

EXPLANATORY STATEMENT

Issued by the Authority of the Minister for Finance

Financial Framework (Supplementary Powers) Act 1997

*Financial Framework (Supplementary Powers) Amendment
(Education Measures No. 2) Regulations 2024*

The *Financial Framework (Supplementary Powers) Act 1997* (the FFSP 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 FFSP Act to make, vary or administer arrangements or grants may be exercised on behalf of the Commonwealth by Ministers and the accountable authorities of non-corporate Commonwealth entities, as defined under section 12 of the *Public Governance, Performance and Accountability Act 2013*.

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

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

Section 32B of the FFSP 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 FFSP 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 FFSP 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 (Education Measures No. 2) Regulations 2024* (the Regulations) amend Schedule 1AB to the Principal Regulations to establish legislative authority for government spending on activities administered by the Department of Education.

Funding is provided for the:

- World Schools Debating Championships to enable the Australian Debating Federation Inc to facilitate Australia's participation in the debating championships and expand access to learning debating skills, especially for students in rural, regional and disadvantaged schools (\$330,000 over three years from 2023-24); and
- International Education Innovation Fund for activities directed to promoting and strengthening Australia's international education sector (\$14.5 million over four years from 2023-24, no new funding is provided).

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 Education.

A regulatory impact analysis 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 (Education Measures No. 2) Regulations 2024*

Section 1 – Name

This section provides that the title of the Regulations is the *Financial Framework (Supplementary Powers) Amendment (Education Measures No. 2) Regulations 2024*.

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

This instrument amends two table items in Part 4 of Schedule 1AB to establish legislative authority for government spending on activities administered by the Department of Education (the department).

Item 1 – Part 4 of Schedule 1AB (cell at table item 116, column headed “Program”)

Item 1 makes a minor amendment to the name of the program to include the word ‘Schools’ to reflect the correct name of the program. This is a technical amendment which does not alter the delivery of the program.

Item 2 – Part 4 of Schedule 1AB (cell at table item 116, column headed “Objective(s)”)

Table item 116 in Part 4 of Schedule 1AB provides legislative authority for government spending on the World Schools Debating Championships program (the program).

Item 2 amends table item 116 by repealing and substituting the full text of the cell under the column headed “Objective(s)”. The amendment reflects the program’s additional funding elements. Funding is provided to the Australian Debating Federation Inc (the federation) to continue to facilitate Australia’s participation in the debating championships and to expand access to learning debating skills, especially for students in rural, regional and disadvantaged schools.

The program provides students with an opportunity to engage in political and social issues relevant to their development as active and informed citizens.

The program has two existing elements, the World Schools Debating Championships (WSDC) and the Equity and Development programs, which have historically been funded to support Australia's participation in the annual debating competition of national teams of high school students.

The program is now expanded to include two new elements, the Bursaries for National Schools Debating Championships and the Squad Training Program. Additional funding of \$330,000 over three years from 2023-24 is provided to deliver all four components of the program.

Funding will be provided to the federation, a peak body for school debating in Australia and was founded to promote high school debating. The federation has received funding from the Government since 2005. This includes \$225,000 from 2020 to 2022 at \$75,000 per annum to support Australia's participation in the WSDC and to support equity and development of debating in schools; \$95,000 in 2023-24 to continue to deliver the WSDC and Equity and Development components of the program; out of which \$50,000 is provided for the WSDC and \$45,000 for the Equity and Development programs in 2024.

The federation will work with its affiliates to provide and expand access to the Equity and Development programs to schools that do not already debate or do not have a regular presence at debating competitions. Federation affiliates in each state and territory run the supporting debating competitions and implement the Equity and Development programs. Almost 30,000 students participate in affiliate activities.

Australia has participated in the WSDC since 1988, and the National School Debating Championships (NSDC), an annual competition, has been run in Australia since 1971. Each state/territory affiliate sends their team to the NSDC and the final participants for the WSDC are selected following the completion of preliminary rounds by official adjudicators from each state and territory.

