



# **Australian Research Council Act 2001**

**No. 8, 2001**

## **Compilation No. 26**

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Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### This compilation

This is a compilation of the *Australian Research Council Act 2001* that shows the text of the law as amended and in force on 2 April 2022 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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# **An Act to establish an Australian Research Council and to provide for the funding of research programs, and for related purposes**

## **Part 1—Preliminary**

### **1 Short title**

This Act may be cited as the *Australian Research Council Act 2001*.

### **2 Commencement**

- (1) Subject to subsection (2), this Act commences on a day to be fixed by Proclamation.
- (2) If this Act does not commence under subsection (1) within the period of 6 months beginning on the day on which it receives the Royal Assent, it commences on the first day after the end of that period.

### **3 Objects of Act**

The objects of this Act are:

- (a) to establish a body for the following purposes:
  - (i) the making of high quality recommendations to the Minister in relation to which research programs should receive financial assistance under Division 1 of Part 7;
  - (ii) the administration of the regimes of financial assistance provided for in Divisions 1 and 2 of Part 7;
  - (iii) the provision of high quality advice to the Minister about matters related to research; and
- (b) to provide for the funding of research programs.

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**4 Definitions**

In this Act:

*Account* means the ARC Research Endowment Account established by section 62.

*ARC* means the Australian Research Council established by section 5.

*CEO* means the Chief Executive Officer of the ARC referred to in section 33A.

*designated committee* has the meaning given by subsection 30(1).

*research program* means:

- (a) a program of research; or
- (b) a program that supports the conduct of a program of research.

*staff of the ARC* means the staff referred to in section 41.



## **Part 2—Australian Research Council**

### **5 Establishment of the ARC**

- (1) The Australian Research Council is established by this section.
- (2) The ARC consists of:
  - (a) the CEO; and
  - (b) the designated committees; and
  - (c) the staff of the ARC.
- (3) For the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*):
  - (a) the ARC is a listed entity; and
  - (b) the CEO is the accountable authority of the ARC; and
  - (c) the following persons are officials of the ARC:
    - (i) the CEO;
    - (ii) the members of the designated committees;
    - (iii) the staff of the ARC; and
  - (d) the purposes of the ARC include:
    - (i) the function of the ARC referred to in section 6; and
    - (ii) the functions of the designated committees referred to in section 31; and
    - (iii) the functions of the CEO referred to in section 33B.

### **6 Function of the ARC**

The function of the ARC (other than the CEO) is to assist the CEO in the performance of his or her functions.

## Part 4—Designated committees

### 30 Minister may establish designated committees

- (1) The Minister may establish a committee or committees (*designated committees*) to assist in carrying out the functions of the CEO.
- (2) The Minister may dissolve a designated committee at any time.

### 31 Functions of a designated committee

- (1) A designated committee has the functions determined in writing by the Minister.
- (2) In performing its functions, the committee must comply with any directions given to the committee by the Minister.

*Instruments not legislative instruments*

- (3) An instrument under this section is not a legislative instrument.

### 32 Appointment of designated committee members

- (1) A designated committee consists of the members appointed by the Minister.
- (2) The Minister must, in appointing members to a designated committee, try to ensure that the composition of the committee reflects the diversity of the interests in the matter or matters that the committee will be dealing with.
- (3) The Minister may designate a member of a designated committee as the Chair of the committee.

### 33 Terms and conditions of designated committee members

- (1) A member of a designated committee holds office for the period determined by the Minister.

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- (2) A member of a designated committee holds office on the terms and conditions (in relation to matters not otherwise covered by this Act) determined by the Minister.
- (3) A designated committee member may resign by giving the Minister a written resignation.
- (4) The Minister may at any time terminate the appointment of a designated committee member.

## **Part 5—Chief Executive Officer and staff of the ARC**

### **Division 1—Chief Executive Officer**

#### **Subdivision A—Establishment and functions**

##### **33A Establishment of the CEO**

There is to be a Chief Executive Officer of the ARC.

##### **33B Functions of the CEO**

The CEO has the following functions:

- (a) to make recommendations to the Minister under section 52 in relation to which proposals should be approved as deserving financial assistance under Division 1 of Part 7;
- (b) to administer the regimes of financial assistance provided for in Divisions 1 and 2 of Part 7;
- (c) to provide advice to the Minister on research matters;
- (d) any other functions conferred on the CEO by this or any other Act.

