

EXPLANATORY STATEMENT

Issued by the Authority of the Minister for Finance

Financial Framework (Supplementary Powers) Act 1997

Financial Framework (Supplementary Powers) Amendment (Prime Minister and Cabinet's Portfolio Measures No. 1) Regulations 2025

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 sunset under section 12 of the *Legislation (Exemptions and Other Matters) Regulation 2015* (item 28A). If the Principal Regulations were subject to the sunset 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 FFSP Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the FFSP Act.

The *Financial Framework (Supplementary Powers) Amendment (Prime Minister and Cabinet's Portfolio Measures No. 1) Regulations 2025* (the Regulations) amend Schedule 1AB to the Principal Regulations to establish legislative authority for government spending on activities to be administered by the National Indigenous Australians Agency, part of the Prime Minister and Cabinet portfolio.

Funding will be provided for the:

- Junior Rangers program which aims to support Aboriginal and Torres Strait Islander youth and primary and secondary school-aged children to engage with their schooling through a combination of classroom and on-Country learning (existing funding of \$6.0 million over two and a half years from 2025-26); and
- Remote Australia Employment Service to support participants in remote Australia to develop the skills and ability to access employment, overcome barriers to employment, meet income support mutual obligations and access and retain employment (\$1.3 billion over four years from 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 taken place with the National Indigenous Australians Agency.

Details of the *Financial Framework (Supplementary Powers) Amendment (Prime Minister and Cabinet's Portfolio Measures No. 1) Regulations 2025*

Section 1 – Name

This section provides that the title of the Regulations is the *Financial Framework (Supplementary Powers) Amendment (Prime Minister and Cabinet's Portfolio Measures No. 1) Regulations 2025*.

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* (the Principal Regulations) are amended as set out in the Schedule to the Regulations.

Schedule 1 – Amendments

Financial Framework (Supplementary Powers) Regulations 1997

The item in Schedule 1 amends Schedule 1AB to the Principal Regulations to establish legislative authority for government spending on activities to be administered by the National Indigenous Australians Agency (NIAA), part of the Prime Minister and Cabinet portfolio.

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

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

Table item 717 – Junior Rangers

New **table item 717** establishes legislative authority for government spending for the Junior Rangers program (the program).

The program supports Aboriginal and Torres Strait Islander primary and secondary school-aged children and youth to engage with their schooling through a combination of classroom and on-Country learning. Activities are linked to curriculum and involve land, sea and natural resource management, environmental data collection, heritage related projects and cultural studies. Projects support participating students to complete their schooling and support the completion of vocational training.

The program contributes to the National Agreement on Closing the Gap, specifically Outcome 5: Students achieve their full learning potential, and Outcome 7: Youth are engaged in employment and education.

Junior Rangers projects have received Commonwealth support under the Indigenous Ranger Cadetship Pilot Program since 2012. Seeded funding of \$4.1 million was provided to providers to engage students across 14 schools in culturally relevant school-based programs involving land, sea and natural resource management, heritage related activities and cultural studies. This included the Learning on Country (LoC) program, delivered by the Northern Territory (NT) Government in three remote schools across the Arnhem Land region.

The LoC program has since grown to 14 remote schools across the Top End and is now delivered by the Northern Land Council (NLC), having transitioned from the NT Government in 2018. It is the largest and longest running Junior Ranger project in the country and is currently funded by NIAA with \$27.8 million over six years to December 2028.

The Australian National University (ANU) has completed two independent evaluations of the LoC program (Fogarty 2015 and Fogarty 2024). The evaluations found that the project has been successful in improving school engagement, retention and Year 12 attainment, as well as vocational training and post-school pathways into employment. The LoC program has also seen a significant increase in female participation in Junior Rangers activities.

LoC evaluations have demonstrated the efficacy of on-Country learning, contributing to a growing body of evidence showing Junior Rangers activities can improve education outcomes, including through the transmission of Aboriginal and Torres Strait Islander knowledge systems. Research indicates stronger engagement when learning is linked to subjects of direct importance to local communities, including when education and training incorporates traditional languages, culture and knowledge systems (Miller 2005, Fogarty and Schwab 2012). There is strong community demand for culturally relevant on-Country learning opportunities providing improved education options for Aboriginal and Torres Strait Islander children and youth.

