

EXPLANATORY STATEMENT

Issued by the Authority of the Minister for Finance

Financial Framework (Supplementary Powers) Act 1997

*Financial Framework (Supplementary Powers) Amendment
(Social Services Measures No. 2) Regulations 2021*

The *Financial Framework (Supplementary Powers) Act 1997* (the FF(SP) Act) confers on the Commonwealth, in certain circumstances, powers to make arrangements under which money can be spent; or to make grants of financial assistance; and to form, or otherwise be involved in, companies. The arrangements, grants, programs and companies (or classes of arrangements or grants in relation to which the powers are conferred) are specified in the *Financial Framework (Supplementary Powers) Regulations 1997* (the Principal Regulations). The powers in the FF(SP) Act to make, vary or administer arrangements or grants may be exercised on behalf of the Commonwealth by Ministers and the accountable authorities of non-corporate Commonwealth entities, as defined under section 12 of the *Public Governance, Performance and Accountability Act 2013*.

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

Section 32B of the FF(SP) Act authorises the Commonwealth to make, vary and administer arrangements and grants specified in the Principal Regulations. Section 32B also authorises the Commonwealth to make, vary and administer arrangements for the purposes of programs specified in the Principal Regulations. Schedule 1AA and Schedule 1AB to the Principal Regulations specify the arrangements, grants and programs.

The *Financial Framework (Supplementary Powers) Amendment (Social Services Measures No. 2) Regulations 2021* (the Regulations) amend Schedule 1AB to the Principal Regulations to establish legislative authority for government spending on certain activities administered by the Department of Social Services.

Funding is provided for:

- the extension to the Boosting the Local Care Workforce program to strengthen the focus on connecting employment service and training providers with care and support providers, and support the development of a care and support work sector across disability, aged care and veterans' care (\$16.8 million over two years from 2021-22);
- the redesigned Volunteer Management Activity, which includes an online platform to provide volunteer management tools, training and resources to volunteer support services, volunteer involving organisations and volunteers, and grants to volunteering peak bodies to develop and implement strategies to build the capacity of volunteer support services, volunteer involving organisations and volunteers, and remove barriers to volunteering for certain priority groups such as people with disability, newly arrived migrants, and First Nations people (up to \$43.5 million over six years from 2020-21); and
- the *Stronger Places, Stronger People* initiative, which seeks to improve outcomes for children in disadvantaged communities by providing funding to design and implement

a national model, establish local project teams to support communities to develop, implement and evaluate a strategy to improve outcomes for children and their families, and develop tools and resources that can be tailored to and used by local communities (\$24.0 million over three years from 2021-22).

Additional funding for the redesigned Volunteer Management Activity was included in the 2021-22 Budget.

Details of the Regulations are set out at Attachment A. A Statement of Compatibility with Human Rights is at Attachment B.

The Regulations are a legislative instrument for the purposes of the *Legislation Act 2003*.

The Regulations commence immediately after the instrument is registered on the Federal Register of Legislation.

Consultation

In accordance with section 17 of the *Legislation Act 2003*, consultation has taken place with the Department of Social Services.

A regulation impact statement is not required as the Regulations only apply to non-corporate Commonwealth entities and do not adversely affect the private sector.

Details of the *Financial Framework (Supplementary Powers) Amendment (Social Services Measures No. 2) Regulations 2021*

Section 1 – Name

This section provides that the title of the Regulations is the *Financial Framework (Supplementary Powers) Amendment (Social Services Measures No. 2) Regulations 2021*.

Section 2 – Commencement

This section provides that the Regulations commence immediately after the instrument is registered on the Federal Register of Legislation.

Section 3 – Authority

This section provides that the Regulations are made under the *Financial Framework (Supplementary Powers) Act 1997*.

Section 4 – Schedules

This section provides that the *Financial Framework (Supplementary Powers) Regulations 1997* are amended as set out in the Schedule to the Regulations.

Schedule 1 – Amendments

Financial Framework (Supplementary Powers) Regulations 1997

Item 1 – Part 4 of Schedule 1AB (cell at table item 236, column headed “Objective(s)”)

This item amends **table item 236** in Part 4 of Schedule 1AB by repealing and substituting the full text in the cell at that table item in the column headed “Objective(s)”. The amended table item 236 establishes legislative authority for government spending on the Boosting the Local Care Workforce program (the program) to facilitate an adequate and appropriate supply of disability, aged care and veterans’ care service providers, including for the purposes of the National Disability Insurance Scheme (NDIS), the *Aged Care Act 1997* and the *Veterans’ Entitlements Act 1986*. The program is administered by the Department of Social Services (the department).

The program was initially rolled out in 2017 to support service providers across Australia to address workforce and market challenges, including identifying NDIS and aged care market opportunities, connecting with relevant government services and providing tools and resources to help service providers succeed in the care and support sector.

The program is currently administered by Ernst & Young, with the First Peoples Disability Network Australia and the Community Services Industry Alliance, to deliver the following initiatives:

- Regional Coordinators: up to 25 Regional Coordinators work with existing and prospective service providers and key stakeholders in their geographic area to provide localised support, gather intelligence on local issues, facilitate workshops and connect

stakeholders with complementary programs and initiatives in the disability and aged care sectors;

- Subject Matter Specialists: provide a national approach to address specific issues including rural and remote services, participant self-direction and self-management, and allied health; and
- Transition Assistance Funding: eligible disability service providers were able to apply for Transition Assistance Funding of up to \$20,000 in two rounds in 2019 and 2020. This assistance funded the purchase of tailored professional services including business advice to grow their business and workforce capability. This aspect of the program ceases in May 2021 and will not be continued in the next phase of the program.

Since May 2018, Ernst & Young has undertaken the following key work:

- providing targeted assistance to service providers to improve their operational capacity and grow and develop their workforce through the program's cohort of 25 Regional Coordinators;
- contributing to the development of an evidence base to identify market gaps and inform market support activities and policy development through on-the-ground intelligence collected through the program's Regional Coordinators and Subject Matter Specialists;
- providing financial assistance in the form of one-off \$20,000 grants to 710 individual organisations through the Transition Assistance Funding initiative to support organisations to grow their business through purchasing of services such as business consulting, coaching and mentoring, and upgrading of IT equipment/software; and
- reporting on risks and issues raised by service providers throughout the COVID-19 pandemic, providing real-time intelligence on issues affecting providers.

In late 2020, the department commissioned a review to assess the effectiveness of the program to date and to consider whether current arrangements are fit-for-purpose to support delivery of the third phase of the program for another two years from 2021. The review concluded that the program has been effective in assisting disability care and support providers to address business and workforce issues and that the current provider is well positioned to deliver the program's next phase.

Additional funding is provided until 30 June 2023 to strengthen the focus on connecting employment service and training providers with care and support providers, and to support the development of a care and support work sector (covering the NDIS, aged care and veterans' care) with care and support providers. The program is extended to include veterans' care and provide coverage across the broader care and support sector. It also allows for the current provider to leverage its existing resources and networks to assist in growing the care and support workforce.

The program continues to meet the following objectives:

- reduce barriers that impact providers' ability and willingness to start, continue or grow their service offer;
- improve the operation and efficiency of labour markets by better matching supply and demand through measures such as providing information, resources and links to relevant government programs; and
- provide local level knowledge on the disability, aged care and veterans' care service provider and workforce markets.

The program will support a key initiative of the NDIS National Workforce Plan 2021-2025 in better connecting the NDIS and care and support providers to employment and training providers and workers with the aim of creating a sustainable care and support workforce.

