

## **EXPLANATORY STATEMENT**

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

#### *Financial Framework (Supplementary Powers) Act 1997*

#### *Financial Framework (Supplementary Powers) Amendment (Home Affairs Measures No. 4) 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 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 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 (Home Affairs Measures No. 4) 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 Department of Home Affairs and the National Emergency Management Agency, part of the Home Affairs portfolio.

Funding will be provided for the following:

- financial assistance to a state or territory for state or territory law enforcement agencies to undertake activities that counter illicit tobacco (\$20.4 million over two years from 2025-26);
- a grant to Charles Darwin University to operate the North Australia and Rangelands Fire Information web service, which provides data, maps and training resources to assist with managing bushfires in northern Australia (\$0.7 million in 2025-26);
- the Community Refugee Integration and Settlement Program to deliver strong integration outcomes through a community-supported settlement model that provides a dedicated settlement pathway to refugees and humanitarian entrants to Australia (\$3.5 million over three years from 2026-27);
- the Humanitarian Integration and Settlement Program to provide onshore and offshore services and activities with respect to humanitarian entrants to assist them to settle in Australia (\$20.9 million per year over three years from 2025-26); and
- the Strengthening Community Safety Program to support a range of community crime prevention projects (\$20.3 million over three years from 2025-26).

Details of the Regulations are set out at [Attachment A](#). A Statement of Compatibility with Human Rights is at [Attachment B](#).

The Regulations are a legislative instrument for the purposes of the *Legislation Act 2003*.

The Regulations commence on the day after registration on the Federal Register of Legislation.

## Consultation

In accordance with section 17 of the *Legislation Act 2003*, consultation has taken place with the Department of Home Affairs and the National Emergency Management Agency.

**Details of the *Financial Framework (Supplementary Powers) Amendment (Home Affairs Measures No. 4) Regulations 2025***

**Section 1 – Name**

This section provides that the title of the Regulations is the *Financial Framework (Supplementary Powers) Amendment (Home Affairs Measures No. 4) 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 items in Schedule 1 amend Schedule 1AB to the Principal Regulations to establish legislative authority for government spending on activities to be administered by the Department of Home Affairs (the department) and the National Emergency Management Agency, part of the Home Affairs portfolio.

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

This item adds one new table item to Part 2 of Schedule 1AB.

**Table item 13 – Payments for activities that counter illicit tobacco**

New **table item 13** establishes legislative authority for the Government to provide financial assistance to a state or territory for state or territory law enforcement agencies to undertake activities that counter illicit tobacco.

Funding of \$20.4 million over two years from 2025-26 will be provided for the Australian Border Force (ABF) within the department, to partner with states and territories to deliver a new compliance model to counter illicit tobacco, the Illicit Tobacco Fee for Service Program (the program).

The funding represents a significant increase in tobacco accountabilities for the ABF, including accounting for the ABF's strategic priorities to uplift activities across key parts of the border continuum through delivering an end-to-end compliance model that will include:

- enhanced pre-border intervention to stem the flow of illicit tobacco from being imported into Australia;
- uplift in the ABF's at-border capability to detect and seize illicit tobacco before it infiltrates into the domestic market; and
- intensify domestic impact through aligned regulatory approaches and augmented operations.

State and territory law enforcement agencies will be supported to engage in specific enforcement and compliance activities to counter serious organised crime infiltration of the illicit tobacco market, including:

- recruitment of additional personnel directly working on illicit tobacco;
- provision of materials and supplies to support operational delivery;
- capital including technology and equipment purchases/leases; and
- storage, transport and destruction and other activities with a clear nexus to combatting illicit tobacco.

The program design includes an assessment matrix which assesses funding request submissions against the nexus for illicit tobacco, opportunities for joint activities, alignment with program scope, demonstrated value for money and provision of sufficient evidence. The funding provided for in-scope activities is intended to support uplift in capacity and capability of state and territory law enforcement agencies to support the Commonwealth efforts in disrupting illicit tobacco.

The ABF has developed a robust monitoring and evaluation framework which includes intergovernmental agreements by ways of either 'Letters of Exchange' or funding agreements with the states and territories. The Letters of Exchange will be high level and strategic in nature and will govern the general agreement between the parties. Where applicable, funding agreements will be in accordance with the Commonwealth standard grant agreement.

The Letters of Exchange or funding agreements (as applicable) will set out the terms and conditions for the granting of financial assistance, including the aspects of the program the states and territories will be required to perform and the deliverables and reporting that the states and territories will have to provide the Commonwealth, in return for the funding. The Letters of Exchange or funding agreements will require states and territories to submit progress reports against the key performance indicators for each funded activity and a full program acquittal at the end of the funding window will be required.

The intended outcome of the program is for the Commonwealth and the states and territories to work collaboratively to combat transnational, serious organised crime threats to national security.

#### *Funding amount and arrangements, merits review and consultation*

Funding of \$20.4 million was included in the 2024-25 Budget under the measure 'Tobacco – illicit tobacco compliance' for a period of two years commencing in 2025-26. Details are set out in *Budget 2024-25, Budget Measures, Budget Paper No. 2* at page 139.

Funding for the item will come from Program 3.2: Border Management, which is part of Outcome 3. Details are set out in the *Portfolio Budget Statements 2025-26, Budget Related Paper No. 2, Home Affairs Portfolio* at pages 51-52.

The ABF has developed a robust monitoring and evaluation framework to support the program in accordance with the *Public Governance, Performance and Accountability Act 2013* (PGPA Act). The framework includes Letters of Exchange and funding agreements (as applicable) and will govern the general agreement between the ABF and the states and territories. In addition, payments to the territories will be administered in accordance with the *Commonwealth Grants Rules and Principles 2024* (CGRPs). Consistent with the CGRPs, the ABF will have regard to the nine key principles in administering grants of financial assistance to territories.

A delegate of the Secretary of the department under the *Financial Framework (Supplementary Powers) Act 1997* (FFSP Act) will be responsible for approving Commonwealth funding provided to the states and territories. The delegate will be the ABF's Illicit Tobacco and Vape Enforcement Commander who is equivalent to SES Band 1 level and has the appropriate skills and experience to perform this function.

All administration of the function will be conducted in accordance with the Commonwealth resource management framework, including the PGPA Act, the *Public Governance, Performance and Accountability Rule 2014* (PGPA Rule) and the CGRPs. Should a state or territory agency have funding approved by the delegate, the Commonwealth will enter into an intergovernmental agreement with the receiving agency. The receiving agency will be required to expend the funding within the relevant financial framework of their jurisdiction.

Independent merits review is not considered suitable for decisions made in connection with the program because these decisions are for the allocation of a finite resource for each financial year from which all potential claims for a share of the resource cannot be met. In addition, any funding that has already been allocated would be affected if the original decision was overturned. The 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)).

Administrative accountability for the program will be achieved by ensuring that:

- the process of allocating funds is fair;
- the criteria for funding are made clear with consideration for value for money;
- decisions are made objectively; and
- applications may be re-submitted if further justification is required.

The review and audit process undertaken by the Australian National Audit Office (ANAO) provides a mechanism to review 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.

The ABF has had extensive engagement with the Department of the Treasury, the Department of Finance and the Department of the Prime Minister and Cabinet to ensure the proposed enforcement approach was appropriate.

The ABF has been proactively consulting with senior representatives from state and territory Jurisdictional Police in regard to program scope, design and delivery, including group forums in September 2024 and February 2025. In addition, the program has been discussed at senior level (SES Bands 1-3) across multi agency forums such as the National Vaping Working Group and the Illicit Tobacco Compliance and Enforcement Working Group, which includes SES equivalent representation from Commonwealth and all state and territory law enforcement and health agencies. The ABF has also worked directly with representatives across all state and territory law enforcement agencies to receive funding request applications and assess these against the program intent and governance framework. Feedback from consultations will be incorporated into the design and implementation of the program.

