**EXPLANATORY STATEMENT**

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

*Financial Framework (Supplementary Powers) Act 1997*

*Financial Framework (Supplementary Powers) Amendment*

*(Defence Measures No. 1) Regulations 2023*

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 (Defence Measures No. 1) Regulations 2023* (the Regulations) amend Schedule 1AB to the Principal Regulations to establish legislative authority for certain activities which will be administered by the Department of Defence.

Funding is provided for:

* a grant to The Oasis Townsville Limited to develop and trial an online tool called Operation Navigator (Op Navigator). Op Navigator is an online or smart phone application which supports veterans, Australian Defence Force personnel and their families in career planning and their transition to civilian life ($4.7 million over four years from 2022-23); and
* a financial counselling services pilot program, to be delivered by The Trustee for Australian Defence Force Assistance Trust trading as Bravery Trust to support veterans, defence force members and their families ($2.1 million over three 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 been undertaken with the Department of Defence.

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 (Defence Measures No. 1) Regulations 2023***

**Section 1 – Name**

This section provides that the title of the Regulations is the *Financial Framework (Supplementary Powers) Amendment (Defence Measures No. 1) Regulations 2023*.

**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 a new table item to Part 3 of Schedule 1AB to establish legislative authority for government spending on an activity administered by the Department of Defence (the department).

New **table item 66** establishes legislative authority for the Government to provide a grant to The Oasis Townsville Limited (Oasis) to develop and trial an online tool called Operation Navigator (Op Navigator). Op Navigator is a smart phone application which supports veterans, Australian Defence Force (ADF) personnel and their families in career planning and their transition to civilian life.

Op Navigator forms part of the measures for *Support to Veterans*, which were election commitments published in the *Plan for a Better Future*, the Government announced in the October 2022-23 Budget. These included the Government’s intention to provide funding of $4.7 million over four years from 2022-23 to deliver Op Navigator.

Op Navigator aligns with the recommendations made by the Productivity Commission in its *Inquiry Report No.93: A Better Way to Support Veterans* (https://www.pc.gov.au/inquiries/completed/veterans/report), specifically Recommendation 7.2, which states:

*Defence, through the Joint Transition Authority (recommendation 7.1), should:*

* *ensure that Australian Defence Force members prepare a career plan that covers both their service and post-service career, and update that plan at least every two years;*
* *prepare members for other aspects of civilian life, including the social and psychological aspects of transition;*
* *reach out to veterans’ families, so that they can engage more actively in the process of transition.*

Op Navigator also supports and aligns with the Department of Veterans’ Affairs’ (DVA’s) and the department Wellbeing Model frameworks which emphasise human and economic security. It complements and does not duplicate services currently being provided by the department or DVA.

Op Navigator aims to improve the wellbeing and resilience of veterans and their families by creating a career and life plan online tool for the ADF members serving in Townsville that meets their needs and the needs of the ADF chain of command, before the serving members begin their transition from service.

Townsville, in Northern QLD has a high number of current serving ADF members (5,500) and former serving members (8,700). Accordingly, Townsville has been selected as the trial location for the Op Navigator pilot. Situating the development and trial of the online tool proximate to the highest regional concentration of veterans should assist with the consultation process, through all of the development, testing and trial phases of the tool.

Grant funding will be provided to Oasis to develop and deliver Op Navigator. Oasis, a public company established in 2018 is a charity dedicated to providing support services to veterans and their families. Oasis assists veterans to transition, connect and integrate into the regional community. It assists with services around planning, support, referral pathways, connection and social activities, as well as volunteering opportunities, and is largely funded by grants from government.

Transition from the ADF can be a difficult time for service members and their families. While most personnel transition successfully, some face significant challenges including unemployment, homelessness, difficulties maintaining or re-establishing community connections, and in supporting their families. This is particularly the case for ADF members whose transition is not voluntary. The development of a tool specifically for use online or through smartphone technology will make available a resource that is easily accessed by the member from their location, before transition, to help them to develop a ‘Whole of Life Plan’.

