-type: none">a) preparatory work required to support the evidence collection and arrangements for post-sentence order applications under Division 105A and related proceedings;b) provision of information in relation to HRTTO-eligible offenders;c) support and implementation of risk management assessments and frameworks for CDO and ESO terrorist offenders;d) housing for terrorist offenders on CDOs and Interim Detention Orders (IDO);e) support for ESO scheme implementation and governance; andf) assistance with case management and compliance of any orders made under Division 105A. <p>HRTTO regime services delivered under Division 105A may commence up to two years prior to an eligible high risk terrorist offender's custodial sentence period ending. Funding under the FFA is for the identification, assessment of and provision to the Commonwealth of relevant information that is collected by state and territory agencies in the ordinary course of business. That information is requested (by the Commonwealth pursuant to Division 105A) approximately 24 months before an eligible terrorist offender's custodial sentence ends. Those information requests will seek any relevant information whether it is generated prior or during that 24-month window. Funding under this FFA is to support broader implementation of the HRTTO regime, including accommodation management for individuals subject to a CDO.</p>																			
Estimated financial contributions	<p>The Commonwealth will provide an estimated total financial contribution to the States of \$9.386 million in respect of this Schedule.</p> <table><tr><td>Table 1</td><td>2023-24</td><td>2024-25</td><td>Total</td></tr><tr><td>Estimated total budget</td><td>\$4,628,449</td><td>\$4,757,787</td><td>\$9,386,236</td></tr><tr><td><i>Less estimated National Partnership Payments</i></td><td>\$0</td><td>\$9,386,236</td><td>\$9,386,236</td></tr><tr><td>Balance of non-Commonwealth contributions</td><td>\$0</td><td>\$0</td><td>\$0</td></tr></table> <p>Note: The services delivered by the States to support the HRTTO Regime under Division 105A of the Criminal Code are expected to extend beyond 30 June 2025. The Parties acknowledge that future funding arrangements beyond 30 June 2025 will be as agreed by the Parties, subject to Government decision.</p>				Table 1	2023-24	2024-25	Total	Estimated total budget	\$4,628,449	\$4,757,787	\$9,386,236	<i>Less estimated National Partnership Payments</i>	\$0	\$9,386,236	\$9,386,236	Balance of non-Commonwealth contributions	\$0	\$0	\$0
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Additional terms	<p><i>Funding arrangements 2025-26 onwards</i></p> <p>This FFA does not set precedence for future funding arrangements between the Commonwealth and relevant states for the HRTO regime.</p> <p><i>Reporting</i></p> <p>Milestone reports will provide a quarterly breakdown of services delivered.</p> <p>States will be required to submit a minimum of one milestone report per financial year. If preferred, states may submit milestone reports on a quarterly, biannual or annual basis.</p> <p><i>Payments</i></p> <p>Parties to this agreement must not request funding from alternate Commonwealth programs or commercial contract in relation to outputs already funded under this FFA.</p> <p><i>Payment Dates</i></p> <p>On verification of milestone reports, payments are made through the Department of the Treasury through the Federal Payments Management System through monthly payment runs.</p> <p><i>Additional outputs</i></p> <p>Additional outputs not currently listed in the below Tables may be agreed by the responsible Ministers, through an exchange of letters, to re-allocate unused funding.</p>
Definitions	<p><i>HRTO-eligible offender</i></p> <p>A convicted 'terrorist offender' as defined in subsection 105A.2(1) of the <i>Criminal Code</i>, where the Commonwealth is actively considering them for a post-sentence order.</p> <p><i>Division 105A purposes</i></p> <p>Tasks completed for a HRTO-eligible offender at the request of the Commonwealth administered by the AFP Minister, including but not limited to provision of information in relation to HRTO-eligible offenders and implementation of post-sentence orders (including interim post-sentence orders).</p> <p><i>Post Sentence Order (PSO)</i></p> <p>A continuing detention order or an extended supervision order may be made under section 105A.7 or 105A.7A of the <i>Criminal Code</i> in relation to a person (terrorist offender) if they are detained in custody serving a sentence of imprisonment for a specified offence, and the Court is satisfied to a high degree of probability (CDO) or on the balance of probabilities (ESO), on the basis of admissible evidence, that the terrorist offender poses an unacceptable risk of committing a serious Part 5.3 offence.</p> <p><i>Interim Post Sentence Order (IPSO)</i></p> <p>An interim detention order or an interim supervision order as defined in section 105A.2 of the <i>Criminal Code</i>.</p> <p><i>Continuing Detention Order (CDO)</i></p> <p>An order made under subsection 105A.7(1) of the <i>Criminal Code</i> which commits a high risk terrorist offender to detention beyond the expiry of their sentence, for a maximum of 3 years. To be made in the last 6 months of a terrorist offender's sentence.</p> <p><i>Interim Detention Order (IDO)</i></p> <p>An order made under subsection 105A.9(2) of the <i>Criminal Code</i>. Made if the high risk terrorist offender's sentence, or existing CDO, will expire before proceedings for a CDO are determined and the matter alleged in the CDO application would, if proved, justify making a CDO. May last up to 28 days and may be renewed up to a maximum period totaling 3 months.</p>

