

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. 5) 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 FFSP 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 (Infrastructure, Transport, Regional Development, Communications and the Arts Measures No. 5) 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 Infrastructure, Transport, Regional Development, Communications and the Arts.

Funding is provided for the:

- Expansion of the Measures to Progress First Nations Digital Inclusion program to include the deployment of Digital Champions alongside Australian Government funded community Wi-Fi infrastructure projects in First Nations communities (\$40.0 million over four years from 2023-24); and
- Supporting the Australian Associated Press program to support the operation of Australian Associated Press' newswire service. The newswire service plays a fundamental role in supporting public interest journalism and media diversity, including in regional communities (\$12.0 million in 2024-25).

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 been undertaken with the Department of Infrastructure, Transport, Regional Development, Communications and the Arts.

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 (Infrastructure, Transport, Regional Development, Communications and the Arts Measures No. 5) Regulations 2024*

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. 5) 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

The items in Schedule 1 amend Schedule 1AB to the Principal Regulations to provide legislative authority for government spending on activities to be administered by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the department).

Item 1 – Part 4 of Schedule 1AB (cell at table item 678, column headed “Objective(s)”)

Amended table item 678 – Measures to Progress First Nations Digital Inclusion

Table item 678 in Part 4 of Schedule 1AB establishes legislative authority for government spending on the Measures to Progress First Nations Digital Inclusion program (the program).

Item 1 amends table item 678 by repealing and substituting the full text of the cell in the column headed “Objective(s)”. The amendment reflects the expanded objectives of the program to include the deployment of Digital Champions alongside Australian Government funded community Wi-Fi infrastructure projects in First Nations communities.

On 18 January 2023, the Minister for Communications, the Hon Michelle Rowland MP (the Minister) established the First Nations Digital Inclusion Advisory Group (the Advisory Group) to provide expert advice to the Australian Government on its broader policy agenda regarding the National Agreement on Closing the Gap (www.closingthegap.gov.au). In particular, Target 17 aims for equal levels of digital inclusion for First Nations Australians by 2026 through improving access, affordability and digital ability.

Based on the Advisory Group's initial report (www.digitalinclusion.gov.au/initial-report) and as part of the 2024-25 Budget, the Minister announced an investment package totalling \$68.0 million to boost First Nations digital inclusion measures. The announcement, available at <https://minister.infrastructure.gov.au/rowland/media-release/boosting-connectivity-and-safety-australians> included funding of \$40.0 million to support the roll out of Community Wi-Fi in Remote Communities, which will be delivered through two initiatives:

- NBN Community Wi-Fi in Remote Communities; and
- Community Wi-Fi to Remote Communities through an open contestable process.

NBN Community Wi-Fi in Remote Communities

This initiative was rolled out in 2023-24 as part of Tranche 1. Under Tranche 1, the Government agreed to commit \$20.0 million in existing, unallocated funding from the *Better Connectivity Plan for Regional and Rural Australia* program to provide NBN Co with a grant to deliver free community Wi-Fi services to approximately 20 remote First Nations communities. A portion of this funding (\$0.6 million) was allocated to providing a Digital Champion service within communities to support uptake and utilisation of the Wi-Fi services. It is expected that NBN Co will complete the build and capital works by December 2024, and as an extension of this, the Digital Champion component is required to extend into 2024-25.

Tranche 1 was implemented through a Commonwealth Grant Agreement with NBN Co to deliver the services. A Grant Agreement for the Community Wi-Fi component has been executed on 30 June 2024, which will be varied to include the Digital Champion component to support the expenditure.

Community Wi-Fi to Remote Communities

This initiative will be delivered through an open contestable process and will be available to a range of eligible service providers. Funding of \$20.0 million will be available for projects, which may include emerging technologies such as Low Earth Orbit satellites. The community Wi-Fi will help alleviate community members ability to access and afford internet connections within the community, while improving access to media and broadcasting.

It is expected that a Digital Champion component will be considered as part of the program design to ensure the best delivery and support outcomes for remote communities can be achieved. This initiative will be delivered through an open competitive grants process following a consultation process. Grant opportunity guidelines to support eligibility criteria and delivery of the program are currently being designed.

