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PARLIAMENTARY INQUIRY QUESTION TAKEN ON NOTICE:

Parliamentary Joint Committee on Intelligence and Security

15 March 2019

QoN Number: CTLA/015

Subject: High Risk Terrorist Offenders Scheme

Asked

Question Submitted by: The Hon Mark Dreyfus QC, MP

Question:

Mr DREYFUS: I want to leap ahead to the continuing detention order regime. This is a matter that the committee considered in a very lengthy previous hearing when the committee recommended unanimously to the parliament that the continuing detention order regime be legislated. It's now in place. It hasn't applied as yet to any prisoner in an Australian jail, but sometime in the next few years it will. Is the department in a position to provide the committee with an update on continuing detention order arrangements, most particularly about two questions which exercised this committee at the time we were last reviewing this legislation? You may not be able to do it now, but, if not, take it on notice.

The first is about accommodation arrangements, and by that I'm referring to the evidence that this committee took previously, which was that there weren't any accommodation arrangements available in Australian jails; there being no federal prisons in Australia, we have to rely on state authorities. You might be able to comment on that. And the second is about the current state of the expert knowledge, which went by the name of VERA-2. The committee was told that it was to be the basis of expert evidence to be given if any of these applications were to be brought. Can you tell me anything now? Take it on notice if you like.

Ms Galluccio: That's a matter for Home Affairs—they're the ones responsible.

Mr Rendina: Thank you, Mr Dreyfus. There is an update; some of it is classified. I'd prefer to take it on notice and provide you with something out of session.

Mr DREYFUS: Thank you. Is there anything that can be made publicly available for the assistance of the public in considering how this relatively novel regime is going to unfold, if and when it does?

Mr Rendina: I think this will answer part of your question: suffice to say that there has been a fair bit of work done, particularly in relation to training the experts in terms of what sorts of skill sets they need to make the assessments. That is being worked through and we've made progress since we've been before you previously. In terms of an update, we can provide you more in detail.

Mr DREYFUS: By all means take it on notice, but could you think of some way to put some of it in a form that's suitable for public use by the committee, possibly in this report that we're now considering—

Mr Rendina: Sure.

Mr DREYFUS: or at some other time? I expect that this committee will have to look at this continuing detention order regime for terrorist offenders on a continuing basis, novel as it is. It's not novel for sex offenders but it's novel for terrorist offenders.

Mr Rendina: It is, yes.

Mr DREYFUS: The more that you can keep us updated the more helpful it will be.

Mr Rendina: I think that's a reasonable request, and we'll work on something for the public.

Answer:

The Department of Home Affairs (the Department) continues to progress implementation of the HRTO scheme, including the development of expertise in, and implementation of, risk assessment tools, and negotiating arrangements for the detention of offenders subject to continuing detention orders (CDOs) under the scheme.

To date, no applications for CDOs have been made. The Department will ensure that relevant arrangements are in place before such an application is made.

Housing arrangements

The detention arrangements for HRTO offenders reflect complex and detailed consultations with a range of agencies, at both a state and Commonwealth level. The arrangements must implement the legislative requirement for these offenders to be housed separately and treated differently to sentenced prisoners (subject to certain exceptions), while respecting the well-established processes and procedures for managing inmates in each state and territory.

The Department is progressing arrangements with states housing eligible offenders, prioritised on the basis of when those offenders may be released.

Risk Assessment Tools

The Department is working to build the capacity of specialist staff across the Commonwealth, state and territory government within prisons, juvenile justice, law enforcement and countering violent extremism (CVE) intervention to conduct risk assessments of HRTO eligible offenders. Enhancing experts' knowledge and skills will support their ability to conduct accurate risk assessments of eligible HRTO offenders, assisting the court's consideration of any future CDO proceedings.

The Department has focused on training CVE practitioners on the use of the VERA-2R risk assessment tool, which is designed to assess the risks posed by terrorists and violent extremists. The Department will be facilitating awareness raising sessions on VERA-2R in 2019 to support individuals who need a working knowledge of the tool but do not need to use it on a regular basis, such as judges and magistrates.