The four elements of the program are as follows:

World School Debating Championships

The WSDC is an annual international competition of high school students held at an overseas location in July/August. The federation selects the participating team comprising five students at the NSDC. The federation arranges the travel, accommodation, registration, uniforms and medical insurance for the participating team and accompanying supervisors.

The federation will continue to manage Australia's participation in the WSDC, including team selection, travel and accommodation for the participants and accompanying team supervisors, as well as coaching to the final selected team prior to the departure.

The 2024 WSDC will be held in Serbia from 16 – 26 July 2024. Representatives from over 50 countries take part in the WSDC. Some of the previous locations for the WSDC include Vietnam in 2023, Netherlands in 2022, Macau (online) in 2021, Thailand in 2019, Croatia in 2018, and Indonesia in 2017.

The Australian team undergoes 10 days of intensive residential training prior to the WSDC.

Funding of \$50,000 per annum for this activity covers airfares, accommodation, food, uniforms, pre-tournament residential training and incidental costs for the selected team.

Equity and Development programs

The Equity and Development programs have a particular focus on rural and regional areas and schools with low Index of Community Social-educational Advantage (ICSEA) values. Equity and Development programs will be offered to students up to Year 11, and under 18 at the time of program commencement.

The affiliates, in consultation with the federation, identify target schools on the basis of their ICSEA value, their remote/regional status, their past involvement in debating and their level of competitiveness within existing competitions.

Equity and development support for debating in primary and high schools includes teaching, coaching, development programs for students and teachers. Almost 500-600 students participate in the Equity and Development programs each year. The programs aim to increase the participation of remote and regional schools, support debating competitions in regional centres to enable participation of regional students, and remove barriers to participation by regional schools.

Funding allocation for the Equity and Development programs is \$45,000 for 2023-24; \$50,000 for 2024-25; and \$50,000 for 2025-26.

The program activities may include coaching clinics and intensive workshops; coach in residence programs; competition access schemes; and resource development. Other costs covered in these programs include travel and accommodation costs for participants to attend clinics, workshops and competition events e.g., hiring a minibus to allow regional schools to attend debating competitions; basic catering of meals during clinics, workshops and programs; costs of hosting clinics, workshops or competition events e.g., venue or equipment hire, printing of handouts/certificates etc.; and discount or waiver of registration fees for clinics, workshops or debating competition fees.

The affiliates are responsible for developing and delivering the programs in their regions. The programs are funded by the federation. The federation receives the proposals at the beginning of each year and submits them for departmental approval. Final reports and acquittals are submitted to the department at the culmination of the programs via the federation.

Bursaries for National School Debating Championships

NSDC is a national debating competition held in Australia each year. The NSDC is held at different locations across Australia in April/May. In 2024 the NSDC will be held in Adelaide. Each state/territory affiliate sends their team at the NSDC and the final participants for the WSDC are selected following the completion of preliminary rounds by official adjudicators from each state and territory.

Funding of \$5,000 per year in National Bursaries will be provided for students for whom participation at the NSDC is a challenge due to cost barriers. The details for the student selection process for bursaries is currently being finalised by the federation. The National Bursaries will support higher and more equitable participation in the NSDC and funding will cover registration cost, domestic travel and accommodation.

Squad Training Program

Funding of \$10,000 per year (2025 and 2026) will be provided to train a pool of students for WSDC via a Squad Training Program. Nine students will be selected based on their performance at the NSDC to attend a one-week block training and performance process. This will provide the selection committee a better chance to observe the performances and select a final team of five students. This also aims to increase the pool of participants in case of attrition due to personal circumstances. The program activities include skills workshops, knowledge workshops, and practice debates followed by selection debates.

The new Squad program will occur in Sydney or Melbourne in 2025 and 2026 and will be administered by the federation.