The requirement of Digital Champions under both initiatives is essential. The establishment of a Digital Champion in remote communities is critical to ensuring remote communities are adequately supported in adopting and utilising the new Wi-Fi services. The Digital Champion will support community members, in a culturally appropriate way, with basic issues such as

accessing the Wi-Fi services, enhancing digital literacy skills and troubleshooting connectivity issues.

Digital Champions are trained and supported by industry, and deployed within communities alongside the telecommunications infrastructure to support the community in effectively utilising that infrastructure, and troubleshooting any basic issues. The telecommunications providers, as the technical experts delivering community Wi-Fi infrastructure, are best placed to train and support the Digital Champions on how to access, use and troubleshoot issues with it. Troubleshooting may include assisting community members to connect devices to the infrastructure and once online, supporting basic digital literacy.

Digital Champions will also assist in maintaining the physical infrastructure as an in-place conduit between the telecommunications provider and the community. Digital Champions in remote communities will reduce the need for technical experts to fly in and resolve issues, which traditionally incurs delays and prolongs the disruption to services.

Under Tranche 1, the Digital Champions will be trained and supported by NBN Co as part of their responsibility to deliver the Wi-Fi infrastructure. NBN Co are expected to deploy a Digital Champion in each of the communities receiving the free Wi-Fi solution.

Under the contestable initiative, the Digital Champions, if deployed, will be done so by the telecommunications providers who are successful in being awarded Commonwealth Grant funding to deliver community Wi-Fi infrastructure.

The Digital Champions are complementary to and will work alongside the First Nations Digital Support Hub and Network of Digital Mentors. The Digital Support Hub and Network of Digital Mentors will provide a holistic service that will assist community members with improving their digital literacy and ability including the use of government services, such as Digital ID, but are not necessarily expected to be technical experts in the infrastructure delivered.

Funding amount and arrangements, merits review and consultation

Funding of \$40.0 million for the two initiatives was included in the 2024-25 Budget under the measure 'First Nations Digital Inclusion' for a period of four years commencing in 2023-24. Details are set out in *Budget 2024-25, Budget Measures, Budget Paper No. 2* at page 148.

Funding for this item will come from Program 5.1: Digital Technologies and Communications Services, which is part of Outcome 5. Details are set out in the *Portfolio Budget Statements 2024-25, Budget Related Paper No. 1.12, Department of Infrastructure, Transport, Regional Development, Communications and the Arts Portfolio* at pages 70-71.

The department will administer the grant to NBN Co to deliver First Nations Community Wi-Fi, including Digital Champions in accordance with the *Public Governance, Performance and Accountability Act 2013* (the PGPA Act), the *Public Governance, Performance and Accountability Rule 2014* (PGPA Rule) and the *Commonwealth Grant Rules and Principles 2024* (CGRPs).

The grant opportunity guidelines were developed for a one-off grant to NBN Co and included outcomes and objectives, eligibility and merit criteria, details of the assessment process, contracting arrangements and a timeline. NBN Co has executed a grant agreement for the Community Wi-Fi component, which is published on GrantConnect (GA386314 – www.grants.gov.au). The grant agreement will be varied to include the Digital Champion component.

The department assessed the application for eligibility, merit, risk and value for money and provide advice and recommendations. The Minister made a decision on applications to be funded in accordance with obligations under the PGPA Act and the *Financial Framework (Supplementary Powers) Act 1997* (FFSP Act).

Funding decisions for the overall program, which includes the infrastructure and Digital Champions components, were made objectively, and in accordance with the assessment process set out in the grant opportunity guidelines. Funding has not been approved if the available funding across financial years will not accommodate the funding offer, and/or the applications do not represent value for relevant money

The open, contestable initiative is still under design, with grant opportunity guidelines expected to be prepared shortly and once finalised will be published on GrantConnect (www.grants.gov.au). Connectivity solutions proposed under this initiative, which may include Digital Champions, will be assessed on a competitive, merits basis. This assessment will be undertaken in accordance with the department's obligations under the PGPA Act, the PGPA Rule and the CGRPs to ensure value for money is achieved. More importantly, this process will ensure funded solutions which are delivered to individual First Nations communities are fit-for-purpose, designed with a place-based focus and deliver on the Government's commitment to Closing the Gap Target 17. The Minister will also be the final decision maker for this initiative.

