**EXPLANATORY STATEMENT**

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

*Financial Framework (Supplementary Powers) Act 1997*

*Financial Framework (Supplementary Powers) Amendment*

*(Infrastructure, Transport, Regional Development, Communications and the Arts
Measures No. 2) 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 sunsetting under section 12 of the *Legislation (Exemptions and Other Matters) Regulation 2015* (item 28A). If the Principal Regulations were subject to the sunsetting 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 (Infrastructure, Transport, Regional Development, Communications and the Arts Measures No. 2) 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 Infrastructure, Transport, Regional Development, Communications and the Arts.

Funding is provided for:

* a grant to The Alannah and Madeline Foundation Limited for the national rollout of the eSmart Digital Licence+, eSmart Junior Digital Licence+ and eSmart Media Literacy Lab programs to improve media and digital literacy and online safety awareness among primary and secondary school students ($6.0 million over three years from 2023-24);
* the National Messaging System to establish and maintain a cell broadcast national messaging system that enables the Australian Government to send, or to support state and territory governments to send, messages to the public, or targeted sections of the public, in relation to emergencies, disasters or events of national significance (financial implications for this element are not for publication due to commercial‑in‑confidence sensitivities);
* the Broadcasting Resilience Program to fund improvements in the resilience of infrastructure that may be used for emergency broadcasting ($20 million in administered funding over three years from 2022-23);
* the Telecommunications Resilience Disaster and Innovation Program to strengthen the resilience of telecommunications to power outages and natural hazards by funding the development and/or deployment of new, innovative technologies and solutions
($50 million in administered funding over three years from 2022-23);
* the On Farm Connectivity Program to improve access to telecommunications services issues faced by farmers on their properties ($35.8 million over three years from
2022-23);
* the Terrestrial Television Transmission for Shortland, NSW program to fund the design, acquisition, construction, modification, and operation of infrastructure to improve digital television reception in the federal electoral division of Shortland in New South Wales ($2 million in administered funding over three years from
2022-23);
* the Investing in Our Communities Program to build resilient communities and increase community liveability by providing funding for infrastructure projects ($349.9 million in administered funding over five years from 2022-23); and
* the Priority Community Infrastructure Program to provide funding for the construction and upgrading of infrastructure, including community infrastructure
($1 billion over five 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 Infrastructure, Transport, Regional Development, Communications and the Arts.

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***

***(Infrastructure, Transport, Regional Development, Communications and the Arts Measures No. 2) Regulations 2022***

**Section 1 – Name**

This section provides that the title of the Regulations is the *Financial Framework (Supplementary Powers) Amendment (Infrastructure, Transport, Regional Development, Communications and the Arts Measures No. 2) 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 3 of Schedule 1AB (table)**

This item adds one new table item to Part 3 of Schedule 1AB to establish legislative authority for government spending on a certain activity to be administered by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts
(the department).

New **table item 63** establishes legislative authority for the Government to provide a grant to The Alannah and Madeline Foundation Limited as trustee for the Alannah & Madeline Foundation (AMF) to deliver the *Safe Kids are eSmart Kids* initiative, which seeks to improve media and digital literacy and online safety awareness among primary and secondary school students.

The grant to the AMF will deliver on the Government’s election commitment as published in the *Plan for a Better Future*. The objective of the *Safe Kids are eSmart Kids* measure is to support Australian school children to develop the digital and media literacy skills they need to stay safe and thrive in the online world.

Young people are avid internet users and face a range of online harms. The development of digital skills can help prevent harms before they occur. As outlined in the Australian Curriculum, schools have a responsibility to develop digital skills in all student age cohorts. Many schools rely on external providers to deliver up-to-date, specialist education and teaching resources. However, these providers charge a fee for their services which can be a barrier to access for financially disadvantaged schools. The *Safe Kids are eSmart Kids* measure will ensure that that every Australian school has access to free digital and media literacy learning tools.

Grant funding of $6.0 million over three years from 2023-24 to the AMF will enable it to make its digital and media literacy education products, including development, promotion, training and technical support available to all primary and secondary schools in Australia.

The AMF was established by Walter Mikac AM in 1997, a year after his children Alannah and Madeline Mikac were killed alongside their mother at Port Arthur, Tasmania. With a focus on care, prevention and advocacy, the AMF support children experiencing trauma including family violence and online bullying. Initiatives include the provision of resources to children fleeing violence, education programs to prevent digital harms, and advocacy for child safety. In 2021, almost half of the AMF’s income (approximately $18 million) was sourced from donations and bequests, 25 per cent from gifts in kind and non-monetary income, 14 per cent through fee-for-service programs and 14 per cent from government.

The funding will support the AMF to implement and evaluate:

* a new *eSmart Junior Digital Licence+* product for students aged 5 to 9. The *eSmart Junior Digital Licence+* will equip students with age-appropriate foundational digital and media literacy skills in recognition that an increasing number of children are active online in early childhood. The interactive eLearning program will be supported with a complementary suite of resources to extend learning of students at home with parents and carers. Funding will enable product development in 2023-24 and free access to all Australian primary schools for two years from 2024-25;
* the existing *eSmart Digital Licence+*product for students aged 10 to 14. The *eSmart Digital Licence+* offers students a gamified learning experience where they explore an interactive story world to engage with learning material, relatable scenarios and guided reflections of their own experiences with technology, to build their digital intelligence. Funding will make the product freely available for two years from
2024-25; and
* the existing *eSmart Media Literacy Lab* product for students aged 12 to 16. The *eSmart Media Literacy Lab* is a teaching and learning tool that engages secondary students in essential media literacy education through an innovative, gamified resource that reflects youth experience. Funding will make the product freely available for three years from 2023-24.

In 2023-24, the AMF will receive $1.9 million upfront to support the development of the *eSmart Junior Digital Licence+* and implementation and evaluation of the *eSmart Media Literacy Lab*. In 2024-25, payment of up to $2.1 million will be triggered when the AMF meets performance milestones per its grant agreement. This funding will enable implementation and evaluation of all three products for the 2024-25 financial year. In
2025-26, payment up to $2.0 million will be triggered when the AMF meets performance milestones per its grant agreement. This funding will enable implementation and evaluation of all three products for the 2025-26 financial year.

To support uptake of the products by schools, the department will stipulate in the grant agreement that the AMF will:

* develop and deliver an implementation plan which focuses on schools in communities with low levels of digital inclusion based on the Australian Digital Inclusion Index;
* develop and implement a marketing and promotion plan to guide the implementation of the eSmart products and achieve maximum reach, through the AMF’s existing networks with education departments and Catholic and independent schooling systems; and
* provide a team of ‘eSmart Advisors’, a program of information and induction workshops for educators, and a help desk to engage, onboard, and support schools in implementing and troubleshooting the eSmart products.

The department will deliver the program as a non-competitive grant process. The grant will be administered 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 AMF will be invited to submit an application with various funding conditions applicable to the grant, including that:

* grant money can only be used on development, implementation and evaluation of products as defined in the grant agreement;
* funding in 2024-25 and 2025-26 will be provided only if and when performance milestones and obligations have been met, as defined in the grant agreement; and
* the AMF must report on implementation, including on amounts spent, progress of rollout and student outcomes where measurable.

Information about the grant, including grant opportunity guidelines, will be made available on the GrantConnect website (www.grants.gov.au), and the grant will be administered using SmartyGrants, under licence by the department.

The Assistant Secretary of the Online Safety Branch will act as the delegate of the Secretary of the department under the *Financial Framework (Supplementary Powers) Act 1997* (FF(SP) Act). The Assistant Secretary is authorised to approve commitments of relevant money under the department’s Accountable Authority Delegations. The delegate will be responsible for approving Commonwealth funding provided to the AMF.

Independent merits review of funding decisions made in connection with the grant would not be considered appropriate because the decisions relate to an allocation of a finite resource and the provision of a closed non-competitive grant to a certain service provider, over other service providers. The Administrative Review Council (ARC) has recognised that it is justifiable to exclude merits review in relation to decisions of this nature (see paragraphs
4.16 to 4.19 of the guide, *What decisions should be subject to merit review?* (ARC’s guide)).

The AMF was determined to be an appropriate organisation to receive funding via a
non-competitive grant. The AMF is a trusted not-for-profit organisation that has a strong history working with Australian schools, families and children to build a generation of safe and responsible digital citizens. As a large and organisationally mature provider of digital and media literacy education products, the AMF is expertly placed to implement this commitment quickly, widely and affordably.

The review and audit process undertaken by the Australian National Audit Office (ANAO) also provides a mechanism to review Australian Government spending decisions and report any concerns to the Parliament. These requirements and mechanisms help to ensure the proper use of Commonwealth resources and appropriate transparency around decisions relating to making, varying or administering arrangements to spend relevant money.

Further, the right to review under section 75(v) of the Constitution and review under section 39B of the *Judiciary Act 1903* may be available. Persons affected by spending decisions would also have recourse to the Commonwealth Ombudsman where appropriate.

The department has been consulting with the AMF since 8 June 2022 on the design and development of the program. The department has begun and will continue to progress consultation with state and territory education departments to support the engagement of schools with the AMF and its products. Consultation with stakeholders, including the AMF and education departments will continue until the conclusion of the program.