The department conducted a restricted competitive grant process to engage the provider to deliver the program, and will execute a contract variation to deliver the program extension. The grant will operate within the existing grant opportunity guidelines in accordance with the Commonwealth resource management framework, including the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) and the *Commonwealth Grants Rules and Guidelines 2017* (CGRGs). The Community Grants Hub, within the department, has been engaged throughout all aspects of this extension and will continue to administer grant funding associated with this program. A contract variation will be executed with Ernst & Young before the current grant agreement expiry date of 30 June 2021.

The Minister for the National Disability Insurance Scheme is the final decision maker and will be responsible for approving the expenditure associated with the extension to the program. Information about the grant will be made available on the GrantConnect website (www.grants.gov.au).

Funding decisions made in relation to the program will not be subject to independent merits review. This is appropriate, as this decision relates to an extension of existing arrangements and involves an allocation of a finite resource to one party which will subsequently enter into agreements with providers. Once the allocation has been made, that party would be affected if the decision were to be overturned. The Administrative Review Council (ARC) has recognised that it is justifiable to exclude merits review in relation to decisions of this nature (see paragraphs 4.11 to 4.14 of the guide, *What decisions should be subject to merit review?*).

Consultation regarding the program extension has been conducted with relevant government stakeholders on the program's Policy Working Group, including the Department of the Prime Minister and Cabinet, the Department of Health and the Department of Veterans' Affairs, to ensure that the extension and scope of the program going forward meet its intended objectives. The department undertakes ongoing consultation with Ernst & Young to ensure that the next phase of the program continues to be delivered effectively.

Funding of \$16.8 million was included in the 2020-21 Budget under the measure 'Australia's Care and Support Workforce Package' for a period of two years commencing in 2021-22. Details are set out in *Budget 2020-21, Budget Measures, Budget Paper No. 2 2020-21* at page 150.

Funding for this item comes from Program 3.2: National Disability Insurance Scheme, which is part of Outcome 3. Details are set out in the *Portfolio Budget Statements 2021-22, Budget Related Paper No. 1.12, Social Services Portfolio* at page 109.

Noting that it is not a comprehensive statement of relevant constitutional considerations, the objective of the item references the following powers of the Constitution:

- the defence power (section 51(vi));
- the unemployment and sickness benefits aspects of the social welfare power (section 51(xxiiiA)); and
- the external affairs power (section 51(xxix)).

Defence power

Section 51(vi) of the Constitution empowers the Parliament to make laws with respect to ‘the naval and military defence’ of the Commonwealth and States, and ‘the control of the forces to execute and maintain the laws of the Commonwealth’.

The extension of the program will provide support to veterans’ care providers.

Social welfare power

The social welfare power in section 51(xxiiiA) of the Constitution empowers the Parliament to make laws with respect to the provision of certain social welfare benefits, including unemployment, sickness and hospital benefits and medical and dental services (but not so as to authorise any form of civil conscription).

The program supports employment providers and strengthens the care workforce, thereby assisting in the provision of disability and aged care services.

External affairs power

Section 51(xxix) of the Constitution empowers the Parliament to make laws with respect to ‘external affairs’. The external affairs power supports legislation implementing Australia’s international obligations under treaties to which it is a party.

Australia has obligations relating to the *Convention on the Rights of Persons with Disabilities* (CRPD) and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR).

Article 4 of the CRPD requires that States Parties undertake to ensure and promote the full realisation of all human rights and fundamental freedoms for persons with disabilities without discrimination on the basis of disability, including by adopting ‘all appropriate legislative, administrative and other measures’ to implement the rights recognised in the Convention (Article 4(1)(a)) and promoting the ‘training of professionals and staff working with persons with disabilities’ (Article 4(1)(i)).

Article 19 of the CRPD provides that States Parties shall take effective and appropriate measures to facilitate the full participation in the community of persons with disabilities. Article 19(b) provides that States Parties shall ensure that persons with disabilities ‘have access to a range of in-home, residential and other community support services...’

Article 20 of the CRPD provides that States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by providing training to specialist staff working with persons with disabilities (Article 20(c)).

Article 25 of the CRPD requires that States Parties recognise that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability and take steps to ensure access to health services.

Article 26 of the CRPD provides that States Parties shall take effective steps to enable persons with disabilities to attain and maintain maximum independence and participation in all aspects of life, including by organising, strengthening and extending habilitation and rehabilitation programmes, particularly in the areas of health, employment, education and social services, and by promoting the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services.

Article 27 of the CRPD provides that States Parties shall take appropriate steps to safeguard the right of persons with disabilities to work on an equal basis with others.

Article 2 of the ICESCR provides that the States Parties shall take steps to adopt legislative measures to realise the rights within the ICESCR, including, relevantly, Article 12 which provides that the States Parties recognise the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

The continuation and expansion of the program supports the development of the care and support workforce sector. In doing so, the program is contributing to building a sustainable workforce that can adequately service the needs of persons with disabilities or those requiring other care and support services and support participation in the community.

Item 2 – In the appropriate position in Part 4 of Schedule 1AB (table)

This item adds two new table items to Part 4 of Schedule 1AB to establish legislative authority for government spending on certain activities administered by the department.

New **table item 484** establishes legislative authority for government spending on the redesigned Volunteer Management Activity (VMA).

Volunteer management was first funded by the Government in 1992. Known as the Volunteer Management Strategy, its primary function was to provide referral and placement services for volunteers and volunteer involving organisations (VIOs) through several state volunteer centres and regional referral agencies throughout Australia. VIOs refer to any organisation that incorporates or involves volunteers in the delivery or management of their services, including corporate businesses, not-for-profit and community organisations.

In 2007, the Volunteer Management Strategy was merged with the Voluntary Work Initiative, funded by the then Department of Employment and Workplace Relations, to form the Volunteer Management Program (VMP). In 2014, the department conducted the first open competitive grant process since the establishment of the VMP to select 52 organisations to deliver volunteer support services (VSS). VSS organisations, also known as volunteer resource centres, promote, resource and support volunteering in local communities across Australia. VSS organisations also assist VIOs across Australia to recruit, retain and manage their volunteers.

In 2017, following the Government's decision to reinstate the VMA as a standalone program, organisations that were receiving the VMP funding at that time were invited to apply through a restricted, non-competitive grant process for funding for the period 1 January 2018 to 30 June 2021.

In November 2017, the department commissioned an independent review into the appropriateness, effectiveness and efficiency of the VMA. The final report was received by the department in October 2018. On 13 February 2020, the Minister for Families and Social Services, Senator the Hon Anne Ruston, released the *Report on the Review of the Volunteer Management Activity* (the Review), which is available at www.dss.gov.au/communities-and-vulnerable-people-programs-services-volunteer-management/report-on-the-review-of-the-volunteer-management-activity.

The Review recommended the Government:

- continue to invest in volunteer management, but clarify its interest in volunteer management including the focus and objective of its investment; and
- work with stakeholders over the coming 12 months to co-design a new program (including the performance framework) that focuses the Government's investment on building the capacity of VIOs to effectively recruit and manage volunteers.

The Review noted the importance of volunteering to the Australian society, including significant value to the economy, community cohesion and individual wellbeing. The Review also highlighted the important role volunteering plays in service delivery across a wide range of sectors, including aged care, disability, family and community services, disaster resilience, environmental management, sports, arts and culture.

Along with the release of the Review, the department published the discussion paper *Considerations for the future of the Volunteer Management Activity*, which outlined and sought views on the key issues for consideration when thinking about the future of volunteer management and the role of the Government. This paper informed discussions with the volunteering sector held in early March 2020. Consultation on the discussion paper, including public submissions, was open from 13 February 2020 to 3 April 2020. The discussion paper is available at <https://engage.dss.gov.au/considerations-for-the-future-of-the-volunteer-management-activity/considerations-for-the-future-of-the-volunteer-management-activity-discussion-paper/>.

