

## **EXPLANATORY STATEMENT**

### **Issued by the Authority of the Minister for Finance**

*Financial Framework (Supplementary Powers) Act 1997*

*Financial Framework (Supplementary Powers) Amendment  
(Veterans' Affairs Measures No. 4) Regulations 2022*

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*.

The Principal Regulations are exempt from sunseting under section 12 of the *Legislation (Exemptions and Other Matters) Regulation 2015* (item 28A). If the Principal Regulations were subject to the sunseting regime under the *Legislation Act 2003*, this would generate uncertainty about the continuing operation of existing contracts and funding agreements between the Commonwealth and third parties (particularly those extending beyond 10 years), as well as the Commonwealth's legislative authority to continue making, varying or administering arrangements, grants and programs.

Additionally, the Principal Regulations authorise a number of activities that form part of intergovernmental schemes. It would not be appropriate for the Commonwealth to unilaterally sunset an instrument that provides authority for Commonwealth funding for activities that are underpinned by an intergovernmental arrangement. To ensure that the Principal Regulations continue to reflect government priorities and remain up to date, the Principal Regulations are subject to periodic review to identify and repeal items that are redundant or no longer required.

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. Section 32D of the FF(SP) Act confers powers of delegation on Ministers and the accountable authorities of non-corporate Commonwealth entities, including subsection 32B(1) of the Act. Schedule 1AA and Schedule 1AB to the Principal Regulations specify the arrangements, grants and programs.

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.

The *Financial Framework (Supplementary Powers) Amendment (Veterans' Affairs Measures No. 4) Regulations 2022* (the Regulations) amend Schedule 1AB to the Principal Regulations to establish legislative authority for government spending on certain activities administered by the Department of Veterans' Affairs.

Funding is provided for:

- the Legacy House Brisbane program to support the establishment of a Greenslopes Legacy Family Hub to provide support services to veterans and their families (\$1.5 million in 2022-23);
- the First World War Unmarked Graves initiative to contribute to the provision of private grave markers recognising the service of First World War Veterans whose graves are unmarked and are not eligible for official commemoration (\$0.4 million in administered funding over four years from 2022-23); and
- the Scott Palmer Services Centre to support the establishment of accommodation in the Northern Territory for veterans experiencing homelessness (\$3.3 million over two years from 2022-23).

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 on the day after registration 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 Veterans' Affairs.

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 (Veterans' Affairs Measures No. 4) Regulations 2022***

**Section 1 – Name**

This section provides that the title of the Regulations is the *Financial Framework (Supplementary Powers) Amendment (Veterans' Affairs Measures No. 4) Regulations 2022*.

**Section 2 – Commencement**

This section provides that the Regulations commence on the day after registration 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 – In the appropriate position in Part 4 of Schedule 1AB (table)**

This item adds three new table items to Part 4 of Schedule 1AB to establish legislative authority for government spending on certain activities administered by the Department of Veterans' Affairs (the department).

New **table item 560** establishes legislative authority for government spending to support the establishment of the Legacy House Brisbane.

Legacy House Brisbane also referred to as the Greenslopes Legacy Family Hub (the Hub), delivers on the Australian Government's election commitment to support a new Veteran Family Hub on the site of the old Red Cross Hall at Greenslopes, Brisbane.

Australian Government funding of \$1.5 million in 2022-23 will be provided to Legacy Brisbane to design and construct a three-storey building, including a workspace and a communal area for collaboration and engagement. Legacy Brisbane will be responsible for raising the additional funding to complete construction and management of the Hub, including any ongoing operational costs.

Legacy Brisbane, founded on 18 May 1928, has worked to assist the partners and children of veterans, who gave their lives or health in recognised military service, to fully realise their potential. This program recognises Legacy's long history of looking after the families of Australian service personnel who died during or following their services to the nation or were

seriously injured as a result of the military service, by providing assistance to obtain medical health and rehabilitation access and support.

An agreement has been executed to sell the Red Cross Hall site, which is owned by the Australian Government to the Brisbane City Council (the Council) for \$1.0 million, once remediated. The remediation work is due to be completed in the first quarter of 2023, contingent on receiving approval under the *Environment Protection and Biodiversity and Conservation Act 1999*. The Council will then transfer part of the site to Legacy Brisbane to build their new headquarters where the former Australian Red Cross building previously stood.

