Schedule

Commonwealth High Risk Terrorist Offender Regime

FEDERATION FUNDING AGREEMENT – AFFORDABLE HOUSING, COMMUNITY SERVICES AND OTHER

Table 1: Formalities and operation of schedule	
Parties	Commonwealth of Australia (Commonwealth) The State of New South Wales (NSW)
Duration	This Schedule is expected to expire on 30 June 2026.
Purpose	This Federation Funding Agreement supports the delivery of services by New South Wales for Part 5.3 Orders under the *Criminal Code Act 1995* (Cth) (the **Criminal Code**), for eligible convicted terrorist offenders as per Division 105A of the Criminal Code; who are being actively considered, and/or are subject to a Part 5.3 Orders(**Services**). These Services, as part of a nationally consistent approach, will continue to protect the Australian community from the threats posed by High Risk Terrorist Offender-eligible offenders and may include but are not limited to: a) preparatory work required to support the evidence collection and arrangements for applications made under Part 5.3 of the Criminal Code for High Risk Terrorist Offender-eligible offenders and related proceedings; b) provision of information in relation to High Risk Terrorist Offender-eligible offenders; c) support and implementation of risk management assessments and frameworks for High Risk Terrorist Offender-eligible offenders; d) supervision and housing for High Risk Terrorist Offender-eligible offenders; who are subject to specific post-sentence orders under Part 5.3 of the Criminal Code; e) support the implementation and governance of orders made under Part 5.3 of the Criminal Code, where carried out by New South Wales; and f) assistance with case management and compliance of orders made under Part 5.3 of the Criminal Code for High Risk Terrorist Offender-eligible offenders. Services delivered under Part 5.3 of the Criminal Code may commence up to two years prior to a High Risk Terrorist Offender-eligible offender's custodial sentence period ending. Funding under this Federation Funding Agreement is to support broader implementation of the High Risk Terrorist Offender Regime, including accommodation management and housing readiness for individuals subject to a Continuing Detention Order; case management support; and evidence collection and legal support. The identification, assessment of, and provisioning to the Commonwealth, of relevant information that is collected by state and territory agencies in the ordinary course of business is information that is requested approximately 24 months before a High Risk Terrorist Offender-eligible's custodial sentence ends. The information requests will seek any relevant information generated prior or during that 24-month window.

Estimated financial contributions	The Commonwealth will provide an estimated total financial contribution to New South Wales of $9,331,034.00 in respect of this Schedule. The profile for the total financial contribution is presented in Table 1.
Additional terms	Funding arrangements 2027-28 onwards This Federation Funding Agreement does not set precedence for future funding arrangements, including cost sharing, between the Commonwealth and New South Wales for the High Risk Terrorist Offender regime or management of High Risk Terrorist Offenders under the Criminal Code. Reporting New South Wales will submit a milestone report by 1 September 2026 for services delivered in 2025-26. Payments New South Wales must not request funding from alternate Commonwealth programs or commercial contracts in relation to outputs already funded under this Federation Funding Agreement. Payment Dates Upon signing of the Federation Funding Agreement, a 50 per-cent payment of the overall funding will be made with the final payment of the remaining 50 per-cent to be made upon verification of the milestone report. Payments will be managed through the Department of the Treasury via the Federal Payments Management System and the monthly payment runs.

Table 1.1: Financial contributions to the state						
($)	2025-26	2026-27	2027-28	2028-29	2029-30	Total
Estimated total budget	9,331,034.00	0	0	0	0	9,331,034.00
Less estimated National Partnership Payments						
- NSW	9,331,034.00	0	0	0	0	9,331.034.00
Balance of non-Commonwealth contributions	0	0	0	0	0	0

Note: The services delivered by the States to support the management of High Risk Terrorist Offender-eligible offenders under part 5.3 of the Criminal Code are expected to extend beyond 30 June 2026. The Parties acknowledge that future funding arrangements beyond 30 June 2026 will be as agreed by the Parties, subject to Government decision.