Funding of $6.0 million for the program is included in the 2022-23 October Budget under the measure ‘Safe Kids are eSmart Kids’for a period of three years commencing in 2023-24. Details are set out in *Budget October 2022-23, Budget Measures, Budget Paper No. 2* at page 164.

Funding for this item will come from Program 5.1: Digital Technologies and Communication Services, which is part ofOutcome 5. Details are set out in *Portfolio Budget Statements 2022-23*, *Budget Related Paper No.* *1.12, Infrastructure, Transport, Regional Development, Communications and the Arts Portfolio* at pages 32 and 75.

Noting that it is not a comprehensive statement of relevant constitutional considerations, the purpose of the item references the communications power (section 51(v)) of the Constitution.

*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 program involves providing funding to support Australian school children to develop digital and media literacy skills and promotes safe use of the internet.

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

This item adds seven 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 572** establishes legislative authority for government spending on the National Messaging System (NMS). The NMS aims to provide the Commonwealth with the ability to send targeted warning messages in emergencies to the public through a cell broadcast messaging capability as well as providing longevity for Australia’s emergency warning capability and to address the current needs and limitations of the existing emergency alert platforms, including network congestion.

Natural disasters are expected to grow in frequency, complexity and duration. The ability for the Australian Government to send targeted warning messages is increasingly important. Consideration of previous emergency and disaster events and the ongoing impact of the COVID-19 pandemic, indicates that a NMS capability would provide Commonwealth, state and territory governments with the ability to more effectively send messages regarding a range of hazard vectors.

The NMS responds to the Royal Commission into National Natural Disaster Arrangements (https://naturaldisaster.royalcommission.gov.au/publications/royal-commission-national-natural-disaster-arrangements-report) findings regarding, amongst other things, limitations on the current Australian warning system. It will also bring Australia into line with other five eyes countries.

The NMS is intended to reliably deliver telephony-based warning messages to hand held devices, locally, regionally and nationally, in near real time. Cell broadcast is a
standards-based technology that enables a point-to-area communication between the mobile operator radio cell tower(s) and all hand-held devices in a specified geographic area. This enables individuals to be targeted through their physical location to tower(s), regardless of the handset subscription.

The NMS comprises the Cell Broadcast Entity (CBE) and the Cell Broadcast Centre (CBC). The CBE will be managed by the National Emergency Management Agency (NEMA), which is part of the Department of Home Affairs (Home Affairs). It is a web-enabled user interface where messages are authored, geo-targeted and transmitted to the mobile network operators. The CBC is located in each mobile carrier’s network and is where the CBE messages are received, re-configured and transmitted to handsets.

Funding will be provided to design, build and implement the NMS to include, but not limited to:

* all hazards messages sent nationally or geo-fencing and region-specific messaging, including flood, fire and cyclone;
* terrorism threats or incidents;
* Multi-Jurisdictional and cross-border events;
* coastal region warning messages for tsunami threats;
* COVID-19 international arrival messages COVID-19 national public health messages;
* COVID-19 domestic geo-fencing and region-specific messaging; and
* bio hazard warning notifications.

In addition to the above, the NMS has the following advantages, including that:

* message delivery not impacted by network congestion – cell broadcast (CB) technology is not affected by, nor does it contribute to, network congestion. During periods of network congestion messages can still be distributed to mobiles without interruption or delay;
* speed of delivery – mobiles in the coverage area can receive cell broadcast messages simultaneously without having to wait delivering messages to be specifically sent to that device;
* mobiles don’t need to be identified – mobiles do not need to be identified as being in the targeted geographical target area to receive the message. This means messages can be authorised without any delay associated with identifying target mobiles;
* scalable (local, regional and nationally) – is able to reach larger population groups up to and including the entire nation at once;
* simultaneous message delivery and intrusive – NMS will deliver messages to all receiving mobiles at the same time. The messages can be automatically displayed on the receiving mobile (independent of the user selected mobile settings) and requires acknowledgment before the phone can be used;
* compatibility with standalone 5G – NMS is compatible with standalone 5G and includes the capability for messages to be broadcast over carrier standalone networks; and
* multiple languages, including message length and advanced message content – NMS messages can be broadcast in multiple languages (with mobile settings determining which of the transmitted languages is used to display the message). It also allows for messages up to 1395 characters in length and caters for the inclusion of rich content (for example, videos, maps and URL links).

The NMS is intended to be jointly delivered by the department and NEMA, with shared responsibility and accountability.

The department will procure a number of services for the design and build of the NMS. The department and NEMA have commenced an approach to market on 12 August 2021 through an open tender process on AusTender seeking responses from the market to:

* upgrade mobile telephone networks to enable cell broadcast;
* develop, implement, support and maintain the CBE; and
* develop and implement CBC capabilities within the telecommunications network to enable national messaging to the required specifications.

The following services have been procured:

* contractors to join and lead/contribute to the NMS Project Team; and
* contracted suppliers of independent services and advice.

Subject to the project proceeding, further services will be procured, including

* the provision of the CBE, CBCs and network upgrades;
* expertise to design and support the NMS Public Awareness Campaign; and
* training and development support for system introduction and use.

The First Assistant Secretary of the Communications Infrastructure Division will act as the delegate of the Secretary of the department under the FF(SP) Act. The First Assistant Secretary is authorised to approve commitments of relevant money under the department’s Accountable Authority Delegations. The delegate will be responsible for approving Commonwealth funding in relation to NMS.

Procurement decisions and recommendations have been made in accordance with the Commonwealth resource management framework, including the PGPA Act, the *Commonwealth Procurement Rules* (CPRs) and the *Government Procurement (Judicial Review) Act 2018*. Information about the tender and the resultant contracts will be made available on AusTender (www.tenders.gov.au) once the contracts are signed.

Procurement decisions will be based on value for money, including capability and capacity to deliver, and price and risk considerations.

The procurement decisions would not be subject to independent merits review. The *Government Procurement (Judicial Review) Act 2018 (Cth)* enables suppliers to challenge procurement processes for alleged breaches of certain procurement rules. This legislation provides an avenue of redress (compensation or injunction) for dissatisfied providers or potential providers, including the right to judicial review, in addition to existing avenues of complaint (Procurement Coordinator or Ombudsman) or legal challenge (common law, equity or judicial review).

Procurement decisions made in connection with the platform are not considered suitable for independent merits review, as they are decisions relating to the allocation of a finite resource, from which all potential claims for a share of the resource cannot be met. In addition, any funding that has already been allocated would be affected if the original decision was overturned. 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).

The department and Home Affairs have conducted a series of workshops with the telecommunications providers, a technical reference group and with representatives from the states and territories. The workshops were used to socialise the NMS initiative and to determine business and technical requirements for the Request for Tender. The department also engaged with Apple and Google as the providers of the mobile handset operating systems.

Consultations with state and territory Emergency Services Organisations are ongoing. The states and territories manage the existing Emergency Alert (SMS and landline based) telephone warning system. This system is reaching its end-of-contract cycle in 2024-25 and it is anticipated that NMS and the Emergency Alert systems may begin to operate in parallel over the subsequent high risk weather seasons.

Funding for the NMS is included in the 2022-23 March Budget under the measure ‘Disaster Support’. Details are set out in the *Budget 2022-23, Budget Measures, Budget Paper No. 2 2022-23* at pages 158 and 159. Funding for this element is not for publication due to
commercial-in-confidence sensitivities. It is the intent of the Government to inform the Parliament of the funding amount expected to be expended once contracts are awarded.

Funding for the item will come from Program 5.1: Digital Technologies and Communications Services, which is part ofOutcome 5. Details are set out in *Portfolio Budget Statements 2022-23*, *Budget Related Paper No. 1.12, Infrastructure, Transport, Regional Development, Communications and the Arts Portfolio at* page 75.

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

*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 NMS involves funding the use of telephonic services by the Australian Government to send messages to the public about emergencies, disasters and matters of national significance. This includes improving the tools available to quickly reach at-risk communities through the implementation of an end-to-end messaging system and raising public awareness around this service.

New **table item 573** establishes legislative authority for government spending on the Broadcasting Resilience Program (BRP), which seeks to fund improvements in the resilience of infrastructure that may be used for emergency broadcasting.

The BRP is part of the Better Mobile and Broadband Connectivity and Resilience Package (BMBCRP). The BMBCRP is a $600 million package over five years from 2022-23 and forms part of the Government’s Better Connectivity for Rural and Regional Australia Plan. One of the three funding streams in this package is $100 million for measures to improve the resilience of communications, mobile communications and broadcasting infrastructure. Of the three streams, the Mobile Network Hardening Program and the Telecommunications Resilience Disaster and Innovation Program are for telecommunications issues and the BRP covers broadcasting infrastructure sites.

As part of the 2022 election campaign, the Government committed to expand multi-carrier mobile coverage on regional roads and improve mobile coverage in regional communities. Given the importance of resilient communications infrastructure, the Government is also committed to improve the resilience of communications services (telecommunications and broadcasting) and public safety communications facilities, including in regional and remote areas. Resilient broadcasting infrastructure for regional and remote Australia is vital, particularly when it is more difficult and expensive for repairs and rebuilds to be undertaken than metropolitan areas.