In line with the Review, and incorporating insights from the consultation process and public submissions, the department redesigned the VMA. The aim of the redesigned VMA is to increase opportunities for people to participate in the social and economic life of their broader community through volunteering, by:

- building effective volunteering practices and opportunities within organisations and communities;
- increasing the diversity of volunteers;
- improving access to information on volunteering; and
- providing access to the training, resources and support volunteers and VIOs need.

Key components of the redesigned VMA include:

- online volunteer management services; and
- grants to volunteering peak bodies to develop and implement strategies to build the capacity of VIOs, through online volunteer management services, and break down barriers to volunteering for certain priority groups.

Online volunteer management services

The Government will provide grant funding of \$3.4 million in 2020-21 to a select provider to upgrade/develop an online platform that will house materials to support VSS organisations, VIOs and volunteers in their efforts to benefit Australian communities. The online platform will provide a nationally consistent, online approach to volunteer recruitment and management.

The objectives of the Commonwealth expenditure on the online platform are to:

- increase the capacity of VIOs by providing online volunteer management tools, training and resources that are nationally consistent, easily accessible and user friendly;
- build the capacity of VIOs to successfully recruit, train and retain volunteers online;
- support an increase in the diversity of volunteers across Australia; and
- reduce the duplication across state and territory jurisdictions of volunteer management tools and training resources (including volunteer recruitment contact points).

Grants to volunteering peak bodies

The Government will provide grant funding of up to \$33.5 million over five years from 2021-22 to the state and territory volunteering peak bodies, with a review of the effectiveness and efficiency of the program to be undertaken after three years. Volunteering peak bodies will develop and implement strategies to build the capacity of VIOs, through online volunteer management services, and break down barriers to volunteering for certain priority groups. Volunteering peak bodies will also consult and partner with relevant local organisations to develop and deliver the VMA.

Additional services can be provided by volunteering peak bodies and their partners to build the capacity of VIOs to break down barriers to volunteering for certain priority groups, and if deemed the most effective approach, provide face-to-face services to support these groups to participate in volunteering. These priority groups include people with disability, First Nations people and newly arrived migrants.

During 2021-22, additional grant funding of up to \$6.6 million will be provided to volunteering peak bodies to help leverage the experience and resources of VSS organisations (currently funded until 30 June 2021) to assist the volunteering sector to deliver services in line with the redesigned VMA. It will build the capacity of the volunteering sector to adapt to new business practices, support the shift to delivering increased services online, and build the capacity of the sector to report on program outcomes. VSS organisations will deliver a range of services, such as providing input and resources to train VIOs and contributing to state-wide needs analysis. The VMA grant opportunity guidelines will be updated to include the additional funding.

Under the redesigned VMA, which will commence on 1 July 2021, the following state and territory volunteering peak bodies will be invited to apply for funding:

- The Centre for Volunteering NSW;
- Volunteering and Contact ACT Limited;
- Volunteering SA and NT Inc.;
- Volunteering Queensland Inc.;
- Volunteering Tasmania Inc.;

- Volunteering Victoria Inc.; and
- Volunteer Centre of Western Australia Inc.

The list of eligible applicants was determined as suitable to be invited to apply based on their experience, knowledge and capacity to deliver the VMA in their respective jurisdictions. Invited organisations must partner with local organisations to deliver the VMA. They will also be responsible for determining funding amounts provided to any organisation they may partner with. The department will need to approve in writing any funding partnerships that are established over the life of the funding period.

Collaboration across the state and territory volunteering peak bodies is required to minimise duplication, share best practice and ensure consistency of service provision, including participation in networking arrangements and sharing resources. Volunteering peak bodies are also required to ensure that in developing their jurisdictional strategies, consideration is given to ensuring services offered under the VMA are complementary to any jurisdiction investment in volunteering.

Funding will be distributed between jurisdictions taking into account the proportion of formal volunteers across each state and territory. Each jurisdiction will have a base funding provision to ensure viable operating funding, reflecting variations across jurisdictions in diversity and remoteness of population.

Volunteering peak bodies will use their understanding of local issues and needs to develop appropriate strategies and mechanisms to ensure equitable service coverage, using existing localised services and structures where possible. They will work with local organisations to develop service delivery strategies. The new approach will enable volunteering peak bodies to respond more effectively to the current and emerging needs of local volunteering organisations and their volunteers.

The grants for the VMA will be administered by the Community Grants Hub in accordance with the CGRGs.

Volunteering Australia has been selected through a one-off, ad hoc process and will be required to develop or improve the platform to provide a nationally consistent, online approach to volunteer recruitment and management. The grant opportunity guidelines for the online platform will not be published.

Grants to the state and territory volunteering peak bodies will be provided using a closed non-competitive process. Seven volunteering peak bodies, which have been invited to apply for grant funding, may decide to partner with some existing VSS organisations and/or other appropriate organisations with experience and expertise in priority areas to deliver the specified services. The grant opportunity guidelines, which set out the jurisdictional funding split, have been published on the GrantConnect (www.grants.gov.au) and the Community Grants Hub (www.communitygrants.gov.au) websites.

The Secretary of the department has reissued an Instrument of Delegation dated 19 September 2019, which delegates to departmental officials the authority to approve a commitment of relevant money under section 32B of the *Financial Framework (Supplementary Powers) Act 1997*.

The Deputy Secretary of the Families and Communities Stream at the department will be the decision maker for the approval of grants based on the recommendations of the selection advisory panel (comprised of departmental officials) and the availability of grant funds for the purposes of the program. Grants awarded will be reported on GrantConnect.

Funding decisions made in connection with the VMA are not subject to independent merits review. This is because there is only a finite amount of resources available and an allocation that has been made to another party may be affected by a review overturning the original decision. Any delay to the administration of the funding would undermine the grant process and negatively impact the security of future funding for the successful applicant and service provision to the community when volunteer management continues to be critical during the COVID-19 pandemic and in response to natural disasters.

The ARC has recognised that it is justifiable to exclude merits review in relation to decisions of this nature (see paragraphs 4.11 to 4.19 of the guide, *What decisions should be subject to merit review?*).

Other organisations or individuals have the option of recourse via the department's complaints management system (www.dss.gov.au/contact/feedback-compliments-complaints-and-enquiries/complaints-page). Organisations and individuals also have recourse to the Commonwealth Ombudsman if they are not satisfied with the response (www.ombudsman.gov.au).

The department consulted with the volunteering sector regarding the broad redesign of the VMA. The department has subsequently consulted with the state and territory government officials, Volunteering Australia and the state and territory volunteering peak bodies regarding the purpose and establishment of the VMA.

Additional funding of \$6.6 million in 2021-22 for the VMA was included in the 2021-22 Budget under the measure 'Supporting the delivery of the Volunteer Management Activity'. Details are set out in *Budget 2021-22, Budget Measures, Budget Paper No. 2 2021-22* at page 185.

Funding for the online platform of \$3.4 million in 2020-21 will come from Component 12 (Volunteer Management) of Program 2.1: Families and Communities, which is part of Outcome 2. Funding for the grants to volunteering peak bodies of up to \$40.1 million over five years from 2021-22 will come from Component 6 (Volunteering and Community Connectedness) of Program 2.1: Families and Communities, which is part of Outcome 2. Details are set out in the *Portfolio Budget Statements 2021-22, Budget Related Paper No. 1.12, Social Services Portfolio* at pages 25, 78 and 88.

Noting that it is not a comprehensive statement of relevant constitutional considerations, the objective of the item references the following powers of the Constitution:

- the communications power (section 51(v));
- the aliens power (section 51(xix));
- the race power (section 51(xxvi));
- the immigration power (section 51(xxvii));
- the external affairs power (section 51(xxix)); and
- the territories power (section 122).