Table 2: Performance requirements, reporting and payment summary			
Output (delete if the schedule has one output only)	**Performance milestones**	**Report due**	**Payment**
NA	NA	Upon signing FFA	$4,665,517.00
Per noted in table 3	Commonwealth acceptance of milestone report that satisfy the performance requirement outlined in table 3	1 Sep 2026	$4,665,517.00

Table 3: Performance requirements summary

Output	Performance milestones
1. **EVIDENCE COLLECTION AND LEGAL SUPPORT** *Requests for information and evidence collection associated with the offender; for the Commonwealth's consideration and inclusion in the preparation and development of Part 5.3 order applications. This includes the periodic review of such orders (where required), made under Part 5.3 of the Criminal Code and related proceedings and implementation of these orders*	Provide support in evidence collection for the Commonwealth's consideration and inclusion, preparation and development of applications for Part 5.3 orders and periodic reviews of such orders (where required), as requested by the Commonwealth in relation to High Risk Terrorist Offender-eligible offenders. Evidence collection and legal support activities include: a) document collection and analysis relating to a High Risk Terrorist Offender-eligible offender for Part 5.3 High Risk Terrorist Offender purposes, including but not limited to: i. review and coordination of all requests for information from the Commonwealth; ii. liaising with the Commonwealth to negotiate the scope and timeframe of requests for information; iii. liaising with all relevant State agencies to procure documents, reports, records, and other materials to support a Part 5.3 Order application or a periodic review of a Part 5.3 Order (where required) and related proceedings; and iv. performing all other related functions associated with the production and sharing of documents with the Commonwealth with respect to Part 5.3 matters for High Risk Terrorist Offender-eligible offenders. b) the conducting of risk assessments of High Risk Terrorist Offender-eligible offenders and preparation of risk assessment reports where requested under Division 105A; c) provide intelligence information in relation to High Risk Terrorist Offender-eligible offenders under Division 105A, or in accordance with information sharing arrangements that have been agreed in writing with the Commonwealth; and d) provide legal support in relation to jurisdiction's information holdings to facilitate Part 5.3 Order applications made in relation to High Risk Terrorist Offender-eligible offenders, including but not limited to: i. preparation of affidavits and other evidence and provide attendance at court hearings as required; ii. coordination and undertaking required redactions of all relevant documents; and iii. acquisition of ad-hoc legal services as necessary to support applications and related proceedings. e) Attendance and participation at Commonwealth governance fora.

2. ACCOMMODATION SUPPORT *Housing a terrorist offender subject to a Continuing Detention Order or Interim Detention Order under Division 105A of the Criminal Code.*	The management and provision of accommodation for a High Risk Terrorist Offender-eligible offender subject to a Continuing Detention Order or Interim Detention Order under Division 105A of the Criminal Code. Continuing Detention Order management costs include, but are not limited to: a) specialist staff; b) training; c) programs; d) services; and e) bed costs. Accommodation support includes: a) accommodating a terrorist offender subject to a Continuing Detention Order or Interim Detention Order in accordance with Division 105A of the Criminal Code, relevant State legislation, and the terms of any relevant agreements and arrangements in force; b) managing a High Risk Terrorist Offender-eligible offender in accordance with relevant state and Commonwealth legislation, relevant detention management frameworks and implementation plans; c) reviewing and assess risking and requirements for a High Risk Terrorist Offender-eligible offender subject to a Continuing Detention Order or Interim Detention Order that may sit outside the available programs, supports and services, in accordance with relevant state and Commonwealth legislation and policies and procedures; and d) provide all information in accordance with agreements and arrangement in place and/or in relation to a High Risk Terrorist Offender eligible offender in support of Division 105A purposes.
3. CASE MANAGEMENT, SUPPORT AND COMPLIANCE *Provision of case management for High Risk Terrorist Offender-eligible offenders subject supervision under a Part 5.3 order.*	Provision of case management of a High Risk Terrorist Offender-eligible offender subject to supervision under a Part 5.3 Order. Case management activities for High Risk Terrorist Offender-eligible offenders may include one or more of the following: a) supporting the implementation of case management through the provision of Community Corrections therapeutic case management, including supervision of intervention strategies from a therapeutic perspective for terrorist offenders, including but not limited to: i. drug and alcohol testing;

