

EXPLANATORY STATEMENT

Select Legislative Instrument 2013 No. 174

Issued by the Authority of the Minister for Finance and Deregulation

Financial Management and Accountability Act 1997

*Financial Management and Accountability Amendment
Regulation 2013 (No. 5)*

The *Financial Management and Accountability Act 1997* (the FMA Act) provides a framework of rules for the proper management of public money and public property by Chief Executives and officials of FMA Act agencies. The FMA Act applies to Commonwealth Departments of State and their staff, parliamentary departments and their staff, and prescribed agencies.

Subsection 65(1) of the FMA Act provides that the Governor-General may make regulations prescribing matters required or permitted by that Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to that Act.

To respond to the High Court's decision in *Williams v Commonwealth* (2012) 288 ALR 410, the *Financial Framework Legislation Amendment Act (No. 3) 2012* established legislative authority in section 32B of the FMA Act for the Government to spend on the grants and programs listed in Schedule 1AA to the *Financial Management and Accountability Regulations 1997* (the Principal Regulations).

Schedule 1 to the Regulation amends the Principal Regulations to establish legislative authority in Schedule 1AA for the Government to spend on a range of new or existing activities across eight portfolios. Many of these activities were announced in the 2013-14 Budget. The spending activities are in the following portfolios:

- Agriculture, Fisheries and Forestry;
- Attorney-General's;
- Broadband, Communications and the Digital Economy;
- Education, Employment and Workplace Relations;
- Families, Housing, Community Services and Indigenous Affairs;
- Health and Ageing;
- Industry, Innovation, Climate Change, Science, Research and Tertiary Education; and
- Sustainability, Environment, Water, Population and Communities.

Section 5 of the FMA Act provides that, for the purposes of the FMA Act, a prescribed agency means a body, organisation or group of persons prescribed by the regulations for the purposes of that definition. Agencies are prescribed in Schedule 1 to the Principal Regulations.

Schedule 2 to the Regulation amends Schedule 1 to the Principal Regulations to prescribe a new agency for the purposes of the FMA Act. The agency is the Asbestos Safety and Eradication Agency which was established by the *Asbestos Safety and Eradication Agency*

Act 2013 from 1 July 2013. The Asbestos Safety and Eradication Agency will administer the national strategic plan to improve asbestos management and awareness in Australia.

Details of the Regulation are set out in the Attachment.

The Regulation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Schedule 1 to the Regulation commences on the day after registration on the Federal Register of Legislative Instruments. Schedule 2 to the Regulation commences on 1 August 2013.

Consultation

In accordance with section 17 of the *Legislative Instruments Act 2003*, consultation has taken place with the relevant Departments. The Australian Government Solicitor also provided advice on the amendments to Schedule 1AA to the Principal Regulations.

A regulation impact statement is not required as the Regulation only applies to FMA Act Agencies, and does not adversely affect the private sector.

Statement of Compatibility with Human Rights

The Regulation is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

The Regulation amends Schedule 1AA to the Principal Regulations to establish legislative authority for Government spending on a number of activities, including measures announced in the 2013-14 Budget. This is in response to the High Court's decision in *Williams v Commonwealth* in June 2012.

The spending activities specified in Schedule 1AA are the responsibility of the relevant Ministers who have portfolio responsibility for those matters.

Schedule 1 to the Principal Regulations prescribes agencies for the purposes of the FMA Act.

The Regulation adds the Asbestos Safety and Eradication Agency as a prescribed agency in Schedule 1 to the Principal Regulations. This agency will be subject to the requirements of the FMA Act. The agency is in the Education, Employment and Workplace Relations portfolio.

The Regulation does not limit any human rights, nor establish any new offences or penalties.

Details of the *Financial Management and Accountability Amendment Regulation 2013* (No. 5)

Section 1 – Name of Regulation

This section provides that the title of the Regulation is the *Financial Management and Accountability Amendment Regulation 2013* (No. 5).

Section 2 – Commencement

This section provides that the Schedules to the Regulation commence on two dates. Schedule 1 commences on the day after the Regulation is registered on the Federal Register of Legislative Instruments. Schedule 2 commences on 1 August 2013.

Section 3 – Authority

This section provides that the Regulation is made under the *Financial Management and Accountability Act 1997* (FMA Act).

Section 4 – Schedule(s)

This section provides that the *Financial Management and Accountability Regulations 1997* (the Principal Regulations) are amended as set out in Schedules 1 and 2 to the Regulation.

Schedule 1 – Amendments

Schedule 1 amends Schedule 1AA to the Principal Regulations to establish legislative authority for the Government to spend on the specified programs and activities in Schedule 1AA.

Item 1 – After item 401.023 of Schedule 1AA

This item establishes legislative authority for six new programs or spending activities of the Department of Agriculture, Fisheries and Forestry (DAFF) by adding six new items to Schedule 1AA to the Principal Regulations to establish legislative authority.

New **item 401.024** establishes legislative authority for the Government to fund the Asian Food Markets Research Fund, an initiative supporting the National Food Plan. The former Minister for Agriculture, Fisheries and Forestry, Senator the Hon Joe Ludwig, launched the National Food Plan on 25 May 2013.