Grant funding of $20 million over three years from 2022-23 will be provided to BAI Communications to deliver the BRP. The funding will be allocated to three separate streams of resilient broadcasting infrastructure improvements in up to 66 sites across regional and remote Australia with broadcasting towers that provide ABC AM services. This will include:

* AM sites that require larger areas of clearance around them. In this stream, work will be undertaken to clear and harden the site creating a wider distance between the tower and foliage and other flammable materials;
* access to mains power to mitigate failure for service connectivity during natural disasters and establish standby power facilities in prioritised sites to mitigate loss of broadcast; and
* deploying state based mobile recovery units to quickly re-establish broadcasting services after the disaster event. This is similar to the mobile telecommunications facilities that can be driven into a disaster affected area.

Unlike the telecommunications sector where each individual carrier maintains and repairs its own infrastructure, ABC broadcasting infrastructure has been managed by BAI Communications for many years under a long-term contract. BAI Communications also provides these services for other users on these sites under contract and is uniquely placed to deliver this type of work across regional Australia. They have delivered work programs to Australian and state Government on similar initiatives.

While sites to be prioritised are not yet finalised, they will be located in regional areas at higher risk from natural disasters. The department will also engage with BAI Communications to negotiate the sites to be prioritised and leverage off any existing work being undertaken by the company in its existing contracts with national and commercial broadcasters and other state and local government disaster initiatives. These are a key transmission source of warnings and advice to the public during such events. In addition, these sites often also host other services including commercial television and commercial and community radio broadcasters, telecommunications operators, emergency services (including police and ambulance) and local councils.

The BRP will be developed in consultation with state, territory and local government and other parties located on the broadcasting tower sites to minimise duplication and consolidate benefits where practicable. The department will also work with NEMA to avoid any duplication of resilience measures being proposed in the NEMA’s Disaster Ready Fund. The stakeholder management plan for the program will also involve consultations with the appointed broadcasting infrastructure provider to identify any synergies with existing site work and improvement programs.

The department will deliver the BRP through an ad-hoc grant process in accordance with the Commonwealth resource management framework, including the PGPA Act and the CGRGs. BAI Communications 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. This is due to the urgency of providing funds to commence work to protect broadcast infrastructure and the existence of only one broadcasting infrastructure provider (BAI Communications) who could deliver the BRP.

Guidelines will be developed and the final decision maker for this program will be specified in the guidelines. Final decisions on the grant will be made by the delegate of the Secretary of the department. The delegate will be the First Assistant Secretary, Online Safety, Media and Platforms Division. The delegate has the required authority to approve grant payments and has experience in being a decision maker for programs targeting the media sector.

Funding decisions made in connection with the grant is not considered appropriate for an independent merits review as there is an allocation of a finite resource that has already been made to another party, which would be affected by overturning the original decision and there is no other party which could provide the services required. BAI Communications is the appropriate organisation to deliver the BRP due to managing the targeted sites and its experience in delivering national broadcast services since 1928. The remaking of a decision under merits review would delay the deployment of the BRP. The ARC has recognised that it is justifiable to exclude merits review in relation to decisions of this nature (see paragraph 4.14 of the ARC’s guide).

Consultation occurred between the Government and BAI Communications following an impact assessment of the 2019-20 bushfires. This included creating better fire breaks around the towers, ensuring back-up mains power for services operating from the sites and providing six recovery assets across Australia to provide more rapid response if power and other facilities go down. The BRP addresses findings from Royal Commission into National Natural Disaster Arrangements as well as reflecting initiatives in the previously funded Telecommunications Emergency Resilience Package and the recent Report on the NSW Flooding events. The department will engage with BAI Communications to negotiate the sites to be prioritised and leverage off any existing work being undertaken by the company in its existing contracts with national and commercial broadcasters and other state and local government disaster initiatives.

Grant funding of $20 million for the program is included in the 2022-23 October Budget under the measure ‘Better Connectivity Plan for Regional and Rural Australia’for a period of three years commencing in 2022-23. Details are set out in *Budget October 2022-23, Budget Measures, Budget Paper No. 2* at pages 158 and 159.

Funding for this program will come from Program 5.1: Digital Technologies and Communications Services, which is part ofOutcome 5. Details are set out in *Portfolio Budget Statements 2022-23*, *Budget Related Paper No. 1.12, Infrastructure, Transport, Regional Development, Communications and the Arts Portfolio* at pages 31 and 75.

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

*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 program involves broadcasting communications services, including public safety broadcasting communications facilities, in regional and remote areas.

New **table item 574** establishes legislative authority for government spending on the Telecommunications Resilience, Disaster and Innovation (TRDI) Program.

The TRDI Program is one of the three streams in the BMBCRP, a $600 million package which forms part of the Government’s Better Connectivity for Rural and Regional Australia Plan. The other two streams are the Mobile Network Hardening Program and the BRP, which is prescribed under table item 573.

The TRDI Program aims to strengthen the resilience of telecommunications to power outages and natural hazards by funding the development and/or deployment of new, innovative technologies and solutions. This includes providing funding for the deployment of innovative stand-alone power systems for telecommunications infrastructure to provide greater energy resilience and funding other innovative technologies and solutions which, without government financing are unlikely to come to fruition through private investment alone.

The TRDI Program recognises that the loss of mains power for telecommunications infrastructure continues to be the primary cause of all telecommunications outages during natural disasters. This was the case during the recent 2022 East Coast Floods and the 2019-20 Black Summer Bushfires, and seeks to address this limitation. The TRDI Program also acknowledges that there is an important role for the Australian Government to play in incentivising greater private and public investment in new, innovative solutions aimed at better ensuring the availability of telecommunications during natural disasters, particularly as the commercial incentive for telecommunications carriers to invest in such solutions alone is insufficient.

Under the TRDI program grant funding of $50 million over three years from 2022-23 will be provided to build on the successful Strengthening Telecommunications Against Natural Disasters initiative, by establishing a competitive grants program to support the development and deployment of:

* solutions to improve the resilience of telecommunications facilities, including against the impacts of power outages and natural hazards, particularly for vulnerable communities (for example, remote Indigenous communities). These solutions may include, for example, funding innovative stand-alone power systems that combine both energy generation (such as solar, wind, diesel) and storage methods to provide greater power resiliency than would otherwise be possible through standard battery backup solutions alone; and
* innovative new technologies and solutions to improve telecommunications resilience, such as solutions which support the rapid restoration of telecommunications following a disaster-induced mass service disruption, improve the resiliency of critical services such as Triple Zero and EFTPOS, make greater use of satellite services for telecommunications resilience, and enhance coordination between telecommunications carriers and other key entities in responding to outages. The program will seek proposals from the market addressing these themes.

The TRDI Program is designed to encourage applicants such as telecommunications companies to co-contribute towards potential solutions to increase the overall level of investment in telecommunications resilience and therefore the benefits that can be delivered through the available funding for the TRDI Program. The department will also work with NEMA to avoid any duplication of funding with the proposed Disaster Ready Fund.

The department will deliver the TRDI Program through competitive processes in the form of grants to selected applicants, most likely telecommunications companies, but potentially in partnership with other tiers of government, universities and other research institutes, other private companies involved in telecommunications or energy resilience, not-for-profits and/or community groups.

The department will administer the grants process in accordance with the Commonwealth resource management framework, including the PGPA Act and the CGRGs. Grant opportunity guidelines will be developed and published in line with the CGRGs.

In applying for grant funding, applicants will be required to detail how their proposal will benefit telecommunications network resilience as well as why their proposed solution should be considered to be innovative. Other assessment criteria in the guidelines will likely include the effectiveness of the solutions to achieving program objectives, including consideration of factors such as cost effectiveness, delivery timeframes, delivery risks, and sustainability. Demonstrated capacity to deliver on the proposal will be important noting connectivity solutions aimed at improving network resilience may be substantive and enduring.

To incentivise greater overall investment in telecommunications resilience, under the TRDI Program, applicants may be encouraged to seek financial co-contributions from state, territory or local governments, local communities and/or other third parties as appropriate, as well making a substantial financial (cash) co-contribution towards funded projects.

Applicants will be responsible for forming relationships and negotiating contributions with any relevant parties, and for testing or verifying any advice received from these parties. Grant recipients will be selected by the Commonwealth through a competitive, merit-based selection process against eligibility and merit criteria as set out in program guidelines, which will be published on GrantConnect (www.grants.gov.au), and the department’s website. Once grants are awarded, this will also be published on GrantConnect in accordance with the CGRGs.

The Commonwealth will enter into funding agreements with applicants, who, in turn, will be responsible for the administration of the projects and the acquittal of Commonwealth funding.

The Minister for Communications (the Communications Minister) will be the decision-maker for grant expenditure and all relevant approvals will be subject to the PGPA Act. The Communications Minister will be supported by departmental officers, who will assess the applications received on their merits against the assessment criteria and in accordance with the guidelines, and make recommendations on whether to approve a grant application.