In the 2022-23 and 2023-24 Budgets, the Australian Government committed to a significant expansion of the program, from five providers delivering in approximately 25 locations in 2023 to 50 providers delivering in approximately 80 locations in 2024.

Activities are delivered by a broad mix of providers across a range of sectors, including land councils, Aboriginal Community Controlled Organisations (ACCOs), non-government organisations, and schools. Activities are delivered in partnership with local Elders, Cultural Knowledge Holders, Traditional Owners, Indigenous Rangers (where available), schools and communities. Activities are delivered in every state and territory, except the Australian Capital Territory, noting one activity nearby in Queanbeyan. During the 2024 calendar year, projects supported over 5,000 Aboriginal and Torres Strait Islander children and youth.

To further grow the program, the NIAA will undertake a targeted competitive grant opportunity in 2025 to establish activities at up to 10 new locations, including at least one new location in every state and territory. Funding is available until 31 December 2027.

Ranger groups, schools and community organisations in the following locations can apply for funding under the expansion:

- Australian Capital Territory: Canberra - North, Canberra - South, Stromlo - Namadgi.
- New South Wales: Lake Macquarie, Wyong, Wollongong.
- Northern Territory: Alice Springs and Town Camps, Douglas-Daly, Palmerston.
- Queensland: Ipswich, Logan, Thuringowa, Townsville.
- South Australia: Playford, Port Adelaide - Enfield, Salisbury.
- Tasmania: Central Coast - Devonport, Launceston.
- Victoria: Campaspe - Shepparton - Moira, Northcote - Preston - Whittlesea, Geelong - Queenscliff, Castlemaine - Kerang.
- Western Australia: Swan, Geraldton, Port Hedland.

To focus on need and broad geographic spread, eligibility will be limited to proposed service delivery within identified priority locations. These will be Indigenous Areas (IAREs) outside the current junior ranger footprint which have high numbers of Aboriginal and Torres Strait Islander youth who are not engaged in employment, education or training compared with other IAREs in their respective jurisdictions.

Eligible activities will include:

- regular and structured school-based experiences;
- camps, excursions and fieldtrips;
- activities involving land, sea and natural resource management, environmental data collection, heritage related projects and cultural studies;
- activities linked to the curriculum in relevant disciplines such as science, mathematics, literacy, humanities and social sciences, languages, technologies and the arts; and
- vocational education and training (VET) based training packages, such as in Conservation and Ecosystems Management (Certificates I, II and III), Maritime studies and Senior First Aid.

The intended outcomes will be:

- increased attainment of Year 12 or equivalent qualifications;
- successful transition to further education and/or employment;
- provision of culturally relevant school-based learning;
- increased school engagement, attendance and retention rates;
- improved literacy and numeracy;
- development of industry appropriate skills for employment;
- intergenerational transmission of Aboriginal and Torres Strait Islander knowledge and culture; and
- robust partnerships between local schools, Aboriginal and Torres Strait Islander organisations, Traditional Owners and/or local Elders, and Indigenous ranger groups (where relevant).

To be eligible to apply for grant funding, the applicant must:

- have an Australian Business Number (ABN) (exemptions may apply in special cases);
- where relevant, be registered for the purposes of goods and services tax;
- if an individual, be a permanent resident of Australia;
- have an account with an Australian financial institution.

And be one of the following entity types:

- an Aboriginal and/or Torres Strait Islander Corporation registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act);
- a company incorporated in Australia under the *Corporations Act 2001*;
- an incorporated association (incorporated under state/territory legislation, commonly have 'Association' or 'Incorporated' or 'Inc' in their legal name);
- an incorporated cooperative (incorporated under state/territory legislation, commonly have 'Cooperative' in their legal name);
- an organisation established through a specific piece of Commonwealth or state/territory legislation including public benevolent institutions, churches and universities;
- an Australian state or territory government body;
- an Australian local government body;
- an incorporated trustee on behalf of a trust;
- a partnership;
- a joint (consortia) application with a lead organisation that satisfies the entity type;
- an individual with an ABN.

NIAA will not accept an application unless the applicant:

- has rectified any issues of previous non-compliance with existing Commonwealth agreements to the satisfaction of the Commonwealth, or be in the process of rectifying any issues of non-compliance with existing Commonwealth agreements to the satisfaction of the Commonwealth; and
- is financially viable to NIAA's satisfaction.