The funding of \$330,000 will be provided to the federation as a non-competitive grant in accordance with the *Commonwealth Grant Rules and Guidelines 2017* (CGRGs), via a Letter of Variation to the principal grant agreement *World School Debating Championships and related support for debating in schools 2020-2022* signed on 8 May 2019.

The Program Guidance for Australia's participation in the WSDC and related support for debating in schools will be updated to reflect the two new components of the program and will be available via the department's website. The grant funding will be provided to the federation via a Deed of Variation to the existing grant agreement. The current grant is managed by the department.

The final decision will be made by the financial delegate, the Assistant Secretary, Curriculum and Learning Branch in accordance with the CGRGs. The decision will be made publicly available through GrantConnect (help.grants.gov.au).

Independent review will not be available for the grant provided to the federation as this grant will be closed, non-competitive and for a specific purpose and entity. As the peak body in debating, the federation have delivered the program since 2005. They are the experts in the field with established relationships with state and territory affiliates, which makes them best placed to continue to deliver the goals for debating in schools at the national level.

In addition, this grant involves an allocation of a finite resource, and potential change of decisions would impact allocations made and would impede timely and effective implementation of the program. The Administrative Review Council (ARC) has recognised that it is justifiable to exclude merits review in relation to decisions of this nature (see paragraphs 4.11 to 4.16 of the guide, *What decisions should be subject to merit review?* (ARC guide)).

The department has consulted with the federation as the organisation delivering the program. The department discussed the proposal with the Federation and gained the federation's agreement. Further public consultation was not considered appropriate as this funding will be provided to the federation under a closed non-competitive grant process.

Funding of \$330,000 over three years from 2023-24 for this item will come from Program 1.5: Early Learning and Schools Support, Quality Outcomes, which is part of Outcome 1. Details are set out in the *Portfolio Budget Statements 2023-24, Budget Related Paper No. 1.5 Education Portfolio* at page 45.

Quality Outcomes is a discretionary funding program for initiatives of importance to the Australian Government. It is an ongoing measure, established in 2005 to provide funding for strategic projects that support improved student learning outcomes in schools. The Minister for Education approves funding allocations under the discretionary funding program.

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

- the social welfare power (section 51(xxiiiA));
- the external affairs power (section 51(xxix)); and
- the express incidental power and the executive power (paragraph 51(xxxix) and section 61), including the nationhood aspect.

Social welfare power

The social welfare power in section 51(xxiiiA) of the Constitution empowers the Parliament to make laws with respect to the provision of certain social welfare benefits to students.

The purpose of the program is to support individual students to attend the WSDC or otherwise participate in national debating competitions through the payment of bursaries. The program will provide benefits to individual students such as financial support to attend the championships through paying for flights and accommodation.

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 with respect to matters or things outside the geographical limits of Australia. The funding will assist Australian students to attend an international event.

The external affairs power also supports legislation implementing Australia's international obligations under treaties to which it is a party.

Australia has obligations relating to access to education and quality of education under Article 29(1)(a) (read with Article 4), of the *Convention on the Rights of the Child* [2001] ATS 4 (CRC).

Article 4 of the CRC obliges Australia to take appropriate measures to implement the rights recognised by the CRC. This includes rights recognised in Article 29 of the CRC.

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

The purpose of the program is to provide specialist educational activities in debating, which assists Australia to meet the above obligations.

Executive power and express 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 any 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.

The purpose of the program is to assist students to prepare and attend the World Schools Debating Championships where they represent Australia internationally.

Item 3 - Part 4 of Schedule 1AB (table item 165)

Item 3 amends table item 165 by repealing and substituting the full text of the item. Table item 165 establishes legislative authority for government spending on the International Education Innovation Fund (IEIF), which was previously known as the Australian International Education—Enabling Growth and Innovation (EGI) program. The amended item also makes minor changes to the program’s objective to clarify that the initiatives under the IEIF do not need to be export-focused and that connections may be built between researchers and institutions (rather than merely between institutions or between researchers).

The EGI program was established in the 2016-17 Budget with initial funding of \$12 million provided for activities directed to promoting, strengthening and growing Australia’s international education sector as an export industry.