Consultation with the public and external non-government stakeholders was not considered appropriate noting the elevated risk to national security. Transnational, serious organised crime networks are agile and seek to exploit vulnerabilities across law enforcement agencies, therefore broad, public consultation on this program would provide increased visibility to the networks the program is seeking to disrupt.

### *Constitutional considerations*

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 power to grant financial assistance to the States (section 96); and
- the Territories power (section 122).

### *Power to grant financial assistance to States*

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

The Commonwealth will provide financial assistance to the states and territories to support state and territory law enforcement agencies to engage in specific enforcement and compliance activities to counter illicit tobacco. Specific activities include recruitment of additional personnel directly working on illicit tobacco, material and supplies to support operational delivery, capital including technology and equipment purchases/leases, storage, transport and destruction and other activities with a clear nexus to combatting illicit tobacco.

### *Territories power*

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

The program will provide Commonwealth funding for an Illicit Tobacco ‘fee for service model’ to territories to support territory law enforcement agencies to engage in specific enforcement and compliance activities to counter illicit tobacco.

## Item 2 – In the appropriate position in Part 3 of Schedule 1AB (table)

This item adds one new table item to Part 3 of Schedule 1AB.

### *Table item 97 – Grant to Charles Darwin University*

New **table item 97** establishes legislative authority for the Government to provide a grant to Charles Darwin University (CDU) (the grant) to sustain and maintain the North Australia and Rangelands Fire Information (NAFI) service. The grant will be administered by the National Emergency Management Agency (NEMA).

NAFI is a web service and an online mapping tool that provides bushfire information (including the location of current fires, recently burnt country, and fire history) across north Australia and the rangeland areas of Queensland, Northern Territory (NT), Western Australia and South Australia. NAFI provides a unique mix of data and tools for managing country with fire, that is not found in other fire information services. NAFI is used by the majority of land and fire managers in northern and central Australia and provides historical and near real-time data on fires, along with high quality satellite-based maps of fire activity, digital tools that use this data, and training resources to help land managers and agencies across the rangelands to better manage bushfires in rural and remote areas.

NAFI provides three key products:

- a) a free-to-access public NAFI website helping land managers and agencies to effectively manage fire, currently funded by NEMA;
- b) fire history validation for calculating greenhouse gas emissions through Savanna Burning methodologies, which is funded by the Clean Energy Regulator and the Department of Climate Change, Energy, the Environment and Water; and
- c) specific burnt area mapping and analysis for particular industries, businesses and properties, which is funded by individual clients on a user pays basis.

According to CDU, NAFI has reduced greenhouse gas emissions from the Savanna fire management projects by over one million tonnes of carbon dioxide per year, improved habitat conditions across large areas of northern Australia, and improved outcomes for threatened mammal species where studies have taken place. Savanna fire management projects are aimed at reducing the size, intensity and frequency of savanna wildfires in northern Australia to decrease the amount of greenhouse gases released into the atmosphere. This reduction in emissions earns Australian carbon credit units.

The Government has provided funding for the NAFI since 2013 and it is now integrated into the fire management practice of many regular users including emergency managers, and the Commonwealth and state and territory governments. The NAFI service is operated on a not-for-profit basis by CDU and used by a range of stakeholders to help with emergency management and preparedness.

Grant funding of \$0.7 million in 2025-26 to CDU will support the provision of burn scar mapping and fire activity which strengthens the Government's ability to prepare for and respond to bushfires that can, and do, cause significant harm. These events are significant because bushfires in Australia have the following impacts:

- harm to the health, including mental health, of individuals or group of individuals, being residents in bushfire prone areas;

- harm to the health of animals or plants located in bushfire prone areas;
- damage to property, including infrastructure located in bushfire prone areas;
- harm to the overall ecosystem and environment; and
- disruption to essential services which are essential to residents.

The objective of the grant is to equip decision-makers with the capabilities and information they require to reduce disaster risk from wildfire across the Australian rangelands by:

- providing accurate rangelands fire histories and analytical tools to enable effective fire management strategies for land managers;
- providing continuous operation of the NAFI website, mobile app and associated tools; and
- engagement and capacity building to improve fire management among rangelands fire managers through the use of NAFI tools and training resources.

The continuation of NAFI supports the *Commonwealth Closing the Gap 2025 Implementation Plan Actions Table*, ‘In partnership with First Nations people, to develop national policy and deliver actions to reduce disaster risk and support culturally appropriate response and recovery’ ([www.niaa.gov.au/sites/default/files/documents/2025-02/2025%20Commonwealth%20Implementation%20actions%20table%20-%20Closing%20the%20Gap.pdf](http://www.niaa.gov.au/sites/default/files/documents/2025-02/2025%20Commonwealth%20Implementation%20actions%20table%20-%20Closing%20the%20Gap.pdf)). NAFI data is used by Indigenous ranger groups to inform both Savanna hazard reduction burns and live fire management throughout the dry season (April to October).

The intended outcome of the grant is to sustain NAFI’s critical role in supporting North and Central Australian land managers to manage the increasing severity and length of bushfire seasons driven by climate change.

#### *Funding amount and arrangements, merits review and consultation*

Funding of \$0.7 million for the grant will be included in the 2025-26 Mid-Year Economic and Fiscal Outlook and the Portfolio Additional Estimates Statements for the Home Affairs portfolio. Funding for the item will come from NEMA’s Program 1.3: Australian Government Resilience, Preparedness and Disaster Risk Reduction Support, which is part of Outcome 1.

NEMA will deliver the grant through a closed, non-competitive grant process in accordance with the Commonwealth resource management framework, including the PGPA Act, the PGPA Rule, the CGRPs and NEMA’s Accountable Authority Instructions. Consistent with the CGRPs, NEMA will develop grant opportunity guidelines and will have regard to the nine key principles in administering the grant.

NEMA considers this is an appropriate grant selection process considering the pressing need associated with the provision of services for the reduction of disaster risk from wildfire across the Australian rangelands by maintaining and improving the operation and sustainability of the NAFI service.



The decision to fund CDU is to ensure the continuity of the NAFI web service. As the current host of the NAFI, CDU is the most suitable and best-positioned organisation to undertake the activities required under the grant agreement. Accurate fire scar mapping requires significant skill and knowledge specific to the landscapes being mapped, which CDU has built over many years.

The grant opportunity guidelines and information about the grant will be made available on the GrantConnect website ([www.grants.gov.au](http://www.grants.gov.au)), and on [www.business.gov.au](http://www.business.gov.au). The grant will be administered by the Business Grants Hub, which is part of the Department of Industry, Science and Resources. A delegate of the Coordinator-General of NEMA under the FFSP Act will be responsible for approving Commonwealth funding provided to CDU. The delegate will be at SES Band 1 level and have appropriate experience and knowledge to exercise this function.

The provision of funds to CDU is not considered suitable for independent merits review because the decisions relate to the allocation of a finite resource, from which all potential claims for a share of the resource cannot be met. The funding will be delivered through a closed, non-competitive grant to an organisation that the department has assessed as suitable to perform a specific purpose. The benefits of the NAFI are not directed towards the circumstances of particular persons, but rather apply generally to the community, and are therefore considered to be unsuitable for review. In addition, any funding that has already been allocated would be affected if the original decision was overturned. The ARC has recognised that it is justifiable to exclude merits review in relation to decisions of this nature (see paragraphs 4.11 to 4.19 of the ARC guide).

The NAFI is currently administered by CDU and NEMA has been consulting with CDU since January 2025 around the scope and design of the grant and their specific responsibilities, professional knowledge and capacity to deliver the NAFI service, to ensure the development and implementation of the grant opportunity is aligned with the objectives and intended outcomes of the grant.

The continuation of the NAFI service is a core component of the Australian Government's support for managing the increasing severity and length of bushfire seasons driven by climate change. Due to time constraints and the urgent need to continue the NAFI service, NEMA was unable to consult other Commonwealth entities, state and territory governments and emergency management organisations in advance. Consultation with these entities will continue throughout the life of the grant agreement with CDU.