Funding amount and arrangements, merits review and consultation

Existing funding of \$6.0 million over two and a half years from 2025-26 has been allocated for the program. Funding for the item comes from Program 1.2: Children and Schooling, which is part of Outcome 1. Details are set out in the *Portfolio Budget Statements 2025-26, Budget Related Paper No. 1.13, Prime Minister and Cabinet Portfolio* at page 198.

Funding will be provided through multi-year grants to eligible providers. The grants will be administered in accordance with the Commonwealth resource management framework, including the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), the *Public Governance, Performance and Accountability Rule 2014* (PGPA Rule) and the *Commonwealth Grants Rules and Principles 2024* (CGRPs).

Consistent with the CGRPs, the NIAA will develop grant opportunity guidelines and will have regard to the nine key principles in administering the grant. The guidelines will be published on the GrantConnect website (www.grants.gov.au).

Information about the grants will be made available on GrantConnect, and the grants will be administered by the NIAA. A delegate of the NIAA's Accountable Authority, at the Senior Executive Service (SES) Band 1 or above will be responsible for approving Commonwealth funding provided to eligible organisations in accordance with the *Financial Framework (Supplementary Powers) Act 1997* (FFSP Act). The relevant delegate will have experience in program management responsibility to ensure the proper administration of the program.

The NIAA is responsible for administering the assessment of the selection process. A panel consisting of NIAA staff in both the Social Policy Group and the Regional Office will assess each application, after which applications will progress to relevant Regional Managers for endorsement. A Review Panel, consisting of relevant subject matter experts, including internal representatives from the Early Years and Education Branch and an external representative from the Department of Education, will then consider each application assessment before recommending them to the delegate to determine which grant applications should be awarded a grant.

The Review Panel will put forward recommendations to the NIAA delegate, about whether to approve the proposed grant/s. The recommendation will be based on the merits of the application including consideration of the assessment, risk and value with relevant money; priority areas of need; and availability of funding

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

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

The design of the program has been informed by consultation and feedback received from the Department of Finance with advice from the Department of the Prime Minister and Cabinet and the Grant Design Working Group consisting of representatives from the NIAA Grants and Finance Group, Integrity Group and Regional Offices.

The grant design of the program incorporates ongoing feedback received regarding existing Indigenous Advancement Strategy-funded junior ranger activities, including from providers and communities across Australia, and from the NIAA Regional Offices and National Offices.

Activities delivered under the program are place-based and community-driven, aligned with local needs and priorities. As part of the grant application, prospective providers need to demonstrate support from relevant Traditional Owners, local Elders and partner schools, as well as Indigenous Ranger Groups (where available to deliver activities). Applicants are expected to show that their proposed activity has been developed in consultation with relevant local stakeholders and that this consultation has contributed to the design of proposed activities.

For locations selected for delivery of new junior ranger activities in Central Australia, the NIAA sought advice from community stakeholders, including the NT Government, the Office of the Central Australian Regional Controller, and the Central Australia Plan Aboriginal Leadership Group. The NIAA then conducted extensive consultations with families, leaders, community groups, schools, and young people in the selected locations to help identify providers and develop new junior ranger programs. Providers were then approached to submit non-competitive grant applications.

Constitutional considerations

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

Race Power

Section 51(xxvi) of the Constitution empowers the Parliament to make laws with respect to ‘the people of any race for whom it is deemed necessary to make special laws’.

The program is being delivered to support the educational engagement of Aboriginal and Torres Strait Islander young people, including through access to on-Country learning opportunities.

Table item 718 – Remote Australia Employment Service

New **table item 718** establishes legislative authority for government spending for the Remote Australia Employment Service (the RAES).

The RAES is part of the Government’s 2022 election commitment to replace the Community Development Program (CDP) with a new program with real jobs, proper wages and decent conditions, developed in partnership with First Nations people. The RAES is the second of two components designed to replace the CDP, together with the Remote Jobs and Economic Development (RJED) program.

The CDP, commenced in 2015 to help jobseekers living in remote Australia, prepare for work through offering a pathway to learn and develop new skills, or build upon existing skills, to increase their experience and work-readiness through flexible work-like activities and placements in real work settings. The CDP is a pre-employment service operating in thin labour markets in remote Australia where there is an insufficient supply of jobs to meet demand. This means not everyone on the CDP caseload who would like a job is able to access a job and instead must rely on income support.