The \$28.5 million Asian Food Markets Research Fund will provide grants for research and development projects to support agriculture and food industries to capitalise on commercial export opportunities provided by the increasing Asian food demand. Grants will be available from 2013-14 to 2016-17.

Grants will be administered over a number of funding rounds, and targeted to priority markets or sectors determined by the Minister for Agriculture, Fisheries and Forestry in consultation with industry and Australian government representatives based in key Asian markets. The decision-maker for grants under the Asian Food Markets Research Fund will be the Minister or his delegate.

The Asian Food Markets Research Fund will also fund research conducted by DAFF and the Australian Bureau of Agricultural and Resource Economics and Sciences. Research will focus on understanding future Asian food demand; and assessing future infrastructure needs and strategic market access opportunities to increase exports to Asia.

Payments will be made as part of ‘decisions taken but not yet announced’, described in the *Portfolio Budget Statements 2013-14, Budget Related Paper No. 1.1, Agriculture, Fisheries and Forestry Portfolio* at page 19.

New **item 401.025** establishes legislative authority for the Government to fund a Brand Australia Global Food Strategy, an initiative supporting the National Food Plan.

The \$2 million Brand Australia Global Food Strategy will develop a brand identity for Australia’s food industry. It will build on Australia’s clean and green reputation as a leader in the production of premium, safe and competitive food products; expand export opportunities; and position Australia to attract foreign investment in food innovation. The initiative will leverage and build on the knowledge and assets created under the Australian Government’s Australia Unlimited campaign.

The key features of the Strategy include:

- an international study to develop a clear understanding of how Australia’s food production and manufacturing industry is perceived internationally;
- creating a brand identity that represents Australian food industry as ambitious, confident and engaged;
- using existing Australia Unlimited digital channels to share content that demonstrates Australia’s expertise in food production;
- an international media tour to raise awareness of Australia’s food production, research and development and manufacturing capabilities;
- engagement with industry stakeholders in the development of the brand and to encourage take up of the brand through public education; and
- the brand being freely available to all food-related businesses.

Payments will be made as part of ‘decisions taken but not yet announced’, described in the *Portfolio Budget Statements 2013-14, Budget Related Paper No. 1.1, Agriculture, Fisheries and Forestry Portfolio* at page 19.

New **item 401.026** establishes legislative authority for the Government to fund ‘Food in the National Curriculum’, an initiative supporting the National Food Plan. The \$1.5 million initiative will create new food and agriculture related education resources linked to the Australian curriculum. Resources will cover primary and secondary subjects, including science, geography, technologies, health and physical education. The Department of Education, Employment and Workplace Relations (DEEWR) will lead this component.

The initiative will also fund professional development opportunities for primary and secondary teachers that build teacher knowledge and networks in the area of food and agriculture. This will maximise opportunities to teach children about food and agriculture through the Australian curriculum.

In addition, the initiative will fund career advice and resources, including through the use of electronic communication services, that help build young Australians' knowledge of food and agriculture and encourage interested students to consider the wide range of careers in the industry. DAFF will lead both these components.

Payment will be made by DAFF (\$1 million) and DEEWR (\$0.5 million) from 2012-13 appropriations as part of 'decisions taken but not yet announced', described in the *Portfolio Budget Statements 2013-14, Budget Related Paper No. 1.1, Agriculture, Fisheries, and Forestry Portfolio* at page 19.

New **item 401.027** establishes legislative authority for the Government to fund the Community Food Initiatives, an initiative supporting the National Food Plan.

The Community Food Initiatives program will provide funding of \$1.5 million in 2013-14 to provide small grants to support the establishment or improvement of community food initiatives such as farmers markets, food cooperatives, food hubs, community gardens, city farms and initiatives that will address food insecurity such as food rescue services. Many communities and community groups face barriers to the establishment and improvement of community food projects, especially in lower socio-economic areas. These grants will help reduce these barriers.

The objectives of the program are to:

- build social networks, community cohesion and resilience, and connect farmers and consumers;
- improve people's knowledge about food production and preparation to encourage the adoption of healthy diets; and
- help provide surplus safe and nutritious food to disadvantaged groups.

The Community Food Initiatives will be administered as a competitive grants program, with one round in 2013-14. The decision-maker for successful grants under the program will be the Minister or his delegate.

Payments will be made as part of 'decisions taken but not yet announced', described in the *Portfolio Budget Statements 2013-14, Budget Related Paper No. 1.1, Agriculture, Fisheries and Forestry Portfolio* at page 19.

New **item 401.028** establishes legislative authority for the Government to provide support for the forest industry. Funding of \$0.5 million will be provided to the Forest Stewardship Council of Australia to assist it to progress the development of a national certification standard for the forestry industry.

Payments will be made as part of Program 1.3 Forestry Industry, described in the *Portfolio Budget Statements 2013-14, Budget Related Paper No. 1.1, Agriculture, Fisheries and Forestry Portfolio* at page 38.

New **item 401.029** establishes legislative authority for the Government to provide grants of financial assistance to a State or the Northern Territory for the purposes of establishing and funding a scheme by which loans are provided to eligible farm businesses that are experiencing financial pressures.