Through planning early, better transition outcomes may be achieved because ADF members will be more confident of their future, more in control of the process, and better able to engage with Defence and non-Defence service providers (such as the Department of Veterans’ Affairs and Ex-Service Organisations). Informed participation in the planning process should result in better outcomes for the member and their family as they choose to access the specific, differentiated benefits and services that best support their wellbeing.

It is expected that Op Navigator will be conducted in three phases:

* Phase 1 - Design and Develop: the development of a planning process and related online tools that are suitable for ADF personnel and ADF commanders.
* Phase 2 - Test and Adjust: Trial the planning tool with ADF members who have demonstrated an interest in preparing for transition but have not yet commenced the formal transition process. Advice will also be sought from recently transitioned veterans to ensure the utility of the tool.
* Phase 3 – Substantive Regional Trial: Up to 600 ADF members will trial the use of the tool as they prepare for and conduct their transition from service to confirm the suitability of the process and tools and assess the feasibility of delivering ‘Op Navigator’ nationally.

The intended outcomes of Op Navigator are to:

* minimise negative outcomes for veterans through better planning for transition into civilian life;
* increase confidence of ADF members and their family about their future; and
* improve engagement with the department and non-department service providers (such as DVA).

Following the trial, the department would evaluate the impact of the trial and consider a national roll-out of the tool to support veterans’ transition.

The department will deliver the grant to Oasis through a closed, invitational, non-competitive grant process. Oasis is selected on the basis of eligibility criteria which relate to the legal and operational status of the applicant, the proposed trial activity for which funding is sought, and the expertise of the applicant to deliver the services required under the trial that the grant is intended to fund.

Oasis meets the eligibility criteria to apply for a grant and administer the trial. In particular, Oasis:

* is an Australian-based organisations with an Australian Business Number;
* is invited by the Commonwealth to submit a proposal;
* have the required technical expertise to undertake the activities;
* have a well-established record of delivering similar activities (for example, Operation COMPASS, the National Suicide Prevention Trial) for veterans and their families; and
* hold the relevant working with vulnerable people checks in the states and territories in which it is proposing to administer the services.

The grant to Oasis will be delivered in accordance with the *Commonwealth Grants Rules and Guidelines 2017* (CGRGs) and administered by the Business Grants Hub, part of the Department of Industry Science and Resources.

Grant opportunity guidelines will be developed and published on GrantConnect (www.grants.gov.au). Details of the grant recipient will be published no later than 14 working days after the funding agreement for the grant takes effect, in accordance with the CGRGs. This information will be retained on the department’s website for at least two financial years (and published on the business.gov.au and GrantConnect websites).

Final decision on the grant will be made by the delegate of the Secretary of the department in accordance with the *Financial Framework (Supplementary Powers) Act 1997* (FF(SP) Act). The delegates will be senior officials, such as the Head People Capability and First Assistant Secretary, People Policy and Culture who have experience and understanding of veterans and ADF matters.

Funding decisions made in relation to the grant to Oasis will not be suitable for an independent merits review as the decision relates to the allocation of a finite resource. In this case, overturning the decision to run the trial on a closed, non-competitive basis could have a negative impact on the existing allocation of funding to Oasis. This is because the development of the tool for veterans and their families who participate in the trial and make planned, informed choices, may assist to reduce the incidence of those persons later requiring additional support from Oasis to access alternative assistance.

A change in the proposal to fund development and trial of the online tool would only tend to increase competition between not-for-profit providers of a community service, for a service that is yet to be fully evaluated for the purpose of establishment as a program funded on an ongoing, national basis. The Administrative Review Council (ARC) has recognised that it is justifiable to exclude merits review in relation to decisions of this nature (see paragraphs 4.11 to 4.19 of the guide, *What decisions should be subject to merit review?* (ARC guide)).

The ARC suggests that administrative accountability is still required, and that the process for allocating funds under a grant program must be fair and the criteria for funding must be made clear. Further, decisions relating to grant funding must be made objectively. The department considers these requirements will be met through the detailed and robust governance arrangements surrounding the administration of the Op Navigator. The grant will be administered in accordance with the Commonwealth’s resource management framework, including the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) and the CGRGs.