### Constitutional considerations

Noting that it is not a comprehensive statement of relevant constitutional considerations, the purpose of the item references the territories powers (section 122) of the Constitution.

### *Territories power*

Section 122 of the Constitution empowers the Parliament to 'make laws for the government of any territory'. The NAFI is based at CDU in the NT.

*Amended table item 513 - Community Refugee Integration and Settlement Program*

**Item 3 – Part 4 of Schedule 1AB (table item 513, column headed “Program”)**

Table item 513 in Part 4 of Schedule 1AB establishes legislative authority for government spending on the Community Refugee Integration and Settlement Program (CRISP).

Item 3 amends table item 513 by omitting “Pilot” and substituting “Program” in the column headed “Program”. The amendment reflects the change to the name of the CRISP from a pilot program to a permanent program.

**Item 4 – Part 4 of Schedule 1AB (table item 513, column headed “Objective(s)”)**

Item 4 amends table item 513 by omitting “fund providers to implement a pilot which tests whether Australia can”, and substituting “provide funding to community organisations to provide refugee integration and settlement services to” in the column headed “Objective(s)”. The amendment is to allow for coverage of both the pilot and permanent program during the transition period. Transition arrangements will be in place to ensure continuity of services between the pilot and the permanent program.

The CRISP, which commenced in 2022-23 as a four-year pilot, will conclude on 30 June 2026. Evidence of strong integration and settlement outcomes for refugees under the pilot was provided through an independent evaluation conducted by the University of Queensland (UQ) between 2022 and 2025. Following strong evidence of success throughout the life of the pilot, the CRISP will be made permanent from 1 July 2026 in recognition of the positive impact it has had on refugees and community groups involved.

The CRISP is an internationally proven community settlement model where trained community members come together to provide post-arrival supports to refugees. This includes short-term housing, economic assistance upon arrival, as well as other settlement supports in their first 12 months in Australia.

The CRISP will operate as a dedicated settlement pathway for an initial cohort of 200 entrants per annum, with capacity building measures for growth over time. At or after the grant of a Refugee category visa, these refugees will be matched with a community supporter group (CSG) that will provide wraparound settlement and integration support. Refugees who have been referred to Australia by the United Nations High Commissioner for Refugees (UNHCR) and have no family links in Australia can be supported under this program. This support will replace (for the CRISP cohort only) services provided by the Humanitarian Integration and Settlement Program (HISP).

The objective of the CRISP is to provide a permanent community-based settlement alternative to Government funded settlement services which recognises the crucial role of community in settlement success. This aligns with the Government’s 2023 Global Refugee Forum commitment to increase community sponsored and other complementary pathways while ensuring refugees continue to receive tailored support and services to thrive in their new communities.

Funding amount and arrangements, merits review and consultation

Funding of \$3.5 million over three years from 2026-27 (and \$1.2 million per year ongoing) was included in the 2025-26 Budget under the measure ‘Supporting Social Cohesion’ to embed the new CRISP following conclusion of the pilot on 30 June 2026. Details are set out in *Budget 2025-26, Budget Measures, Budget Paper No. 2* at pages 61-62.

Funding for this item will come from Program 2.3: Refugee, Humanitarian Settlement and Migrant Services, which is part of Outcome 2. Details are set out in the *Portfolio Budget Statements 2025-26, Budget Related Paper No. 1.10, Home Affairs Portfolio* at page 18.

An open, competitive procurement process was undertaken in 2025-26 to fund an external provider for an initial contract term of three years, with two options to extend the contract, each extension for up to a maximum of 12 months in the aggregate (ref: HOMEAFFAIRS/2185/RFT). This procurement process is due to be finalised in early 2026. Various requirements apply to the funding, including:

- recruiting, vetting, training, supporting and monitoring CSGs;
- matching CRISP program participants with suitable CSGs;
- promoting and raising awareness of the CRISP within Australian communities; and
- monitoring and reporting on CRISP participants’ settlement and integration outcomes.

Funding will be administered in accordance with the Commonwealth resource management framework, including the PGPA Act, the PGPA Rule, the Commonwealth Procurement Rules (CPRs) and the department’s Accountable Authority Instructions. A delegate of the Secretary of the department under the FFSP Act will be responsible for approving Commonwealth funding for the CRISP. The delegate will be the SES Band 1, Settlement Branch, and have appropriate experience and knowledge to exercise this function.

Information about the tender and the resultant contracts will be made available on AusTender ([www.tenders.gov.au](http://www.tenders.gov.au)) once the contracts are signed. Procurement decisions will be based on value for money, including capability and capacity to deliver, and price and risk considerations. After execution of contracts, the department will manage the contracts and make the required payments based on the contracts. The department will provide an opportunity for suppliers and tenderers to make complaints if they wish, and to receive feedback. These complaints and enquiries can be made at any time during the procurement process and will be handled in accordance with probity requirements.

Funding decisions for the CRISP are not considered suitable for independent merits review because these decisions relate to the provision of a one-off procurement 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 4.19 of the ARC guide).

The re-making of a procurement decision after entry into a contractual arrangement with a successful provider is legally complex, impractical, and could result in delays to providing services to platform users. The *Government Procurement (Judicial Review) Act 2018* enables suppliers to challenge some procurement processes for alleged breaches of certain procurement rules. This legislation might provide an additional avenue of redress (compensation or injunction) for dissatisfied providers or potential providers, depending on the circumstances.

The introduction of the CRISP pilot in 2022 addressed the key findings arising from the 2020 review of the Community Support Program (CSP), conducted by the Commonwealth Coordinator-General for Migrant Services (the CSP Review). The CSP review honoured a 2017 Government commitment which was re-affirmed through the response to the independent Review into Integration, Employment and Settlement Outcomes for Refugees and Humanitarian Entrants, *Investing in Refugees, Investing in Australia* (the Shergold Review) available at: [www.homeaffairs.gov.au/reports-and-pubs/files/review-integration-employment-settlement-outcomes-refugees-humanitarian-entrants.pdf](http://www.homeaffairs.gov.au/reports-and-pubs/files/review-integration-employment-settlement-outcomes-refugees-humanitarian-entrants.pdf). The then Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, received the formal report on the findings of the review on 3 May 2021.

The decision to make the pilot a permanent program from 1 July 2026 was based on evidence provided by UQ (who were provided funding to evaluate the pilot) of the positive settlement and integration outcomes experienced by refugee participants over the life of the pilot. A large number of community stakeholders also lobbied for the CRISP to be made permanent to embed this model of community sponsorship in Australia's refugee settlement landscape. There are also strong expectations that the Government will eventually make community-sponsored pathways additional to the core intake under Australia's Humanitarian Program.

To inform the design of the permanent CRISP, the Settlement Council of Australia led virtual consultation sessions in May 2025 with the settlement sector and communities, on behalf of the department. The primary objectives of the consultations on the CRISP were to assess and identify the elements of the pilot program that have supported community engagement and participation; pilot design weaknesses; and suggestions that could improve and scale a permanent program. The feedback from these activities will be used to inform the development of the permanent CRISP which combines and refines activities currently conducted under the pilot program.

### *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 aliens power (section 51(xix)); and
- the immigration and emigration power (section 51(xxvii)).

#### *Aliens power*

Section 51(xix) of the Constitution empowers the Parliament to make laws with respect to 'naturalization and aliens'. The CRISP will involve the provision of a dedicated settlement pathway for refugees and humanitarian entrants through community-led settlement and integration support services.

#### *Immigration and emigration power*

Section 51(xxvii) empowers the Parliament to make laws with respect to 'immigration and emigration'. The CRISP will involve initiatives designed to assist refugees and humanitarian entrants who have migrated to Australia to build their lives, integrate and settle into the Australian community.

## Item 5 – 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 750 – Humanitarian Integration and Settlement Program*

New **table item 750** establishes legislative authority for government spending on the Humanitarian Integration and Settlement Program (HISP).