The Commonwealth has allocated \$420 million to the Concessional Loans measure over 2013-14 and 2014-15 for grants of financial assistance to the States and the Northern Territory. These grants will be made on conditions imposed under section 32C of the FMA Act (terms and conditions for grants). The conditions imposed on the grants will establish the framework under which the States and the Northern Territory (or their delivery agencies) will be able to provide loans to eligible farm businesses.

Under this framework, loan guidelines will be publicly available. Prospective loan applicants will be able to use these guidelines to apply for a loan. Individual loan details will not be publicly available; however actual expenditure for the purposes of the grants of financial assistance will be publicly available.

It will be the responsibility of the delivery agencies in each jurisdiction to assess and make decisions about individual loan applications in accordance with the loan guidelines, on a case-by-case basis.

The spending activity will be part of 'Farm Finance – support for farmers' under Program 1.12 Rural Programs, described in the *Portfolio Budget Statements 2013–14, Budget Related Paper No. 1.1, Agriculture, Fisheries and Forestry Portfolio* at page 20.

Item 2 – After item 402.027 of Schedule 1AA

This item adds new **item 402.027A** to Schedule 1AA to the Principal Regulations for the Attorney-General's Department to establish legislative authority for the Government to make available *ex gratia* disaster recovery assistance to individuals as required. Following a major disaster, there may be situations where the unique recovery needs of the community are beyond the standard arrangements under the Natural Disaster Relief and Recovery Arrangements or normal provisions for Commonwealth-only payments such as the Australian Government Disaster Recovery Payment.

In such cases, either for onshore or offshore events, the Government may wish to provide *ex gratia* recovery assistance payments to meet a particular community recovery need. There are numerous examples of the provision of tailored *ex gratia* recovery assistance such as the assistance provided for funerals and memorials following the Victorian bushfires in 2009. Similarly, in the aftermath of the Bali and London bombings *ex gratia* assistance was provided to assist seriously injured Australians return home.

Item 3 – After item 402.028 of Schedule 1AA

This item adds a new spending activity to Schedule 1AA to the Principal Regulations for the Attorney-General's Department. New **item 402.029** establishes legislative authority for the Government to provide funding for certain legal support mechanisms relating to the Royal Commission into Institutional Responses to Child Sexual Abuse.

The support mechanisms will include:

- a legal financial assistance scheme under which the costs of legal representation of witnesses appearing before the Royal Commission will be met;
- payment of the expenses, including travel and attendance fees, for witnesses appearing before the Royal Commission; and
- the provision of legal advice services to people engaging, or seeking to engage, with the Royal Commission.

The Attorney-General's Department will administer these legal support mechanisms for people engaging with the Royal Commission and will administer payments for witness expenses under Regulation 7 of the *Royal Commission Regulations 2001*. The Department will also administer non-statutory grants for legal financial assistance for individuals called to appear as witnesses at a hearing of the Royal Commission. Legal financial assistance will cover reasonable costs for legal representation at hearings and associated costs.

People engaging, or seeking to engage with the Royal Commission will be able to access a free independent legal advice service being established by the Department. This will ensure that people can access the legal advice they need on various issues relating to the Royal Commission including legal implications of telling their story to the Royal Commission. Services will include a national phone based advice service, some face-to-face advice and referral to other services. The service will not provide representation at hearings. The service will work closely with other service providers including the Aboriginal and Torres Strait Islander Legal Services and non-legal support services funded by the Department of Families, Housing, Community Services and Indigenous Affairs.

Payments will be made as part of Program 1.3 Justice Services, described in the *Portfolio Budget Statements 2013-14, Budget Related Paper No. 1.2, Attorney-General's Portfolio* at page 28.

Item 4 – After item 405.011 of Schedule 1AA

This item establishes legislative authority for four new programs or spending activities of the Department of Broadband, Communications and the Digital Economy (DBCDE) by adding four items to Schedule 1AA to the Principal Regulations.

New **item 405.012** establishes legislative authority for the Government to develop and promote the use of guidance materials to assist businesses to take advantage of the digital economy and the National Broadband Network (NBN) opportunities Australia-wide.

Competitive grant funding will be provided to national industry peak bodies. Payments will be made based on the achievement of milestones under a grant funding agreement to be agreed with individual peak bodies. The Minister for Broadband, Communications and the

Digital Economy will approve the spending proposal associated with the program. The grant funding agreement will be executed on behalf of the Government and payments under the agreement will be administered by DBCDE. Program guidelines will be available on the Department's website.

Payments will be made as part of Program 1.2 Digital Economy and Postal Services, described in the *Portfolio Budget Statements 2013-14, Budget Related Paper No. 1.3, Broadband, Communications and the Digital Economy Portfolio* at page 28.

New **item 405.013** establishes legislative authority for the Government to make payments to foster and promote digital productivity. National ICT Australia (NICTA) will be funded to deliver online resources and interactive activities designed to boost primary and secondary school student interest in ICT careers, with a view to increasing applications and enrolment in tertiary ICT studies and ultimately addressing the growing ICT skills shortage. The funding under this program is broader in scope to the expenditure supported by existing item 405.005 (ICT Centre of Excellence), and includes developing a program to facilitate student engagement in ICT and incorporates broader objectives such as promoting ICT careers and increasing the quality of ICT graduates.