This will retain the social purpose of the land and support families who have lost a parent to the service of the nation or are supporting a parent with their health needs after serving the country. Legacy Brisbane is preparing to commence construction on the site in 2022-23 subject to completion of site rehabilitation and transfer of the land, in advance of receiving the contributions from the Australian Government, utilising philanthropic funding.

Once built, the Hub will create a South East Queensland medical and medical research precinct for veteran and family services, which will evaluate services and coordinate support to veterans and their families. The facility will be co-located with the Gallipoli Medical Research Foundation, Keith Payne VC Mental Health Unit and Greenslopes Private Hospital to ensure mental health services provided to families supporting an incapacitated veteran are dealt with in a holistic and case managed environment.

Legacy Brisbane engagement with the ex-service organisation has identified both capacity and interest in forming relationships to address the areas of local level support and advocacy that veterans are seeking. Legacy Brisbane will facilitate such partnerships between ex-service organisations, state-government, medical universities and other community-based run services, and to form a care network to coordinate support for individual veterans.

Legacy Brisbane intends that other ex-service organisations, such as RSL Queensland and Mates4Mates will also be able to deliver services at the Hub, as well as opportunities to explore integrating relevant departments' services, such as Open Arms counselling. There is an opportunity for the range of services and supports to recognise that the veteran community is a diverse cohort spanning all genders, generations and life stages.

The department will deliver the program through a closed non-competitive grant process 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 grants will be administered by the Community Grants Hub, which is part of the Department of Social Services. Grant guidelines will be developed to align with the current project.

Legacy Brisbane is the intended grant recipient. The organisation will be invited by the department to apply for the grant and will be asked to enter an agreement in order to receive the funding. The role and responsibility of Legacy Brisbane, and the outcomes, will be accessed by the grant opportunity guidelines. The final decision-maker will be the Minister for Veterans' Affairs or the Secretary of the department.

Information about the program will be made available on the department's website and on GrantConnect ([www.communitygrants.gov.au](http://www.communitygrants.gov.au) and [www.grants.gov.au](http://www.grants.gov.au)).

Funding decisions made in connection with the Hub will not be subject for independent merits review, as they are decisions relating to an allocation of a finite resource to Legacy Brisbane from which all potential claims for a share of the resource cannot be met. 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 4.19 of the guide, *What decisions should be subject to merits review?* (ARC's guide)).

Consultation was undertaken by the department internally and the conception of the program was informed by feedback from the Veterans' and Families' Hubs, and the Grants Operations sections of the department. The department has consulted with local ex-service organisations, and medical providers at the national level to identify both capacity and interest in forming relationships to address veteran access to medical services. Their insights and feedback were considered during the policy formation for the program.

Funding for the program of \$1.5 million in 2022-23 will come from Program 2.4: Veterans' Community Care and Support, which is part of Outcome 2. Details are set out in the October 2022-23 Budget and Portfolio Budget Statements for the Defence Portfolio (Department of Veterans' Affairs).

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

#### 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 construction of the Hub will support the provision of social, financial and developmental services for families of veterans who gave their lives or their health for Australia. Additional services will support veterans and their families including advocacy service and counselling. The co-location of the Hub with veteran-specific health and research facilities will also promote opportunities to advance veterans medical research and address both physical and mental health issues.

New **table item 561** establishes legislative authority for government spending on the Recognising the service of First World War Veterans whose graves are unmarked initiative (the initiative).

The initiative responds to the Government's plan for a '*Better Future*' which included a commitment to the marking of the bare unmarked graves of First World War Veterans. The Government acknowledged that many veterans returned from war bearing the mental and physical scars of their service. This may have led to veterans being estranged from their families as a result of domestic violence and abuse, inability to support their family, living as itinerants and/or with substance abuse leading to social and economic decline. It was deemed reasonable then to accept that lifestyle choices, as well as events like the Spanish Flu

pandemic and the Great Depression, combined with the post-war economic environment, may have led to a number of those who returned to Australia dying without means or without family, thus being in an unmarked private grave.

More than two million Australians have served our nation in uniform. Over 1.7 million ex-service personnel are not eligible for an official commemoration. An estimated 331,800 Australians deployed during the First World War and over 60,000 were killed or were listed as missing in action. Approximately 271,800 service men and women returned to Australia at the cessation of hostilities, of which approximately 137,000 had been wounded.