Funding of \$20.9 million per year over three years from 2025-26 will support the HISP to deliver a newly designed settlement services model reforming Australia's delivery of humanitarian settlement services to refugees and humanitarian entrants.

HISP reforms focus on achieving better social and economic outcomes for refugees, earlier in their settlement journeys through:

- introducing a pre-arrival assessment enabling greater capture of client information including needs and aspirations and promoting enhanced identification of employment opportunities and pathways alongside earlier engagement with onshore providers;
- transforming payment models to give service providers greater flexibility for clients and providers in tailoring support to clients' individual settlement needs aligned with the pre-arrival assessment and case management plan;
  - the current service cap model will be adjusted to allow greater flexibility for service providers, enabling them to deliver a more tailored and innovative model;
- flexibly delivering individualised services in a way that supports client self-efficacy and self-agency;
- service delivery focussed on the achievement of client outcomes rather than specific outputs; and
- more effective coordination and collaboration in delivery of services.

The new HISP will replace two current settlement programs, the Humanitarian Settlement Program (HSP – onshore component) and the Australian Cultural Orientation Program (AUSCO – offshore component), with an indicative start date of early 2026. Under the HISP, there will be no change to the foundational elements that are currently provided under HSP and AUSCO, such as provision of immediate on-arrival services, accommodation assistance, assistance with essential registrations, orientation to local services, employment and education linkages.

HSP and AUSCO support Australia's Refugee and Humanitarian Program (the Humanitarian Program) (<https://immi.homeaffairs.gov.au/what-we-do/refugee-and-humanitarian-program>), which has a long history of providing resettlement for refugees and others who are displaced as a result of conflict, persecution and human rights abuses. The Humanitarian Program's intake is drawn from a range of nationalities, ethnic and religious groups, reflecting global displacement arising from conflict and persecution trends.

The Humanitarian Program has two important functions:

- the offering of resettlement in Australia to refugees overseas, for whom this is the most appropriate option. Most people under this category are identified and referred to the department by the UNHCR. The offshore resettlement component comprises two categories of permanent visas: (1) Refugee visa, and (2) the Special Humanitarian Program (SHP) visa; and
- the onshore component is reserved for people who arrive lawfully in Australia and are found to engage Australia's protection and non-refoulement (non-return) obligations.

The broad changes to HSP and AUSCO that will form the basis of the new HISP are:

- reducing offshore cultural orientation from five days to two days which links seamlessly to onshore orientation, generating cost savings;
- including pre-arrival assessment capture and relaying of information;
- changing the funding model to reduce number of payment points and incorporate more outcome focused payments;
- providing flexibility in service delivery; and
- enhancing economic participation through coordination and collaboration to better leverage employment initiatives/programs.

HISP Onshore Services will be provided to refugees who are resettled through offshore components of Australia's Humanitarian Program. Clients holding the following visas are eligible for HISP Onshore Services:

- Refugee Visa (Subclass 200);
- In-country Special Humanitarian (Subclass 201);
- Global Special Humanitarian (Subclass 202);
- Emergency Rescue Visa (Subclass 203);
- Woman at Risk (Subclass 204); and
- any other visas that the department or the relevant Minister determines at their discretion as notified from time to time.

The HISP is delivered on behalf of the Australian Government by contracted service providers located in each state and territory. Support is delivered to clients using an individualised case management approach tailored to their needs, strengths and goals. The types of support clients receive under the HISP may include:

- airport reception;
- short-term accommodation;
- referral to mainstream and specialist support services;
- connections to local community groups and activities;
- assistance to find long-term accommodation;
- help to learn English, gain employment and access to education and training; and
- orientation to Australia, including values and laws.

HISP service providers must apply a trauma-informed approach when delivering services to clients. This is because clients are likely to have experienced high levels of poverty, severe trauma, and suffer the health impacts arising from persecution, discrimination, displacement, nutritional deprivation and inadequate medical care. Homesickness, culture shock, a sense of social dislocation, and language barriers can also affect the ease with which clients settle in Australia.

A trauma-informed approach will have a particular focus on:

- creating a safe and welcoming environment;
- prioritising a client-centred approach in each client interaction;
- fostering an awareness of sensitivities and triggers that could lead to re-traumatisation; and
- accommodation of the cultural and linguistic needs of clients.

Some clients will have additional vulnerabilities which case managers will need to consider throughout the case management process. These client groups include children and young people, unaccompanied humanitarian minors and women.

Specialised and Intensive Services (SIS) is a component of the HSP available to humanitarian entrants and other eligible visa holders who have complex needs. SIS offer clients short-term needs-based support to help them access appropriate mainstream services and develop the necessary skills to manage their needs independently. To access SIS, eligible visa holders also must demonstrate an inability to independently engage with appropriate supports and be impacted by multiple and complex barriers that may include:

- disability;
- health needs that are severe, critical, long-term and/or unmanaged;
- mental health issues;
- homelessness or housing instability;
- domestic and family violence;
- child and youth welfare concerns;
- family and/or relationship breakdown;
- social isolation;
- financial hardship; and
- legal issues.

The offshore component of AUSCO will continue to be available under the new HISP. This component provides preliminary orientation services to Australia's Offshore Refugee and SHP clients. It offers practical advice about the journey to Australia and what to expect following arrival in Australia. It is delivered to eligible Refugee and SHP visa holders in Africa, South Asia, South-East Asia, the Middle East and Central and South America, and in other locations around the world, as required. The AUSCO curriculum is designed to give participants confidence and independence starting their new lives in Australia and is an opportunity for them to meet others making the same journey.

#### *Funding amount and arrangements, merits review and consultation*

Funding of \$20.9 million per year over three years from 2025-26 for this item will come from Program 2.3: Refugee, Humanitarian Settlement and Migrant Services, which is part of Outcome 2. Details are set out in the *Portfolio Budget Statements 2025-26, Budget Related Paper No. 1.10, Home Affairs Portfolio* at page 38, which shows funding as part of a broader program.

The department will procure a number of services to deliver the HISP including:

- preparing clients for travel to and starting their future life in Australia (supported through the delivery of AUSCO and pre-arrival services);
- receiving clients upon entry to Australia and assisting with their immediate arrival needs (supported through the delivery of onshore HISP services including immediate services such as on-arrival accommodation, essential registrations (for example Centrelink, Medicare and opening bank accounts), initial basic household goods and initial onshore orientation); and
- helping clients to become established within the Australian community, fostering a sense of belonging, security and safety (supported through the delivery of onshore HISP services such as case management, basic household goods, orientation and enabling services).

Funding will be administered in accordance with applicable legislative requirements under the PGPA Act, the PGPA Rule, the CPRs and the department's Accountable Authority Instructions. A range of procurement methods may be used such as open and limited tenders or procurements under existing arrangements. The selection of which procurement method to use will depend on the activity.

Procurement decisions will be made in accordance with the Commonwealth resource management framework, including the PGPA Act, the PGPA Rule and the CPRs. The department will provide an opportunity for suppliers and tenderers to make complaints if they wish, and to receive feedback. These complaints and enquiries can be made at any time during the procurement process and will be handled in accordance with probity requirements. Information about the tender and the resultant contracts will be made available on AusTender ([www.tenders.gov.au](http://www.tenders.gov.au)) once the contracts are signed. Procurement decisions will be based on value for money, including capability and capacity to deliver, and price and risk considerations.

Final spending decisions will be made by the Secretary of the department or an appropriate delegate under the FFSP Act. The delegate will perform their powers consistent with the PGPA Act, the FFSP Act and Accountable Authority Instructions. The delegate will be at the SES Band 1 level and have appropriate experience and knowledge to exercise this function.

Procurement decisions made in connection with the HISP are not considered suitable for independent merits review, as they are decisions relating to the allocation of a finite resource, from which all potential claims for a share of the resource cannot be met. In addition, any funding that has already been allocated would be affected if the original decision was overturned. The ARC has recognised that it is justifiable to exclude merits review in relation to decisions of this nature (see paragraphs 4.11 to 4.19 of the ARC guide).