Independent merits review of decisions made in connection with the grants is not considered appropriate as it involves the allocation of finite resources (funding round allocations). Given limited funding, proposals will be assessed in a competitive process subject to pre-specified criteria, rigorous assessment and subject to strict probity rules. An application for merits review would delay the deployment of projects which would affect the timely provision of improved telecommunications network resilience for locations in need. The remaking of a decision under merits review would necessarily affect funding made available to other parties. As each funding round has a capped amount, only a proportion of proposed projects may receive funding.

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). The ARC considers that administrative accountability in relation to allocative decisions should be given greater emphasis, including ensuring that: the processes of allocating funds are fair; the criteria for funding are made clear; and decisions are made objectively. This emphasises the importance of a fair and accountable process.

The BMBCRP encompasses key initiatives from the Government’s Better Connectivity Plan and tackles a number of issues identified in the 2021 independent statutory Regional Telecommunications Review (the Review).

The Review undertook extensive public consultation and identified as key priorities the need for further investment in:

* current and future connectivity needs, including mobile, fixed broadband and Indigenous connectivity;
* telecommunications resilience; and
* consumer digital literacy.

Specifically, the Review found that in instances of natural disasters and emergencies, connectivity is significantly impacted by power and network outages which consequently reduces access to recovery and support. The Review consequently recommended that the Australian Government commit to a “substantial regional telecommunications resilience fund” targeted towards key initiatives to improve emergency and network resilience across vulnerable communities.

The department intends to undertake stakeholder consultation on the specific design and implementation of the TRDI program to inform the development of the guidelines in
2022-23. Stakeholders that the department expects to consult include telecommunications carriers, emergency service organisations, universities and other research institutes, private companies involved in telecommunications resilience, and other federal, state, territory and local government bodies.

Grant funding of $50 million for the TRDI Program is included in the 2022-23 October Budget under the measure ‘Better Connectivity Plan for Regional and Rural Australia’for a period of three years commencing in 2022-23. Details are set out in *Budget October
2022-2023, Budget Measures, Budget Paper No. 2* at pages 158 and 159.

Funding for this item will come from Program 5.1: Digital Technologies and Communication Services, which is part ofOutcome 5. Details are set out in *Portfolio Budget Statements 2022-23*, *Budget Related Paper No. 1.12, Infrastructure, Transport, Regional Development, Communications and the Arts Portfolio* at pages 31 and 75.

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

*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 TRDI Program will provide funding to improve communications, including telephonic and internet services, in rural, peri-urban, regional and remote Australia. Improvements include coverage, quality, capability, performance, reliability and resilience of those services.

New **table item 575** establishes legislative authority for government spending on the On Farm Connectivity Program (the program), which seeks to improve access to telecommunications services by contributing towards the cost of purchasing and installing communications equipment to address connectivity issues faced by farmers on their properties.

The program will deliver on the Government’s election commitment outlined in the *Better Connectivity Plan for Regional and Rural Australia*, which forms a key part of the Australian Government’s telecommunications agenda.

The program is consistent with the findings of the *2021 Regional Telecommunications Review: A Step Change in Demand* (the Review), available at https://www.infrastructure.gov.au/sites/default/files/documents/2021-rtirc-report-a-step-change-in-demand.pdf. The Review highlighted that good digital connectivity is essential for the economic growth and sustainability of many industries in Australia, including agribusiness. It noted that disparities exist for regional areas, and that localised connectivity gaps impact the rate of uptake of new and advanced agricultural technologies.

The program complements, and is supported by, the ongoing Regional Connectivity Program and the Mobile Black Spot Program rollouts, progressively building upon the increased coverage provided by projects constructed under these programs.

Funding of $35.8 million over three years from 2022-23 will enable farmers to extend connectivity and take advantage of connected machinery, sensor technology and other related services. Targeting properties where existing connectivity and services can be extended from the farmhouse to the paddock, the program would operate with the expectation that some level of connectivity is already present or proposed on-farm. Devices such as external antennas, repeaters and boosters can amplify even poor coverage and extend it to the areas of farming properties where it can link sensors, transfer data and support communications.

The outcome of the program will support the productivity and safety of farmers and improve the efficiency of the agriculture, fisheries and forestry sectors. Research has shown that investment in and adoption of farming connectivity solution, has the potential for considerable productivity gains. It has been estimated that upwards of $20 billion gross value of agriculture production could be achievable through uptake of advanced farming technology. Reporting measures will be included in the design of the program to help develop and enhance future connectivity solutions for regional Australia.

The funding will be provided to telecommunication service providers for connectivity solutions and services tailored to the needs of farms and agricultural businesses throughout regional and rural Australia. Eligible connectivity solutions will include but not be limited to:

* Wi-Fi solutions;
* external antennas;
* repeaters;
* boosters;
* sensors; and
* installation costs.

A co-funding arrangement is proposed where an agribusiness can purchase a connectivity solution and contributing approximately 50 per cent of the total product cost to an eligible supplier telecommunications service provider. A rebate will be subsequently provided to the service providers to meet the cost of remaining 50 per cent. A small proportion of the program funding will also be provided to participating telecommunication services providers to promote the program and cover costs associated with grant application administration.

Funding would offset the commercial and connectivity barriers that are discouraging agribusinesses from adopting advanced farming technology. The program will contribute to the Governments fundamental principles that no-one will be left behind, and no one will be held back. Telecommunications funding that helps agriculture achieve its $100 billion per year productivity goal by 2030, will have additional flow-on benefits to rural and regional communities, including high skilled jobs.

To participate in the program, telecommunications service providers must be approved as an eligible supplier and enter into a funding agreement. The program is intended for commercial producers whose main source of income is primary production. Agribusinesses considered as hobby farmers are not considered in scope for this program.

The applications for the program would open at annual intervals, with funding awarded until that year’s allocation is exhausted. An initial trial phase in the first year will gauge the level of interest in the program, and will influence the development, delivery and funding of latter years.

The department will deliver the program through a demand driven grant process in accordance with the Commonwealth resource management framework, including the PGPA Act and the CGRGs. Grant opportunity guidelines will be developed and published on GrantConnect at www.grants.gov.au. Grants funding will be administered by the Business Grants Hub, which is part of the Department of Industry, Science and Resources.

The department will identify telecommunication service providers who are able to provide connectivity solutions and services tailored to the needs of farmers. Applicants will be assessed against eligibility requirements, which will be developed by the department.

The Communications Minister will be the decision-maker for the grant guidelines. Policy decisions for the program will be made by an appropriate delegate of the Secretary of the department. The delegate, at the Senior Executive Service (SES) level, will have appropriate skills, qualifications and experience with a strong understanding of the objectives of the program and the relevant legislation.

Subsequent spending approvals involving routine funding decisions under the agreements, or variations to the agreements, can be delegated to appropriate financial delegates. The financial delegations recognise that executive level positions are appropriately qualified public servants with experience in grant administration and legal policy and program delivery. They are assisted by the business area which has specific experience and extensive knowledge of the initiative. This is consistent with other programs given the high volume, low complexity of the decision making required for the rebate program, and the low value of each rebate per application.

All funding decisions will be made objectively, and in accordance with applicable legislative requirements under the department’s financial framework, made pursuant to the PGPA Act and the FF(SP) Act. In accordance with the CGRGs, funding decisions will be made publicly available on GrantConnect (www.grant.gov.au).

It is envisioned that applications for the program would open at annual intervals, with funding awarded until that year’s allocation is exhausted.

The funding decision in connection with the program will not be subject to an independent merits review, as goods and services available through the program will be capped and provided by pre-approved telecommunications service providers at an agreed price. This panel of telecommunication service providers will be established by the department.

Independent merit review is not considered suitable for decisions made in connection with grant payments for this program, as such decisions are allocating a finite resource between competing applicants, 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).

The program will affect agricultural fisheries and forestry businesses, communities and individuals in rural and regional areas along with telecommunications and digital infrastructure providers. The department has consulted with multiple government agencies during the development of the program, including: the Department of Foreign Affairs and Trade, the Department of Agriculture, Fisheries and Forestry and the Business Grants Hub.

The department has engaged in further consultation with industry stakeholders to communicate to farmers the availability and eligibility details of the program, including the National Farmers Federation (NFF). The NFF are supportive of the program. The main outcome from the consultation was the shared desire to continue engagement with the NFF and agribusiness stakeholders to help further shape the program during its establishment. In addition to agribusiness stakeholders, the department will work with state governments to determine how to complement similar state government run programs and reduce the risk of duplicating funding.

Grant funding of $30 million for the program is included in the 2022-23 October Budget under the measure ‘Better Connectivity Plan for Regional and Rural Australia’for a period of five years commencing in 2022-23. Details are set out in *Budget October 2022-23, Budget Measures, Budget Paper No. 2* at page 158.

Funding for this item will come from Program 5.1: Digital Technologies and Communication Services, which is part ofOutcome 5. Details are set out in the *Portfolio Budget Statements 2022-23*, *Budget Related Paper No. 1.12, Infrastructure, Transport, Regional Development, Communications and the Arts Portfolio* at pages 75 and 76.

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

*Communications power*

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

This program involves providing funding to telecommunication service providers for connectivity solutions and services tailored to the needs of agricultural businesses throughout rural and regional Australia.

New **table item 576** establishes legislative authority for government spending on the Terrestrial Television Transmission for Shortland, NSW program (the program), which seeks to fund the design, acquisition, construction, modification, and operation of infrastructure to improve digital television reception in the federal electoral division of Shortland in New South Wales.