Throughout Australia there are committed individuals and groups working to ensure that the service of all veterans is acknowledged. These individuals and groups are currently funding the provisioning and placement of grave markers through fund raising activities, personal and commercial donations and sponsorships, which they state, still does not cover the current and future funding required.

To support this work, the Government agreed to establish the Unmarked Private Graves of First World War Veterans Pilot Program (Pilot Program) in February 2019. The Pilot Program provided applicants (individuals, community, and special interest groups) up to \$450.00 per identified veteran to assist with the purchase/manufacture of a bronze plaque on a cement pedestal, or other types of memorials, atop bare/unmarked graves of First World War veterans who died after the war.

The Pilot Program was to run for two years but was extended for a further five months and closed on 30 June 2021 with funding capped at \$70,000 for each year. At the scheduled cessation on 30 June 2021, the Pilot Program had supported the placement of 1,189 private grave markers. The Australian Government contributing just under \$530,000 in total.

The initiative responds to the community's active campaigning for the program return. The Government will contribute up to \$450.00 per identified veteran to assist with the establishment of a private grave marker at the site of interment. There is no primary source evidence for the numbers of private graves that might be unmarked. Based on the number of graves marked through the Pilot Program, it is anticipated that the Government will contribute towards the cost of some 220 markers each year.

The veterans whose private graves were marked as a result of the Pilot Program did not have their eligibility for official commemoration assessed and there was no requirement for the veteran's family or next of kin to provide permission for the marking of the grave to occur. This created a significant issue for War Graves with a number of cemeteries and local councils.

The initiative will introduce these criteria to ensure those eligible for official commemoration are identified, as their commemoration will then be supplied and cared for in perpetuity by the Office of Australian War Graves (OAWG) within the department; and to ensure the marking of the graves are in line with the wishes of the family. It will also ensure that funds are only provided where cemeteries have approved the work being undertaken on their sites.

Funding for the initiative will only be available to veterans who served in Australia's military forces. Prior to applying for the grant, applicants will have:

- examined cemetery and other records to establish who is at rest within certain grave plots that are bare or unmarked. An unmarked grave, for the purposes of this activity, is a grave plot where there is currently no and has not been any marker or other infrastructure atop the grave within which the veteran is interred. The top of the grave is dirt or grass;
- examined and cited nominal rolls for the First World War, or a simple name check in state or the National Archives of Australia as evidence the interred is an Australian veteran of the First Australian Imperial Force who served in the First World War;
- sought an assessment of the veteran's eligibility for official commemoration from the Repatriation Commission. If a veteran is assessed as eligible for official commemoration, their commemoration will then be supplied and cared for in perpetuity by the OAWG within the department under the existing program of Official Commemoration;
- obtained permission from the veteran's family or next of kin for the marking of the grave to occur; and
- obtained approval to place the marker from the Cemetery authority or local council.

A grant towards the costs of the grave marker will be provided to the applicant only if these steps have been undertaken and requirements have been met.

The department will deliver the initiative through a targeted grants process, administered in accordance with the Commonwealth resource management framework, including the PGPA Act and the CGRGs. The grant will be administered by the Community Grants Hub with grant guidelines to be developed to align with the current program.

Information about the initiative will be available on the Community Grants Hub and GrantConnect websites ([www.communitygrants.gov.au](http://www.communitygrants.gov.au) and [www.grants.gov.au](http://www.grants.gov.au)). Dates for applications to open and close will be nominated; this will be an open batched grant. It will be open to anyone for a set period of time each financial year. The applications will be assessed by the department against eligibility requirements limited to proving that war service was undertaken, that family have provided approval and ensuring that the veteran has been assessed for official commemoration and found to be ineligible. Final decisions about the grant will be made by the Director of the OAWG and the grant recipient information will be published on GrantConnect.

Decisions made in connection with the grants are not considered appropriate for merits review as they relate specifically to proof that the veteran has undertaken service in the First World War. A person's eligibility will be granted after the person satisfies the condition that the veteran has undertaken service in the First World War and will not be determined through a subjective decision made by a decision maker. Determination of a person's eligibility is objective and involves no element of discretion. All eligibility criteria are either determined objectively on the basis of the person's factual situation, or assessed by the person themselves.