Targeted grant funding will be provided to NICTA. Payments will be made based on the achievement of milestones under a grant funding agreement to be agreed with NICTA. The Minister for Broadband, Communications and the Digital Economy will approve the spending associated with the program. The grant funding agreement will be executed on behalf of the Government and payments under the agreement will be administered by DBCDE. Program guidelines will be made available on the Department's website.

Payments will be made as part of Program 1.2 Digital Economy and Postal Services, described in the *Portfolio Budget Statements 2013-14, Budget Related Paper No. 1.3, Broadband, Communications and the Digital Economy Portfolio* at page 28.

New **item 405.014** establishes legislative authority for the Government to make payments for the NBN Demonstrators program and for two projects under the proposed program:

- the 3D Online Education project; and
- the Creative Digital Culture project.

The two year NBN Demonstrators program will support NBN-enabled projects demonstrating innovative uses of high speed broadband and digital technologies in the areas of online education and creative and cultural industries.

The 3D Online Education project will leverage the rollout of the NBN to transform the way education services are delivered and enhance the learning experience of students. The 3D project will provide a 3D immersed learning experience to students across Australia. Incorporating a 3D experience into remote learning has the potential to significantly enhance the effectiveness of online education. The project will demonstrate an innovative approach to delivering education services through the NBN and broadband applications. The outcomes of the project will be transferred to the Australian education industry to enhance the science, depth and breadth of its education products. Students and teachers will be able to take part in virtual education experiences, utilising such enhanced products, to complement the teaching and learning experience.

Payments will be made based on the achievement of milestones under a grant funding agreement to be agreed with the Commonwealth Scientific and Industrial Research Organisation. The Minister for Broadband, Communications and the Digital Economy will approve the spending proposal associated with the program. The grant funding agreement will be executed on behalf of the Government and payments under the agreement will be administered by DBCDE. Program guidelines will be available on the Department's website.

The Creative Digital Culture project will encourage the development of new digital economy business models for performing arts organisations to use the NBN. This project will harness the NBN to bring high quality, real time performances and interactive master classes in the major performing arts into Australian homes and other suitable locations.

DBCDE will receive funding for NBN Demonstrators to fund organisations to undertake the Creative Digital Culture project. Grants to funding recipients will be allocated under funding agreements governed by program guidelines, and the agreements will be structured with funding recipients in order to realise the 'digital productivity outcome' that this project will seek to achieve. Payments will be made based on the achievement of milestones under the grant funding agreements. The Minister for Broadband, Communications and the Digital Economy will approve the spending proposal associated with the program. The grant funding agreement will be executed on behalf of the Government and payments under the agreement will be administered by DBCDE. Program guidelines will be available on the Department's website.

Payments will be made as part of Program 1.2 Digital Economy and Postal Services, described in the *Portfolio Budget Statements 2013-14, Budget Related Paper No. 1.3, Broadband, Communications and the Digital Economy Portfolio* at page 28.

New **item 405.015** establishes legislative authority for the Government to provide funding to the Townsville-Mackay Medicare Local for the Townsville NBN-enabled Diabetes Telehealth Trial. In the trial, the Townsville-Mackay Medicare Local would use the NBN to deliver telehealth services to the homes of patients living with type 2 diabetes in Townsville, and to develop a delivery model with a view to it being adopted Australia-wide.

Targeted grant funding will be provided to the Townsville-Mackay Medicare Local to continue the Townsville NBN-enabled Diabetes Telehealth Trial. The trial examines the impacts, outcomes, benefits and costs of NBN-enabled telehealth and assesses the delivery of NBN-enabled telehealth within a fully integrated case management model for patients with diabetes. The model includes telehealth monitoring, home management, education and support, utilising the additional broadband capacity and speed of the NBN.

Payments will be made based on the achievement of milestones under a grant funding arrangement to be agreed with the Townsville-Mackay Medicare Local. The Minister for Broadband, Communications and the Digital Economy will approve the spending proposal associated with the program. The grant funding agreement will be executed on behalf of the Commonwealth and payments under the agreement will be administered by the Department of Broadband, Communications and the Digital Economy.

Payments will be made as part of Program 1.2 Digital Economy and Postal Services, described in the *Portfolio Budget Statements 2013-14, Budget Related Paper No. 1.3, Broadband, Communications and the Digital Economy Portfolio* at page 28.

Item 5 – After item 407.071 of Schedule 1AA

This item establishes legislative authority for 11 programs or spending activities of the Department of Education, Employment and Workplace Relations (DEEWR) by adding 11 items to Schedule 1AA to the Principal Regulations.

New **item 407.072** establishes legislative authority for the Government to spend on the early childhood development population measure currently known as the Australian Early Development Index.

The early childhood development population measure is an existing initiative and can help governments and communities across Australia understand what works well and what needs to be improved or developed to better support children and their families.