##### **33C Minister may direct CEO about performance of CEO's functions**

- (1) The Minister may, in writing, direct the CEO about the performance of the CEO's functions.
- (2) The Minister must not direct the CEO:
  - (a) to recommend that a particular proposal should, or should not, be approved as deserving financial assistance under Division 1 of Part 7; or
  - (b) in relation to the CEO's performance of functions, or exercise of powers, under the *Public Governance*,

*Performance and Accountability Act 2013* or as an Agency Head under the *Public Service Act 1999*.

- (3) Particulars of any directions given by the Minister under subsection (1) must be:
- (a) tabled in each House of the Parliament within 15 sitting days of that House after the direction is given; and
  - (b) included in the annual report, prepared by the CEO and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013*, for the period in which the direction is given.

Note: For more information about the ARC's annual report, see section 46 of this Act.

- (4) The CEO must comply with a direction under subsection (1).

*Directions are not legislative instruments*

- (5) A direction under subsection (1) is not a legislative instrument.

## **Subdivision B—Appointment, terms and conditions**

### **34 Appointment of the CEO**

- (1) The CEO is to be appointed by the Minister by written instrument for the period specified in the instrument. That period must not exceed 5 years.
- (2) The Minister must not appoint a person as CEO unless the Minister has considered the person's record in research and management.

### **35 Acting CEO**

The Minister may appoint a person to act as the CEO:

- (a) during a vacancy in the office of CEO (whether or not an appointment has previously been made to the office); or
- (b) during any period, or during all periods, when the CEO is absent from duty or from Australia, or is, for any reason, unable to perform the duties of the office.

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Note: For rules that apply to acting appointments, see section 33A of the *Acts Interpretation Act 1901*.

**36 CEO holds office on full-time basis**

The CEO holds office on a full-time basis.

**37 Remuneration and allowances of CEO**

- (1) The CEO is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the CEO is to be paid the remuneration that is prescribed by the regulations.
- (2) The CEO is to be paid the allowances that are prescribed by the regulations.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

**38 Other terms and conditions of CEO**

- (1) The CEO must not engage in paid employment outside the duties of the CEO's office without the Minister's approval.
- (2) The CEO holds office on the terms and conditions (in relation to matters not covered by this Act) that are determined by the Minister in writing.
- (3) The Minister may at any time, in writing, terminate the appointment of the CEO.

**39 Disclosure of interests**

Before starting to hold office, the CEO must give to the Minister a written statement of any interest the CEO has that may relate to the functions of the CEO.

Note: The CEO must also disclose interests under section 29 of the *Public Governance, Performance and Accountability Act 2013*.

#### **40 Resignation of CEO**

The CEO may resign his or her appointment by giving the Minister a written resignation.

## **Division 2—Staff of the ARC**

### **41 Staff to be engaged under Public Service Act etc.**

- (1) The staff of the ARC are to be persons engaged under the *Public Service Act 1999*.
- (2) For the purposes of the *Public Service Act 1999*:
  - (a) the CEO and the staff referred to in subsection (1) together constitute a Statutory Agency; and
  - (b) the CEO is the Head of that Statutory Agency.



## **Part 6—Reporting**

### **46 Annual report**

The annual report prepared by the CEO and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must also deal with:

- (a) any matters required by other provisions of this Act to be dealt with in the report; and
- (b) any other matters that the Minister, by notice in writing to the CEO, requires to be dealt with in the report.

Note: Other provisions of this Act that require matters to be dealt with in the report are subsection 33C(3) and section 45.

## Part 7—Funding of research

### Division 1—Financial assistance for approved research programs

#### Subdivision A—Preliminary

#### 47 Definitions

In this Division:

***approved amount***, in relation to a funding approval and a year to which the approval relates, means the amount determined under paragraph 51(2)(b) for the year and the funding proposal concerned.

***approved funding rules*** for a year to which this Division applies means the set of rules prepared by the CEO for that year under section 59 and approved by the Minister under section 60.

***funding approval*** means an instrument of approval under subsection 51(1).

***funding cap*** for a year to which this Division applies means the amount set out in section 49 for that year.

***funding proposal*** means a proposal that expenditure by an organisation on a research program be approved under subsection 51(1) as a proposal deserving financial assistance under this Division. A funding proposal may relate to a single year to which this Division applies or to 2 or more such years.