Independent merits review of decisions made in connection with the program would not be considered appropriate because these decisions relate to the provision of a one-off grant to a certain service provider, over other service providers. In addition, any funding that has already been allocated would be affected if the original decision was overturned. The Administrative Review Council (ARC) has recognised that it is justifiable to exclude merits review in relation to decisions of this nature (see paragraphs 4.16 to 4.19 of the guide, *What decisions should be subject to merit review?* (ARC guide)).

The overall program will be delivered in accordance with Australian Government obligations and processes within the department. Applicants who are affected by decisions or who have complaints have recourse in accordance with a Client Service Charter, and such complaints will be investigated under the department complaints policy and procedures. Information on the Charter and handling of complaints is available at www.infrastructure.gov.au/about-us/corporate-reporting/client-service-charter.

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. If the applicant is not satisfied with the outcome of the assessment or investigation of their complaint, they may contact the Commonwealth Ombudsman as a final recourse.

The program responds to recommendations from the Advisory Group in their initial report. The Advisory Group engaged extensively to inform the initial report including with First Nations organisations, state and territory governments, industry stakeholders from the telecommunications industry (such as Telstra, NBN Co, Optus, Vocus, Communications Alliance), media and broadcasting sectors, and the not-for-profit sector, including the Northern Land Council, Central Land Council, and the Northern Australian Indigenous Reference Group.

Further consultation on the design of the initiatives under the program including the open, contestable community Wi-Fi initiative, has been undertaken with the Advisory Group and more broadly, and publicly, with interested stakeholders. The department's 'Have your Say' page (www.infrastructure.gov.au/have-your-say) was utilised in these consultations, and roundtable discussions with different sectors have also been undertaken to inform draft grant opportunity guidelines. These consultation activities concluded in August 2024. The department analysed feedback received through this process to inform program design and is currently in the process of briefing the Advisory Group on design options, ahead of briefing the Minister and preparing grant opportunity guidelines.

In line with Priority Reform 1 of the National Agreement on Closing the Gap and the recommendations of the Advisory Group, these initiatives will be designed and delivered in partnership with First Nations people and communities. The department will continue to work with the Advisory Group and other key stakeholders on the final design of these measures, including the open, contestable community Wi-Fi program which may include a Digital Champion component, as this will be a crucial factor in their overall success.

Constitutional considerations

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'.

Funding will support First Nations digital inclusion, including expenditure on Digital Champions who are intended to provide support to First Nations communities to optimise their access and use of Community Wi-Fi services and to improve the digital ability of First Nations consumers and communities.

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

This item adds a new table item to Part 4 of Schedule 1AB.

Table item 685 – Supporting Australian Associated Press

New **table item 685** establishes legislative authority for government spending on the Supporting Australian Associated Press program (the program) to support the financial sustainability of the Australian Associated Press (AAP) and provide certainty to small and regional news businesses that rely on the AAP wholesale newswire.

The program was announced as part of the 2024-25 Budget and is part of the Government's broader *Supporting Connectivity, Media and Communications* package, which continues to support media sustainability and deliver communications priorities.

AAP, founded in 1935, is an independent, fact-based wholesale newswire service that provides news content to around 450 news media publications as well as fact checking services to address misinformation on digital platforms. Over 300 of these publications are in regional areas and provide valuable local jobs and media voices to those communities.

The program's objectives are to:

- contribute to media diversity by supporting the operation of AAP newswire service to enable it to continue to service news outlets, the majority of which are in regional Australia; and
- help sustain the AAP newswire service operations while AAP develops a strategy to reduce its reliance on government support.

AAP plays an important role in sustaining media diversity in Australia by providing an independent, fact-based wholesale newswire service. Newswire services play a role in broadening the range of content available to consumers, including local news. Many small outlets, including community media, rely on the efficiencies of using AAP to operate.

AAP's independent fact-checking services aim to counter misinformation and disinformation circulating in traditional news media and the public discourse, to reduce the spread and impact of false and misleading content.

AAP's cadetship program provides training to emerging journalists in contemporary journalism alongside varied reporting experience. Cadets contribute content to the newswire throughout their traineeship and are provided with specific instruction in areas such as media ethics, law and privacy. Cadets are also trained in using social media as a source for news gathering, including online verification and fact-checking.

The Australian Government has committed \$31.0 million to AAP since it was re-established as a not-for-profit organisation in 2020, comprising:

- \$5.0 million as part of the 2023-24 Budget and \$6.0 million as part of the 2023-24 Mid-Year Economic and Fiscal Outlook; and
- \$20.0 million from 2020-21 to 2022-23 through the Newswire Services stream of the Public Interest News Gathering program.