The EGI program has performed well since its inception, shaping the industry consistent with government policy direction and drawing out areas of interest or concern – such as the 2019-20 report into mental health and physical safety of international students, and best practice to help shape how institutions support students living in Australia, which gave valuable insights following the increased isolation and financial impact of the COVID-19 pandemic in 2021. Projects have included a mix of targeted pilots or programs which aimed to boost Australian participation in a target market or sector aspect, best practice analysis, and understanding the opportunities of the sector. A list of reports which were published to be available to the sector, students and staff is available at <https://www.education.gov.au/enabling-growth-and-innovation-program/egi-published-projects>.

In 2021, the EGI program was rebranded as the IEIF to support the new *Australian Strategy for International Education 2021-2030* (the Strategy), available at <https://www.education.gov.au/australian-strategy-international-education-2021-2030>. The priority areas of the Strategy are diversification, alignment with Australia's workforce and skills needs, students at the centre, and growth and global competitiveness. The renaming emphasised innovation as the IEIF's purpose, and moved away from 'growth'. The objective at the time was to rebuild and strengthen the international education sector at a critical time for Australia's education providers, where market uncertainty and border restrictions limited the industry in an unprecedented manner. The industry needed to rebuild into previously strong markets, as well as diversify to provide greater certainty in the future, both for sustainable investment across the sector and ensuring a pipeline for a skilled workforce.

The current funding allocation for the program is for \$2.5 million per year, which supports the following projects in 2024:

- Opportunities and barriers to diversification – identify opportunities for diversification across the international education sector to improve business resilience and student experience.
- Expanding Australia's offshore delivery through transnational education – pilot innovative transnational education products to help Australian providers to identify and leverage emerging offshore opportunities (target markets: Latin America, Southeast Asia and South Asia).
- Alignment of international education with skills in vocational education and training – opportunities for Australia to align the delivery of Vocational Education and Training micro-credentials with domestic skills needs. The project will deliver country specific handbooks to the sector on how micro-credentials can be delivered in target markets.
- Development of critical skills – develop new or update existing occupational standards and/or training, and develop curricula and pilot courses. This project runs as two separate pieces in two markets, Latin America and India, targeting different industries.
- Student engagement – develop best practice guides and resources for the sector on international student engagement.
- Funding to support the Australia-India education relationship across schools, skills, higher education, and research.

The amendment also clarifies the IEIF's funding objective to remove any confusion about how the funding is used to support innovation in the international education sector, with the goal being to best support the industry. The amendment is minor and does not affect the scope or operation of the program and is intended only to provide clarification.

While the funding envelope represents a small investment in the sector, it is the only Australian Government funding to support international education, and is therefore an important signal of the government's continuing commitment. The IEIF is actively managed by the department to deliver the best investment opportunities available to support key areas of interest. The Council for International Education provides expert advice on Australia's international education strategy, and this guidance, along with information from the Overseas Counsellor Network, industry advocates and representative bodies, and the wider work of the department are used to shape proposals which can achieve material benefit for the sector and Australia.

The IEIF will continue to be delivered through a procurement process. Funding can be one off or over several years to support projects to achieve long-term sustainability, such as a strong pipeline connection between Australia and a target market. Projects are delivered by partners, allowing for multiple investment opportunities and to target critical sectors for Australia's market strengthening and diversification agenda.

Projects funded under the IEIF are managed in accordance with the *Commonwealth Procurement Rules* (CPRs) and applicable Resource Management Guides, available on the Department of Finance's website. Decisions regarding expenditure are made by the Minister for Education, on advice from the department.

In developing funding proposals for Ministerial consideration, advice is sought from the Council for International Education, which consists of members of the Australian Government and experts and practitioners who are experienced in international education. The Council's advice centres around the gaps in the sector, areas for further research and support, areas or countries where collaboration innovation is needed and how the Government is delivering on its international education strategy.