The re-making of a procurement decision after entry into a contractual arrangement with a successful provider is legally complex, impractical, and could result in delays to providing services to platform users. The *Government Procurement (Judicial Review) Act 2018* enables suppliers to challenge some procurement processes for alleged breaches of certain procurement rules. This legislation might provide an additional avenue of redress (compensation or injunction) for dissatisfied providers or potential providers, depending on the circumstances.



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 undertook extensive consultation on the design of a new HISP to replace the HSP and AUSCO. Consultation began in 2022 to engage the sector and other stakeholders to ensure program changes reflect the needs of both clients and the settlement sector. This included three roundtables held by the then Minister for Immigration, Citizenship and Multicultural Affairs, with peak settlement organisations and service providers, including the Settlement Council of Australia (SCOA), existing HSP providers, and people with lived experiences as refugee and humanitarian entrants, to hear first-hand feedback and suggestions on how settlement services could be further enhanced. In addition, the department held seven focus groups in cities across Australia with people with lived experience, and conducted surveys of settlement service providers, including Settlement Engagement and Transition Support providers.

The views and feedback from this consultation process informed the development of a Request for Information (RFI), released on 17 November 2023, which sought input from the settlement sector and other stakeholders on the design of future settlement service programs. The RFI process provided the sector with the opportunity to have input into how settlement services should be delivered and the costs associated with that delivery to assist the department in developing its future design for the HISP and to inform its future approach to market.

In addition, the HISP Working Group, comprising officers from the department, the Chief Executive Officer (CEO) of SCOA and the CEO of Thrive Refugee Enterprise, was established in July 2024 to provide internal and external stakeholders the opportunity to come together to consult and validate the proposed reforms to the HISP with the broader settlement sector before an approach to market was undertaken for delivering the services. The Working Group was engaged to provide assurance to the department that the current high-level design of the HISP is practicable from a sector and client perspective and represents an improvement on the efficiency and effectiveness of current service delivery.

Feedback from the extensive consultation undertaken by the department will be used to inform the development of the approach to market for potential HISP providers.

### 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 aliens power (section 51(xix));
- the immigration and emigration power (section 51(xxvii)); and
- the external affairs power (section 51 (xxix)).

### *Aliens power*

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

The HISP will fund the provision of services to persons who are not Australian citizens and who have applied for, or been granted, certain visas, including to support their arrival and settlement into Australia, such as assistance with accommodation and essential registrations.

### *Immigration and emigration power*

Section 51(xxvii) empowers the Parliament to make laws with respect to ‘immigration and emigration’.

The HISP involves the provision of services to facilitate certain persons immigrating to Australia, including to support their settlement and integration, such as providing orientation to local services, and linkages to employment and education support.

### *External affairs power*

Section 51(xxix) of the Constitution empowers the Parliament to make laws with respect to ‘external affairs’. The external affairs power supports legislation with respect to matters or things outside the geographical limits of Australia.

The HISP involves the provision of offshore pre-arrival services to support persons preparing for resettlement to Australia. The program will be delivered to eligible refugee and SHP visa holders in Africa, South Asia, South-East Asia, the Middle East and Central and South America, and in other locations around the world, as required.

### Table item 751 – Strengthening Community Safety Program

New **table item 751** establishes legislative authority for government spending on the Strengthening Community Safety program (the program).

Funding of \$20.3 million over three years from 2025-26 will support local government entities to undertake a range of community crime prevention projects.

The program will implement the 2025 Federal election commitments under the ‘Strengthening Community Safety’ program in line with *Labor’s costed plan to Build Australia’s Future* to increase feelings of safety and security in the community.

The program’s objectives are to strengthen community safety in areas of responsibility of the identified local government bodies through the installation of new or upgraded security infrastructure. The intended outcomes of the program are to:

- contribute to enhanced community safety to promote the responsible and positive use of public spaces;
- contribute to greater community resilience and wellbeing by addressing crime, anti-social behaviour and other security risks; and
- help reduce the potential for fear of crime and aim to increase feelings of safety and positive community engagement more generally.

The program is intended to commence in November 2025. Eligible activities that can be funded under the program include the purchase and installation of new or upgraded security infrastructure such as closed-circuit television (CCTV) cameras, lighting, fencing and traffic control measures.

Eligible organisations are local government bodies identified by the Government and include:

- Ballina Shire Council;
- Burwood Council;
- Byron Shire Council;
- Cairns Regional Council;
- City of Canning;
- City of Casey;
- City of Greater Dandenong;
- City of Melton;
- City of Melville;
- City of Moreton Bay;
- City of Parramatta;
- City of Port Philip;
- City of Whittlesea;
- Cumberland Council;
- Frankston City Council;
- Hume City Council;
- Mitchell Shire;
- Moorabool Shire Council;
- Tweed Shire Council; and
- Whitehorse City Council.

#### Funding amount and arrangements, merits review and consultation

Funding of \$3.0 million for the program was included in the 2025 Pre-Election Economic and Fiscal Outlook under the measure ‘Supporting Social Cohesion’ for a period of three years commencing in 2025-26. Details are set out in the *Pre-Election Economic and Fiscal Outlook 2025* at pages 25 and 27.

Additional funding of \$17.3 million over three years from 2025-26 for the program will be included in the 2025-26 Mid-Year Economic and Fiscal Outlook and the Portfolio Additional Estimates Statements for the Home Affairs portfolio. Funding for the item will come from Program 1.2: National Security and Resilience – Administered, which is part of Outcome 1.

Funding will be provided through a closed, non-competitive grant process in accordance with the Commonwealth resource management framework, including the PGPA Act, the PGPA Rule and the CGRPs. Consistent with the CGRPs, the department will develop 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 made available on the GrantConnect website ([www.grants.gov.au](http://www.grants.gov.au)), and on [www.business.gov.au](http://www.business.gov.au). The grants will be administered by the Business Grants Hub, which is part of the Department of Industry, Science and Resources. The Minister for Home Affairs will be responsible for approving Commonwealth funding under the program.

Funding decisions for the program are not considered suitable for independent merits review because these decisions relate to the provision of one-off payments to certain service providers, over other service providers. In addition, any funding that has already been allocated would be affected if the original decision was overturned. The ARC has recognised that it is justifiable to exclude merits review in relation to decisions of this nature (see paragraphs 4.16 to 4.19 of the ARC guide).

The review and audit process undertaken by the ANAO 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.

Feedback from grantees that have received funding under previous programs similar in nature since 2013 have been positive, with a consensus of a further need for this type of funding to enhance feelings of community safety. The department has consulted with the Business Grants Hub who will administer grant payments on behalf of the department. The Business Grants Hub will further consult with the identified local government entities prior to execution of funding agreements to ensure appropriate infrastructure and locations are identified prior to the commencement of works and to inform the design of the grant opportunity.

Consultation with successful grantees will continue throughout the life of the grant agreement.

### Constitutional considerations

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

*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 Civil and Political Rights (ICCPR)*

Article 2 of the ICCPR [1980] ATS 23 requires States Parties to the convention to take the necessary steps to give effect to the rights recognised in the ICCPR. Article 9(1) indicates that 'Everyone has the right and liberty and security of a person'.

The program will support community crime prevention activities including the installation of security infrastructure (CCTV cameras, lighting, fencing and traffic control measures) which seek to promote community safety and security outcomes.

## **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 (Home Affairs Measures No. 4) Regulations 2025***

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 (Home Affairs Measures No. 4) 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 Department of Home Affairs (the department) and the National Emergency Management Agency.