Communications power

Section 51(v) of the Constitution empowers the Parliament to make laws with respect to ‘postal, telegraphic, telephonic and other like services’.

The online platform provides online resources to VIOs and allows VIOs to communicate with each other online. The platform will distribute content online and will build the capacity of VIOs to engage with and utilise online resources.

Aliens power

Section 51(xix) of the Constitution empowers the Parliament to make laws with respect to ‘naturalisation and aliens’.

The diversity and inclusion aspects of the grants are aimed at removing barriers to volunteering for aliens.

Race power

Section 51 (xxvi) of the Constitution empowers the Parliament to make laws with respect to ‘the people of any race for whom it is deemed necessary to make special laws’.

The diversity and inclusion aspects of the grants are aimed at removing barriers to volunteering for Indigenous persons.

Immigration power

Section 51(xxvii) of the Constitution empowers the Parliament to make laws with respect to ‘immigration and emigration’.

The diversity and inclusion aspects of the grants are aimed at removing barriers to volunteering for persons newly arrived in Australia.

External affairs power

Section 51(xxix) of the Constitution empowers the Parliament to make laws with respect to ‘external affairs’. The external affairs power supports legislation implementing Australia’s international obligations under treaties to which it is a party.

Convention on the Elimination of All Forms of Discrimination against Women

Australia has obligations to prevent discrimination against women by promoting and protecting the human rights and fundamental freedoms of women, particularly the right to equal opportunities. In particular:

- Article 3 requires States Parties to ‘take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men’.

The diversity and inclusion aspects of the grants are aimed at removing barriers to volunteering for women, which will facilitate the advancement of women by providing opportunities they do not otherwise enjoy.

Convention on the Rights of Persons with Disabilities

Australia has obligations to promote and protect the human rights and fundamental freedoms of all persons with disabilities and to promote respect for their inherent dignity. In particular:

- Article 4 requires States Parties to ‘ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability’. Article 4(a) provides that States Parties undertake to adopt ‘all appropriate legislative, administrative and other measures’ to implement rights recognised in this Convention; and
- Article 19 requires States Parties to ‘facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community’.

The diversity and inclusion aspects of the grants are aimed at removing barriers to volunteering for people with disability, which will facilitate the full inclusion and participation of persons with disability in the community.

Convention on the Rights of the Child

Australia has obligations to promote and protect the human rights and fundamental freedoms of the child. In particular:

- Article 4 requires States Parties to ‘undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention’; and
- Article 6(2) requires States Parties to ‘ensure to the maximum extent possible the survival and development of the child’.

The diversity and inclusion aspects of the grants are aimed at removing barriers to volunteering for children, which will facilitate the development and wellbeing of the child and provide opportunities for a child’s development that the child would otherwise lack.

International Covenant on Economic, Social and Cultural Rights

Australia has obligations to promote the realisation of rights of people to ‘freely determine their political status and freely pursue their economic, social and cultural development’. In particular:

- Article 2 requires the States Parties to undertake to take steps to progressively achieve ‘the full realisation of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures’; and
- Article 6 requires the States Parties to ‘recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.’

The diversity and inclusion aspects of the grants are aimed at removing barriers to volunteering for unemployed people, which will help transition unemployed people into employment.

Territories power

Section 122 of the Constitution empowers the Parliament to ‘make laws for the government of any territory’.

The grants will increase access to volunteering opportunities and remove barriers to volunteering opportunities in the Australian Capital Territory and Northern Territory.

New **table item 485** establishes legislative authority for government spending on the *Stronger Places, Stronger People* (SPSP) initiative.

The SPSP is a place-based, collective impact initiative that seeks to demonstrate that improved wellbeing for children and their families living in SPSP communities is achieved through the implementation of place-based, collective impact methodology and practice, including policy, funding and systems reform.

Collective impact provides a framework to focus on complex issues, people and places. Under the SPSP, collective impact provides for a community-led approach to the wellbeing of families and children. This is informed by continuous community engagement, a shared vision for change and a locally developed plan of action. There is an emphasis on data and evidence-informed decision making and measurement, evaluation and learning to drive process and outcome improvement.

The SPSP initiative will be implemented in 10 communities across Australia. To date, implementation has commenced in eight communities: Logan, Rockhampton and Gladstone in Queensland, Bourke in New South Wales, Burnie in Tasmania, Mildura in Victoria, the Far West Region (including Ceduna) in South Australia and the Barkly Region (including Tennant Creek) in the Northern Territory. It is expected implementation will commence in the remaining two communities in 2021-22. Information on the SPSP initiative is available on the departmental website at www.dss.gov.au/families-and-children-programs-services/stronger-places-stronger-people.

The SPSP initiative and funding framework have been built from practice and learnings of the department’s support for place-based collective impact in Logan, the *Logan Together* initiative, over the past four years with the Queensland government. It has also been developed by applying learnings from the Commonwealth’s place-based programs.

The SPSP model is similar to that of Empowered Communities, an initiative stewarded by the National Indigenous Australians Agency.

The SPSP expected outcomes will look different for each community, as each community develops and implements their own community strategy and action plan and sets their own priorities. It is expected that outcomes will be achieved in the following areas:

- supporting families to prepare for parenthood and caregiving responsibilities and to further the development of the children in their care;
- discouraging the use of harmful substances such as tobacco, alcohol and drugs amongst prospective parents;
- encouraging young people to seek, and preparing them for, employment;
- ensuring women have access to appropriate pre-natal and post-natal services; and

- undertaking measures to help children live safely and outside the youth justice system.

Current outcomes in Logan have shown improvements in child and maternal health checks, and in Bourke violence and reoffending have reduced.

The collective impact practice represents a change from the traditional approach of funding a service provider to deliver services and programs. Spending activities involve grant funding for a backbone team in each SPSP community (to develop and deliver on a locally designed plan of action to improve outcomes) and capacity building in each community to implement the initiative at the local level. Funding is also allocated through procuring specialist consultants to support the development, implementation, measurement and evaluation of the SPSP model, together with relevant tools and resources to support implementation in each community.

Backbone and capacity building funding

The backbone team in each of the SPSP communities uses the funding to work with local leaders, community members and organisations to develop, implement and evaluate a community strategy and action plan, to improve outcomes for children, families and their community. Funding under this initiative is not for the delivery of services, but for the backbone team to lead change by practising collective impact through collaborative work with the community (including service providers). The practice of collective impact requires all of the following six conditions to be established and progressed together:

- local leadership group and a backbone team;
- systems approach (not a programmatic or cohort approach);
- continuous community engagement;
- use of data, evidence and learning;
- local strategy and action plan; and
- testing and trying new activities that have impacts.

Functions of the backbone team include:

- undertaking comprehensive and inclusive community engagement to develop and implement a community strategy and action plan;
- mapping existing services and advising on better investments and system improvements;
- supporting local leadership and governance arrangements;
- collaborating to generate practical service delivery improvements for existing programs, identify gaps and duplications;
- collecting and analysing data to set benchmarks, track progress and evaluate outcomes;
- collating key learnings and monitoring and evaluating the initiative at a community level as it progresses; and
- providing an annual report.

The funding provided to backbone teams is of two kinds: backbone and capacity building funding. Matched backbone funding is sought from state and territory governments. This funding can be provided through a combination of cash and in-kind support.

Backbone funding can be used for a wide range of activities that will support the development and implementation of the community's plan for change, including (but not limited to):

- staffing and travel costs;
- community engagement that builds the shared aspiration for change and supports the implementation of the community's strategy and plan, including venue hire, catering expenses and other reasonable costs;
- projects that advance the initiative – for example, establishing a website or social media, producing communications materials;
- SPSP reporting and measurement, evaluation and learning requirements; and
- purchase of specialist support where the technical skills, expertise and guidance are usually not required in the community on an ongoing basis.