The grant for development of an online career and transition planning tool for use by individuals is not an entitlement that would normally give rise to review rights. Complainants who are dissatisfied with the outcome of an internal review of a grant decision will be encouraged to approach the Commonwealth Ombudsman.

The department has consulted Commonwealth entities in the development of the project Op Navigator, including DVA. The department has relied on the recommendations of the Productivity Commission in its Inquiry Report No. 93: *A Better Way to Support Veterans*, in designing the guidelines, and will ensure the project is evaluated against recommendation 7.2. This will assist the department to gain an understanding of demand, effectiveness and other issues relating to the use of an online tool for planning career and transition for veterans, and their families in a regional area. Oasis has a well-established record of delivering similar activities requiring consultation on sensitive matters, and from 2020, it delivered Operation COMPASS, a National Suicide Prevention Trial for veterans and their families.

Funding of $4.7 million for the program was included in the 2022-23 October Budget under the measure ‘Support for Veterans’ for a period of four years commencing in 2022-23. Details are set out in *Budget October 2022-23, Budget Measures, Budget Paper No. 2* at page 89.

Funding for this item will come from Program 2.12: Defence People, which is part of Outcome 2. Details are set out in the *Portfolio Budget Statements 2022-23*, *Budget Related Paper No. 1.4A, Defence Portfolio* at pages 71-73.

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

* the communications power (section 51(v)); and
* the defence power (section 51(vi)).

*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 Op Navigator will be delivered online or via a smart phone application.

*Defence power*

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

The Op Navigator supports persons who are or have been part of the defence force as well as the families of those persons.

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

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

New **table item 600** establishes legislative authority for government spending on the financial counselling services for veterans—pilot program (the program).

The program aims to support veterans and defence force members, and their families, by providing funding to The Trustee for Australian Defence Force Assistance Trust trading as Bravery Trust to pilot a financial counselling service for those veterans, members and families.

Veterans and their families have access to a range of specific and differentiated benefits and services to support their financial wellbeing. To most effectively support veterans in financial difficulty, they require financial counsellors who understand the benefits available to veterans. Some veterans with service-related injuries are more vulnerable to financial stress. Effective financial counselling can assist veterans in dealing with transition from service, and from the financial impacts of dealing with physical or mental health injuries.

The program aligns with the recommendations made by the Productivity Commission in its *Inquiry Report No.93 – A Better Way to Support Veterans*, which explained that:

*the way in which members make the transition from military to civilian life can be an important determinant of their long-term wellbeing (for example, if veterans are poorly prepared for transition they can experience poor mental health and long periods of unemployment). Timely and effective transition services that are available from early in a veteran’s career, during transition and post-service are therefore important.*

It also supports and aligns with DVA’s and the department’s Wellbeing Models frameworks which emphasise human and economic security. The program complements, rather than duplicates, services currently being provided by the department or DVA.

The Australian Government has provided funding of $14 million to the Bravery Trust since 2012 to achieve its trust purposes. Bravery Trust is an Australian Charities and not-for-profits commission registered charity, established on 8 December 2011 to provide assistance to veterans and their families who are experiencing financial difficulty as a result of their service. The Trust’s broader work includes financial grants to veterans in need, referrals to other services, and support to veterans’ causes.

From March 2020 until October 2021, Bravery Trust received government funding of $130,000 to trial a telephone financial counselling service for veterans and their families. The goal of the service was to improve the wellbeing and resilience of veterans and their families by addressing an identified gap in services currently provided specifically to veterans or to the general community. A majority of participants in this initial trial reported they had been experiencing financial difficulties for over a year before seeing the financial counsellor. The most common underlying issues for seeking financial assistance were related to
post-traumatic stress disorder, physical health concerns and unemployment.

Prior to the commencement of the trial, there was not a veteran specific financial counselling service to complement and support the other work being done to support veterans by the department and DVA.

Following the completion of the trial, the Government agreed to provide additional funding of $2.1 million over three years from 2022-23 to Bravery Trust to continue to support its ongoing work. This additional funding will also support an independent review to ensure the services being delivered are appropriately tailored for the needs of veterans.