In the case of proposals which involve undertaking research or disbursement of funding, proposals are actioned through and published on AusTender (www.tenders.gov.au), adhering to the CPRs. In the case of targeted country collaboration and innovation, a direct tender approach may be used to partner with established providers with strong government to government connections and reputations to deliver bilateral relationship priorities. The direct approach recognises that an open market does not exist for certain types of research and education institutes.

The decisions on projects are informed by the current strategic framework for international education and the advice of the Council for International Education, which provides an overview of the environment and the needs of the sector.

Procurement decisions made in connection with projects 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 guide).

The remaking of a procurement decision after entry into a contractual arrangement with a successful provider is legally complex, impractical, and could result in disruptions to the funding under the program.

As projects are actioned as procurements, decisions regarding procurement of delivery partners may be subject to judicial review under the *Government Procurement (Judicial Review) Act 2018* (GPJR Act). The GPJR Act provides any supplier whose interest may have been affected with the right to seek judicial review for breaches of the CPRs. A supplier may make a complaint to the department if they have reason(s) to believe the department has engaged, is engaging, or is proposing to engage in conduct in breach of the CPRs. Complaints must be made in writing. There are no time limits that apply to the making of a complaint.

As the IEIF funding objective remains unchanged, the department considers public consultation is not necessary.

Current funding of \$14.5 million over four years from 2023-24 for the item comes from Program 2.7: International Education Support, which is part Outcome 2. Details are set out in the *Portfolio Additional Estimates Statements 2023-24, Education Portfolio* at page 43.

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

- the trade and commerce power (section 51(i));
- the communications power (section 51(v));
- the census and statistics power (section 51(xi));
- the aliens power (section 51(xix));
- the social welfare power (section 51(xxiiiA));
- the external affairs power (section 51(xxix)); and
- the executive power (section 61).

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 IEIF will continue to provide funding to promote, strengthen and grow Australia’s international education sector. The funding will ensure Australia remains competitive in attracting international students with a global reputation for quality education.

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 IEIF may involve activities relating to the delivery of education courses and other information online.

Census and statistics power

Section 51(xi) of the Constitution empowers the Parliament to make laws with respect to ‘census and statistics’.

The IEIF may involve activities that relate to the collection of information about the Australian international education sector and international students.

Aliens power

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

The IEIF may involve activities that directly provide education to international students.

Social welfare power

The social welfare power in section 51(xxiiiA) of the Constitution empowers the Parliament to make laws with respect to the provision of certain social welfare benefits to students.

The IEIF may involve activities that directly provide education to international students.

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 with respect to matters or things outside the geographical limits of Australia and legislation with respect to matters concerning Australia’s relations with other nations.

The IEIF will involve education activities conducted overseas and activities relating to international qualifications recognition. The IEIF will also assist Australia’s relations with other nations by supporting projects that improve education outcomes, research collaboration and capability and global opportunities for both Australian and overseas students.

Executive power

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 any power vested in the Parliament, the executive or the courts by the Constitution. The executive power in section 61 of the Constitution supports activities that form part of the ordinary and well-recognised functions of government.

The IEIF will involve activities directed to the Commonwealth informing itself about Australia’s international education sector, or activities undertaken for the purpose of developing or informing government policy. The IEIF also involves the Commonwealth entering into transnational education agreements.

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 (Education Measures No. 2) Regulations 2024

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 FFSP Act) authorises the Commonwealth to make, vary and administer arrangements and grants specified in the *Financial Framework (Supplementary Powers) Regulations 1997* (the FFSP 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 FFSP Regulations specify the arrangements, grants and programs. The powers in the FFSP 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 (Education Measures No. 2) Regulations 2024* (the Regulations) amend Schedule 1AB to the FFSP Regulations to establish legislative authority for government spending on certain activities administered by the Department of Education.

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

- amends table item 116 ‘World Schools Debating Championships’; and
- amends table item 165 ‘International Education Innovation Fund’.