Capacity building funding must be used to build the knowledge, skills, experience and capabilities of the backbone team and the local community in enhancing the quality of their collective impact practice. Examples of capacity building funding uses include (but are not limited to):

- purchase of capacity building support provided by specialist collective impact practitioners to ensure successful development of the shared agenda and implementation of the community plan;
- building or enhancing knowledge, skills and capabilities for backbone functions, local community governance and leadership;
- employing specialist support, such as collective impact, evaluation or data support;
- mentoring, coaching or advice to establish and lead strategy and operations of the backbone team; and
- support to ensure the annual report includes appropriate content, data and case studies to enable the measurement, evaluation and learnings from implementation of the SPSP initiative.

Backbone teams will be required to act within the limits of Commonwealth's constitutional heads of legislative power. Subject to these limitations, it is open to each backbone team to determine how funding is spent.

Funding for the SPSP design and implementation

Funding is also being used for the design and implementation of the initiative, including overarching frameworks and tools, measurement, evaluation and reporting. This will include the SPSP model, implementation approach, and a measurement and evaluation strategy.

Specialist expertise will be engaged through procurement processes to support the development, implementation and evaluation of the model. This will continue throughout the life of the initiative. Skills and experience that require procurement include collective impact practice and place-based partnership work; community engagement; data, monitoring, and evaluation; and social and economic modelling and impact assessment.

The department delivers the SPSP initiative through a suite of grant and procurement processes in accordance with the requirements of the Commonwealth resource management framework, including the PGPA Act, the CGRGs and the *Commonwealth Procurement Rules* (CPRs).

Several criteria are considered when selecting demonstration communities. These include that a community has markers of persistent disadvantage, combined with existing collaboration, strong local leadership and established governance structures, and a promising degree of readiness to work differently, with each other, with governments and with service providers. Community selection is also informed by consultation with state and territory governments and is agreed with the relevant state or territory minister.

Each community will go through a robust Partnership Exploration Process, which provides the evidence to confirm a community's alignment with, and readiness to participate in, the SPSP initiative. This process is facilitated by specialist consultants – PwC's Indigenous Consulting is currently procured to undertake this work.

The Partnership Exploration Process also helps to identify the appropriate backbone team in each community. Consideration is given to the need for the backbone team to be sector neutral (not an existing service provider) and supported by the local community to lead their change agenda.

The Minister for Families and Social Services (the Minister) is the final decision maker regarding community selection (with the relevant state and territory minister) and the provision of funding – who the funding is provided to and the total funding allocation, consistent with the funding model – for each community. As at April 2021, the department has received ministerial agreement to support eight communities under the SPSP, with the Minister agreeing the communities selected and the funding allocation until 2023-24 for each selected community.

In 2019-20 and 2020-21, funding was provided to backbone teams in each community through a closed non-competitive, ad hoc grant process. These organisations were identified through the Partnership Exploration Process. Short-term grants were put in place in order to meet the urgent, specific needs identified, while the department was considering longer-term future funding arrangements. The grants are administered by the Community Grants Hub.

It has since been determined that in future years the department will continue to provide funding to backbone teams through ad hoc grants. The department considers a closed non-competitive, ad hoc grant process to be appropriate. The SPSP initiative is time limited, and funding will be provided to identified organisations, and in some cases previously funded organisations.

The department will develop grant opportunity guidelines and consistent with the ad hoc grant processes under the CGRGs, these grant opportunities and the related guidelines will not be made public. Instead, selected backbone organisations will be invited by the department to submit applications for a particular grant through a letter of invitation, and these applications will be assessed individually. Once the grant agreement is executed, grant details will be published on the GrantConnect website at www.grants.gov.au. The Community Grants Hub is responsible for ensuring that details are published within 21 days from the date the grant agreement is executed.

To date, grants have been managed by the policy area of the department, with funding agreement managers (who work within the department's Community Grants Hub)

responsible for ensuring contract reporting milestones are met. The policy area maintains regular contact with the backbone teams and is part of the governance arrangements in each community. It is anticipated this arrangement will continue. The Minister is the final decision maker regarding these grant agreements.

Matched backbone funding from state and territory governments is currently provided directly to the local backbone team through similar grant arrangements.

The department will continue to engage specialist expertise through the procurement processes to support the development, implementation and evaluation of the model. Previously, the department has sourced providers from the Supply Nation (under the Indigenous Procurement Policy), its Research Evaluation and Data procurement panel, and the whole-of-government Digital Marketplace to access suppliers with appropriate skills and experience. For example, PwC's Indigenous Consulting was procured through the Supply Nation to provide culturally appropriate community engagement support during the Partnership Exploration Process.

The specific procurement approach taken, whether from open tender, limited tender or existing arrangements, will depend on the nature of the services, skills and expertise required. Services required include community engagement which is culturally appropriate and informed by collective impact practice, data collection, analysis and visualisation, place-based measurement, evaluation and reporting, and impact assessment and actuarial modelling. Future procurements will be undertaken in accordance with the CPRs. Where appropriate, consideration will be given to the Supply Nation providers in line with the Indigenous Procurement Policy, as has been the SPSP practice to date. Procurement details will be published on AusTender at www.tenders.gov.au as required.

The decision maker in relation to the procurement of specialist expertise will be a departmental official, as a delegate of the Secretary of the department. The level of the official will vary, depending on the value of the procurement and financial delegations.

Funding decisions under the SPSP are not subject to independent merits review. This is because there is only a finite amount of resources available and an allocation that has been made to another party would be affected by a review overturning the original decision. Any delay to the administration of the funding would undermine the grant or procurement process and negatively impact the security of future funding for the successful applicant. The ARC has recognised that it is justifiable to exclude merits review in relation to decisions of this nature (see paragraphs 4.11 to 4.19 of the guide, *What decisions should be subject to merit review?*).

Applicants have the option of recourse via the department's complaints management system (www.dss.gov.au/contact/feedback-compliments-complaints-and-enquiries/complaints-page). Applicants also have recourse to the Commonwealth Ombudsman if they are not satisfied with the response (www.ombudsman.gov.au).

The department has undertaken extensive consultation with state and territory governments, communities, philanthropic organisations and experts in collective impact and place-based approaches in the development of the SPSP initiative. State and territory governments, communities, philanthropic organisations, universities and corporate businesses are partners in the implementation of the initiative.

Funding for the SPSP initiative of \$24.0 million over three years from 2021-22 will come from Component 1 (Families and Children) of Program 2.1: Families and Communities, which is part of Outcome 2. Details are set out in the *Portfolio Budget Statements 2021-22, Budget Related Paper No. 1.12, Social Services Portfolio* at page 78.

Noting that it is not a comprehensive statement of relevant constitutional considerations, the objective of the item references the external affairs power (section 51(xxix)) of the Constitution.

External affairs power

Section 51(xxix) of the Constitution empowers the Parliament to make laws with respect to ‘external affairs’. The external affairs power supports legislation implementing Australia’s obligations under international treaties to which it is a party.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Australia has obligations relating to the rights of women under the CEDAW. In particular:

- Article 2 requires States Parties to ‘condemn discrimination against women in all its forms [and] agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women’; and
- Article 12(2) requires States Parties to ‘ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period’.

Each SPSP community develops and implements their own community strategy and action plan to improve outcomes for the wellbeing of children and families within their community. In some SPSP communities, the initiative promotes the importance of maternal health and antenatal care in a child’s development. This is the case in Logan, where the backbone team has facilitated the establishment of maternal health care hubs.