***funding split determination*** means a determination by the Minister under subsection 50(1) dividing the funding cap for a year to which this Division applies between 2 or more categories of research programs.

***governing funding rules***, in relation to a funding approval, means the approved funding rules referred to in paragraph 53(1)(c).

***year to which this Division applies*** means a year specified in section 48.

#### **48 Years to which Division applies**

- (1) This Division applies to the following years:
  - (a) the calendar year 2001;
  - (b) the calendar year 2002;
  - (c) the calendar year 2003.
  
- (2) This Division also applies to the following years:
  - (a) the financial year starting on 1 July 2004;
  - (b) the financial year starting on 1 July 2005;
  - (c) the financial year starting on 1 July 2006;
  - (d) the financial year starting on 1 July 2007;
  - (e) the financial year starting on 1 July 2008;
  - (f) the financial year starting on 1 July 2009;
  - (g) the financial year starting on 1 July 2010;
  - (h) the financial year starting on 1 July 2011;
  - (i) the financial year starting on 1 July 2012;
  - (j) the financial year starting on 1 July 2013;
  - (k) the financial year starting on 1 July 2014;
  - (l) the financial year starting on 1 July 2015;
  - (m) the financial year starting on 1 July 2016;
  - (n) the financial year starting on 1 July 2017;
  - (o) the financial year starting on 1 July 2018;
  - (p) the financial year starting on 1 July 2019;
  - (q) the financial year starting on 1 July 2020;
  - (r) the financial year starting on 1 July 2021;
  - (s) the financial year starting on 1 July 2022;
  - (t) the financial year starting on 1 July 2023;
  - (u) the financial year starting on 1 July 2024.

**Part 7** Funding of research

**Division 1** Financial assistance for approved research programs

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*First half of 2004 calendar year treated as a year*

- (3) This Division also applies in relation to the period starting at the start of 1 January 2004 and ending at the end of 30 June 2004 as if the period were a year.

**Subdivision B—Capping of funding**

**49 Annual cap on funding**

The total of all the approved amounts determined in respect of a year to which this Division applies must not exceed:

- (a) for the calendar year 2001—\$247,830,000; and
- (b) for the calendar year 2002—\$272,423,000; and
- (c) for the calendar year 2003—\$356,760,000; and
- (d) for the period treated by subsection 48(3) as a year—\$206,929,000; and
- (e) for the financial year starting on 1 July 2004—\$481,406,000; and
- (f) for the financial year starting on 1 July 2005—\$546,151,000; and
- (g) for the financial year starting on 1 July 2006—\$570,302,000; and
- (h) for the financial year starting on 1 July 2007—\$571,800,000; and
- (i) for the financial year starting on 1 July 2008—\$595,764,000; and
- (j) for the financial year starting on 1 July 2009—\$652,831,000; and
- (k) for the financial year starting on 1 July 2010—\$708,732,000; and
- (l) for the financial year starting on 1 July 2011—\$810,172,000; and
- (m) for the financial year starting on 1 July 2012—\$879,107,000; and

- (n) for the financial year starting on 1 July 2013—\$883,959,000;  
and
- (o) for the financial year starting on 1 July 2014—\$853,110,000;  
and
- (p) for the financial year starting on 1 July 2015—\$815,521,000;  
and
- (q) for the financial year starting on 1 July 2016—\$744,363,000;  
and
- (r) for the financial year starting on 1 July 2017—\$758,055,000;  
and
- (s) for the financial year starting on 1 July 2018—\$759,925,000;  
and
- (t) for the financial year starting on 1 July 2019—\$786,212,000;  
and
- (u) for the financial year starting on 1 July 2020—\$803,409,000;  
and
- (v) for the financial year starting on 1 July 2021—\$815,271,000;  
and
- (w) for the financial year starting on 1 July 2022—\$815,288,000;  
and
- (x) for the financial year starting on 1 July 2023—\$812,207,000;  
and
- (y) for the financial year starting on 1 July 2024—\$811,169,000.