Expenditure on the measure includes data collection, management and data release every three years, data linkage and research activities; and funding to support communities to access, interpret and address developmental vulnerabilities identified in data results, including support to State and Territory governments to employ State and Territory Coordinators.

Contracts for the procurement of any services will be made in accordance with the Commonwealth Procurement Rules. Grant programs to be established under the measure will be undertaken in accordance with Commonwealth Grant Guidelines (CGGs) and will include seeking appropriate approval of program guidelines and reporting in accordance with the CGGs.

Decisions will be made in accordance with DEEWR's Chief Executive's Instructions and delegations on the expenditure of public monies as authorised under the FMA Act.

The early childhood development population measure fits within Outcome 1 Child Care Services Support Program - *improved access to quality services that support early childhood learning and care for children through a national quality framework, agreed national standards, investment in infrastructure, and support for parents, carers, services and the workforce*. This Outcome is described in the *Portfolio Budget Statements 2013–14, Budget Related Paper No. 1.5, Education, Employment and Workplace Relations Portfolio* at page 32.

New **item 407.073** establishes legislative authority for the Government to commit to an extension in spending for the Priority Employment Area Initiative. This Initiative includes Local Employment Coordinators (LEC), Jobs and Skills Expos and the LEC Flexible Funding Pool (FFP).

LECs have coordination roles in relation to employment in specific local areas. The role includes providing assistance to retrenched workers, developing employment and training related projects and initiating and contributing to labour market related activities.

Jobs and Skills Expos are forums in which job seekers can be connected with potential employers. Locations for Jobs and Skills Expos are publicly available through the DEEWR website (<http://deewr.gov.au/australian-government-jobs-and-skills-expos>). It is likely that, as for previous measures, the majority of Jobs and Skills Expos funded under the extension of the Priority Employment Area Initiative will be delivered by the Department of Human

Services. Any Jobs and Skills Expos that are contracted to and delivered by non-Government entities will be published on AusTender.

In relation to the LEC Flexible Funding Pool, projects or activities deliver employment and skills development outcomes in priority employment areas. Projects or activities funded through the FFP are expected to have direct links to the broad goals and specific strategies outlined in the Regional Employment Plan for the relevant priority employment area. The FFP guidelines are available on the DEEWR website (<http://foi.deewr.gov.au/node/6914>). All grants under the FFP will be published on the DEEWR website under Senate Order 95 (Minchin Order) Tabling of List of Grants.

All decisions for these measures will be made in accordance with DEEWR's Chief Executive's Instructions and delegations on the expenditure of public monies as authorised under the FMA Act.

The program fits within Outcome 3 Employment Services - *enhanced employability and acquisition of labour market skills and knowledge and participation in society through direct financial support and funding of employment and training services*. This Outcome is described in the *Portfolio Budget Statements 2013-14, Budget Related Paper No. 1.5, Education, Employment and Workplace Relations Portfolio* at page 72.

New **item 407.074** establishes legislative authority for Government spending on providing travel subsidies to schools which bring students more than 150 kilometres to visit particular national institutions in Canberra.

The Government provides funding for the Parliament and Civics Education Rebate (PACER) program, which supports students taking part in school excursions to Canberra for civics and citizenship education. Program funding is primarily for rebates paid to schools by a service provider. A small proportion of the total allocation goes to an administrative service fee paid to the service provider.

The service provider is selected by DEEWR, based on an open tender in accordance with the Commonwealth Procurement Rules. The service provider pays the rebate to schools according to the PACER program guidelines, which are publicly available.

The Department makes the decision in relation to the tender for the selection of the service provider. The service provider makes decisions about whether schools have met the criteria in the PACER guidelines to receive a payment. The service provider must provide reasons to schools where applications are rejected and advise them that they can ask DEEWR to review such rejections.

The outcomes of the tender will be published on AusTender in accordance with Commonwealth procurement requirements. The lists of schools which receive the rebate are not published.

The PACER program fits within Outcome 2.3 Quality Outcomes Program - School Support, described in the *Portfolio Budget Statements 2013-14, Budget Related Paper No. 1.5, Education, Employment and Workplace Relations Portfolio* at page 52.

New **item 407.075** establishes legislative authority for Government spending to encourage, support and celebrate creative, academic and community achievement and participation of students in primary and secondary schools and post-school young people to 25 years of age.

The Creative Young Stars program will involve providing grants for Federal Members of Parliament to provide financial assistance to meet the costs of participation (travel, accommodation, costumes or equipment) in training, cultural, artistic, and academic or community-based activities, including significant national, international and state-based events.

Under the program, grants of \$500 for individuals and \$3,000 for groups will be awarded to successful applicants. Post-school youth and school students will be invited in 2013-14 and 2014-15 to submit applications to be assessed against set criteria and other applications received in the local area. Applications will need to be endorsed by the relevant school, training or community organisation that the applicants are representing in an event or activity.

The decision to spend will be made on the basis of the selection of the successful applicants by the Members of Parliament and DEEWR will then make the relevant financial decisions, including making the payments to the students and schools or organisations.

Creative Young Stars comes within Outcome 2.3 Quality Outcome Program - School Support, described in the *Portfolio Budget Statements 2013-14, Budget Related Paper No. 1.5, Education, Employment and Workplace Relations Portfolio* at page 52.