This disallowable legislative instrument makes the following amendment to Part 2 of Schedule 1AB:

- adds table item 13 ‘Payments for activities that counter illicit tobacco’;

makes the following amendment to Part 3 of Schedule 1AB:

- adds table item 97 ‘Grant to Charles Darwin University’; and

makes the following amendments to Part 4 of Schedule 1AB:

- amends table item 513 ‘Community Refugee Integration and Settlement Program’;
- adds table item 750 ‘Humanitarian Integration and Settlement Program’; and
- adds table item 751 ‘Strengthening Community Safety’.

#### **Table item 13 – Payments for activities that counter illicit tobacco’**

Table item 13 establishes legislative authority for the Government to provide financial assistance to a state or territory for state or territory law enforcement agencies to undertake activities that counter illicit tobacco.

Funding of \$20.4 million over two years from 2025-26 will be provided for the Australian Border Force (ABF) within the department, to partner with states and territories to deliver a new compliance model to counter illicit tobacco the Illicit Tobacco Fee for Service Program (the program).

State and territory law enforcement agencies will be supported to engage in specific enforcement and compliance activities to counter serious organised crime infiltration of the illicit tobacco market, including:

- recruitment of additional personnel directly working on illicit tobacco;
- provision of materials and supplies to support operational delivery;
- capital including technology and equipment purchases/leases; and
- storage, transport and destruction and other activities with a clear nexus to combatting illicit tobacco.

The ABF has developed a robust monitoring and evaluation framework which includes intergovernmental agreements by ways of 'Letters of Exchange' with the states and territories. The Letters of Exchange will be high level and strategic in nature and will govern the general agreement between the parties. The Letters of Exchange will also require progress reports against the Key Performance Indicators for each funded activity and a full program acquittal at the end of the funding window.

The intended outcome of the program is for the Commonwealth and states and territories to work collaboratively to combat transnational serious organised crime threats to national security.

### **Human rights implications**

Table item 13 engages the right to health – Article 12 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), read with Article 2.

#### *Right to health*

Article 2(1) of the ICESCR requires each State Party to 'take steps... to the maximum of its available resources, with a view to achieving progressively the full realization' of the rights recognised in the ICESCR 'by all appropriate means, including particularly the adoption of legislative measures'.

Article 12 of the ICESCR relevantly states:

1. *The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.*
2. *The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:*  
[...]  
*(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;*  
*(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.*

The program supports Article 12 of the ICESCR by funding a range of enforcement, outreach, and education activities to counter the illicit tobacco trade. These initiatives aim to reduce the profitability of the illicit tobacco market, protect public revenue, and support public health outcomes. By enforcing compliance and countering the illicit tobacco trade, the program contributes to the realisation of the right to the highest attainable standard of physical and mental health.

Table item 13 is compatible with human rights because it promotes the protection of human rights.

Table item 97 – Grant to Charles Darwin University

Table item 97 establishes legislative authority for the Government to provide a grant to Charles Darwin University (CDU) to operate the North Australia and Rangelands Fire Information web service (the NAFI).

NAFI is a resource for viewing and tracking current fire activity in Australia's northern and remote areas. NAFI is used by the majority of land and fire managers in northern and central Australia. It provides historical and near real-time data on fires, along with high quality satellite-based maps of fire activity, digital tools that use this data, and training resources to help land managers and agencies across the rangelands to better manage bushfires in rural and remote areas.

Grant funding of \$0.7 million in 2025-26 will help sustain NAFI's critical role in supporting North and Central Australian land managers to manage the increasing severity and length of bushfire seasons driven by climate change. The objectives of the grant to CDU are as follows:

- providing accurate rangelands fire histories and analytical tools to enable effective fire management strategies for land managers;
- providing continuous operation of the NAFI website, mobile app and associated tools; and
- engagement and capacity building to improve fire management among rangelands fire managers through the use of NAFI tools and training resources.

## **Human rights implications**

Table item 97 engages the following rights:

- the right to an adequate standard of living – Article 11 of the ICESCR, read with Article 2;
- the right to health – Article 12 of the ICESCR; and
- the right to life – Article 6 of the *International Covenant on Civil and Political Rights* (ICCPR), read with Article 2.

Right to an adequate standard of living

Article 2(1) of the ICESCR requires each State Party to 'take steps... to the maximum of its available resources, with a view to achieving progressively the full realisation' of the rights recognised in the ICESCR 'by all appropriate means, including particularly the adoption of legislative measures'.



Article 11(1) of the ICESCR protects the right to an adequate standard of living, including adequate food, clothing and housing.

The grant will promote the right to an adequate standard of living by seeking to prevent and mitigate harm caused by fires in rural and remote areas.

The type of harm caused by fires is likely to impact on the standards of living of the wider community. For example, harm to plants, animals and the environment could impact on northern Australia's food production systems, food security and water supply. Widespread damage to property could impact access to, and supply of housing, potentially rendering residents homeless. Extensive damage to infrastructure or an essential service could impact individual access to medical services, sanitation and basic goods and services. The availability of burn scar and active fire activity information will enable governments, land managers and affected individuals to prepare for and respond to bushfires, which will mitigate these potential impacts on the community's standard of living.

### Right to health

Article 12(1) of the ICESCR provides for the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

The grant will promote this right by reducing the likelihood of bushfires and therefore reducing the health impacts associated with bushfires. Bushfires can result in negative health impacts such as respiratory and cardiovascular illness caused by smoke. Bushfires are also known to impact on the mental health of individuals affected by them. Efforts to reduce bushfire activity through the use of resources on the NAFI website would assist in reducing community-wide respiratory and cardiovascular illness and other related health conditions, as well as mitigating the impact bushfires have on affected individuals' mental health.

### Right to life

Article 2(2) of the ICCPR requires that each State Party 'undertakes to take the necessary steps... to adopt such legislative or other measures as may be necessary to give effect to the rights' recognised in the ICCPR.

The right to life in Article 6 of the ICCPR places a positive obligation on governments to take appropriate measures to protect the right to life of those within its jurisdiction.

A key objective of the grant is to promote the right to life by seeking to prevent and mitigate harm that is caused by natural disasters. Bushfires are notorious for resulting in loss of life and injury. Table item 97 will ensure funding to support access to burn scar information and fire activity which will enhance community's ability to respond to and prepare for bushfires which would otherwise cause harm to the life of an individual or group of individuals. The information will promote the preservation of life by:

- assisting to prevent or mitigate a greater proportion of the harm caused by bushfires; and
- enabling better planning and preparedness to prevent significant harm, including more efficient use of resources.

Table item 97 is compatible with human rights because it promotes the protection of human rights.

Amended table item 513 – Community Refugee Integration and Settlement Program

The amended table item 513 establishes legislative authority for government spending on the Community Refugee Integration and Settlement Program (CRISP).

The CRISP was initially established in 2022-23 as a four-year pilot. The objective of the CRISP remains unchanged and will continue to be to achieve strong integration outcomes through a community-supported settlement model that provides a dedicated settlement pathway for refugees and humanitarian entrants to Australia. International experience and evaluations of the CRISP pilot program in Australia highlight that this pathway has superior economic and social settlement outcomes for some cohorts.

Funding of \$3.5 million over three years from 2026-27 will be provided to support the CRISP which will operate as a dedicated settlement pathway for an initial cohort of 200 refugee entrants per annum, with capacity building measures for growth over time. At or after the grant of a Refugee category visa, these refugees will be matched with a community supporter group that will provide wraparound settlement and integration support. Refugees who have been referred to Australia by the United Nations High Commissioner for Refugees and have no family links in Australia can be supported under this program.

### **Human rights implications**

The amended table item 513 engages the following rights:

- the right to work – Article 6 of the ICESCR, read with Article 2 and Articles 1 to 4 of the International Labour Organization’s *Convention concerning Vocational Guidance and Vocational Training in the Development of Human Resources* (ILO Convention 142);
- the right to social security – Article 9 of the ICESCR;
- the right to an adequate standard of living – Article 11 of the ICESCR;
- the right to health – Article 12 of the ICESCR;
- the right to education – Article 13 of the ICESCR; and
- the right to non-discrimination and equality – Article 5 of the *International Convention on the Elimination of All Forms of Racial Discrimination* (CERD), read with Article 2.