The CDP is being replaced as it has not been able to overcome the high rates of unemployment and welfare reliance in remote Australian communities and has generally not been able to effectively engage jobseekers.

On 13 December 2024, the RAES was announced by the Minister for Indigenous Australians, Senator the Hon Malarndirri McCarthy, as part of the *New Remote Employment Service to help job seekers build skills and strengthen communities* package (ministers.pmc.gov.au/mccarthy/2024/new-remote-employment-service-help-job-seekers-build-skills-and-strengthen-communities).

The RAES aims to better support job seekers in remote Australia to upskill, find pathways to work, stay employed, and contribute to their community. The new service will lead with a strengths-based approach, supporting providers to work more collaboratively with communities on projects, particularly when work is not available, and work with job seekers to better understand their needs.

Key objectives of the RAES are to:

- provide participants with tailored case management support that is high quality, strengths-based, culturally safe and appropriate, to increase participant skills and experience in order to gain and sustain employment, and to support participants to meet their Mutual Obligation requirements;
- link participants with employment opportunities and support their transition to employment, including jobs created through the RJED program; and
- drive local workforce development through Community Projects.

The RAES will operate from 1 November 2025 to 30 June 2028 (with the possibility of extension to 30 June 2029 if required) to align with broader employment services reforms. The RAES will support around 40,000 job seekers across 1,200 communities in remote Australia who are currently receiving income support and looking for work, or who may need help to become job ready, to get the skills and resources they need to take up job opportunities.

The RAES will be funded through an open competitive grant opportunity which will engage suitable providers to deliver remote employment services to participants in each of the 60 RAES regions (currently known as CDP regions).

The intended direct outcomes of the RAES are:

- increased participant employment;
- more local employment of participants;
- community development through meaningful co-designed Community Projects and Participation Options;
- more participant engagement through tailored support;
- better support for different participant cohorts, including young participants and First Nations people resulting in participants better engaging and achieving improved employment outcomes;
- improved collaboration between providers, government, employers, and third-party organisations; and
- better connected community and employment services.

The design of the RAES program has incorporated feedback received through stakeholder and community consultations undertaken in 2023 and 2024, and reflects community desires for job creation in remote Australia that is supported by employment services. The design has also been informed by previous Parliamentary inquiries, lessons learned from the CDP trials, and submissions from key stakeholders including peak bodies.

While the RAES program is not exclusively for First Nations participants, it will contribute to the objectives of the National Agreement on Closing the Gap, specifically:

- Target 7: Aboriginal and Torres Strait Islander youth are engaged in employment or education; and
- Target 8: Strong economic participation and development of Aboriginal and Torres Strait Islander people and communities.

The RAES will also contribute to Priority Reform 2: Building the community-controlled sector, by uplifting the capability of Indigenous organisations to deliver high quality, culturally safe services tailored to participants.

Funding amount and arrangements, merits review and consultation

Funding of \$1.4 billion for the RAES was included in the 2024-25 Mid-Year Economic and Fiscal Outlook under the measure ‘New Remote Employment Service’ for a period of four years commencing in 2024-25 and a further \$448.8 million in 2028-29. Details are set out in the *Mid-Year Economic and Fiscal Outlook 2024-25, Appendix A: Policy decision taken since the 2024-25 Budget* at pages 289-290.

The Government has committed a final funding of \$1.3 billion over four years to 2027-28 for this item. Funding will come from Program 1.1: Jobs, Land and the Economy, which is part of Outcome 1. Details are set out in the *Portfolio Additional Estimates Statements 2024-25, Prime Minister and Cabinet Portfolio (National Indigenous Australians Agency)* at pages 104 and 120.

Funding will be provided to eligible organisations through an open competitive grant round. The grants are administered in accordance with the Commonwealth resource management framework, including the PGPA Act, the PGPA Rule and the CGRPs. The NIAA has developed grant opportunity guidelines and will have regard to the nine key principles in administering the grant.

Grant opportunity guidelines and information about the grants will be available on the GrantConnect website (www.grants.gov.au). The grants will be administered by the NIAA. A delegate of the NIAA’s Accountable Authority, at the SES Band 1 or above level, will be responsible for approving Commonwealth funding provided to grant recipients in accordance with the FFSP Act. The relevant delegate will have experience in program management responsibility to ensure the proper administration of the RAES.