New **item 407.076** establishes legislative authority for the Government to provide funding to the Fair Work Ombudsman (FWO) as part of the Community Based Employment Advice Services (CBEAS) program, including additional funding to the Queensland Working Women's Service (QWWS).

The QWWS is a not-for-profit, community organisation with specialist workplace relations expertise and is one of five organisations covered under the CBEAS program. The QWWS provides employees with practical assistance about work related issues such as pay and conditions, unfair dismissal, discrimination, sexual harassment and workplace bullying. The QWWS operates a telephone advice line and runs self-help information sessions for women representing themselves before the Fair Work Commission, evening legal advice services, and a variety of other community legal education and research services. The additional funding will ensure that existing services provided by QWWS continue until 30 June 2016.

The funding for CBEAS, including the additional funding provided to the QWWS, will be administered by the FWO in accordance with the CGGs.

Education services and compliance activities come within Outcome 1 Education Services and Compliance Activities of the FWO program, described in the *Portfolio Budget Statements 2013-14, Budget Related Paper No. 1.5, Education, Employment and Workplace Relations Portfolio* at page 216.

New **item 407.077** establishes legislative authority for the Government to provide relocation assistance to job seekers who relocate to take up employment or an apprenticeship.

The Labour Mobility and Relocation Assistance Initiative provides practical assistance to participants who relocate for permanent ongoing work or an apprenticeship. Under the

initiative, eligible participants will be reimbursed up to \$6,500 (with dependants) or \$4,500 (no dependants) for expenses incurred to relocate. Eligible expenses could include costs for removalists, travel, accommodation assistance, and some employment related costs. The participant's employment service provider or disability employment service provider will reimburse, based on receipts, either the participant or a third party who has provided the relocation assistance, for example, a removalist firm. The provider will then claim these expenses from DEEWR.

Guidelines, including eligibility and the criteria for making spending decisions, will be available to employment service providers and disability employment service providers who are contracted to provide services under contract with DEEWR. These Guidelines will be publicly available on the DEEWR website (www.deewr.gov.au).

The Department makes decisions on the contracting of the employment service and disability employment service providers and the reimbursement of costs to those providers. Employment service providers and disability employment service providers contracted to DEEWR will determine spending decisions in relation to specific job seekers in line with Guidelines.

The initiative is included in Outcome 3.1 Employment Services, described in the *Portfolio Budget Statements 2013-14, Budget Related Paper No. 1.5, Education, Employment and Workplace Relations Portfolio* at page 75.

New **item 407.078** establishes legislative authority for the Commonwealth to provide funding to support better philanthropic engagement with schools. It is proposed that a third party (or parties), unrelated to the Commonwealth, will establish a fund to attract and direct philanthropic donations toward disadvantaged schools and help improve student outcomes. The Commonwealth will provide seed funding to the fund via a grant of financial assistance to a State, conditional on that State providing the money to the fund.

Decisions related to the Australian Government payments to the fund will be made by the Minister for Education and/or the Minister for Early Childhood, Childcare and Youth and/or the Parliamentary Secretary for Schools.

The initiative comes within Outcome 2: *Improved learning and literacy, numeracy and educational attainment for school students, through funding for quality teaching and learning environments, workplace learning and career advice.*

New **item 407.079** establishes legislative authority for a 12-month extension to the existing Youth Connections program, currently funded by the Commonwealth as part of the National Partnership on Youth Attainment and Transitions.

The program is delivered nationally across 113 service regions and provides a safety net for young people at risk of not attaining a Year 12 or equivalent qualification. This extension means the program will continue to provide flexible and personal support to help young people engage with education and make positive life choices.

The program guidelines and a list of all Youth Connections providers will be published on the DEEWR website. All decisions for these measures will be made in accordance with DEEWR's Chief Executive's Instructions and delegations on the expenditure of public monies as authorised under the FMA Act.

Two other new items (407.080 and 407.081) are being added to Schedule 1AA to describe the different components of the Youth Attainment and Transitions – 12-month extension program. Together, these three items are intended to supplement existing item 407.034 in Schedule 1AA (which currently establishes authority for the National Partnership on Youth Attainment and Transitions).

Youth Connections fits within Program 2.8 Youth Support, described in the *Portfolio Budget Statements 2013-14, Budget Related Paper No. 1.5, Education, Employment and Workplace Relations Portfolio* at page 60.

New **item 407.080** establishes legislative authority to extend certain initiatives under the National Partnership on Youth Attainment and Transitions, including the National Career Development Strategy and the long standing national resources: myfuture website and Job Guide.

The myfuture website is Australia's national online career information and exploration service and is jointly funded by all Australian governments. 2012 marked myfuture's 10 year anniversary.

The Job Guide is a national career information resource that has been managed, funded and produced by the Australian Government since 1995. The resource is primarily written and produced for a Year 10 audience, providing an in-depth look at a range of occupations and their education and training pathways.