	<p><i>Extended Supervision Order (ESO)</i></p> <p>An order made under subsection 105A.7A(1) of the Criminal Code to impose on the high risk terrorist offender, for the period the order is in force, conditions contravention of which is an offence, for a maximum of 3 years. ESO direct that a range of supervision, monitoring and management conditions are imposed on a high risk offender at the end of their sentence.</p> <p><i>Interim Supervision Order (ISO)</i></p> <p>An order made under subsection 105A.9A(4) of the Criminal Code. Made if the high risk terrorist offender's current custody or supervision will expire before proceedings for an ESO are determined and the matter alleged in the application would, if proved, justify making an ESO. May last up to 28 days and may be renewed up to a maximum period totaling 3 months.</p> <p><i>Housing Agreements</i></p> <p>Housing agreements outline the provisions under which a state will manage and detain high risk terrorist offenders subject to an IDO/CDO.</p> <p><i>Contingency payments</i></p> <p>Payments for Output 2 and Output 3 in Table 3 of this Schedule are contingent. Victoria cannot claim payments for both Outputs 2 and 3 in the same quarter, nor can the responsible Minister seek to re-allocate these payments to other outputs.</p>
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Table 2: Victoria – Performance requirements, reporting and payment summary

Output	Performance milestones	Report due	Payment
<p>1. EVIDENCE COLLECTION AND LEGAL SUPPORT</p> <p>Information requests and evidence collection associated with the Commonwealth's consideration, preparation and development of Post-Sentence Order (PSO) applications, including the periodic review of Post-Sentence Orders, made under Division 105A of the Criminal Code and related proceedings and implementation of these orders.</p>	<p>Support evidence collection for the Commonwealth's consideration, preparation and development of Post Sentence Order (PSO) applications and periodic reviews of PSO as requested by the Attorney-General's Department, made under Division 105A of the <i>Criminal Code Act 1995</i> (Cth) (the Criminal Code). Evidence collection and legal support activities include:</p> <ul style="list-style-type: none"> a) document collection and analysis relating to a HRT0-eligible offender under Division 105A purposes, including but not limited to: <ul style="list-style-type: none"> i. review and coordinate all requests for information from the Commonwealth; ii. liaise with the Commonwealth to negotiate the scope and timeframe of requests for information; iii. liaise with all relevant State agencies to procure documents, reports, records, and other materials to support a PSO application or a periodic review of a PSO under Division 105A and related proceedings; and iv. perform all other related functions associated with the production and sharing of documents with the Commonwealth with respect to PSO matters. b) provide intelligence information in relation to HRT0-eligible offenders under Division 105A; and c) provide legal support in relation to jurisdiction's information holdings to facilitate PSO applications made under Division 105A, including but not limited to: <ul style="list-style-type: none"> i. prepare affidavits and other evidence and provide attendance at court hearings as required; ii. coordinate and undertake required redactions of all relevant documents; and iii. acquire ad-hoc legal services as necessary to support applications and related proceedings. d) Attendance and participation at Commonwealth governance fora. 	<p>Quarterly, biannual or annual (minimum of one report per financial year)</p>	<p>\$362,102 quarterly (a maximum of \$1,448,409 in 2023-24)</p> <p>\$370,040 quarterly (a maximum of \$1,480,162 in 2024-25)</p>