The NIAA is responsible for administering the assessment and selection process. A panel of NIAA staff will assess each application before recommending them to the delegate, to determine which grant applications should be awarded a grant.

The NIAA panel staff will put forward recommendations to the NIAA delegate, about whether to approve the proposed grants. The recommendation will be based on the merits of the application including consideration of the assessment, risk and value with relevant money, priority areas of need, alignment with program objectives and outcomes, how a proposal compares to other proposals and availability of funding.

Information about the successful grant recipients will be made publicly available, including on the GrantConnect website.

Merits review of decisions made in connection with the grant opportunity for the RAES are not considered appropriate for merits review because these decisions relate to the provision of a one-off grant to a certain service provider, over other service providers. The ARC has recognised that it is justifiable to exclude merits review in relation to decisions of this nature (see paragraphs 4.16 to 4.17 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 grant decisions also have recourse to the Commonwealth Ombudsman where appropriate.

Since August 2022, the Government has been consulting on replacing the CDP with First Nations peoples and remote communities. Notably, a Roundtable led by the then Minister for Indigenous Australians, the Hon. Linda Burney, was held ahead of the National Jobs and Skills Summit.

In the first half of 2023, the NIAA conducted a phase 1 consultation process to listen and learn from CDP communities who are most affected by the changes. This provided communities and stakeholders an opportunity to speak to the NIAA directly about ways to design and deliver a service to replace CDP. NIAA visited over 100 CDP communities and received feedback from over 2,250 people. NIAA also received 210 anonymous survey responses and 50 'Have Your Say' web forms from the public.

Key messages heard in phase 1 consultations were that a new program should:

- be planned and led by communities;
- recognise roles carried out in communities;
- take a new approach to youth;
- support local jobs for local people;
- invest in local priorities; be flexible; and
- assist people unable to work right now.

Additional consultations in this phase were undertaken in December 2023 with key stakeholders interested in remote employment, including peak bodies, community organisations, and employment agencies. A First Nations Reference Group (FNRG) was also established to provide advice to government on the detailed design and implementation of the RJED and RAES programs, and on the consultation and engagement process for remote communities. Members of the FNRG included economic development experts from across remote Australia and representatives from a range of First Nations organisations.

Phase 2 consultations were held from April to July 2024 to check back with communities on the feedback heard in the first phase, test design principles of the RJED program, and capture any feedback for the RAES. During this consultation process, NIAA received feedback from 3,100 people from around 200 remote communities, held eight national and regional roundtables, received over 80 survey and submission responses, and consulted across Government and with other stakeholders.

From March to April 2025, a third phase of consultations captured feedback on the draft grant opportunity guidelines for the RAES via an online survey and submissions. Feedback from this phase was incorporated in the final design of the RAES.

Constitutional considerations

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

- the external affairs power (section 51(xxix)), and
- the social welfare power (section 51(xxiiiA)).

External affairs power

Section 51(xxix) of the Constitution empowers the Parliament to make laws with respect to ‘external affairs’. The external affairs power supports legislation implementing Australia’s international obligations under treaties to which it is a party.

International Covenant on Economic, Social and Cultural Rights (ICESCR)

Article 2(1) of the ICESCR provides that each State Party is required to undertake steps to achieve the full realisation of the rights in the ICESCR by all appropriate means. Article 6(2) of the ICESCR (read with Article 6(1)) obliges States Parties to take steps to achieve the full realisation of the right to work, which includes the right of everyone to the opportunity to gain their living by work which they freely choose or accept, and will take appropriate steps to safeguard this right. These steps include ‘technical and vocational guidance and training programmes, policies and techniques to achieve ... full and productive employment.’

In supporting participants in remote Australia to overcome barriers to employment and access and remain in employment, the RAES aims to provide vocational training and guidance, and promote full and productive employment in regions where unemployment is high.

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, including unemployment benefits.

The RAES will support persons who are unemployed to increase their work-readiness, overcome vocational barriers and access job opportunities.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

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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 (Prime Minister and Cabinet's Portfolio Measures No. 1) Regulations 2025* (the Regulations) amend Schedule 1AB to the Principal Regulations to establish legislative authority for government spending on activities to be administered by the National Indigenous Australians Agency, part of the Prime Minister and Cabinet portfolio.

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

- adds table item 717 'Junior Rangers'; and
- adds table item 718 'Remote Australia Employment Service'.