### Right to work

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

Article 6 of the ICESCR states:

1. *The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.*

*2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.*

Further, Articles 1 to 4 of the ILO Convention 142 relate to the adoption and development of comprehensive and coordinated policies and programs of vocational guidance and training, including providing broadest possible information and guidance, which are closely linked with employment for all people.

The amended table item 513 will support participants to achieve steady economic, social and cultural development through the provision of wraparound support by community groups as well as access to government programs and services. Support provided by community groups will aid participants to secure work and training opportunities.

#### Right to social security

Article 9 of the ICESCR states:

*The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.*

As a settlement and integration program, the CRISP supports participants' rights to social security through the wraparound support provided by community groups and reinforced by access to government programs and services. Some of these services are specific to refugees and humanitarian entrants and their unique circumstances.

#### Right to an adequate standard of living

Article 11 of the ICESCR states:

*The States Parties to the present Covenant recognize 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. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.*

The amended table item 513 supports participants' rights to an adequate standard of living for themselves and their family through the wraparound support provided by community groups and reinforced by access to government programs and services, some specific to refugees and humanitarian entrants and their unique circumstances. Community groups will provide adequate food, clothing and housing as part of their provision of wraparound support. Aid from community groups to help participants find work, access training, and utilise their existing skills will allow participants to continually improve their living conditions.

### Right to health

Article 12 of the ICESCR states:

*The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.*

The amended table item 513 supports participants' rights to the highest attainable standard of physical and mental health through the wraparound support provided by community groups and reinforced by access to government programs and services, some specific to refugees and humanitarian entrants and their unique circumstances. This support includes access to health care services such as medical professionals and torture and trauma services where appropriate.

### Right to education

Article 13 of the ICESCR states:

*The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.*

The amended table item 513 supports participants' rights to education through the wraparound support provided by community groups and reinforced by access to government programs and services, some specific to refugees and humanitarian entrants and their unique circumstances. Community groups will ensure access to education for participants, including appropriate schooling for children, as part of their provision of wraparound support.

### Right to non-discrimination and equality

Article 2 of the CERD states:

- 1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races...*
- 2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.*

Article 5 of the CERD states:

*In compliance with the fundamental obligations laid down in article 2 of this Convention, 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, notably in the enjoyment of the following rights:*

- (e) Economic, social and cultural rights, in particular:*
  - (i) The rights to work*
  - (iii) The right to housing;*
  - (iv) The right to public health, medical care, social security and social services;*
  - (v) The right to education and training.*

The amended table item 513 will ensure the adequate development and protection of participants from various ethnic, cultural and social backgrounds through the wraparound support, as detailed above, provided by community groups and reinforced by access to government programs and services, some specific to refugees and humanitarian entrants and their unique circumstances.

The amended table item 513 is compatible with human rights because it promotes the protection of human rights.

#### Table item 750 – Humanitarian Integration and Settlement Program

Table item 750 establishes legislative authority for government spending on the Humanitarian Integration and Settlement Program (HISP).

Funding of \$20.9 million over three years from 2025-26 will support the HISP to deliver a newly designed settlement services model reforming Australia's delivery of humanitarian settlement services to refugees and humanitarian entrants. The model will implement a client-centric program that will provide enhanced service delivery to achieve significantly better social and economic client outcomes.

The overall objective of the HISP is to achieve better social and economic outcomes for refugees earlier in their settlement journeys. The new HISP will replace two current settlement programs, the Humanitarian Settlement Program (HSP – onshore component) and the Australian Cultural Orientation Program (AUSCO – offshore component), with an indicative start date of early 2026. Under HISP, there will be no change to the foundational elements that are currently provided under HSP and AUSCO, such as provision of immediate on-arrival services, accommodation assistance, assistance with essential registrations, orientation to local services, employment and education linkages. Rather, the enhancements under HISP relate to the approach to service delivery and the underpinning focus on outcomes.

## Human rights implications

Table item 750 engages the following rights:

- the rights of women to non-discrimination in education and employment – Articles 10 and 11 of the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW), read with Article 2;
- the right to work – Article 6 of the ICESCR, read with Article 2;
- the right to an adequate standard of living – Article 11 of the ICESCR and Article 27 of the *Convention on Rights of the Child* (CRC), read with Article 4;
- the right to education – Article 13 of the ICESCR and Article 28 of the CRC; and
- the rights of persons with disabilities to equality and non-discrimination, accessibility, in particular in regard to education, health and employment and the rights to an adequate standard of living and inclusion in community – Articles 5, 9, 19, 24, 25, 27, and 28 of the *Convention on the Rights of Persons with Disabilities* (CRPD), read with Article 4.

### Rights of women to non-discrimination in education and employment

Article 2 of the CEDAW requires States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women.

Article 10 of the CEDAW requires States Parties to take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education including the same conditions for career and vocational guidance, access to the same opportunities in relation to scholarships and other study, and access to programs of continuing education, including adult and functional literacy programs, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women.

Article 11 of the CEDAW requires States Parties to take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure the same rights, including employment opportunities, free choice of profession and employment, promotion, job security, and all benefits and conditions of service and the right to receive vocational training and retraining.

Women may be particularly vulnerable and face barriers to full economic or social participation based on cultural or family related factors or other pre-arrival experiences. This includes Woman at Risk (subclass 204) visa holders; a category of visa established to prioritise the protection of refugee women and their dependents who are in particularly vulnerable situations (e.g. in danger of victimisation, harassment or serious abuse because of their gender and living without the protection of a male relative).

Factors that may disadvantage women accessing settlement services can include:

- family breakdown and domestic, family and sexual violence (DFSV);
- caregiving responsibilities in the home;
- ensuring children begin and settle into schooling;
- social isolation and untreated trauma;

- low English proficiency as a result of not being able to attend Adult Migrant English Program (AMEP) classes, due to numerous other priorities and responsibilities; and
- costs related to matters such as driving lessons and acquiring licences and citizenship applications.

The HISP promotes women's rights to non-discrimination in education and employment by providing increased flexibility for individual case management, with a client-centric approach ensuring that settlement programs are more aligned with the complexity and multiplicity of the settlement needs of refugee and humanitarian entrant women and those of other eligible female migrants. HISP's outcomes-based funding model with built-in flexibility and reduced administrative burden provides a sustainable foundation for service delivery partners.

The HISP's client-centric approach enhances attention to women's needs and aspirations, with tailored responses aimed at lifting women's social and economic participation outcomes. The HISP will have an increased focus and emphasis on providing information regarding DFSV to ensure the issues around DFSV are proactively conveyed in a way that is comprehensively understood by humanitarian entrants, from the pre-arrival stage and after arrival in Australia.

Offshore pre-arrival curriculum in the AUSCO will bolster information around DFSV being contrary to Australian law and the implications of this. HISP service providers will be required to meet the HISP clients' on-arrival logistical needs, which may include the provision of a female interpreter for a Woman at Risk client.

HISP service providers will apply a trauma-informed approach when delivering services to clients, with a particular focus on:

- creating a safe and welcoming environment;
- prioritising a client-centred approach in each client interaction;
- fostering an awareness of sensitivities and triggers that could lead to re-traumatisation; and
- accommodation of the cultural and linguistic needs of clients.

Clients must be given the opportunity to communicate their needs in the language of their choice. It is essential that information is communicated accurately to clients and that cultural sensitivities and confidentiality are taken into account at all times. This is a key principle in applying a trauma-informed approach.

### Right to work

Article 2 of the ICESCR requires 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 Covenant by all appropriate means, including particularly the adoption of legislative measures.