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<p>2. ACCOMMODATION SUPPORT</p> <p>Housing a terrorist offender subject to a Continuing Detention Order (CDO) or Interim Detention Order (IDO) under Division 105A of the Criminal Code.</p>	<p>PAYMENT MAY ONLY BE CLAIMED UNDER EITHER OUTPUT 2 OR OUTPUT 3 WITHIN THE SAME QUARTER.</p> <p>The management and provision of accommodation for a terrorist offender subject to a CDO or IDO under Division 105A of the Criminal Code. The maximum recoupable cost in 2023-25 under milestone 2 is \$5.046m.</p> <p>Piper Unit (or equivalent) staff</p> <p>In calculating the milestone 2 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 not subject to the HRTD regime). Costs to the Commonwealth for Piper Unit staff costs at Output 2A will be settled in arrears. Maximum agreed staff costs per Commonwealth terrorist offender housed are as follows:</p> <ul style="list-style-type: none"> if one offender is housed in the Piper Unit (or equivalent): \$362,052.75 per quarter (a maximum of \$2,860,513 in 2023-25) <p>CDO management costs includes, but are not limited to, the costs of 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 basis.</p> <ul style="list-style-type: none"> if one offender is subject to a CDO: \$276,604 per quarter (a maximum of \$2,185,679 in 2023-25) <p>Accommodation support includes:</p> <ol style="list-style-type: none"> accommodate a terrorist offender subject to a CDO or IDO from 1 July 2023-30 June 2025 in accordance with Division 105A of the Criminal Code, relevant Victorian legislation, and the terms of any relevant agreements and arrangements in force; manage a terrorist offender in accordance with relevant state and Commonwealth legislation, relevant detention management frameworks and implementation plans; and provide all information in accordance with agreements and arrangements in place and/or in relation to a terrorist offender in support of Division 105A purposes. 	<p>Quarterly, biannual or annual (minimum of one report per financial year)</p>	<p>\$622,891 quarterly (a maximum of \$2,491,566 in 2023-24)</p> <p>\$638,656 quarterly (a maximum of \$2,554,624 in 2024-25)</p>
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<p>3. CDO HOUSING READINESS</p>	<p>PAYMENT MAY ONLY BE CLAIMED UNDER EITHER OUTPUT 2 OR OUTPUT 3 WITHIN THE SAME QUARTER.</p> <p>Maintain capabilities and staff required to maintain CDO/IDO housing readiness including the salaries of the Piper Unit staff and CDO management costs (excluding bed costs and brokerage). The maximum recoupable cost in 2023-25 under milestone 3 is \$4.655m.</p> <p>CDO Management costs includes, but are not limited to, the costs of Major Offender and CV Intelligence Unit staff, training, programs. These will be paid on a per CDO offender basis.</p> <ul style="list-style-type: none"> a) Maintain the operational staff (including specialists) required to accommodate and manage a terrorist offender subject to a CDO/IDO; and b) Provide operational support as required, including intelligence and other operational corrections reporting required to support applications made under Division 105A. <p>Piper Unit (or equivalent) staff</p> <p>Payments for the Piper Unit (or equivalent) staff component will be settled in arrears.</p> <p>In calculating the milestone 3 payment for the salaries of Piper Unit (or equivalent) staff costs, the cost to the Commonwealth will be determined as follows:</p> <ul style="list-style-type: none"> a) if no terrorist offenders are housed in the Piper Unit (or equivalent) for the full quarter: the calculation of payment assumes a ratio of one nominal CDO offender to one nominal state-based offender. 	<p>Quarterly, biannual or annual (minimum of one report per financial year)</p>	<p>\$574,565 quarterly (a maximum of \$2,298,262 for 2023-24)</p> <p>\$589,309 quarterly (a maximum of \$2,357,237 for 2024-25)</p>
<p>4. CDO/IDO CASE MANAGEMENT SUPPORT AND COMPLIANCE</p> <p>Complex case management for terrorist offenders subject to a CDO/IDO under Division 105A of the Criminal Code.</p>	<p>Provision of complex case management for a terrorist offender subject to a CDO/IDO under Division 105A of the Criminal Code. Case management support activities for offenders include one or more of the following:</p> <ul style="list-style-type: none"> a) review and assess risk and needs of terrorist offenders subject to a CDO/IDO that may sit outside the available programs, supports and services. This may include: <ul style="list-style-type: none"> i. re-fitting accommodation units to meet mobility needs, ii. securing additional staff or training of existing staff to support daily personal care and specialised health; and iii. mental health services. b) engage external services, supports or service providers to deliver required supports or services, for terrorist offenders subject to a CDO/IDO, that are not captured within existing services. 	<p>Quarterly, biannual or annual (minimum of one report per financial year)</p>	<p>\$51,918 quarterly (a maximum of \$207,672 in 2023-24)</p> <p>\$52,904 quarterly (a maximum of \$211,617 in 2024-25)</p>