Table item 717 – Junior Rangers

New table item 718 establishes legislative authority for government spending for the Junior Rangers program (the program).

The program supports Aboriginal and Torres Strait Islander youth and primary and secondary school-aged children to engage with their schooling through a combination of classroom and on-Country learning. Activities are linked to the curriculum and involve land, sea and natural resource management, environmental data collection, heritage related projects and cultural studies.

The Government has supported delivery of junior ranger activities since the 2012 launch of the Indigenous ranger cadetship pilot. More recently, the Government has committed to a significant expansion of the program, with funding to support the establishment and operation of junior ranger activities in over 60 new locations from January 2024 to December 2027. Existing funding of \$6.0 million over two and a half years from 2025-26 is available for the program.

Human rights implications

Table item 717 engages the following rights:

- the right to education – Article 13 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), read with Article 2;
- the rights of equality and non-discrimination – Article 2 of the ICESCR, Articles 2, 3, 16 and 26 of the *International Covenant on Civil and Political Rights* (ICCPR), read with Article 2, Article 5 of the *International Convention on the Elimination of All Forms of Racial Discrimination* (CERD), read with Article 2, and Article 5 of the *Convention on the Rights of Persons with Disabilities* (CRPD), read with Article 4; and
- the rights of Indigenous peoples – Article 14 of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP).

Right to education

Article 2 of the ICESCR requires that each State Party undertake to take steps to the maximum of its available resources to realise the rights recognised, particularly through legislative measures.

Article 13(1) of the ICESCR recognises the right of everyone to education, and that education should be directed towards the full development of the human personality and sense of dignity. Article 13(2) of the ICESCR mandates that primary education shall be compulsory and available free to all and that secondary education shall be made generally available and accessible to all by every appropriate means.

Article 13(3) of the ICESCR protects the liberty of parents and guardians to choose schools for their children, other than those established by the public authorities, as long as those schools adhere to the state's minimum educational standards. Article 13(4) of the ICESCR states that all education, whether public or private, formal or non-formal, must be directed towards the goals outlined in Article 13(1).

The program positively engages with the right to education by providing culturally appropriate education opportunities for Aboriginal and Torres Strait Islander children and youth, with a view to supporting them to reach their full education potential.

Rights of equality and non-discrimination

Article 2(1) of the ICESCR requires that each State Party to the Covenant 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 realization of the rights recognized in the Covenant by all appropriate means, including particularly the adoption of legislative measures.

Article 2(1) of the ICCPR requires that each State Party to the Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognised in the Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 2(2) of the ICCPR requires, where not already provided for by existing legislative or other measures, each State Party to the Covenant undertakes to take the necessary steps to adopt such laws or other measures as may be necessary to give effect to the rights recognised in the Covenant.

Article 3 of the ICCPR requires that each State Party to the Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the Covenant.

Article 16 of the ICCPR – *“Everyone shall have the right to recognition everywhere as a person before the law”*.

Article 26 of the ICCPR – *“All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”*.

Article 2(1)(c) of the CERD requires each State Party to the Convention to take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists.

Article 5 of the CERD requires that *“...States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law...”*.

Article 4(1)(a) of the CRPD requires each State Party to the Convention to adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the Convention.

Article 5 of the CRPD recognises the right to equality and non-discrimination for all persons and sets out obligations for States Parties in relation to this right.

The rights of equality and non-discrimination are contained in Articles 2, 3, 16 and 26 of the ICCPR, Article 2 of the ICESCR, Article 5 of the CERD and Article 5 of the CRPD. These rights recognise that all human beings have the right to be treated equally and not to be discriminated against.

The program positively engages with the rights of equality and non-discrimination by providing opportunities for Aboriginal and Torres Strait Islander children and youth to engage with their education. The program is intended to improve education outcomes for Aboriginal and Torres Strait Islander people, addressing barriers to school engagement which may prevent students from attaining Year 12 or equivalent qualifications.

Rights of Indigenous Peoples

The UNDRIP contains provisions relevant to the right of Indigenous peoples to education and informs the way governments engage with and protect the rights of Indigenous peoples.

Article 14 of the UNDRIP recognises Indigenous peoples right to establish and control their education systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

The program positively engages with the UNDRIP by providing opportunities for Aboriginal and Torres Strait Islander youth to engage in culturally appropriate learning activities, both in the classroom and On-Country.