Financial counselling is a professional service, provided at no cost to the client, to help people experiencing financial difficulty. The service may include counselling, information and advice on issues such as budgeting, credit and debt, advocacy on behalf of clients and referrals to other community and government services. The service is delivered by financial counsellors who are authorised by the Australian Securities and Investments Commission to offer financial counselling.

A dedicated service is necessary as veterans have different life experiences and access to differentiated welfare and other support arrangements to those of the broader community. A financial counsellor with knowledge of those differences and experience of working with veterans and their families can provide a higher level of assistance and advice. The demand for mainstream financial counselling services in the community is high, often with wait times of several weeks and counsellors often have strict limits on the time spent helping each of their clients. A dedicated service for veterans and families will reduce some of the pressure on mainstream services.

Features of the dedicated service include:

* faster access to financial counselling when veterans are in need of help;
* financial counsellors able to spend more time providing assistance;
* financial counsellors having greater knowledge and experience in helping veterans;
* more timely and appropriate referrals to other services; and consequently; and
* a reduction in the severity and frequency of financial and other difficulties.

The department will deliver the program through a direct grant process, with a single grant recipient to perform the trial, selected on the basis of eligibility criteria which relate to the legal and operational status of the applicant, the proposed trial activity for which funding is sought, the expertise of the applicant to deliver the services required under the trial that the grant is intended to fund.

Applicants for the program must be Australian-based organisations with an Australian Business Number. To be eligible to apply for a grant to manage and administer the trial, the organisation must also:

* be invited by the Commonwealth to submit a proposal; and
* ensure that only appropriately qualified and registered personnel provide the financial counselling services; and
* hold the relevant working with vulnerable people checks in the states and territories in which it is proposing to administer the services.

It is expected the program will be administered by the department in accordance with the Commonwealth’s resource management framework, including the PGPA Act and the CGRGs. Details of the grant recipient will be published no later than 14 working days after the funding agreement for the grant takes effect, in accordance with the CGRGs. This information will be retained on the department’s website for at least two financial years and published on the business.gov.au and GrantConnect websites.

Final funding decision will be made by senior officials within the department. The Head People Capability and the First Assistant Secretary, People Policy and Culture will hold delegated authority to administer grants made under the trial, under section 32D of the FF(SP) Act. This will be achieved by providing an instrument to the Minister for Defence for delegation of the relevant powers.

1. Funding decisions made in relation to the grant will not be suitable for an independent merits review as the decision to allocate the trial to Bravery Trust is considered to be a matter that relates to the allocation of a finite resource. In this case, overturning the decision to run the trial on a closed, non-competitive basis could have a negative impact on the existing allocation of funding to the Bravery Trust. In addition, the availability of the financial counselling services for veterans and their families who participate in the trial may assist to reduce the likelihood of those persons later requiring access to the other forms of financial assistance that Bravery Trust provides under its trust purposes, which are largely funded under the Original Deed.
2. A change in the proposal to fund and expand the trial would only increase competition between not-for-profit providers of a community service, for a service that is yet to be fully evaluated for the purpose of establishment as a program funded on an ongoing basis.
3. 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). Further, the ARC suggests that administrative accountability is still required, and that the process for allocating funds under a grant program must be fair, the criteria for funding must be made clear and decisions relating to grant funding must be made objectively. The department considers that these requirements will be met through the detailed governance arrangements surrounding the administration of the trial.
4. It is noted that the financial counselling for individuals is not an entitlement that would normally give rise to review rights. Persons who are dissatisfied with an aspect of the service would have the ability to complain to the relevant financial services regulator if they had concerns about the standard of counselling provided.
5. Complainants who are dissatisfied with the outcome of an internal review of a grant decision will be encouraged to approach the Commonwealth Ombudsman.

The department have consulted with stakeholder entities, including DVA, in the development and implementation of the extended program. The department has relied on expert advice of the ADF Financial Services Consumer Centre in designing the guidelines to ensure the program will enable evaluation of the services to gain an understanding of demand, effectiveness and other issues relating to financial counselling services for veterans.

