



Australian Government
Department of Home Affairs

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Mr Peter Khalil MP
Chair
Parliamentary Joint Committee on Intelligence and Security
PO Box 6021
Parliament House
Canberra ACT 2600

Dear Chair

The Department of Home Affairs (the Department) appeared at the public hearing for the Parliamentary Joint Committee on Intelligence and Security Review of post-sentence terrorism orders: Division 105A of the *Criminal Code Act 1995* on 14 March 2024.

In my capacity as Deputy Secretary, National Security and Resilience Group, I gave evidence to the Committee and have reviewed the Hansard record. In relation to my testimony, I have become aware of the need to correct two responses I made to questions from the Committee.

The first reference for correction is on page 29 in response to the question from the Chair:

I am interested in not only your assessment of the VERA-2R and its efficacy but also what other assessment tools are used alongside it, and whether that in itself creates a fuller picture, if you like, in the assessment process, which maybe can mitigate the critiques or some of the weak spots that have been raised around the VERA-2R?

My response to the question was, "We would say that VERA-2R is just one of the instruments that is available for an expert to assess an offender's risk of committing that part 5.3A offence".

Subsequently I have been advised that this response is not an accurate reflection of the matter, and I am providing the following correction of evidence in response to this question:

We would say that VERA-2R is just one of the instruments that is available for an expert to assess an offender's risk of committing that part 5.3 offence.

The second reference for correction is on page 29 in response to the question from Mr Josh Wilson:

Is there anything else that we haven't been told about or haven't been provided with as we conduct this inquiry?

My response to the question was, "I am not aware of any particular reports or evidence that the committee would not be aware of. I think it's fair to say that the Department admits that it was a significant error not to provide the Corner report to various parties in relation to arrangements that were in train at the time, particularly around the Benbrika case. The report was commissioned in May 2018. It was received by the Department in May of 2020. It was provided to Mr Benbrika's legal team in, I think, November 2022".

Subsequently I have been advised that this response is not an accurate reflection of the matter and I am providing the following correction of evidence in response to this question:

There are a small number of reports relating to violent extremist risk assessment tools which have been provided to the courts in recent proceedings, and are currently subject of suppression orders of the court. I am aware of a new report commissioned by the Australian Institute of Criminology. This is currently in the publication process and we anticipate it will be made publicly available once it is

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published by the Australian Institute of Criminology. Other reports that the Department is aware of are in the public domain. I think it's fair to say that the Department admits that it was a significant error not to provide the Corner report to various parties in relation to arrangements that were in train at the time, particularly around the Benbrika case. The report was commissioned in May 2018. It was received by the Department in June of 2020. It was provided to Mr Benbrika's legal team in December 2022.

I appreciate the opportunity to provide this clarification, which will ensure that correct information has been provided to the Parliamentary Joint Committee on Intelligence and Security.

Yours sincerely



Nathan Smyth
Deputy Secretary
National Security and Resilience Group
Department of Home Affairs

6 May 2024