#### **50 Minister must divide funding caps between different categories of research programs**

- (1) The Minister must, in writing, determine that the funding cap for a year to which this Division applies is to be divided, in such proportions as the Minister specifies in the determination, between such categories of research programs as the Minister specifies in the determination.
- (1A) The Minister may specify in a determination under subsection (1) proportions in a specified range for each of 2 or more categories of research programs specified in the determination. A range specified for a category must be specified as a range of percentages

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of the funding cap with reference to a single percentage (the *specified percentage*) of the cap, so the lower end of the range is not more than 5% (of the cap) less than the specified percentage and the higher end of the range is not more than 5% (of the cap) greater than the specified percentage. If one of the following things is consistent with one proportion in the range specified for the relevant category, the thing is taken to be consistent with the determination for the purposes of this Division:

- (a) approval of a funding proposal;
  - (b) variation of a funding approval;
  - (c) rules prepared under section 59.
- (2) The determination for a year must be made before the start of that year.
  - (3) The Minister may, in writing, vary a determination for a year (but only in a way so that the varied determination will still comply with subsection(1)).
  - (4) The Minister may, in a single instrument, make a determination covering 2 or more years to which this Division applies.

### Subdivision C—Provision of financial assistance

#### 51 Approval of expenditure on research programs

- (1) Subject to section 53, the Minister may, in writing, approve a proposal for expenditure by an organisation (the *approved organisation*) on a research program (the *approved program*) as a proposal deserving financial assistance under this Division in respect of a year to which this Division applies, or in respect of each of 2 or more such years.
- (2) If the Minister approves the proposal, the Minister must, in writing, for the year, or each of the years, in respect of which the proposal is approved, determine:
  - (a) an amount as the estimated total expenditure on the proposal for the year; and

- (b) an amount of approved expenditure in relation to the proposal for the year.

The amount of approved expenditure on the proposal for a year must not be greater than the amount of estimated total expenditure on the proposal for the year.

Note: If the proposal is approved in respect of 2 or more years, different amounts may be determined in respect of different years.

- (3) The Minister must cause a copy of the determination under paragraph (2)(b) to be laid before each House of the Parliament within 15 sitting days of that House after the day on which the determination is made.
- (4) The instrument of approval under subsection (1) must include the following information:
- (a) the name of the approved organisation;
  - (b) a description of the approved research program;
  - (c) the name and title of the person leading the approved research program;
  - (d) the amount determined under paragraph (2)(b) in relation to the year, or each of the years, for which the approved program is approved.

## **52 Recommendations by CEO in relation to approval of proposals**

- (1) Subject to section 53, the CEO must make recommendations to the Minister in relation to the following matters in respect of each year to which this Division applies:
- (a) what proposals should be approved under subsection 51(1) and what proposals should not be approved;
  - (b) what amounts should be determined under paragraphs 51(2)(a) and (b) in respect of proposals recommended by the CEO for approval.
- (3) The recommendation that the CEO makes in relation to a particular proposal for expenditure on a research program (whether it is a recommendation that the proposal should be approved under

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subsection 51(1) or should not be so approved) must include the following information:

- (a) the name of the organisation seeking financial assistance for the proposal;
  - (b) a description of the research program;
  - (c) the name and title of the person leading the research program;
  - (d) a statement of the reasons why the proposal is, or is not, recommended for approval under subsection 51(1).
- (4) In deciding what proposals to approve under subsection 51(1), the Minister may (but is not required to) rely solely on recommendations made by the CEO under subsection (1) of this section.

Note: Decisions by the CEO to make recommendations to the Minister are reviewable under the *Administrative Decisions (Judicial Review) Act 1977*, and the CEO may be requested to give a statement of reasons under section 13 of that Act.

**53 Requirements for approval or recommendation of proposals**

- (1) Subject to subsection (2), a funding proposal must not be approved under subsection 51(1), or recommended by the CEO under subsection 52(1) for such approval, as deserving financial assistance under this Division in respect of a year to which this Division applies unless:
- (a) the approval of the proposal would be consistent with the funding cap for the year, or each of the years, to which the proposal relates; and
  - (b) the Minister has made a funding split determination in relation to the year, or each of the years, to which the proposal relates and the approval of the proposal would be consistent with that determination; and
  - (c) a set of approved funding rules for the year, or the first of the years, to which the proposal relates is in force; and
  - (d) the eligibility criteria set out in those approved funding rules are satisfied in relation to the proposal; and