Convention on the Rights of the Child (CRC)

Measures directed at children

Australia has obligations relating to the rights of children under the CRC. In particular:

- Article 3 requires States Parties to ‘undertake to ensure the child such protection and care as is necessary for his or her well-being’;
- Article 4 requires States Parties to ‘undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognised in [this] Convention’;
- Article 6(2) requires States Parties to ‘ensure to the maximum extent possible the survival and development of the child’;
- Article 19 requires States Parties to take all appropriate measures to protect children from violence, injury, abuse, neglect, maltreatment and exploitation, including ‘the establishment of social programmes to provide necessary support for the child’;
- Article 24(1) recognises the right of the child to the highest attainable standard of health and is read with the more specific obligations in Article 24(2). Among other things, Article 24(2) requires States Parties to take appropriate measures to:

- diminish child and infant mortality, and ensure the provision of health care to all children;
- ensure the provision of appropriate pre-natal and post-natal health care to mothers; and
- ensure that all segments of society are informed and supported in the use of basic knowledge of child health, nutrition and the prevention of accidents;
- Article 27(1) requires States Parties to ‘recognize the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development’;
- Article 28(1) requires States Parties to recognise the right of the child to education and is read with Article 29(1), which deals with the content of that education. In particular, Article 29(1)(a) provides that the education of the child shall be directed to ‘the development of the child’s personality, talents and mental and physical abilities to their fullest potential’; and
- Article 31(1) recognises ‘the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child’.

Measures directed at parents

Australia has obligations relating to the rights of children under the CRC. In particular:

- Article 18(2) requires States Parties to ‘render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and to ‘ensure the development of institutions, facilities and services for the care of children’;
- Article 19(2) requires States Parties to take protective measures, including ‘procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child’;
- Article 24(2)(e) requires States Parties to take appropriate measures to ‘ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents’;
- Article 24(2)(f) requires States Parties to ‘develop preventative health care, guidance for parents and family planning education and services’;
- Article 27(3) requires States Parties to take appropriate measures to assist parents and others responsible for the child to implement the right of an adequate standard of living, and to provide material assistance and support programs in case of need;
- Article 28(1) requires States Parties to ‘recognize the right of the child to education’, and with a view to achieving this right, requires States Parties to:
 - make educational and vocational information and guidance available and accessible to all children (Article 28(1)(b)); and
 - take measures to encourage regular attendance at schools and reduce drop-out rates (Article 28(1)(e)).

The SPSP initiative aims to improve the wellbeing of children and their families living in SPSP communities. In the Far West Region of South Australia and the Barkly Region, the primary activity is to develop and implement a community strategy that seeks to improve outcomes for children and families, including by preparing prospective parents for parenthood and caregiving responsibilities, providing access to appropriate pre-natal and post-natal services and helping children to live safely and outside the youth justice system.

International Convention on Economic, Social and Cultural Rights (ICESCR)

Australia has obligations relating to the ICESCR. In particular:

- Article 2 requires the States Parties to take steps to realise the rights recognised in the ICESCR and to guarantee that the rights in the ICESCR will be exercised without discrimination of any kind;
- Article 6(1) requires the States Parties to recognise the right to work which is to be realised through ‘technical and vocational guidance and training programmes... [and] techniques to achieve ... full and productive employment’ (Article 6(2)); and
- Article 12(1) requires the States Parties to recognise the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. Article 12(2) requires the States Parties, in taking steps to achieve the right articulated in Article 12(1), to take steps to provide for the healthy development of the child (Article 12(2)(a)) and to prevent, treat and control epidemic, endemic, occupational and other diseases (Article 12(2)(c)).

Each community develops and implements their own community strategy and action plan to improve outcomes for, and the wellbeing of, children and families within their community. In some SPSP communities, the initiative assists young people to enter employment. This is the case in Burnie, Tasmania, where the backbone team is working with the community of Burnie to implement a change agenda to improve outcomes for their children and families by focussing on education and employment. This includes ensuring children get the education and skills they need to be employable, and encouraging children to aspire to work in an array of jobs through activities such as mentorship programs.

Convention on Psychotropic Substances

Australia has obligations relating to the *Convention on Psychotropic Substances*.

In particular:

- Article 20(1) requires the Parties to take measures to prevent the abuse of psychotropic substances and for the early identification, treatment and education of persons involved in psychotropic substance abuse; and
- Article 20(3) requires the Parties to promote an understanding of the problem of psychotropic substance abuse among the general public.

Single Convention on Narcotic Drugs (as amended)

Australia has obligations relating to the *Single Convention on Narcotic Drugs*. In particular:

- Article 4 requires the Parties to take legislative and administrative measures as necessary to give effect to the obligations under that Convention;
- Article 38(1) requires the Parties to take all practicable measures for the prevention of abuse of drugs, and for the early identification, treatment and education of persons involved with drugs, and
- Article 38(3) requires the Parties to take all practicable measures to promote an understanding of the problem of abuse of drugs among the general public.

United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances

Australia has obligations relating to the *United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*. In particular, Article 14 requires each Party to take appropriate measures to prevent illicit cultivation of plants containing narcotic or psychotropic substances and eliminate or reduce illicit demand for narcotic drugs and psychotropic substances.

In relation to Australia's obligations under the *Convention on Psychotropic Substances*, the *Single Convention on Narcotic Drugs* and the *United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*, each SPSP community develops and implements their own community strategy and action plan to improve outcomes for, and the wellbeing of, children and families within their community. In some communities, the initiative discourages the use of harmful substances amongst prospective parents. This is the case in Bourke, NSW, where the backbone team supports a drug and alcohol rehabilitation service via its community hub.

WHO Framework Convention on Tobacco Control

Australia has obligations relating to the *WHO Framework Convention on Tobacco Control*. In particular:

- Article 5(1) requires each Party to develop, implement, update and review national tobacco control strategies, plans and programs;
- Article 5(2)(b) requires each Party to 'adopt and implement effective legislative, executive, administrative and/or other measures ... in developing appropriate policies for preventing and reducing tobacco consumption, nicotine addiction and exposure to tobacco smoke';
- Article 12 requires each Party to 'promote and strengthen public awareness of tobacco control issues' by adopting and implementing 'effective legislative, executive, administrative or other measures'; and
- Article 14 requires each Party to 'develop and disseminate appropriate, comprehensive and integrated guidelines' and 'take effective measures to promote cessation of tobacco use and adequate treatment for tobacco dependence'.

Each SPSP community develops and implements their own community strategy and action plan to improve outcomes for, and the wellbeing of, children and families within their community. In some communities, such as Bourke and Logan, the initiative has a focus on encouraging prospective parents to reduce smoking.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

Financial Framework (Supplementary Powers) Amendment (Social Services Measures No. 2) Regulations 2021

This disallowable legislative instrument 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*.

Overview of the legislative instrument

Section 32B of the *Financial Framework (Supplementary Powers) Act 1997* (the FF(SP) Act) authorises the Commonwealth to make, vary and administer arrangements and grants specified in the *Financial Framework (Supplementary Powers) Regulations 1997* (the FF(SP) Regulations) and to make, vary and administer arrangements and grants for the purposes of programs specified in the Regulations. Schedule 1AA and Schedule 1AB to the FF(SP) Regulations specify the arrangements, grants and programs. The powers in the FF(SP) Act to make, vary or administer arrangements or grants may be exercised on behalf of the Commonwealth by Ministers and the accountable authorities of non-corporate Commonwealth entities, as defined under section 12 of the *Public Governance, Performance and Accountability Act 2013*.