Particular regard has been had to the independent evaluation of the initial trial in November 2021, which consulted recipients of the service and found that:

* all veterans surveyed would recommend the service to other veterans;
* veterans found it easy to connect with Bravery Trust and felt understood and respected by the financial counsellor;
* 97 per cent of veterans surveyed felt the financial counselling improved their ability to manage their finances;
* veterans were experiencing enormous levels of stress about their financial situation when they first came in – 69 per cent assessed their stress at the highest possible level, 94 per cent of veterans reported a decrease in the level of stress after seeing a financial counsellor;
* analysis of case notes shows that 74 per cent of veterans experienced an improvement in their fortnightly budget after seeing the financial counsellor;
* the service uncovered $1.1 million in savings/financial benefits for veterans and
* it was important that the service was provided by an independent charity that was not directly linked to the department or DVA. This helped ensure open and productive engagement.

Funding of $2.1 million for the program was included in the 2022-23 March Budget under the measure ‘Support for Veterans and their Wellbeing’ for a period of three years commencing in 2022-23. Details are set out in *Budget 2022-2023, Budget Measures, Budget Paper No. 2 2022-23* at pages 176 and 177.

Funding for this item will come from Program 2.12: Defence People, which is part of Outcome 2. Details are set out in the *Portfolio Budget Statements 2022-23*, *Budget Related Paper No. 1.4A, Defence Portfolio* at pages 71 to 73.

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

*Defence power*

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

The program supports persons who are or have been part of the defence force as well as the families of those persons.

**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 (Defence Measures No. 1) Regulations 2023***

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 (Defence Measures No. 1) Regulations 2023* amends Schedule 1AB to the FF(SP) Regulations to establish legislative authority for government spending on certain activities administered by the Department of Defence (the department).

This disallowable legislative instrument adds the following table item to Part 3 of
Schedule 1AB:

* table item 66 ‘Grant to The Oasis Townsville Limited’.

This disallowable legislative instrument also adds the following table item to Part 4 of
Schedule 1AB:

* table item 600 ‘Financial counselling services for veterans – pilot program’.

*Table item 66 - Grant to The Oasis Townsville Limited*

New table item 66 establishes legislative authority for the Government to provide a grant to The Oasis Townsville Limited (Oasis) to develop and trial an online tool called Operation Navigator (Op Navigator). Op Navigator is a smart phone application which supports veterans, Australian Defence Force (ADF) personnel and their families in career planning and their transition to civilian life.

Op Navigator forms part of the measures for *Support to Veterans*, which were election commitments published in the *Plan for a Better Future*, the Government announced in the October 2022-23 Budget. These included the Government’s intention to provide funding of $4.7 million over four years from 2022-23 to deliver Op Navigator.

Townsville, in Northern QLD has a high number of current serving ADF members (5,500) and former serving members (8,700). Accordingly, Townsville has been selected as the trial location for the Op Navigator pilot. Situating the development and trial of the online tool proximate to the highest regional concentration of veterans should assist with the consultation process, through all of the development, testing and trial phases of the tool.

Grand funding will be provided to Oasis to develop and deliver Op Navigator. Oasis, a public company established in 2018 is a charity dedicated to providing support services to veterans and their families. Oasis assists veterans to transition, connect and integrate into the regional community. It assists with services around planning, support, referral pathways, connection and social activities, as well as volunteering opportunities, and is largely funded by grants from government.

**Human rights implications**

Table item 66 engages the following human rights:

* 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;
* the right to an adequate standard of living – Article 11 of the ICESCR; and
* the right of people with disability – Articles 4 of the *Convention on the Rights of Persons with Disabilities* (CRPD).

*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.

Articles 28 and 29 of the CRC require educational and vocational information and guidance to be available and accessible to all children and preparing them for a responsible life in a free society in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.

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(1) of the ICESCR requires 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.

By supporting free access to planning information without the need to travel, Op Navigator will enhance access to education about matters relevant to career and transition supports, for veterans and their families, which will ensure they have access to information that supports them in planning and making decisions that best meet their specific circumstances and future needs.

*Right to an adequate standard of living*

Article 11(1) of the ICESCR provides the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.