Funding will be provided to AAP through a closed non-competitive grant process. The department considers that this is an appropriate selection process, with AAP identified as the appropriate recipient as it is the only current provider of national wholesale newswire services.

Funding amount and arrangements, merits review and consultation

Funding of \$12.0 million for the program was included in the 2024-25 Budget under the measure 'Supporting Connectivity, Media and Communications' for a period of one year commencing in 2024-25. Details are set out in *Budget 2024-25, Budget Measures, Budget Paper No. 2* at page 152.

Funding for this item will come from Program 5.1: Digital Technologies and Communications Services which is part of Outcome 5. Details are set out in the *Portfolio Budget Statements 2024-25, Budget Related Paper No. 1.12, Department of Infrastructure, Transport, Regional Development, Communications and the Arts* at page 70.

Funding is delivered to AAP as a non-competitive grant. The grant is administered in accordance with the Commonwealth resource management framework, including the PGPA Act, the PGPA Rule and the CGRPs.

Funding decisions will be made objectively, and in accordance with the assessment process set out in the grant opportunity guidelines and applicable legislative requirements under the PGPA Act and the FFSP Act.

Program officers within the department provide a recommendation following assessment of the application against the assessment criteria and in accordance with the grant opportunity guidelines.

The grant opportunity guidelines are published on GrantConnect (www.grants.gov.au) and include outcomes and objectives, eligibility and merit criteria, details of the assessment process, contracting arrangement and a timeline.

The grant is administered by the department. As program delegate, a Senior Executive Service (SES) officer within the Online Safety, Media and Platforms Division in the department is responsible for the approval of the grant and the grant funding amount to be awarded. The delegate will have the appropriate skills, qualifications and experience to exercise financial and administrative approvals relating to the grant.

The delegate's decision is final in all matters, including in relation to the grant approval, the grant funding to be awarded, and the terms and conditions of the grant.

The decision maker must not approve funding if there are insufficient program funds available across financial years for the program.

Payments are made according to an agreed schedule set out in the grant agreement. Payments are subject to satisfactory progress on the project.

AAP is required to provide an independently audited financial statement, which will verify that they have spent the grant in accordance with the grant agreement.

Independent merits review of decisions made in connection with the grant would not be considered appropriate because these decisions relate to the provision of a non-competitive grant to a certain service provider, over other service providers and for a specific purpose. AAP was identified as the appropriate recipient for this grant as it is the only current provider of national wholesale newswire services and was therefore the only possible provider of these services for the grant period. The 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 ARC guide).

The review and audit process undertaken by the 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 will continue to consult with AAP throughout the delivery of this program, including on AAP's future sustainability.

Ongoing consultation with AAP's stakeholders on the accessibility, quality and relevance of its services will be undertaken by AAP as part of delivering this funding. These stakeholders include AAP's over 400 news media subscribers, and its digital platform partners and non-media clients.

Constitutional considerations

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 AAP is an independent, fact-based wholesale newswire service that provides news content to around 450 news media publications as well as fact checking services to address misinformation on digital platforms. Funding for the AAP may be used to support activities that include the creation of content and transmission or distribution of news to different sources via satellite or internet, or other like communication services.

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. 5) 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 Principal 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 Principal 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 (Infrastructure, Transport, Regional Development, Communications and the Arts Measures No. 5) Regulations 2024* (the Regulations) amend Schedule 1AB to the Principal Regulations to establish legislative authority for government spending on activities to be administered by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts.

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

- amends table item 678 ‘Measures to Progress First Nations Digital Inclusion’; and
- adds table item 685 ‘Supporting Australian Associated Press’.

Amended table item 678 – Measures to Progress First Nations Digital Inclusion

The amended table item 678 establishes legislative authority for government spending on the Measures to Progress First Nations Digital Inclusion (the program). The amendment reflects the expanded objectives of the program to include the deployment of Digital Champions alongside Australian Government funded community Wi Fi infrastructure projects in First Nations communities.

The Digital Champions are complementary to and will work alongside the measures supported under the program. The First Nations Digital Support Hub and the Network of digital mentors provide a more holistic service which will assist community members with improving their digital literacy and ability including the use of government services but are not necessarily expected to be technical experts in the infrastructure delivered.