The *Financial Framework (Supplementary Powers) Amendment (Social Services Measures No. 2) Regulations 2021* amend Schedule 1AB to the FF(SP) Regulations to establish legislative authority for government spending on certain activities administered by the Department of Social Services (the department).

This legislative instrument:

- amends table item 236 in Part 4 of Schedule 1AB for the Boosting the Local Care Workforce program;
- adds table item 484 in Part 4 of Schedule 1AB for the Volunteer Management Activity; and
- adds table item 485 in Part 4 of Schedule 1AB for the *Stronger Places, Stronger People* initiative.

Table item 236 – Boosting the Local Care Workforce

The amended table item 236 establishes legislative authority for government spending on the Boosting the Local Care Workforce program (the program) to facilitate an adequate and appropriate supply of disability, aged care and veterans' care service providers, including for the purposes of the National Disability Insurance Scheme (NDIS), the *Aged Care Act 1997* and the *Veterans' Entitlements Act 1986*.

The program was initially rolled out in 2017 to support service providers across Australia to address workforce and market challenges, including identifying NDIS and aged care market opportunities, connecting with relevant government services and providing tools and resources to help service providers succeed in the care and support sector.

In late 2020, the department commissioned a review to assess the effectiveness of the program to date and to consider whether current arrangements are fit-for-purpose to support delivery of the third phase of the program for another two years from 2021. The review concluded that the program has been effective in assisting disability care and support providers to address business and workforce issues and that the current provider is well positioned to deliver the program next phase.

Additional funding is provided until 30 June 2023 to strengthen the focus on connecting employment service and training providers with care and support providers, and to support the development of a care and support work sector (covering the NDIS, aged care and veterans' care) with care and support providers. The program is extended to include veterans' care and provide coverage across the broader care and support sector. It also allows for the current provider to leverage its existing resources and networks to assist in growing the care and support workforce.

Human rights implications

The amended table item 236 engages the following rights:

- the right of all persons to accessibility – Article 9 of the *Convention on the Rights of Persons with Disabilities* (CRPD), read with Article 4; and
- the right to statistics and data collection – Article 31 of the CRPD.

Article 4 of the CRPD requires States Parties to undertake to ensure and promote the full realisation of all human rights for those with a disability without discrimination. Article 9 and Article 31 are considered below with these general obligations in mind.

Article 9 of the CRPD requires States Parties to take appropriate measures to ensure persons with disabilities can access, on an equal basis with others, facilities and services in both urban and rural areas and provide for training for stakeholders on accessibility issues facing persons with disabilities.

Article 31 of the CRPD requires States Parties to undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the Convention.

Extending the program will assist in building and developing the care and support sector workforce, whilst providing information for providers and stakeholders. This will positively engage human rights by assisting in ensuring a workforce capable of meeting the demand for services and ultimately improving accessibility. Intelligence collected through the program will assist to formulate policy to continue to support the care and support workforce sector.

Conclusion

The amended table item 236 is compatible with human rights because it promotes the protection of human rights.

Table item 484 – Volunteer Management Activity

Table item 484 establishes legislative authority for government spending on the redesigned Volunteer Management Activity (VMA).

Volunteer management was first funded by the Government in 1992. In November 2017, the department commissioned an independent review into the appropriateness, effectiveness and efficiency of the VMA. On 13 February 2020, the Minister for Families and Social Services, Senator the Hon Anne Ruston, released the *Report on the Review of the Volunteer Management Activity* (the Review).

The Review recommended the Government:

- continue to invest in volunteer management, but clarify its interest in volunteer management including the focus and objective of its investment; and
- work with stakeholders over the coming 12 months to co-design a new program (including the performance framework) that focuses the Government's investment on building the capacity of volunteer involving organisations (VIOs) to effectively recruit and manage volunteers.

Along with the release of the Review, the department published the discussion paper *Considerations for the future of the Volunteer Management Activity*, which outlined and sought views on the key issues for consideration when thinking about the future of volunteer management and the role of the Government. This paper informed discussions with the volunteering sector held in early March 2020. Consultation on the discussion paper, including public submissions, was open from 13 February 2020 to 3 April 2020.

In line with the Review, and incorporating insights from the consultation process and public submissions, the department redesigned the VMA. The aim of the redesigned VMA is to increase opportunities for people to participate in the social and economic life of their broader community through volunteering, by:

- building effective volunteering practices and opportunities within organisations and communities;
- increasing the diversity of volunteers;
- improving access to information on volunteering; and
- providing access to the training, resources and support volunteers and VIOs need.

Key components of the redesigned VMA include:

- online volunteer management services; and
- grants to volunteering peak bodies to develop and implement strategies to build the capacity of VIOs, through online volunteer management services, and break down barriers to volunteering for certain priority groups, including people with disability, newly arrived migrants and First Nations people.

The redesigned VMA will commence on 1 July 2021.

Human rights implications

Table item 484 engages the following rights in:

- Articles 6, 24, 28, 29, 30 and 31 of the *Convention on the Rights of the Child* (CRC);

- Articles 4, 8, 9, 16, 19, 24, 25, 26, 27, 28 and 30 of the CRPD;
- Articles 3, 10, 12, 13 and 14 of the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW);
- Articles 6, 7, 11, 12, 13, 15 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR); and
- Article 7 of the *International Convention on the Elimination of All Forms of Racial Discrimination* (CERD).

The intent of the online volunteer management services is to support the volunteering sector as a whole. The capacity building aspects of the grants support volunteer support services organisations, VIOs and volunteers to utilise online volunteer management services. The diversity and inclusion aspects of the grants are aimed at breaking down barriers to certain vulnerable groups' participation in the volunteering sector, which implements certain rights. The volunteering sector in turn supports each of the above rights.

CRC

The CRC requires States Parties to take a number of measures to protect the rights of children, including the right to life, survival and development (Article 6), the right to health (Article 24) and education (Articles 28 and 29), the right to participate in their own culture (Article 30) and the right to engage in recreational activities and to participate in cultural life and the arts (Article 31).

Table item 484 supports these rights by removing barriers to volunteering by children, thereby facilitating their development and wellbeing through participation in community and cultural activities, as well as educational opportunities.

The volunteering sector as a whole supports these rights by providing volunteering opportunities in schools, with local sporting organisations, community organisations such as Scouts and in paediatric hospital units.

CRPD

The CRPD requires States Parties to take a number of measures to protect the rights of people with disabilities, including freedom from discrimination (Article 4), promoting awareness of the capabilities and contributions of persons with disabilities (Article 8), the right to live independently and participate fully in all aspects of life, including full inclusion in the community (Articles 9, 19 and 26), the freedom from exploitation, violence and abuse (Article 16), the right to education (Article 24), health (Article 25), work (Article 27), the right to adequate living standards (Article 28), and inclusion and participation in the community and in cultural life and the arts (Article 30).

Table item 484 supports these rights by ensuring that those living with disabilities have the ability to participate in the community, via volunteering, by breaking down barriers that may prevent this cohort from participating in the volunteering community as well as educating organisations on what they can do to ensure that this cohort is able to effectively participate in the community through volunteering.

The volunteering sector as a whole supports these rights by providing volunteering opportunities with community organisations that support people with disability such as

Guide Dogs Australia and Riding for the Disabled. The volunteering sector also implements programs such as the Volunteering ACT Inclusive Volunteering Pathways to Employment Program, which helps to reduce and remove barriers to volunteering for people living with disability.

CEDAW

The CEDAW requires States Parties to take a number of measures to protect the rights of women, including the right to equality with men (Article 3), including in the fields of education (Article 10), health care (Article 12) and economic and social participation (Article 13). States Parties are also required to take into account the particular problems faced by women living in rural areas (Article 14).