	ii. taking reasonable steps to enable attendance at court ordered-support services, including health, employment and intervention programs; and iii. liaising with third-party providers and NDIS as required. b) in accordance with arrangements and agreements in place and/or as reasonably requested, provision of information obtained or created for the purpose of fulfilling New South Wales's case management functions, including but is not limited to: i. incident notification; ii. compliance/non-compliance with conditions of a Part 5.3 Order; and iii. any reports relating to the circumstances and behaviors of a terrorist offender subject to supervision under a Part 5.3 Order.

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

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

The Honourable Tony Burke MP
Minister for Home Affairs
Minister for Immigration and Citizenship
Minister for Cyber Security
4 / 6 /2026

Signed *for and on behalf of the State of New South Wales by*

The Honourable Chris Minns MP
Premier of New South Wales
29 / 6 /2026

Appendix A: Definitions

Definitions	*High Risk Terrorist Offender-eligible offender* A convicted 'terrorist offender' as defined in subsection 105A.2(1) of the *Criminal Code*, where the Commonwealth is actively considering them for a post-sentence order or Control Order. *Part 5.3 High Risk Terrorist Offender purposes* Tasks completed for a High Risk Terrorist Offender-eligible offender at the request of the Commonwealth, including but not limited to provision of information in relation to High Risk Terrorist Offender-eligible offender and implementation of post-sentence orders (including interim post-sentence orders). *Part 5.3 Orders* An order is made under Part 5.3 of the *Criminal Code* in relation to a High Risk Terrorist Offender-eligible offender. *Post Sentence Order* A Continuing Detention Order or an Extended Supervision Order may be made under section 105A.7 or 105A.7A of the Criminal Code 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 (Continuing Detention Order) or on the balance of probabilities (Extended Supervision Order), on the basis of admissible evidence, that the terrorist offender poses an unacceptable risk of committing a serious Part 5.3 offence. *Interim Detention Order* An order made under subsection 105A.9(2) of the Criminal Code. Made if the high risk terrorist offender's sentence, or existing Continuing Detention Order, will expire before proceedings for a Continuing Detention Order are determined and the matter alleged in the Continuing Detention Order application would, if proved, justify making a Continuing Detention Order. May last up to 28 days and may be renewed up to a maximum period totaling three months. *Continuing Detention Order* An order made under subsection 105A.7(1) of the *Criminal Code* which commits a High Risk Terrorist Offender to detention beyond the expiry of their sentence, for a maximum of three years. To be made in the last six months of a terrorist offender's sentence. *Interim Supervision Order* 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

	Extended Supervision Order are determined and the matter alleged in the application would, if proved, justify making an Extended Supervision Order. May last up to 28 days and may be renewed up to a maximum period totaling three months. *Extended Supervision Order* 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. Extended Supervision Order directs that a range of supervision, monitoring and management conditions are imposed on a high risk offender at the end of their sentence. *Interim Control Orders* In relation to High Risk Terrorist Offender-eligible offenders, an Interim Control Order may be made under section 104.4 of the Criminal Code in relation to a person (terrorist offender) if they are detained in custody and the court is satisfied on the balance of probabilities that making the order would substantially assist in preventing a further act or offence (section 104.4(1)(c)). The Interim Control Order must specify a day on which the person may attend the court for the court to confirm (with or without variation) the Interim Control Order, void the Interim Control Order or revoke the Interim Control Order (section 104.5(1)(e). *Confirmed Control Orders* An order made by the Federal court under s104.14 of the Criminal Code confirming the Interim Control Order and continuing to impose conditions on a High Risk Terrorist Offender-eligible offender. Contravention of a Confirmed Control Order is punishable by a maximum penalty of five years imprisonment. *Housing Agreements* Housing agreements outline the provisions under which a state will manage and detain High Risk Terrorist Offenders subject to an Interim or Continuing Detention Order.