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<p>5. SUPPORT TO AGD CASE MANAGEMENT FUNCTION</p> <p>Provision of support, advice and training as required to support AGD's case management function relating to an offender under a PSO or an interim-PSO.</p>	<p>Provision of advice, support and training as required to support AGD's case management function relating to an offender under a PSO or an interim-PSO including but not limited to:</p> <ul style="list-style-type: none"> a) advising on services available such as: <ul style="list-style-type: none"> i. Drug and alcohol counselling services ii. Employment services iii. Housing services (government or non-government) iv. Mental health services (psychiatric/psychological/generalised counselling) v. Medical services vi. Family and community services b) supporting information sharing with AGD including: <ul style="list-style-type: none"> i. Consultation on strategies to best engage with an individual to address their risks and needs. c) advising AGD on training opportunities for case managers and enabling access to relevant training for case managers. 	<p>Quarterly, biannual or annual (minimum of one report per financial year)</p>	<p>\$64,592 quarterly (a maximum of \$258,370 in 2023-24)</p> <p>\$66,678 quarterly (a maximum of \$266,712 in 2024-25)</p>
<p>6. CVE DISENGAGEMENT PROGRAMS</p> <p>Provision of Countering Violent Extremism Disengagement programs</p>	<p>Delivery of Victoria's CVE Disengagement Program and associated capability requirements.</p> <p>One or more of the following activities:</p> <ul style="list-style-type: none"> a) facilitate referrals to dedicated violent extremism disengagement programs for the purpose of assessing whether a terrorist 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 terrorist offender to participate voluntarily). c) maintain the operational staff (including specialists) and capability within violent extremism disengagement programs to assess terrorist offenders and deliver program services, where a terrorist offender is deemed suitable for participation. 	<p>Quarterly, biannual or annual (minimum of one report per financial year)</p>	<p>\$222,432 in 2023-24</p> <p>\$244,672 in 2024-25</p>

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

Signed for and on behalf of the Commonwealth
of Australia by

A blue ink signature of Tony Burke, written in a cursive style.

The Honourable Tony Burke MP
Minister for Home Affairs
Minister for the Arts
Minister for Cyber Security
Minister for Immigration and Multicultural Affairs
Leader of the House

Signed for and on behalf of the State of
Victoria by

A blue ink signature of Enver Erdogan, written in a cursive style.

The Honourable Enver Erdogan MLC
Minister for Corrections

30 January 2025