Amended table item 116 – World Schools Debating Championships

The amended table item 116 establishes legislative authority for government spending on the World Schools Debating Championships program (the program). The amendment reflects the program’s additional funding elements.

Grant funding of \$330,000 over three years from 2023-24 is provided to the Australian Debating Federation Inc (the federation) to continue to facilitate Australia’s participation in the debating championships and to expand access to learning debating skills, especially for students in rural, regional and disadvantaged schools.

The program provides students with an opportunity to engage in political and social issues relevant to their development as active and informed citizens.

The program has two existing elements, the World Schools Debating Championships (WSDC) and the Equity and Development programs, which have historically been funded to support Australia's participation in the annual debating competition of national teams of high school students.

The program is now expanded to include two new elements, the Bursaries for National Schools Debating Championships and the Squad Training Program.

Human rights implications

Amended table item 116 engages the following right:

- the right to education – Articles 28 and 29 of the *Convention on the Rights of the Child* (CRC), read with Article 4, and Article 13 of the *International Covenant on Economic Social and Cultural Rights* (ICESCR), read with Article 2.

Right to education

Article 4 of the CRC requires States Parties to undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognised in the CRC.

Article 28 of the CRC sets out 'the right of the child to education'.

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

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

Article 13 of the ICESCR provides that States Parties to the ICESCR recognize the right of everyone to education and agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms.

The amended table item 116 promotes the right to education as the amendment will enable funding to be provided to the federation to deliver the four components of the program: providing assistance to Australian students attending the WSDC including airfares, registration, uniforms, training and accommodation; funding the cost of delivering various teaching, coaching and development programs aimed at increasing participation in debating by, and improve debating skills of, students in remote, regional and socioeconomically disadvantaged schools; selecting the WSDC squad; and providing financial payments to students to facilitated their attendance at the NSDC. The objective of the program is to engage students in political and social issues relevant to their development as active and informed citizens.

Conclusion

Amended table item 116 is compatible with human rights because it promotes the protection of human rights.

Amended table item 165 – International Education Innovation Fund

Amended table item 165 establishes legislative authority for the International Education Innovation Fund (the IEIF) which has been renamed from the Australian International Education – Enabling Growth and Innovation (EGI) program.

The EGI program was established in the 2016-17 Budget with initial funding of \$12 million provided for activities directed to promoting, strengthening and growing Australia’s international education sector as an export industry.

In 2021, the EGI program was rebranded to the IEIF to support the new *Australian Strategy for International Education 2021-2030* (the Strategy). The priority areas of the Strategy are diversification, alignment with Australia’s workforce and skills needs, students at the centre, and growth and global competitiveness. The renaming emphasised innovation as the IEIF’s purpose, and moved away from ‘growth’.

The current funding allocation for the program is for \$2.5 million per year, which supports projects in 2024 focusing on the following areas:

- opportunities and barriers to diversification;
- expanding Australia’s offshore delivery through transnational education;
- alignment of international education with skills in vocational education and training;
- development of critical skills;
- best practice international student engagement; and
- Australia-India education relationship across schools, skills, higher education, and research.

Human rights implications

The amended table item 165 engages the following right:

- the right to education – Article 13 of the ICESCR, 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 ICESCR by all appropriate means.

Article 13 provides that States Parties to the ICESCR recognise the right of everyone to education and agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms.

Article 13 recognises the important personal, societal, economic, and intellectual benefits of education. Article 13 also provides that secondary education in all its different forms, including higher education, shall be made generally available and accessible to all by every appropriate means.

The amended table item 165 clarifies that the IEIF can be used to support initiatives which build connections between researchers and institutions (rather than merely between

institutions or between researchers) go to an essential component of Australian international education. Broadening and deepening these connections will improve education outcomes, research collaboration and capability and global opportunities for both Australian and overseas students and therefore promote the right to education.

Conclusion

The amended table item 165 is compatible with human rights because it promotes the protection of human rights.

Senator the Hon Katy Gallagher
Minister for Finance