Article 6 of the ICESCR provides that States Parties recognise the right to work and will take appropriate steps to safeguard and achieve the full realisation of the right to work, including through policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

HISP will have an increased focus on economic participation transforming payment models to give service providers greater flexibility for clients and providers in tailoring support to clients' individual settlement needs aligned with the pre-arrival assessment and case management plan. Service delivery will be focussed on the achievement of client outcomes rather than specific outputs, providing flexibility to deliver individualised services in a way that supports client's self-efficacy and self-agency. HISP will have an increased focus on effective coordination and collaboration in delivery of services to strengthen connections to local, state and federal funded employment initiatives, social enterprises with employment pathways.

HISP service providers are expected to:

- coordinate with specialist migrant employment support services or other employers, including those specified by the department such as social enterprises;
- work with specialist migrant employment support services and other interested businesses in the contract region, including those identified by the department, to identify employment opportunities for clients;
- identify employment opportunities (e.g. work experience, volunteering, jobs) offered by specialist migrant employment support services and other interested employers; and
- regularly engage with community service providers and Workforce Australia providers to coordinate service delivery to best support clients' economic participation outcomes.

#### Right to an adequate standard of living

Article 11 of the ICESCR provides that States Parties recognise the right of everyone to an adequate standard of living, and to the continuous improvement of living conditions.

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

Under Article 27 of the CRC, States Parties recognise the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development and that the State, in accordance with national measures and within their means, should help families who cannot afford to provide this.

HISP service providers, when interfacing with clients, will need to comply with the Client Interface Principles outlined below:

- i. Client-centred: outcome goals and activities are developed in collaboration with the client and are tailored to each client's needs and personal circumstances.
- ii. Respect: clients are individuals who have the inherent right of respect for their human worth and dignity.
- iii. Client participation: clients are active participants in the case management process.
- iv. Life strengths approach: each individual has strengths that must be the focus of the interaction between the case manager and the client. The delivery of settlement services must draw upon clients' strengths, with the aim of assisting clients to participate fully and independently in the Australian economy and society.



- v. Flexibility: settlement services are delivered in a way that suits the individual client's needs and are varied according to the changing needs of the client. This tailored case management approach identifies the need for, and prioritises, early intervention strategies as required.
- vi. Children and young people: the best interests of children and young people are considered a priority.
- vii. Sustainable client HISP outcomes: settlement services must focus on achieving sustainable client HISP outcomes by developing client skills and competency, supporting realistic expectations and transitioning clients to independence, other settlement services, and/or mainstream service systems.
- viii. Trauma-Informed: service provider personnel must apply a trauma-informed approach when delivering services to clients, with a particular focus on:
  - i. creating a safe and welcoming environment;
  - ii. prioritising a client-centred approach in each client interaction;
  - iii. fostering an awareness of sensitivities and triggers that could lead to re-traumatisation; and
  - iv. accommodation of the cultural and linguistic needs of clients.

Clients must be given the opportunity to communicate their needs in the language of their choice. It is essential that information is communicated accurately to clients and that cultural sensitivities and confidentiality are taken into account at all times. This is a key principle in applying a trauma-informed approach.

### *Right to an education*

Article 13 of the ICESCR provides that States Parties recognise the right of everyone to an education and will take appropriate steps to achieve the full realisation of this right, including by making vocational education available and accessible to all.

Article 28 of the CRC recognises a child's right to an education. In accordance with Article 1 of the CRC, the rights in the CRC apply to children under the age of 18. These rights are therefore relevant in situations where settlement services are provided to children under this age, including through their families.

### *Children and young people*

The HISP may include a high percentage of children and young people. Young people and children are often viewed as more readily able to adapt to Australian life than adults. However, they face the same resettlement stresses and can carry a greater degree of responsibility for family members during the resettlement transition period. Young people and children may struggle to fit into the mainstream education system or find suitable employment. These factors leave youth or children at risk of encountering settlement difficulties.

### *Unaccompanied Humanitarian Minors (UHM)*

UHM is the policy term for an unaccompanied minor who is residing in Australia on a visa determined by the department to be within the scope of the UHM program. Most UHMs hold a permanent visa under Australia's Humanitarian Program.

When supporting clients who are UHMs, HISP service providers must work in collaboration with other stakeholders that may also be providing services or support to the client (e.g. state or territory child welfare authorities or custodian) to ensure a UHM's care, welfare and settlement needs are being met at all times.

### *Right of people with disability*

Article 4 of the CRPD provides that States Parties undertake to ensure and promote the full realisation of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability.

Article 5 of the CRPD requires States Parties to recognise that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.

Article 9 of the CRPD requires States Parties to take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas.

Article 19 of the CRPD requires States Parties to recognise the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community.

Article 24 of the CRPD requires States Parties to recognise the right of persons with disabilities to education, and on the basis of equal opportunity, States Parties are to ensure an inclusive education system at all levels and life-long learning.

Article 25 of the CRPD requires States Parties to recognise that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability, and to take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation.

Article 27 of the CRPD requires States Parties to recognise the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities.

Article 28 of the CRPD requires States Parties to recognise the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realisation of this right without discrimination on the basis of disability.

Clients with complex settlement needs receive Specialised and Intensive Services (SIS); a component of the HSP that provides additional case management support to assist clients to access appropriate mainstream services and develop the necessary skills to manage their complex needs independently. Some clients in the HISP may have greater and/or more complex support needs beyond the typical settlement services level.

To enable greater flexibility and recognition of additional or specific service delivery requirements, service providers and/or referrers can request the department to approve providing SIS for clients with complex needs. HISP service providers must consider SIS client's needs and goals in relation to:

- social connections;
- housing;
- health and wellbeing;
- safety and security;
- language and digital literacy;
- education; and
- economic participation.

To best support the client, the service provider will:

- i. engage a language interpreter or translator as required whenever delivering settlement services;
- ii. consider the client's disability needs (where applicable) and tailor settlement service delivery;
- iii. consider the client's ability to understand and undertake activities related to the delivery of settlement services and tailor the approach where necessary; and
- iv. consider any other relevant client factors that necessitate adjustment to settlement services delivery.

Service providers will also be required to support eligible clients to access the National Disability Insurance Scheme (NDIS) assessments. Clients who have a disability or permanent impairment that requires disability-specific support to complete daily life activities may be eligible to receive support through the NDIS. Clients with a disability may require health assessments to support their NDIS application. If a client has a need for urgent disability support while waiting for NDIS support to commence, it may be appropriate for service providers to seek approval for costs.

Table item 750 is compatible with human rights because it promotes the protection of human rights.

#### Table item 751 – Strengthening Community Safety

Table item 750 establishes legislative authority for government spending on the Strengthening Community Safety program (the program).

Funding of \$20.3 million over three years from 2025-26 will support a range of local government entities to undertake community crime prevention projects. Eligible activities that can be funded under the program include the purchase and installation of new or upgraded security infrastructure such as closed-circuit television (CCTV) cameras, lighting, fencing and traffic control measures.

The program's objectives are to strengthen community safety in areas of responsibility of the identified local government entities through the installation of new or upgraded security infrastructure. The intended outcomes of the program are to:

- contribute to enhanced community safety to promote the responsible and positive use of public spaces;
- contribute to greater community resilience and wellbeing by addressing crime, anti-social behaviour and other security risks, and
- help reduce the potential for fear of crime and aim to increase feelings of safety and positive community engagement more generally.

### **Human rights implications**

Table item 751 engages the right to liberty and security of a person – Article 9 of the ICCPR, read with Article 2.

#### *Right to liberty and security of a person*

Article 2 of the ICCPR requires States Parties to take the necessary steps to give effect to the rights recognised in the ICCPR, including whereby it is necessary to adopt such laws or other measures to give effect to the rights recognised in the Covenant.

Article 9(1) of the ICCPR relatively states: 'Everyone has the right to liberty and security of person'.

The program promotes the right of security of a person by supporting activities aimed at enhancing the safety and security of people and communities. It does this by funding security infrastructure aimed at reducing rates of criminal and anti-social activity. These activities intend to improve the feeling of safety and security, while reducing the incidence of criminal activity within the Australian community.

Table item 751 is compatible with human rights because it promotes the protection of 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**