The program will deliver on the Government’s election commitment, *Labor will improve mobile phone overage and digital TV reception in Shortland*, which includes the lower Hunter region, Lake Macquarie and the upper Central Coast region of NSW.

Since the switch over to digital television some residents in the Shortland electorate have reported issues with accessing reliable free-to-air television. A 2017 electorate survey conducted by the Member for Shortland indicated that the areas affected by television reception difficulties are within the Central Coast and Lake Macquarie local government areas. The main affected areas include Belmont, Belmont South, Caves Beach and Charlestown.

The program includes funding for a field study of reception in the electorate by the Australian Communications and Media Authority (ACMA) and new or upgraded broadcasting infrastructure upgrade if required.

Funding of $2.5 million over three years from 2022-23 will support an evaluation of television reception in the area by ACMA and, if required, make the improvements to broadcasting infrastructure. This program will be implemented in the following two stages:

*Stage 1(2022-23): Identify the problem and options*

The ACMA will receive $0.3 million to conduct a field study to identify and report on the cause of the reception difficulties in the Shortland electorate and recommend solutions. The ACMA study will identify whether the poor reception is caused, for example, by lack of coverage, antenna and receiver installation issues, or interference. A further $0.1 million has been allocated in this stage for the ACMA to maintain its signal measurement equipment.

*Stage 2 (2023-24 to 2024-25): Develop and implement the solution*

The ACMA report and recommendations will inform the development of options for improving television reception and associated costs. The ACMA will receive $0.1 million in this stage to undertake detailed broadcast spectrum planning for transmission sites selected by the regional commercial television broadcasters.

The broadcasters, with the technical assistance of the ACMA will collaborate to develop a costed solution. The department will engage third party expert consultants as needed to assess the infrastructure proposals to confirm appropriate technology solution choices and value for money.

Legislative authority through table item 576 is required to develop and implement the solution for the program. Grant funding of $2 million will be provided for the department to engage RBA Holdings Pty Ltd (RBAH) to build necessary new or upgraded transmission infrastructure and to operate it for five years. RBAH is a jointly-owned special‑purpose vehicle formed by the regional commercial television broadcasters. It operates around 90 television retransmission sites. RBAH is likely the only entity that could deliver the new broadcast transmission infrastructure.

The department will deliver the program through a closed non-competitive grant process in accordance with the Commonwealth resource management framework, including the PGPA Act and the CGRGs.

The grants will be administered by the Business Grants Hub. Grant opportunity guidelines will be developed to align with the program. Information about the grant will be made available on the department’s website and on GrantConnect (www.grants.gov.au).

RBAH is the intended grant recipient. The organisation will be invited by the department to apply for the grant and will be asked to enter into an agreement in order to receive the funding. It is expected that a grant agreement could be executed by the end of 2023-24, after which construction would commence. Depending on the time it takes to complete construction (including obtaining state or local government building approvals or permits, weather-dependent safe access to the site, and procurement of equipment and contractors) the new infrastructure could be operational by mid-2025. The grant agreement would require the construction, operation and maintenance of television retransmission facilities for ABC and SBS services as well as the commercial services.

The grant agreement would encompass a five-year period for provision of operations and maintenance (O&M). The O&M payment would be upfront in 2024-25 and no further payments occur during the remainder of the O&M period.

The Communications Minister will be the final decision‑maker for the grants in accordance with the PGPA Act and the FF(SP) Act.

Funding decisions made in connection with the grant will not be suitable for an independent merits review as the grant is closed, non-competitive and will be provided to RBAH. The regional broadcasting sector is small and as such RBAH as the commercial broadcasters’ joint-venture representative is in a position to undertake the establishment, operation and maintenance of television retransmission sites on behalf of the broadcasters. Previous broadcasting infrastructure projects in the NSW Hunter region explored other partners, such as local government, but no other entities were willing to take on the ownership or management of such infrastructure.

In addition, grant payments are allocation of a finite resource between competing applicants, 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).

Consultations has occurred with the ACMA and RBAH, who advised it is pleased to see that the Government recognises how essential free-to-air television is to our society.

Consultation with RBAH will intensify once the ACMA delivers its report identifying the causes of the reception issues and the recommended solutions. The department will also engage independent technical consultants to verify RBAH’s costed solution. The department and ACMA will consider the best way to keep Shortland residents informed.

Administered funding of $2 million for the program was included in the 2022-23 October Budget under the measure ‘Responsible Investment to Grow Our Regions’for a period of three years commencing in 2022-23. Details are set out in *Budget October 2022-23, Budget Measures, Budget Paper No. 2* at page 163 and 164.

Funding for this item will come from Program 5.1: Digital Technologies and Communication Services which is part ofOutcome 5. Details are set out in *Portfolio Budget Statements
2022-23*, *Budget Related Paper No. 1.12, Infrastructure, Transport, Regional Development, Communications and the Arts Portfolio* at page 75.

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

*Communications power*

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

This program involves funding to build and operate new television reception infrastructure for the Shortland area.

New **table item 577** establishes legislative authority for government spending on the Investing in Our Communities Program (the program), which seeks to build resilient communities and increase community liveability by providing grants for infrastructure projects.

The program will deliver on the Government’s election commitments outlined in the *Responsible Investment to Grow Our Regions* to support economic growth and development across regional Australia. The program will deliver projects where the commitment of Australian Government funding is $5 million or less and will operate over five years finishing on 30 June 2027. It will also deliver Pre‑election Economic and Fiscal Outlook (PEFO) commitments of $5 million or less under the previous Government’s Community Development Grants (CDG) Programme.

The program objective is to fund community and sporting infrastructure, open space improvements and other community priority projects that drive economic opportunity and/or provide improved amenity and liveability. The program will benefit communities across Australia by creating jobs, driving economic growth, enhancing community facilities and encouraging community confidence and a sense of identity. The program has been designed to provide enhanced integrity and transparency through measures including published program guidelines and robust merit-based assessment criteria for all projects.

Government investment in these types of projects will provide community and transformational infrastructure contributing towards the development of healthy, inclusive communities. It will help ensure that community infrastructure projects are well considered and align with the government’s wider strategy toward future sustainability in the transition to net zero. Many Australian communities are particularly vulnerable to increased pressure on existing infrastructure and services. The program will leverage community strengths so that regional communities have access to the infrastructure they need to sustain themselves, can encourage further growth and thrive economically and socially. Australian Government funding in this space also seeks to alleviate the financial pressures that state, territory and local governments face in delivering regional development support.

Total funding of $357.7 million (including departmental expenses) will fund projects ranging from a minimum $5,000 to the maximum $5 million. Examples of projects to be funded under the program include:

* $250,000 for the Albury Thunder Rugby League Club to redevelop the women's change rooms;
* $2.5 million to the Town of Victoria Park in Western Australia to develop McCallum Park including hype-court basketball courts, competition standard BMX track, skate and scooter parks and community space; and
* $5 million for Eurobodalla Shire Council for the Eurobodalla Regional Integrated Emergency Services Precinct.

Only those projects nominated by the Australian Government and invited to submit an application are eligible for the program. The applicants must be the organisation with overall responsibility for the project and have both an Australian Business Number (ABN) and be registered for GST. Applicants must be one of a specified type of entities including, but not limited to, local government bodies, state or territory bodies or incorporated associations. For profit organisations are not eligible for the program.

Projects approved for funding must be aimed at the construction, upgrade or extension of infrastructure that provides economic and social benefits to the community. Applicants will be required to confirm broader community benefit and projects must not have commenced construction at the time of approval.

The department will deliver the program through a one-off, closed and non-competitive grant process in accordance with the Commonwealth resource management framework, including the PGPA Act and the CGRGs.

Information about the grants, including grant opportunity guidelines will be made available on the GrantConnect website (www.grants.gov.au), and the website of the department. The program will be managed by the department. Applications will open to invited eligible applicants from the list of 2022 election commitments through a one-off, closed,
non-competitive round.

All applications will be subject to robust eligibility and assessment criteria reflected in published program guidelines to fund investment ready projects that will deliver against the intended program objectives and outcomes. An invitation to apply does not mean funding is guaranteed. Notwithstanding the commitment of funding, a project will not be approved if it is deemed ineligible under the program guidelines or does not meet the assessment criteria benchmarks. Applications will be assessed by the department through a tested and
fit-for-purpose assessment framework through a supervised assessment verification process before escalation to the delegate for final decision.

The Assistant Secretary, Regional Programs Branch (SES 1) will serve as a delegate of the Secretary of the department with responsibility for approving funding under the program. Applications will be assessed against publicly notified assessment criteria to determine if they are value with relevant money. Projects will not be ranked against each other.

Independent merits review of decisions made in connection with the program would not be considered appropriate as they are decisions to deliver commitments made by the Government. The breadth and diversity of project types and projected benefits in communities will vary. Although merits review is not considered appropriate, the program guidelines will ensure that the decision-making process is objective and transparent and that eligibility and merits criteria are clear. Persons and organisations affected by decisions would have recourse to the Commonwealth Ombudsman where appropriate. The ARC has recognised that it is justifiable to exclude merits review in relation to decisions of this nature (see paragraphs 4.18 to 4.19 of the ARC’s guide).