The ARC has recognised that it is justifiable to exclude merits review in relation to decisions of this nature, which may be described as automatic or mandatory decisions (see paragraphs 3.8 to 3.12 of the ARC's guide). These decisions arise where there is a statutory obligation to

act in a certain way upon the occurrence of a specified set of circumstances. In that case, there is nothing on which merits review can operate.

The department has informally consulted with the Grants Hub and undertaken all due diligence reviews and assessments. The initiative was put forward as a continuance of the Pilot Program established in 2019. The community has been actively campaigning for its return. This demonstration of need is in and of itself a form of community consultation. Further consultation was not deemed necessary as the decision to extend delivery of an existing program remains in line with its current scope.

Administered funding of \$0.4 million over four years from 2022-23 for this item will come from Program 3.1: Provide and maintain war graves, which is part of Outcome 3. Details are set out in the October 2022-23 Budget and Portfolio Budget Statements for the Defence Portfolio (Department of Veterans' Affairs).

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

#### 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 grants seek to commemorate the contributions of members of the Australian Defence Force, by private commemoration of those members who did not die during or as a result of war. The program promotes both 'public esteem' for veterans and to recognise the 'special place' of veterans in Australian society.

New **table item 562** establishes legislative authority for government spending on the Scott Palmer Services Centre program (the program).

The program will support the establishment of a temporary accommodation facility that provides supporting service to at-risk veterans including employment support and pathways to safer and more affordable housing.

Since 2010, Australian homelessness services, largely operating in the inner capital city areas, have undertaken interviews with people sleeping rough or otherwise homeless in concentrated data collection efforts called 'Registry Weeks', to assess local need. The Registry Week data collection includes a question regarding Australian Defence Force service and is also often used as an indicator of veteran homelessness.

The *Homelessness amongst Australian Veterans* report by the Australian Housing and Urban Research Institute in 2019 found that for ex-serving population with at least one day of service since 1 January 2001 and discharged before 30 June 2017, the 12-month prevalence of homelessness is significantly higher (5.3 per cent) than for the general population (1.9 per cent).



While the veteran experience of homelessness is very similar to that of the general homeless population, there are several unique characteristics, identified through research and consultation, which inform this policy response, including:

- higher rates of unemployment and financial stress post-transitions;
- relationship breakdown and circumstances of domestic/family violence;
- interactions with the justice system and periods of incarceration;
- complex mental and physical health issues, including Post-Traumatic Stress Disorder, particularly those with medical or an administrative discharge; and
- lack of trust that mainstream services, leading to a delay in seeking help until a crisis point is reached.

The Australian Government will provide funding to the Council of Australian Veterans to develop a business case and support the capital works project to design and deliver a six-room accommodation facility known as the Scott Palmer Services Centre – Veterans’ Support Accommodation Northern Territory. The facility will provide transitional housing to homeless veterans, along with office space for on-site support services to assist veterans with finding permanent accommodation, employment, and other support. The program will focus on supporting both former Australian Defence Force personnel and their families experiencing, or at-risk, of homelessness.

The department will facilitate partnerships between the Council of Australian Veterans (as an ex-service organisation providing homelessness support), Open Arms – Veterans & Families Counselling and other Veterans programs (such as income support, employment and peer support), to form a care network to coordinate the support for individual veterans.

The Council of Australian Veterans will be funded in a staged approach with an initial amount of \$50,000 to undertake the development of a detailed business case in early 2023. This would include consideration of project scope; location and planning considerations; delivery options; identification of partnership opportunities; potential operating models; high-level design and estimated construction and operating costs. The Council of Australian Veterans will be responsible for raising the additional funding to complete construction and ongoing operational costs.

The program has opportunities to integrate service delivery through the Veterans and Families Hub network, which will be explored. Referrals to the service would be promoted through Open Arms – Veterans & Families Counselling, the Open Arms Community and Peer Program, and ex-service organisations.

The program will include an embedded evaluation by a capital works advisor in the design to support measurement of the effectiveness of the program. An independent evaluation will be conducted to determine effectiveness and sustainability of the Scott Palmer Services Centre. The program will be assessed, and inform future programs, to promote longer-term housing solution options that include the department partnering with ex-service organisation, and approaches to increase veteran homelessness and employment support, and mental health and relationship counselling services amongst others.