By supporting access to planning, Op Navigator will assist veterans and their families, to make informed decisions in relation to their future, including transition to civilian life.

*Right of people with disability*

Article 4 of theCRPD seeks the promotion and full realisation of human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability.

Articles 4(1)(h) and (i) of the CRPD aim to:

* + (h) provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities; and
	+ (i) promote the training of professionals and staff working with persons with disabilities in the rights recognized in this Convention so as to better provide the assistance and services guaranteed by those rights.

By providing a tool focused on the needs of veterans and their families, the program will assist in making more accessible and relevant ‘whole of life’ planning available.

Table item 66 does not raise issues of discrimination for those persons not assisted by Op Navigator. This is because Oasis focuses on those veterans who may be more likely to suffer from serious incapacities and disability resulting from their service, and so Op Navigator may be considered a special measure for the purposes of paragraph 45(1)(c) of the *Disability Discrimination Act 1992* in that it would tend to increase to planning and resultant access to services for persons with a disability, and their families.

**Conclusion**

Table item 66 is compatible with human rights, as it promotes the protection of human rights.

*Table item 600 - Financial counselling services for veterans – pilot program*

Table item 600 establishes legislative authority for government spending on the Financial counselling services for veterans—pilot program (the program).

The program aims to support veterans and defence force members, and their families, by providing funding to The Trustee for Australian Defence Force Assistance Trust trading as Bravery Trust to pilot a financial counselling service for those veterans, members and families.

Some veterans with service-related injuries are more vulnerable to financial stress. Effective financial counselling can assist veterans in dealing with transition from service, and from the financial impacts of dealing with physical or mental health injuries. Veterans in financial difficulty are better supported by financial counsellors who understand the benefits available to veterans.

Funding of $2.1 million over three years from 2022-23 will be provided for financial counselling service, information and advice on issues such as budgeting, credit and debt, advocacy on behalf of clients and referrals to other community and government services. The service is delivered by financial counsellors who are authorised by the Australian Securities and Investments Commission to offer financial counselling.

**Human rights implications**

Table item 600 engages the following human rights:

* the right to education – Articles 28 and 29 of the CRC, read with Article 4; and Article 13 of the ICESCR, read with Article 2;
* the right to an adequate standard of living – Article 11 of the ICESCR; and
* the right of people with disability – Article 4 of theCRPD.

*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.

Articles 28 and 29 of the CRC require the making of educational and vocational information and guidance available and accessible to all children and preparing them for a responsible life in a free society in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.

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(1) of the ICESCR states 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’.

By supporting free access to financial counselling without the need to travel, the program will enhance access to education about financial matters for veterans and their families, which will ensure they have access to information that supports them in planning and making decisions that best meet their specific circumstances and future needs.

*Right to an adequate standard of living*

Article 11(1) of the ICESCR states that ‘the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions’.

By supporting access to financial counselling, the program will assist veterans who are experiencing hardship resulting from service injuries, and their families, to make informed decisions in relation to their future, including transition to civilian life.

*Right of people with disability*

Article 4 of theCRPD seeks the promotion and full realisation of human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability.

Article 4(1)(h) and (i) of the CRPD, aim ‘To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities; and
To promote the training of professionals and staff working with persons with disabilities in the rights recognized in this Convention so as to better provide the assistance and services guaranteed by those rights.’

By providing services focussed on the needs of injured veterans and their families, the program will assist in making more accessible financial counselling available, and will expand the pool of persons skilled and experienced in provision of the services.

Table item 600 does not raise issues of discrimination for those persons not assisted by the program, noting that it is a trial and may be considered as a special measure. This is because the Bravery Trust purposes focus on those veterans with serious incapacities and disability resulting from their service. The program may be considered a special measure for the purposes of paragraph 45(1)(c) of the *Disability Discrimination Act 1992* in that it would tend to increase access to financial counselling services for persons with a disability, and their families.

**Conclusion**

Table item 600 is compatible with human rights because it promotes the protection of human rights.

**Senator the Hon Katy Gallagher**

**Minister for Finance**