The department plans to consult with stakeholders including Regional Development Australia Committee’s, regional and metropolitan Organisations of Councils and other relevant key peak bodies to discuss program design and processes to ensure deliverables meet with the program’s objectives.

Grant funding of $349.9 million for the program is included in the 2022-23 October Budget under the measure ‘Responsible Investment to Grow Our Regions’for a period of five years commencing in 2022-23. Details are set out in *Budget October 2022-23, Budget Measures, Budget Paper No. 2* at pages 163 and 164.

Funding for this item will come from Program 3.1: Regional development, which is part ofOutcome 3. Details are set out in *Portfolio Budget Statements 2022-23*, *Budget Related Paper No. 1.12, Infrastructure, Transport, Regional Development, Communications and the Arts Portfolio* atpages 32 and 59.

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 trade and commerce power (section 51(i));
* the communications power (section 51(v));
* the race power (section 51(xxvi));
* the external affairs power (section 51(xxix));
* the power to grant financial assistance to States (section 96); and
* the territories power (section 122).

*Trade and commerce power*

Section 51(i) of the Constitution empowers the Parliament to make laws with respect to ‘trade and commerce with other countries, and among the states’.

The program involves providing grants to fund small community and social infrastructure capital works projects that may foster interstate and/or international trade and commerce activities.

*Communications power*

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

Some of these grants may relate to electronic communications.

*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’.

Some of these grants may be used to support Indigenous Australians or particular groups of Indigenous Australians.

*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.

Some of these grants may relate to assisting Australia meet its obligations under international agreements.

*Power to grant financial assistance to States*

Section 96 of the Constitution empowers the Parliament to ‘grant financial assistance to any State on such terms and conditions as the Parliament thinks fit’.

Some of these grants may be for financial assistance to State Governments.

*Territories power*

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

Some of these grants may be in, or in relation to, a Territory (i.e. the Northern Territory).

New **table item 578** establishes legislative authority for government spending on the Priority Community Infrastructure Program (the program), which seeks to provide grants funding for the construction and upgrading of infrastructure, including community infrastructure.

The program will deliver on the Government’s election commitments for investments over $5 million outlined in the *Responsible Investment to Grow Our Regions* to support economic growth and development across regional Australia. It will also deliver PEFO commitments under the previous government’s CDG Programme for investments over $5 million and smaller value election commitments nominated by government.

The program objective is to fund community and sporting infrastructure, open space improvements and other community priority projects that drive economic opportunities and/or improve amenity and liveability outcomes in regional and suburban communities. The program will operate over five years until 2026-27. The program will benefit communities across Australia by creating jobs, driving economic growth, enhancing community facilities and encouraging community confidence and a sense of identity.

Funding of $1 billion over five years until 30 June 2027 will be provided for identified projects ranging from the plus $5 million minimum up to $80 million maximum grant amount. The average grant amount is approximately $12.4 million. Examples of projects to be funded under the program include:

* $5.5 million for the Gerringong Surf Life Saving Club in NSW for construction of a new clubhouse;
* $15 million for the George Town Council in Tasmania to rebuild and rehouse the Royal Flying Doctor Service in Launceston Airport; and
* $16.7 million to help build Western Sydney University's Agri Tech Hub, bringing the next generation of agricultural skills, training and jobs to the region.

Australian Government investment in these types of projects will provide community and transformational infrastructure contributing towards the development of healthy, inclusive communities. It will help ensure that community infrastructure projects are well considered and align with the government’s wider strategy toward future sustainability in the transition to net zero.

Many Australian communities are particularly vulnerable to increased pressure on existing infrastructure and services. The program will leverage community strengths so that regional communities have access to the infrastructure they need to sustain themselves, can encourage further growth and thrive economically and socially. Australian Government funding in this space also seeks to alleviate the financial pressures that state, territory and local governments face in delivering regional development support.

Applicants invited to apply are required to provide well-evidenced applications for their projects and guidelines will include robust assessment criteria to ensure projects are ready and able to be delivered on the ground, so that funding realises outcomes. Applicants must be the organisation with overall responsibility for the project and have both an ABN and be registered for GST. Applicants must be one of a specified type of entities including, but not limited to, local government bodies, state or territory bodies or incorporated associations. For profit organisations are not eligible for the program.

Projects approved for funding must be aimed at the construction, upgrade or extension of infrastructure that provides economic and social benefits to the community. Applicants will be required to confirm broader community benefit and projects must not have commenced construction at the time of approval.

The department will deliver the program through a closed, non-competitive grant process in accordance with the Commonwealth resource management framework, including the PGPA Act and the CGRGs.

The department will administer the program, including designing the program to provide enhanced integrity and transparency through measures including published program guidelines and robust merit-based assessment criteria for all projects. The funding agreement between the applicants and the Commonwealth will include agreed milestones of project delivery across the life of the project. Any risks identified during the project’s assessment will be addressed in the agreement. Payments proportionate to the extent of project completion will be linked to the achievement of milestones. Payments will be made in arrears.

The Minister for Infrastructure, Transport and Regional Development (the Infrastructure Minister) is responsible for funding approvals under the program. The Infrastructure Minister will be supported by the department to assess applications and confirm value with relevant money and to ensure that they meet benchmarks against the assessment criteria. Projects will not be ranked against each other. Information about the grants, including grant opportunity guidelines will be made available on the GrantConnect website (www.grants.gov.au), and the website of the department.

Merits review of decisions made in connection with the program would not be considered appropriate as they are decisions to deliver commitments made by the Government. The breadth and diversity of project types and projected benefits in communities will vary. Although merits review is not considered appropriate, the program guidelines will ensure that the decision-making process is objective and transparent and that eligibility and merit criteria are clear. Persons and organisations affected by decisions would have recourse to the Commonwealth Ombudsman where appropriate. The ARC has recognised that it is justifiable to exclude merits review in relation to decisions of this nature (see paragraphs 4.18 to 4.19 of the ARC’s guide).

Prior to opening the program, the department is consulting with eligible organisations to obtain more information on organisations and projects including their nature, cost, timing and other funding details.

The department plans to consult with stakeholders including Regional Development Australia Committee’s, regional and metropolitan Organisations of Councils and other relevant key peak bodies to discuss program design and processes to ensure deliverables meet with the program’s objectives.

Funding of $1 billion for the program is included in the 2022-23 October Budget under the measure ‘Responsible Investment to Grow Our Regions’for a period of five years commencing in 2022-23. Details are set out in *Budget 2022-23, Budget Measures, Budget Paper No. 2* at pages 163 and 164.

Funding for this item will come from Program 3.1: Regional development, which is part ofOutcome 3. Details are set out in *Portfolio Budget Statements 2022-23*, *Budget Related Paper No. 1.12, Infrastructure, Transport, Regional Development, Communications and the Arts Portfolio* atpages 32 and 59.

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 trade and commerce power (section 51(i));
* the communications power (section 51(v));
* the race power (section 51(xxvi));
* the external affairs power (section 51(xxix));
* the express power and incidental power, including the nationhood aspect (section 51(xxxix));
* the power to grant financial assistance to States (section 96); and
* the territories power (section 122).

*Trade and commerce power*

Section 51(i) of the Constitution empowers the Parliament to make laws with respect to ‘trade and commerce with other countries, and among the states’.

The program involves providing grants for the construction and upgrading of infrastructure, including community infrastructure to support communities to address immediate infrastructure needs as well as the challenges associated with rapid growth and pressure on existing infrastructure and services. Some of the grants may foster interstate and/or trade and commerce activities.

*Communications power*

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

Some of the grants may relate to electronic communications.

*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’.

Some of the grants may be to or in relation to Indigenous Australians or particular groups of Indigenous Australians.

*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.

Some of these grants may relate to assisting Australia meet its obligations under international agreements.

*Express power and incidental power, including the nationhood aspect*

The express incidental power in section 51(xxxix) of the Constitution empowers the Parliament to make laws with respect to matters incidental to the execution of ay power vested in the Parliament, the executive or the courts by the Constitution. Section 61 of the Constitution supports activities that are peculiarly adapted to the government of a nation and cannot be carried out for the benefit of the nation otherwise than by the Commonwealth.

Some of the grants may be peculiarly adapted to the government of a nation and cannot otherwise be carried on for the benefit of the nation.

*Power to grant financial assistance to States*

Section 96 of the Constitution empowers the Parliament to ‘grant financial assistance to any State on such terms and conditions as the Parliament thinks fit’.

Some of the grants may be for financial assistance to state governments.

*Territories power*

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

Some of the grants may be in, or in relation to, a Territory (i.e. 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 (Infrastructure, Transport, Regional Development, Communications and the Arts Measures No. 2) 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 (Infrastructure, Transport, Regional Development, Communications and the Arts Measures No. 2) 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 Infrastructure, Transport, Regional Development, Communications and the Arts (the department).

This disallowable legislative instrument makes the following amendments to Part 3 of Schedule 1AB:

* adds table item 63 ‘Grant to The Alannah and Madeline Foundation Limited’.