Table item 484 supports these rights by removing barriers to women participating in volunteer activities in an equal manner to men, including women living in rural areas who often face particular barriers to participation in community activities and training.

The volunteering sector as a whole supports these rights by providing volunteer opportunities with a number of community organisations that support women, including domestic violence services, child and maternal health services, and English as a second language (ESL) classes. Online services will also make it easier to reach women living in rural areas. In addition, UN Women Australia provides volunteer opportunities for young women to contribute to gender equality and the empowerment of women through a variety of roles.

ICESCR

The ICESCR requires the States Parties to take a number of measures to protect the rights of individuals, including the right to work (Article 6), and to work in just and favourable conditions (Article 7), the rights to an adequate standard of living (Article 11), health (Article 12), education (Article 13), and to take part in cultural life (Article 15).

Table item 484 supports the right to work by removing barriers to volunteering for unemployed people.

The volunteering sector as a whole supports these rights by providing volunteer opportunities with community organisations that support individuals to contribute to the economic, social and cultural parts of life. This may include volunteering for cultural events, meal delivery services, interpreters and taking part in volunteering to employment programs.

CERD

The CERD requires States Parties to take measures to protect the rights of certain racial and ethnic groups or individuals, including by taking measures in the fields of teaching, education, culture and information with a view to combating prejudices that lead to racial discrimination (Article 7).

Table item 484 supports these rights by removing barriers to individuals from certain racial and ethnic groups to engage in volunteer activities.

The volunteering sector as a whole supports these rights by providing volunteer opportunities such as ESL classes for newly arrived migrants, support with cultural events and interpreters to provide social support to elderly people within the community.

Conclusion

Table item 484 is compatible with human rights because it promotes the protection of human rights.

Table item 485 – Stronger Places, Stronger People

New table item 485 establishes legislative authority for government spending on the *Stronger Places, Stronger People* (SPSP) initiative. SPSP is a place-based, collective impact initiative that seeks to demonstrate that improved wellbeing for children and their families living in SPSP communities is achieved through the implementation of place-based, collective impact methodology and practice, including policy, funding and systems reform.

The SPSP initiative will be implemented in 10 communities across Australia. To date, implementation has commenced in eight communities: Logan, Rockhampton and Gladstone in Queensland, Bourke in New South Wales, Burnie in Tasmania, Mildura in Victoria, the Far West Region (including Ceduna) in South Australia and the Barkly Region (including Tennant Creek) in the Northern Territory. It is expected implementation will commence in the remaining two communities in 2021-22.

The SPSP expected outcomes will look different for each community, as each community develops and implements their own community strategy and action plan and sets their own priorities. It is expected that outcomes will be achieved in the following areas:

- supporting families to prepare for parenthood and caregiving responsibilities and to further the development of the children in their care;
- discouraging the use of harmful substances such as tobacco, alcohol and drugs amongst prospective parents;
- encouraging young people to seek, and preparing them for, employment;
- ensuring women have access to appropriate pre-natal and post-natal services; and
- undertaking measures to help children live safely and outside the youth justice system.

Spending activities involve grant funding for a backbone team in each SPSP community (to develop and deliver on a locally designed plan of action to improve outcomes) and capacity building in each community to implement the initiative at the local level. Funding is also allocated through procuring specialist consultants to support the development, implementation, measurement and evaluation of the SPSP model, together with relevant tools and resources to support implementation in each community.

Human rights implications

Table item 485 engages the following rights:

- the right of children to education – Articles 28 and 29 of the CRC, read with Article 4, and the general right to education – Article 13 of the ICESCR, read with Article 2;
- the right of children to life, survival and development – Article 6 of the CRC;

- the right of children to health – Article 24 of the CRC, the general right to health – Article 12 of the ICESCR and the right of women to health care – Article 12 of the CEDAW, read with Article 2;
- the right of children to an adequate standard of living – Article 27 of the CRC, and the general right to an adequate standard of living – Article 11 of the ICESCR;
- the right of children to rest and leisure – Article 31 of the CRC; and
- the right of everyone to work – Article 6 of the ICESCR.

Right to education

Table item 485 engages the right to education in Articles 28 and 29 of the CRC, read with Article 4, and Article 13 of the ICESCR, read with Article 2.

Article 4 of the CRC requires States Parties to undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognised in the CRC. These rights include ‘the right of the child to education’ (Article 28).

Article 29(1)(a) of the CRC provides that ‘States Parties agree that the education of the child shall be directed to... the development of the child’s personality, talents and mental and physical abilities to their fullest potential’.

Article 2 of the ICESCR requires the States Parties to take steps to progressively achieve the full realisation of the rights recognised in the ICESCR by all appropriate means.

Article 13(2)(a) of the ICESCR relates to the right of everyone to primary education that is compulsory and free.

Table item 485 promotes the right to education, as the purpose of the SPSP initiative in some communities is to support activities that improve educational outcomes and support career development for school students. For example, in one SPSP community, funding supports a team that encourages young people to aspire to work in an array of jobs through activities such as mentorship programs.

Right to life, survival and development

Table item 485 engages the right of children to life, survival and development contained in Article 6 of the CRC. Article 6(2) of the CRC requires States Parties to ensure to the maximum extent possible the survival and development of the child.

Table item 485 promotes the right to life, survival and development, as the purpose of the SPSP initiative is to support activities focused on childhood development. This includes a cradle-to-career life course approach that aims to ensure that children have the opportunity to develop and ideally thrive at all key life stages, and that families are equipped to support children’s development.

Right to health

Table item 485 engages the right to health contained in Article 24 of the CRC, Article 12 of the ICESCR, and Article 12 of the CEDAW read with Article 2.

Article 12 of the CRC provides for the right of children to the enjoyment of the highest attainable standard of health.

Article 12 of the ICESCR relates to the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

Article 2 of the CEDAW requires States Parties to adopt appropriate means, including legislative measures, to eliminate discrimination against women. Article 12 of the CEDAW requires States Parties to take all appropriate measures to eliminate discrimination against women in health care, including providing appropriate services in connection with family planning, pregnancy and the post-natal period.

Table item 485 promotes the right to health, as the purpose of the SPSP initiative is to support activities that improve health outcomes. For example, in one SPSP community, funding supports a team that has facilitated the establishment of maternal health care hubs.

Right to an adequate standard of living

Table item 485 engages the right to an adequate standard of living contained in Article 27 of the CRC and Article 11 of the ICESCR.

Article 27 of the CRC provides for the right of children to an adequate standard of living.

Article 11 of the ICESCR relates to the right of everyone to an adequate standard of living.

Table item 485 promotes the right to an adequate standard of living as the purpose of the SPSP initiative is to support activities that improve wellbeing outcomes. The SPSP takes a whole-of-community approach to disadvantage and improving the wellbeing of children and their families. The initiative involves collaboration with stakeholders from multiple sectors including health and education, with the objective of improving the overall wellbeing of children in the 10 demonstration communities.

Right to rest and leisure

Table item 485 engages the right of children to rest and leisure contained in Article 31 of the CRC. Article 31 of the CRC provides for the right of children to rest and leisure.

Table item 485 promotes the right of children to rest and leisure as the purpose of the SPSP initiative is to support activities that engage children in play and recreation.

Right to work

Table item 485 engages the right to work in Article 6 of the ICESCR. Article 6 of the ICESCR provides for the right of everyone to work.

Table item 485 promotes the right to work as the purpose of the SPSP initiative in some communities includes encouraging activities that support career development. For example, in one SPSP community, funding supports a team that encourages young people to aspire to work in an array of jobs through activities such as mentorship programs.

Conclusion

Table item 485 is compatible with human rights because it promotes the protection of human rights, and does not limit rights.

**Senator the Hon Simon Birmingham
Minister for Finance**