On 23 May 2013, the former Minister for School Education, Early Childhood and Youth, the Hon Peter Garrett MP, announced a National Career Development Strategy, a guiding framework which communicates a vision for career development in Australia to 2020. To coincide with the release of the Strategy and support for its four priority areas, a suite of 'Making Career Connections' initiatives was announced. Four priority areas were identified during the consultations leading to the Strategy, namely:

- involving industry more actively in career development;
- building career development skills in individuals;
- improving young people's exposure to the world of work; and
- improving the quality and professionalism of the career development industry.

All decisions for these measures will be made in accordance with DEEWR's Chief Executive's Instructions and delegations on the expenditure of public monies as authorised under the FMA Act.

Two other new items (407.079 and 407.081) are being added to Schedule 1AA to describe the different components of the Youth Attainment and Transitions – 12-month extension program. Together, these three items are intended to supplement existing item 407.034 in Schedule 1AA (which currently establishes authority for the National Partnership on Youth Attainment and Transitions).

The National Career Development Strategy fits within Program 2.8 Youth Support, described in the *Portfolio Budget Statements 2013-14, Budget Related Paper No. 1.5, Education, Employment and Workplace Relations Portfolio* at page 60.

New **item 407.081** establishes legislative authority for a 12-month extension to the existing Schools Business Community Partnership Brokers (Partnership Brokers) program which forms part of the National Partnership on Youth Attainment and Transitions.

The program will continue to build partnerships between schools, business and the broader community to help young people to achieve Year 12 or equivalent qualifications, make a successful transition to further education, training and employment and reach their full potential.

The program guidelines and a list of all Partnership Broker providers will be published on the DEEWR website. All decisions for these measures will be made in accordance with DEEWR's Chief Executive's Instructions and delegations on the expenditure of public monies as authorised under the FMA Act.

Two other new items (407.079 and 407.080) are being added to Schedule 1AA to describe the different components of the Youth Attainment and Transitions – 12-month extension program. Together, these three items are intended to supplement existing item 407.034 in Schedule 1AA (which establishes authority for spending on the broader National Partnership on Youth Attainment and Transitions).

The School Business Community Partnership Brokers program fits within Program 2.8 Youth Support, described in the *Portfolio Budget Statements 2013-14, Budget Related Paper No. 1.5, Education, Employment and Workplace Relations Portfolio* at page 60.

New **item 407.082** establishes legislative authority for spending under the Experience + Work Ready program to provide tailored services to mature age job seekers.

The Experience + Work Ready program is an existing program that provides participants with intensive job preparation and support, including a combination of the following services:

- skills review and training (including help to achieve Recognition of Prior Learning);
- IT refresher or basics training (including use of social media to support job search);
- career counselling;
- financial planning information and support;
- intensive job preparation (résumé development, self-marketing, interview skills, presentation, and job search techniques);
- peer support;
- motivational support; and
- assistance securing paid work placement and ongoing employment.

The program will be delivered through a panel of expert providers via a Deed of Standing Offer with the Department. The procurement process is being conducted by the Department in accordance with the Commonwealth Procurement Rules.

Draft guidelines were published with the Request for Tender to establish the panel. This provided a draft project proposal which outlined the information that will be required in order

for DEEWR to assess and approve projects. The successful panel members delivering each project will be published on the DEEWR website.

All decisions for these measures will be made in accordance with DEEWR's Chief Executive's Instructions and delegations on the expenditure of public monies as authorised under the FMA Act.

The program comes within Outcome 3.1 Mature Age Participation – Job Seeker Assistance program, described in the *Portfolio Budget Statements 2013-14, Budget Related Paper No. 1.5, Education, Employment and Workplace Relations Portfolio* at page 28.

Item 6 – After item 410.026 of Schedule 1AA

This item establishes legislative authority for two spending activities of the Department of Families, Housing, Community Services and Indigenous Affairs by adding two items to Schedule 1AA to the Principal Regulations.

New **item 410.027** establishes legislative authority for the Government to provide funding to support applicants seeking review of decisions under the *National Disability Insurance Scheme Act 2013* in the newly formed National Disability Insurance Scheme Division of the Administrative Appeals Tribunal.

Payments will be made as part of Program 5.4 Services and Support for People with Disability, described in the *Portfolio Budget Statements 2013-14, Budget Related Paper No. 1.6, Families, Housing, Community Services and Indigenous Affairs Portfolio* at: page 112 (*Program objective*), page 114 (*to explain an increase in advocacy targets going forward*), and page 119 (*expenses listed under Program 5.6 National Disability Insurance Scheme*).

New **item 410.028** establishes legislative authority for the Government to provide funding to support people affected by the establishment of the Royal Commission into Institutional Responses to Child Sexual Abuse. This proposed spending is not provided under the *Royal Commissions Act 1902* or the letters patent establishing the Royal Commission.

Payments will be made as part of Program 1.1 Family Support Program, described in the *Portfolio Budget Statements 2013-14, Budget Related Paper No. 1.6, Families, Housing, Community Services and Indigenous Affairs Portfolio* at page 45.

Item 7 – Item 415.028 of Schedule 1AA

This item establishes legislative authority for a new spending activity of the Department of Health and Ageing by amending an existing item in Schedule 1AA to the Principal Regulations.