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

* adds table item 572 ‘National Messaging System;
* adds table item 573 ‘Broadcasting Resilience Program’;
* adds table item 574 ‘Telecommunications Resilience Disaster and Innovation Program’;
* adds table item 575 ‘On Farm Connectivity Program’;
* adds table item 576 ‘Terrestrial Television Transmission for Shortland, NSW’;
* adds table item 577 ‘Investing in Our Communities Program’; and
* adds table item 578 ‘Priority Community Infrastructure Program’.

*Table item 63 – Grant to The Alannah and Madeline Foundation*

New table item 63 establishes legislative authority for the Government to provide a grant to The Alannah and Madeline Foundation Limited as trustee for the Alannah & Madeline Foundation (AMF) to deliver the *Safe Kids are eSmart Kids* initiative, which seeks to improve media and digital literacy and online safety awareness among primary and secondary school students.

The grant to the AMF will deliver on the Government’s election commitment as published in the *Plan for a Better Future*. The objective of the *Safe Kids are eSmart Kids* initiative is to support Australian school children to develop the digital and media literacy skills they need to stay safe and thrive in the online world.

Young people are avid internet users and face a range of online harms. The development of digital skills can help prevent harms before they occur. As outlined in the Australian Curriculum, schools have a responsibility to develop digital skills in all student age cohorts. Many schools rely on external providers, like the AMF, to deliver up-to-date, specialist education and teaching resources. However, these providers charge a fee for their services, which can be a barrier to access for financially disadvantaged schools. The *Safe Kids are eSmart Kids* initiative will ensure that that every Australian school has access to free digital and media literacy learning tools.

Funding of $6 million over three years from 2023-24 will support the AMF to:

* develop, implement and evaluate a new product, *eSmart Junior Digital Licence+* to primary school students (aged 5 to 9);
* implement and evaluate the existing product, *eSmart Digital Licence+* to primary and secondary school students (aged 10 to 14); and
* implement and evaluate the existing product, *eSmart Media Literacy Lab* to secondary school students (aged 12 to 16).

**Human rights implications**

Table item 63 engages the following rights:

* the right to education – Article 13 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), read with Article 2; and
* the right to privacy and reputation – Article 17 of the *International Covenant on Civil and Political Rights* (ICCPR), read with Article 2.

*Right to education*

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

The right to education is provided by Article 13 of the ICESCR. Table item 63 promotes the right to education by seeking to provide access to digital literacy education to all Australian primary and secondary schools.

The AMF will make particular provisions for schools and students that face barriers to digital inclusion. In the grant agreement, the AMF will be required to produce an implementation plan to guide priority engagement with schools in communities with low levels of digital inclusion. A range of factors correlate or contribute to low levels of digital inclusion. According to the Australian Digital Inclusion Index, the most digitally excluded Australians are more likely to fall in the lowest income quintile, have a disability, or live in remote First Nations communities. By promoting equal and comprehensive access to its products, table item 63 will promote the right to education.

*Right to privacy and reputation*

Article 2 of the ICCPR requires each State Party to the Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized, 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 17 of the ICCPR prohibits unlawful or arbitrary interferences with a person's privacy, family, home and correspondence. The *Safe Kids are eSmart Kids* initiative will require the AMF to collect user data when providing its product to schools and users. This will require appropriate risk management. While this may limit the right to privacy, the department considers this limitation to be reasonable, necessary and proportionate, noting that data privacy risks will be managed. To manage privacy risks, the department will undertake a Privacy Impact Assessment in consultation with the Attorney General’s Department and the Office of the Australian Information Commissioner. Privacy risks will be addressed by mandating, in the grant agreement, the AMF’s compliance with the *Privacy Act 1988* (Privacy Act) and Australian Privacy Principles.

In accordance with the *eSmart Digital Licence+* privacy policy, the AMF will collect personal information about:

* *eSmart Digital Licence+* customers (educational organisation representatives/staff members, and parents/legal guardians of participating children). This includes participating children (collected from customers), including name, age, date of birth, gender, school year level, student identifier used by the school, and Australian Indigenous status.

The development of the *eSmart Junior Digital Licence +* will require development of a similar privacy policy. In accordance with the *eSmart Media Literacy Lab* privacy policy, the AMF collects personal information including name, address, phone number and email address, and the name of any child who uses an account for the *eSmart Media Literacy Lab* program.

The personal data collected are legal under the Privacy Act, which provides for the protection of personal information collected and held by Australian Government agencies and certain private sector organisations, including those contracted by Commonwealth agencies.

**Conclusion**

Table item 63 is compatible with human rights because it promotes the protection of human rights.

*Table item 572 – National Messaging System*

Table item 572 establishes legislative authority for government spending on the National Messaging System (NMS), which will enable the Australian Government to send telephony‑based warning messages to hand held devices, locally, regionally and nationally to the public in relation to emergencies, disasters or matters of national significance.

The NMS responds to findings from the Royal Commission into National Natural Disaster Arrangements regarding current warning system limitations and will bring Australia into line with other five eyes countries.

The NMS will provide the Commonwealth with a cell broadcast emergency messaging capability and will also address the current needs and limitations of the existing emergency alert platforms. It will also be available to state and territory emergency service organisations, giving them the ability to reliably send critical warnings and alerts in near real time.

The NMS is intended to reliably deliver telephony-based warning messages to hand held devices, locally, regionally and nationally, in near real time. Cell broadcast is a
standards-based technology that enables a point-to-area communication between the mobile operator radio cell tower(s) and all hand-held devices in a specified geographic area. This enables individuals to be targeted through their physical location to tower(s), regardless of the handset subscription. The NMS is comprised of two main components:

* the Cell Broadcast Entity, which is a web-enabled user interface where messages are composed and authorised; and
* the Cell Broadcast Centre (CBC) in each carrier’s network, which translates and initiates the broadcast of the authorised messages via the mobile carrier network.
In Australia a CBC needs to be established in each of the Telstra, Optus and TPG Telecom networks.

The NMS will also be available to state and territory emergency service organisations, giving them the ability to reliably send critical warnings and alerts in near real time.

**Human rights implications**

Table item 572 engages the following right:

* the right to prohibition on interference with privacy and attacks on reputation – Articles 6 and 17 of the ICCPR, read with Article 2.

*Right to prohibition on interference with privacy and attacks on reputation*

Article 2 of the ICCPR requires States Parties to the Covenant undertake to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized, 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 6 of the ICCPR requires States Parties to the Covenant to protect in law all individuals’ inherent right to life.

Article 17 of the ICCPR provides that “[n]o one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks”.

NMS is a radio broadcast technology that does not require access to the individual phone number or personal information for messages to be received. However, end users will not be able to opt out of communications, which goes to an end user’s quiet peace and enjoyment. Whilst this may limit the right to privacy, the department considers this limitation to be reasonable, necessary, and proportionate, noting that protocols will be developed that go to ensuring that messages are only sent in *bona fide* emergency circumstances and are not frivolous.

Likewise, the department considers a limit to the right to privacy to be justifiable given the emergency nature of the NMS, which also engages with the right to life (article 6). That is, NMS will be used to supply emergency information to end users which will help them survive disasters and protect their own safety. Consequently, the department believes that a minor intrusion into end users privacy is justifiable given the public safety benefit, noting that this benefit will accrue to the end users that receive NMS messages.

**Conclusion**

Table item 572 is compatible with human rights because it promotes the protection of human rights.

*Table item 573 – Broadcasting Resilience Program*

Table item 573 establishes legislative authority for government spending on the Broadcasting Resilience Program (the BRP), which seeks to fund improvements in the resilience of infrastructure that may be used for emergency broadcasting.

The BRP is part of the Better Mobile and Broadband Connectivity and Resilience Package (BMBCRP). The BMBCRP is a $600 million package over five years from 2022-23 and forms part of the Government’s Better Connectivity for Rural and Regional Australia Plan. One of the three funding streams in this package is $100 million for measures to improve the resilience of communications, mobile communications and broadcasting infrastructure. Of the three streams, the Mobile Network Hardening Program and the Telecommunications Resilience Disaster and Innovation Program are for telecommunications issues and the BRP covers broadcasting infrastructure sites.

Grant funding of $20 million over three years from 2022-23 will be provided to BAI Communications to deliver the BRP. The funding will be allocated to three separate streams of resilient broadcasting infrastructure improvements in up to 66 sites across regional and remote Australia with broadcasting towers that provide ABC AM services. This will include:

* AM sites that require larger areas of clearance around them. In this stream, work will be undertaken to clear and harden the site creating a wider distance between the tower and foliage and other flammable materials;
* access to mains power to mitigate failure for service connectivity during natural disasters and establish standby power facilities in prioritised sites to mitigate loss of broadcast; and
* deploying state based mobile recovery units to quickly re-establish broadcasting services after the disaster event. This is similar to the mobile telecommunications facilities that can be driven into a disaster affected area.

**Human rights implications**

Table item 573 does not engage any of the applicable human rights or freedoms. More generally, access to broadcasting services is increasingly seen as important to broader social, economic, political and cultural participation. The BRP focusses on improving telecommunications and broadcasting services for people in regional, rural, remote and peri urban Australia.

**Conclusion**

Table item 573 is compatible with human rights as it does not raise any human rights issues.