Funding for the program will be provided in two separate processes: funding to develop a sound business case and funding for the project implementation, administered in accordance with the Commonwealth resource management framework, including the PGPA Act and the CGRGs.

The business case funding will be managed through a one-off, ad hoc or a closed non-competitive grant agreement. The project funding will be undertaken through a closed non-competitive grant process. The grant will be administered by the Community Grants Hub with grant guidelines to be developed to align with the current program.

The Council of Australian Veterans is the intended grant recipient and will be invited by the department to apply for the grant. Information about the grant, including the grant recipient will be available on the Community Grants Hub and GrantConnect websites ([www.communitygrants.gov.au](http://www.communitygrants.gov.au) and [www.grants.gov.au](http://www.grants.gov.au)). Final decisions about grants will be made by the Minister for Veterans' Affairs or the Secretary of the department.

Funding decisions made in connection with the program will not be suitable for independent merits review, as they are decisions relating to an allocation of a finite resource to the Council of Australian Veterans from which all potential claims for a share of the resource cannot be met. 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 ARC's guide).

Consultation was undertaken by the department internally and the conception of the program was informed by feedback from the Veterans' and Families' Hubs and the Grants Operations sections of the department. The department also consulted with ex-service organisations, community housing organisations and Specialist Homelessness Service providers at the national level to identify both capacity and interest in forming relationships to address veteran homelessness at a local level. Their insights and feedback were considered during the policy formation.

Funding for the program of \$3.3 million over two years from 2022-23 will come from Program 2.4: Veterans' Community Care and Support, which is part of Outcome 2. Details are set out in the October 2022-23 Budget and Portfolio Budget Statements for the Defence Portfolio (Department of Veterans' Affairs).

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(v)); and
- the territories power (section 122).

#### 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 Scott Palmer Services Centre – Veterans' Supported Accommodation Northern Territory will support veterans and their families in the Northern Territory at-risk of, or experience homelessness, with temporary transitional housing accommodation. Additional services will support veterans and their families to secure permanent and appropriate housing solutions, including employment programs to improve their affordability to safe and secure housing.

*Territories power*

Section 122 of the Constitution empowers the Parliament to make laws with respect to ‘any territory surrendered by any State to and accepted by the Commonwealth’.

The Scott Palmer Services Centre will be located in the Northern Territory.

## **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 (Veterans' Affairs Measures No. 4) Regulations 2022***

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 (Veterans' Affairs Measures No. 4) Regulations 2022* amend Schedule 1AB to the FF(SP) Regulations to establish legislative authority for Government spending on certain activities administered by the Department of Veterans' Affairs.

This disallowable legislative instrument makes the following amendments to Part 4 of Schedule 1AB:

- adds table item 560 'Legacy House Brisbane';
- adds table item 561 'Recognising the service of First World War Veterans whose graves are unmarked'; and
- adds table item 562 'Scott Palmer Services Centre'.

#### **Table item 560 – Legacy House Brisbane**

Table item 560 establishes legislative authority for government spending to support the establishment of Legacy House Brisbane, a three-storey building, including a workspace and a communal area for collaboration and engagement. Legacy House Brisbane (also known as the Greenslopes Legacy Family Hub) will be managed by Legacy Brisbane, which provides support services to veterans and their families.

Grant funding of \$1.5 million in 2022-23 will support the design and delivery of the building on the site of the old Red Cross Hall at Greenslopes, Brisbane. Legacy Brisbane will be responsible for raising the additional funding to complete construction and ongoing operational costs.

Once built, Legacy House Brisbane will create a South East Queensland medical and medical research precinct for veteran and family services, which will evaluate services and coordinate support to veterans and their families. The facility will be co-located with the Gallipoli Medical Research Foundation, Keith Payne VC Mental Health Unit and Greenslopes Private Hospital to ensure mental health services provided to families supporting an incapacitated veteran are dealt with in a holistic and case managed environment.