Existing **item 415.028** relating to chronic disease treatment is amended to ensure it provides legislative authority for payments to assist families and carers of people with cancer.

Payments for this activity will be made as part of Program 10.1 Chronic disease - treatment, described in the *Portfolio Budget Statements 2013-14, Budget Related Paper No. 1.9, Health and Ageing Portfolio* at page 171.

Item 8 – Item 415.031 of Schedule 1AA

This item amends the existing spending activity of the Department of Health and Ageing in **item 415.031** of Schedule 1AA to the Principal Regulations relating to international policy engagement. The amendment establishes legislative authority for spending in relation to contributions made by the Government for conferences, forums and other events that promote Australia's health policies internationally.

Item 9 – Item 418.043 of Schedule 1AA

This item amends **item 418.043**, an existing spending activity of the Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education in Schedule 1AA to the Principal Regulations relating to the Square Kilometre Array (SKA) Radio Telescope. The amendment establishes legislative authority for the Government to fund the construction and hosting of the SKA Radio Telescope. Item 418.043 was added to Schedule 1AA to the Principal Regulations to establish legislative authority for expenditure relating to Australia's bid for the SKA Radio Telescope project. That bid was successful and legislative authority is needed for the Government to fund the construction and hosting of the SKA Radio Telescope.

The funding will include payments to the international project organisation in relation to Australia's membership, and payments to Australian organisations involved in SKA implementation activities and activities required to prepare Australia to host SKA sites. Funding payment decisions will be made by the Minister or the Minister's delegate on a merit basis in accordance with publicly notified selection criteria. Decisions will be published in accordance with government requirements.

Payments will be made as part of Program 2.2 Science and Research Capacity, described in the *Portfolio Budget Statements 2013-14, Budget Related Paper No. 1.12, Industry, Innovation, Climate Change, Science, Research and Tertiary Education Portfolio* at page 65.

Item 10 – After item 418.077 of Schedule 1AA

This item adds a new spending activity to Schedule 1AA to the Principal Regulations for the Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education. New **item 418.078** establishes legislative authority for the Government to provide funding for the Latrobe Valley Economic Diversification Program which was announced and referred to as the Briquette Replacement Program (BRP). Funding will be paid to assist small and medium sized businesses to transition from the use of briquettes to cleaner alternatives.

The BRP consists of two elements:

- engineering advice to assist certain entities obtain engineering and costing advice on possible alternatives to briquettes; and
- investment support to assist certain entities invest in capital expenditure to transition to alternatives to briquettes.

The BRP involves the provision of funds to up to 49 entities (small and medium sized businesses), which currently use brown coal briquettes as inputs to their businesses, to assist them to transition to an alternative product. Program criteria are available publicly and approved grants will be published on the Department's website. The program delegate,

appointed by the Minister, will make decisions in relation to the administration of the program, including spending decisions.

Payments will be made as part of Program 1 Latrobe Valley Economic Diversification Program, described in the *Portfolio Budget Statements 2013-14, Budget Related Paper No. 1.12, Industry, Innovation, Climate Change, Science, Research and Tertiary Education Portfolio* at page 37.

Item 11 – After item 425.018 of Schedule 1AA

This item adds a new spending activity to Schedule 1AA to the Principal Regulations for the Department of Sustainability, Environment, Water, Population and Communities. New **item 425.019** establishes legislative authority for the Government to provide funding to support the need for the ongoing destruction of environmentally harmful ozone depleting substances (ODS) and synthetic greenhouse gases (SGG) in Australia, with the aim of:

- achieving better environmental outcomes;
- minimising the release into the atmosphere of waste gases that contribute to climate change; and
- meeting Australia's commitments under the *Vienna Convention for the Protection of the Ozone Layer*; the *Montreal Protocol on Substances that Deplete the Ozone Layer*; the *United Nations Framework Convention on Climate Change*; and the *Kyoto Protocol to the United Nations Framework Convention on Climate Change*.

The funding is to be used to pay an incentive to accredited destruction providers following the proven destruction of waste ODS and SGGs, which can be directly related to the regulation and management of waste ODS and SGGs.

Schedule 2 – Amendments commencing on 1 August 2013

Item 1 – After item 101 of Schedule 1

The *Asbestos Safety and Eradication Agency Act 2013* establishes the Asbestos Safety and Eradication Agency which commenced on 1 July 2013. The Asbestos Safety and Eradication Agency will administer the national strategic plan to improve asbestos management and awareness in Australia.

Item 1 adds this new agency at new **item 101A** as a prescribed agency to Schedule 1 to the Principal Regulations. Once prescribed, the Asbestos Safety and Eradication Agency will be subject to the requirements of the FMA Act.

The item specifies that, for FMA Act purposes, the Asbestos Safety and Eradication Agency comprises:

- the Chief Executive Officer (CEO);
- the staff of the agency;
- consultants;
- people who are employees or officers of the Commonwealth, the States or Territories who may assist the agency;

- members of a committee established by the CEO;
- members of the Asbestos Safety and Eradication Council; and
- members of a committee established to assist the Asbestos Safety and Eradication Council.

For the purposes of the FMA Act, the item specifies that the Chief Executive Officer will be the Chief Executive of the agency.