*Table item 574 – Telecommunications Resilience Disaster and Innovation Program*

Table item 574 establishes legislative authority for government spending on the Telecommunications Resilience Disaster and Innovation (TRDI) Program.

The TRDI Program is one of the three funding streams in the BMBCRP, a $600 million package which forms part of the Government’s Better Connectivity for Rural and Regional Australia Plan. The other two streams are the Mobile Network Hardening Program and the BRP, which is prescribed under table item 573.

The TRDI Program aims to strengthen the resilience of telecommunications to power outages and natural hazards by funding the development and/or deployment of new, innovative technologies and solutions. This includes providing funding for the deployment of innovative stand-alone power systems for telecommunications infrastructure to provide greater energy resilience and funding other innovative technologies and solutions which, without government financing are unlikely to come to fruition through private investment alone.

Funding of $50 million over three years from 2022-23 will be provided to build on the successful Strengthening Telecommunications Against Natural Disasters initiative, by establishing a competitive grants program to support the development and deployment of:

* solutions to improve the resilience of telecommunications facilities, including against the impacts of power outages and natural hazards, particularly for vulnerable communities (for example, remote Indigenous communities). These solutions may include, for example, funding innovative stand-alone power systems that combine both energy generation (such as solar, wind, diesel) and storage methods to provider greater power resiliency than would otherwise be possible through standard battery backup solutions alone; and
* innovative new technologies and solutions to improve telecommunications resilience, such as solutions which support the rapid restoration of telecommunications following a disaster-induced mass service disruption, improve the resiliency of critical services such as Triple Zero and EFTPOS, make greater use of satellite services for telecommunications resilience, and enhance coordination between telecommunications carriers and other key entities in responding to outages. The program will seek proposals from the market addressing these themes.

**Human rights implications**

Table item 574 does not engage any of the applicable human rights or freedoms. More generally, access to telecommunications services is increasingly seen as important to broader social, economic, political and cultural participation. The TRDI Program will focus on improving telecommunications network resilience and service availability for people in regional, rural, remote and peri urban Australia.

**Conclusion**

Table item 574 is compatible with human rights as it does not raise any human rights issues.

*Table item 575 – On Farm Connectivity Program*

Table item 575 establishes legislative authority for government spending on the On Farm Connectivity Program (the program), which seeks to improve access to telecommunications services by contributing towards the cost of purchasing and installing communications equipment to address connectivity issues faced by farmers on their properties.

The program will deliver on the Government’s election commitment outlined in the *Better Connectivity Plan for Regional and Rural Australia*, which forms a key part of the Australian Government’s telecommunication agenda.

Total funding of $35.8 million (including departmental expenses) over three years from
2022-23 will enable farmers to extend connectivity and take advantage of connected machinery, sensor technology and other related services. Targeting properties where existing connectivity and services can be extended from the farmhouse to the paddock, the program would operate with the expectation that some level of connectivity is already present or proposed on-farm. Devices such as external antennas, repeaters and boosters can amplify even poor coverage and extend it to the areas of farming properties where it can link sensors, transfer data and support communications.

The funding will be available to telecommunication service providers for connectivity solutions and services tailored to the needs of farms and agricultural businesses throughout regional and rural Australia. Eligible connectivity solutions will include but not be limited to:

* Wi-Fi solutions;
* external antennas;
* repeaters;
* boosters;
* sensors; and
* installation costs.

**Human rights implications**

Table item 575 engages the following right:

* the right to prohibition on interference with privacy and attacks on reputation – Article 17 of the ICCPR; read with Article 2.

*Right to prohibition on interference with privacy and attacks on reputation*

Article 2 of the ICCPR requires States Parties to the Covenant undertake to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized, 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 17 of the ICCPR provides that “[n]o one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks”.

The program will collect personal information from recipients of goods and services from the grant funding opportunity. This information may also be linked across government agencies and potentially shared with state and territory government agencies. Sharing with state and territory government agencies will be for the sole purpose of avoiding duplication of goods and services where a commensurate state and territory program exists. The department will work to ensure any personal information shared is the bare minimum needed to identify areas of duplication and that potential grant funding recipients are made aware of this before participating in the program.

A further safeguard is provided through the protection of the information under the *Privacy Act 1988* (the Privacy Act) which applies to Australian Government agencies. The department and the Business Grants Hub in the Department of Industry, Science and Resources will be required to collect and store the information in accordance with the Privacy Act. The Privacy Act sets out the applicable Information Privacy Principles which deal with all stages of the processing of personal information, setting out standards for the collection, storage, security, use, disclosure and quality of personal information.

In addition to Commonwealth privacy legislation, each state and territory has either legislative schemes or administrative regimes to regulate the management of personal information.

**Conclusion**

Table item 575 is compatible with human rights because it promotes the protection of human rights.

*Table item 576 – Terrestrial Television Transmission for Shortland, NSW*

Table item 576 establishes legislative authority for government spending on the Terrestrial Television Transmission for Shortland, NSW program (the program), which seeks to fund the design, acquisition, construction, modification, and operation of infrastructure to improve digital television reception in the federal electoral division of Shortland in New South Wales.

The program will deliver on the Government’s election commitment, *Labor will improve mobile phone overage and digital TV reception in Shortland*, which includes the lower Hunter region, Lake Macquarie and the upper Central Coast region of NSW.

Since the switchover to digital television some residents in the Shortland electorate have reported issues with accessing reliable free-to-air television. A 2017 electorate survey conducted by the Member for Shortland indicated that the areas affected by television reception difficulties are within the Central Coast and Lake Macquarie local government areas. The main affected areas include Belmont, Belmont South, Caves Beach and Charlestown.

Funding of $0.5 million over three years from 2022-23 will be provided to the Australian Communications and Media Authority to conduct a field study to identify and report on the cause of the reception difficulties in the Shortland electorate and recommend solutions.

Legislative authority through table item 576 is required to develop and implement the solution for the program. Grant funding of $2 million will be provided for the department to engage RBA Holdings Pty Ltd (RBAH) to build necessary new or upgraded transmission infrastructure and to operate it for five years. RBAH is a jointly-owned special‑purpose vehicle formed by the regional commercial television broadcasters. It operates around 90 television retransmission sites. RBAH is likely the only entity that could deliver the new broadcast transmission infrastructure.

**Human rights implications**

Table item 576 does not engage any of the applicable human rights or freedoms.

**Conclusion**

Table item 576 is compatible with human rights as it does not raise any human rights issues.

*Table item 577 – Investing in Our Communities Program*

Table item 577 establishes legislative authority for government spending on the Investing in Our Communities Program (the program), which seeks to build resilient communities and increase community liveability by providing grants for infrastructure projects.

The program objective is to fund small community and social infrastructure capital works projects that drive economic opportunity and/or provide improved amenity and liveability in both regional and urban communities across Australia. Successful projects will provide improvements in social and economic viability of local communities and improve social amenity, increased health and wellbeing and social cohesion.

Grant funding of $349.9 million will fund projects ranging from a minimum $5,000 to the maximum $5 million. Examples of projects to be funded under the program include:

* $250,000 for the Albury Thunder Rugby League Club to redevelop the women's change rooms;
* $2.5 million to the Town of Victoria Park in WA to develop McCallum Park including hype-court basketball courts, competition standard BMX track, skate and scooter parks and community space; and
* $5 million for Eurobodalla Shire Council for the Eurobodalla Regional Integrated Emergency Services Precinct.

**Human rights implications**

Table item 577 does not engage any of the applicable human rights or freedoms.

**Conclusion**

Table item 577 is compatible with human rights as it does not raise any human rights issues.

*Table item 578 – Priority Community Infrastructure Program*

New table item 578 establishes legislative authority for government spending on the Priority Community Infrastructure Program (the program), which seeks to provide grants funding for the construction and upgrading of community infrastructure.

The program will deliver on the Government’s election commitment outlined in the *Responsible Investment to Grow Our Regions* to support economic growth and development across regional Australia.

The program objective is to fund community and sporting infrastructure, open space improvements and other community priority projects that drive economic opportunities and/or improve amenity and liveability outcomes in regional and suburban communities. The program will operate over five years until 2026-27. The program will benefit communities across Australia by creating jobs, driving economic growth, enhancing community facilities and encouraging community confidence and a sense of identity.

Funding of $1 billion over five years until 30 June 2027 will be provided for projects ranging from $5 million minimum up to $80 million maximum grant amount. The average grant amount is approximately $12.4 million. Examples of projects to be funded under the program include:

* $5.5 million for the Gerringong Surf Life Saving Club in NSW for construction of a new clubhouse;
* $15 million for the George Town Council in Tasmania to rebuild and rehouse the Royal Flying Doctor Service in Launceston Airport;
* $16.7 million to help build Western Sydney University's Agri Tech Hub, bringing the next generation of agricultural skills, training and jobs to the region; and
* $40 million to the Torres Straight Island Regional Council to plan and deliver marine and access infrastructure across the Torres Strait including dredging, construction and repair works.

**Human rights implications**

Table item 578 does not engage any of the applicable human rights or freedoms.

**Conclusion**

Table item 578 is compatible with human rights as it does not raise any human rights issues.

**Senator the Hon Katy Gallagher**

**Minister for Finance**