### **Human rights implications**

Table item 560 engages the following rights:

- the right to the highest standard of physical and mental health – Article 12 of the *International Covenant of Economic, Social and Cultural Rights* (ICESCR), read with Article 2, and Article 25 of the *Convention on the Rights of Persons with Disabilities* (CRPD), read with Article 4;
- the right to live, take part and be included in the community – Articles 19 and 26 of the CRPD; and
- the right to participation in cultural life, recreation, leisure and sport – Article 30 of the CRPD.

#### *Right to the highest attainable standard of physical and mental health*

Article 2 of the ICESCR provides that each State Party undertakes to take steps to the maximum of its available resources with a view to achieving progressively the full realisation of the rights recognised in the Covenant, by all appropriate means.

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 12(1) of the ICESCR promotes the right to the highest attainable standard of physical and mental health. Article 25 of the CRPD also states that “States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability”.

The Office of the United Nations High Commissioner for Human Rights and the World Health Organization (WHO) has stated that the right to health entails a right of access to a variety of public health and health care facilities, goods, services, programs and conditions necessary for the realisation of the highest attainable standard of health. The 1946 Constitution of the WHO defines health in its preamble as “a state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity”.

The Greenslopes Legacy Family Hub will provide supports to veterans and their families, including those with disabilities. Legacy Brisbane is an organisation that currently provide grass-roots support to local veterans and their families in the South East Queensland.

#### *Right to live, take part and be included in the community*

Article 19 of the CRPD requires States Parties to ‘recognise the equal right of all persons with disabilities to live in the community, with choices equal to others’ and to ‘facilitate full enjoyment by persons with disabilities and their full inclusion and participation in the community’.

Article 19(b) of the CRPD goes on to say, including by ensuring ‘that persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community’.

This is complemented by Article 26(1) of the CRPD, which requires States Parties to take effective and appropriate measures ‘to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life’

Table item 560 promotes the right by veteran and their families with the physical and mental impacts of their service, or the service of a partner, to access social and financial services, medical treatment, advocacy support and referral pathways to Open Arms and other department’s programs. The program includes services that deliver programs for persons with disabilities, who are identified as a priority cohort, with referral support to other department health and mental health programs.

*Right to participation in cultural life, recreation, leisure and sport*

Article 30(5)(c) of the CRPD states that ‘with a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, States Parties shall take appropriate measures to ensure that persons with disabilities have access to sporting, recreational and tourism venues.

The Greenslopes Legacy Family Hub will support veterans with disabilities with referral pathways to mental health treatment and other health and support services to enable participation in cultural life, recreation, leisure and sport. Legacy Brisbane will encourage greater social and community inclusion for veteran within the local veteran community, and with other ex-service organisation’s networks.

**Conclusion**

Table item 560 is compatible with human rights because it promotes the protection of human rights.

*Table item 561 – Recognising the service of First World War Veterans whose graves are unmarked*

Table item 561 establishes legislative authority for government spending on an initiative, which recognises the service of First World War Veterans whose graves are unmarked. The initiative aims to contribute to the provision of private grave markers recognising the service of First World War Veterans who are not eligible for official commemoration.

The Government established the Unmarked Private Graves of First World War Veterans Pilot Program (Pilot Program) in February 2019, to support the Australian community to mark the private graves of veterans of the First World War who died after the period of the war and are at rest in unmarked (bare) private graves in Australian civilian cemeteries. The Pilot Program ceased in June 2021.

This initiative will continue the Pilot Program in response to request from the community. The Government will contribute up to \$450.00 per identified veteran to assist with the establishment of a private grave marker at the site of interment. There is no primary source evidence for the numbers of private graves that might be unmarked. Based on the number of graves marked through the Pilot Program, it is anticipated that the Government will contribute towards the cost of some 220 markers each year.

### **Human rights implications**

Table item 561 engages the following rights:

- the right of everyone to take part in cultural life – Article 15 of the ICESCR, read with Article 2; and
- the right to enjoy their own culture, to profess and practise their own religion, or to use their own language – Article 27 of the *International Covenant on Civil and Political Rights (ICCPR)*, read with Article 2.

#### *Right of everyone to take part in cultural life*

Article 2 of the ICESCR provides that each State Party undertakes to take steps to the maximum of its available resources with a view to achieving progressively the full realisation of the rights recognised in the Covenant, by all appropriate means.

Article 15(1)(a) of the ICESCR recognises the right of everyone to take part in cultural life.