The establishment of Digital Champion in remote communities is critical to ensuring remote communities are adequately supported in adopting and utilising the new Wi-Fi services. The Digital Champions will support community members, in a culturally appropriate way, with basic issues such as accessing the Wi-Fi services, with enhancing digital literacy skills and troubleshooting connectivity issues. Troubleshooting may include assisting community members to connect devices to the infrastructure and once online, with supporting basic digital literacy. Digital Champions will also assist in maintaining the physical infrastructure as an in-place conduit between the telecommunications provider and the community.

Funding of \$40.0 million over four years from 2023-24 will be available for the program.

Human rights implications

The amended table item 678 engages the following right:

- the rights to freedom of opinion and expression – Article 19 of the *International Covenant on Civil and Political Rights (ICCPR)*, read with Article 2.

Right to freedom of opinion and expression

Initiatives under the program are being implemented in response to the National Agreement of Closing the Gap and specifically Outcome and Target 17; which states that Aboriginal and Torres Strait Islander people have access to information and services enabling participation in informed decision making regarding their own lives. This aligns to the international Articles below.

Article 2 of the ICCPR requires that each State Party to the Covenant undertakes to respect and ensure the rights recognised in the ICCPR, adopt laws or other measures to give effect to these rights, and ensure an effective remedy to any person whose rights recognised in the ICCPR are violated.

Article 19.2 states: 'Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.'

The right to freedom of expression includes the right to receive and impart information of all kinds through any medium, including media and broadcasting.

The amended table item 678 promotes this right by supporting initiatives which aim to preserve access to the internet where such access may otherwise be rendered unavailable.

The amended table item 678 does not otherwise engage any of the applicable rights or freedoms. It is compatible with human rights as it promotes the right to freedom of expression.

Table item 685 – Supporting Australian Associated Press

Table item 685 establishes legislative authority for government spending on the Supporting Australian Associated Press program (the program) to support the financial sustainability of the Australian Associated Press (AAP) and provide certainty to small and regional news business that rely on the AAP wholesale newswire.

AAP plays an important role in sustaining media diversity in Australia by providing an independent, fact-based wholesale newswire service. Newswire services play a fundamental role in supporting public interest journalism and media diversity, including in regional communities. Many small outlets, including community media, rely on the efficiencies of using AAP to operate. AAP's independent fact-checking services aim to counter misinformation and disinformation circulating in traditional news media and the public discourse, to reduce the spread and impact of false and misleading content. AAP's cadetship program aims to provide thorough training in contemporary journalism alongside varied reporting experience for aspiring journalists.

The program's objectives are to:

- contribute to media diversity by supporting the operation of AAP newswire service to enable it to continue to service news outlets, the majority of which are in regional Australia; and
- help sustain the AAP newswire service operations while the AAP develops a strategy to reduce its reliance on government support.

Funding of \$12.0 million will be available in 2024-25 to AAP to help sustain AAP's wholesale service.

Human rights implications

Table item 685 engages the following rights:

- the right to freedom of expression – Article 19 of the ICCPR, read with Article 2; and
- the right to work – Article 6 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), read with Article 2.

Right to freedom of opinion and expression

Article 2(1) of the ICCPR requires that each State Party undertakes to respect and to ensure the rights recognised in the ICCPR, 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 19 of the ICCPR states that:

- Everyone shall have the right to hold opinions without interference.
- Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

Table item 685 upholds the rights outlined in Article 19 by supporting AAP's fact-based wholesale newswire service to around 450 news media publications across Australia. This service advances social and public welfare, education and promotes mutual respect and tolerance between Australians through the distribution of high-quality, accurate and fact-based news and information. Supporting the national newswire service, and AAP's factchecking services to counter misinformation and disinformation, provides significant public good and promotes media diversity and the right to report and receive information and ideas of all kinds.

Right to work

Article 2(2) of the ICESCR requires that each State Party undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realisation of the rights recognised in the ICCPR by all appropriate means, including the adoption of legislative measures.

Article 6 of the ICESCR recognises the 'right to work'.

By supporting the financial sustainability of the AAP, the program will support employment in the media sector, including the employment of AAP's editorial and non-editorial staff.

Table item 685 is compatible with human rights because it engages and promotes the protection of human rights.

Conclusion

This disallowable legislative instrument is compatible with human rights because it promotes the protection of human rights.

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