Table item 717 is compatible with human rights because it would promote or positively affect human rights.

Table item 718 – Remote Australia Employment Service

New table item 718 establishes legislative authority for the Remote Australia Employment Service (the RAES).

The RAES will support people who are currently looking for work, or may need help to become job ready, to get the skills and resources they need to take up job opportunities. The objectives of the RAES are to:

- provide participants with tailored case management support that is high quality, strengths-based, culturally safe and appropriate, to increase participant skills and experience in order to gain and sustain employment, and to support participants to meet their mutual obligation requirements;
- link participants with employment opportunities and support their transition to employment; and
- deliver community projects and participation options that reflect community priorities and participant needs and aspirations. Community projects should be place-based and support employment pathways, job creation, community initiatives, social enterprise opportunities and local industry development needs.

Funding of \$1.3 billion over four years from 2024-25 will be provided for the RAES.

Human rights implications

Table item 718 engages the following rights:

- the right to work – Article 6 of the ICESCR, read with Article 2, Article 1 of the International Labour Organization’s *Convention concerning Employment Policy* (ILO Convention 122), and Article 1 of the International Labour Organization’s *Convention concerning the Organisation of the Employment Service* (ILO Convention 88); and
- the rights of equality and non-discrimination – Article 2 of the ICESCR, Articles 3, 16 and 26 of the ICCPR, read with Article 2, Article 5 of the CERD, read with Article 2, and Article 5 of the CRPD, read with Article 4.

Right to work

Article 2(1) of the ICESCR requires that each State Party to the Covenant ‘...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 realization of the rights recognised in the Covenant by all appropriate means, including particularly the adoption of legislative measures’.

Article 6(1) of the ICESCR recognises the right of everyone to work, including the opportunity to gain their living by work which they freely choose or accept. Article 6(2) of the ICESCR further provides that the progressive realisation of this right by States includes implementing policies which facilitate full and productive employment.

Article 1 of the ILO Convention 122 provides that ‘each Member shall declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment’.

Article 1 of the ILO Convention 88 provides that Members shall maintain a free public employment service, which in co-operation with other public and private bodies concerned, ensures the best possible organisation of the employment market to achieve and maintain full employment and the productive use of resources.

The RAES positively engages with the right to work by incentivising the provision of jobs for job seekers in remote Australia, with a view to their future engagement in paid work in the open labour market where possible.

Rights of equality and non-discrimination

Article 2(2) of the ICESCR – “*The States Parties to the Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status*”.

Article 2(1) of the ICCPR requires that each State Party to the Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognised in the Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 2(2) of the ICCPR requires, where not already provided for by existing legislative or other measures, each State Party to the Covenant undertakes to take the necessary steps to adopt such laws or other measures as may be necessary to give effect to the rights recognised in the Covenant.

Article 3 of the ICCPR ensures the equal right of men and women to the enjoyment of all civil and political rights.

Article 16 of the ICCPR stipulates that everyone shall have the right to recognition everywhere as a person before the law.

Article 26 of the ICCPR provides that all persons are equal before the law and entitled to equal protection of the law without discrimination. It requires the law to prohibit any discrimination and guarantee all persons equal and effective protection against discrimination on any ground.

Article 2(1)(c) of the CERD requires each State Party to the Convention to take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists.

Article 5 of the CERD requires States Parties to prohibit and eliminate all racial discrimination in all forms and guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, in the enjoyment of rights. Article 5(d)(i) includes the rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, and to just and favourable remuneration.

Article 4(1)(a) of the CRPD requires each State Party to the Convention to adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the Convention.

Article 5 of the CRPD requires States Parties to recognise all persons as equal under the law and entitled without discrimination to the equal protection and equal benefit of the law.

The rights of equality and non-discrimination are contained in the above Articles of the ICCPR, ICESCR, CERD and CRPD. These rights recognise that all human beings have the right to be treated equally and to not be discriminated against.

The RAES positively engages with the rights of equality and non-discrimination by providing opportunities for remote job seekers and welfare recipients to enter the labour market. The application of the RAES in remote Australia is intended to address the inherent lack of employment opportunities and consequential disadvantage experienced in parts of remote Australia and elevate the situation of remote job seekers and welfare recipients to a standard comparable to those living in non-remote regions.

Table item 718 is compatible with human rights because it would promote or positively affect human rights.

Conclusion

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

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