The placing of headstones or other markers on graves is a practice common to many cultures.

#### *Right to enjoy their own culture, to profess and practise their own religion, or to use their own language*

Article 2 of the ICCPR provides that each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27 of the ICCPR recognises that in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

The placing of headstones or other grave markers by people is often associated with or accompanies religious beliefs or ceremonies that recognise a person has passed away, is for many ethnic groups a cultural practice.

### **Conclusion**

Table item 561 is compatible with human rights because it promotes the protection of human rights.

Table item 562 – Scott Palmer Services Centre

Table item 562 establishes legislative authority for government spending on the Scott Palmer Services Centre program (the program).

The program will support the establishment of a temporary accommodation facility that provides supporting service to at-risk veterans including employment support and pathways to safer and more affordable housing.

The Australian Government will provide funding of \$3.3 million over two years from 2022-23 to the Council of Australian Veterans to develop a business case and support the capital works project to design and deliver a six-room accommodation facility known as the Scott Palmer Services Centre – Veterans’ Support Accommodation Northern Territory.

The facility will provide transitional housing to homeless veterans, along with office space for on-site support services to assist veterans with finding permanent accommodation, employment, and other support. The program will focus on supporting both former Australian Defence Force personnel and their families experiencing, or at-risk, of homelessness.

**Human rights implications**

Table item 562 engages the following rights:

- the right to the highest standard of physical and mental health – Article 12 of the ICESCR, read with Article 2 and Article 25 of the CRPD, read with Article 4;
- the right to live, take part and be included in the community – Articles 19 and 26 of the CRPD; and
- the right to participation in cultural life, recreation, leisure and sport – Article 30 of the CRPD.

Right to the highest attainable standard of physical and mental health

Article 2 of the ICESCR provides that each State Party undertakes to take steps to the maximum of its available resources with a view to achieving progressively the full realisation of the rights recognised in the Covenant, by all appropriate means.

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 12(1) of the ICESCR promotes the right to the highest attainable standard of physical and mental health. Article 25 of the CRPD also states that “States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability”.

The Office of the United Nations High Commissioner for Human Rights and the World Health Organization (WHO) has stated that the right to health entails a right of access to a variety of public health and health care facilities, goods, services, programs and conditions necessary for the realisation of the highest attainable standard of health. The 1946 Constitution of the WHO defines health in its preamble as “a state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity”.



The program will assist all veterans and their families experiencing, or at-risk of, homelessness. Homeless veterans are often presenting with complex and entrenched mental and physical issues. Additionally, veterans with a mental health-related medical or an administrative discharge face a higher risk of homelessness.

The program will provide housing and homelessness supports veterans and their families, including those with disabilities, to achieve temporary accommodation, improved employment prospects and pathways to improving access to safer and more affordable long-term housing solutions. The Council of Australian Veterans is an organisation that currently provide grass-roots support to local veterans and their families in the Darwin region and those in the Northern Territory.

*Right to live, take part and be included in the community*

Article 19 of the CRPD requires States Parties to ‘recognise the equal right of all persons with disabilities to live in the community, with choices equal to others’ and to ‘facilitate full enjoyment by persons with disabilities and their full inclusion and participation in the community’.

Article 19(b) of the CRPD goes on to say, including by ensuring ‘that persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community’.

This is complemented by Article 26(1) of the CRPD, which requires States Parties to take effective and appropriate measures ‘to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life’.

Table item 562 promotes the right by veteran and their families with the physical and mental impacts of their service to access temporary accommodation, employment support and pathways to safer and more affordable housing. The program includes services that deliver programs for persons with disabilities, who are identified as a priority cohort, with referral support to other Veterans health and mental health programs.

*Right to participation in cultural life, recreation, leisure and sport*

Article 30(5)(c) of the CRPD states that ‘with a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, States Parties shall take appropriate measures to ensure that persons with disabilities have access to sporting, recreational and tourism venues.

The program will support veterans with disabilities with referral pathways to Veterans mental health treatment and other health and support services to enable participation in cultural life, recreation, leisure and sport. The housing and employment support provide by the Council of Australian Veterans will encourage greater social and community inclusion.

**Conclusion**

Table item 562 is compatible with human rights because it promotes the protection of human rights.

**Senator the Hon Katy Gallagher  
Minister for Finance**