- (e) the application for financial assistance for the proposal satisfies the requirements set out in those approved funding rules; and
  - (f) the assessment process set out in those approved funding rules has been complied with in relation to the proposal.
- (2) If, after a recommendation is made in relation to a proposal and before the Minister decides whether to approve the proposal, there is a variation of:
- (a) the funding split determination for the year, or any of the years, to which the proposal relates; or
  - (b) the governing funding rules in relation to the recommendation;
- the Minister must, in making that decision, disregard that variation and have regard to the funding split determination, or the funding rules, (as the case requires) as in force when the recommendation was made.
- (3) If an approval or recommendation relating to a proposal is, when given, in accordance with this section, the validity or effectiveness of the approval or recommendation is not affected by:
- (a) any subsequent variation of:
    - (i) the funding split determination for the year, or any of the years, to which the proposal relates; or
    - (ii) the governing funding rules; or
  - (b) if the proposal relates to 2 or more years—the subsequent making and approval of a set of funding rules for the second or a later one of those years.

#### **54 Variation of funding approvals**

- (1) Subject to subsection (2), the Minister may, in writing, vary a funding approval as provided for in the governing funding rules.
- (2) A variation of a funding approval:
  - (a) must be consistent with:

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- (i) the funding cap for the year, or each of the years, to which the approval relates; and
  - (ii) the funding split determination for the year, or each of the years, to which the approval relates; and
- (b) cannot vary the approved amount for a year to which the approval relates to make it less than the amount of financial assistance (including advances) that has already been paid under this Division pursuant to the approval in respect of that year.

**55 Payment of financial assistance for approved research programs**

- (1) This section applies if, under section 51, the Minister approves a proposal for expenditure by an organisation on a research program in respect of a year, or each of 2 or more years, to which this Division applies.
- (2) Subject to subsections (3) and (4), there is payable to the organisation, for the purpose of financial assistance in respect of expenditure incurred or to be incurred by the organisation in connection with the proposal in respect of the year, or each of the years, an amount equal to the approved amount in relation to the proposal and the year, or each of the years.
- (3) The financial assistance is not payable at a time after any of the following things happen:
- (a) the organisation's involvement with the research program ends;
  - (b) the research program changes so that it is no longer consistent with the description in the funding approval;
  - (c) the person named in the funding approval as the person leading the research program ceases to lead the program.
- Note: It may be possible to vary the funding approval to accommodate a change that would otherwise result in the financial assistance ceasing to be payable because of this subsection (see section 54).
- (4) The financial assistance is to be paid in such amounts, and at such times, as the Minister determines.

## **56 Advances**

- (1) The Minister may make arrangements for the making of advances by the Minister to an organisation, by way of financial assistance to the organisation, on account of an amount that is expected to become payable under section 55 in respect of a research program and a year to which this Division applies.
- (2) An advance so paid to the organisation is paid:
  - (a) subject to the conditions specified in paragraphs 58(1)(a) to (e), which apply to the advance as if it were an actual payment of financial assistance under section 55 in respect of the research program and the year; and
  - (b) such other conditions as the Minister imposes by notice in writing to the organisation.

## **57 Source of payments**

The Consolidated Revenue Fund is appropriated for the purpose of paying financial assistance under section 55 and advances under section 56.

## **58 Conditions of payment of financial assistance**

- (1) Financial assistance under section 55 in relation to a proposal for expenditure by an organisation on a research program in respect of a year to which this Division applies is paid to the organisation subject to the following conditions:
  - (a) the sum of the amounts spent by the organisation in connection with the proposal in respect of the year (being amounts spent before the end of the year or spent after the year in respect of commitments entered into before the end of the year) must not be less than the sum of the amounts of financial assistance paid to the organisation under section 55 in relation to the proposal in respect of the year;
  - (b) the organisation must give the Minister, not more than 6 months after the end of an accounting period of the organisation that includes part or all of the year, a statement

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by a qualified auditor in an approved form as to the amounts spent as described in paragraph (a) in respect of so much of the year as is included in the accounting period;

- (c) if the Minister informs the organisation that the Minister is satisfied that the organisation has failed to fulfil a condition applicable to the financial assistance, the organisation will pay to the Commonwealth the amount (if any) specified by the Minister, not exceeding the amount of the financial assistance;
- (d) if the amount of the financial assistance paid to the organisation exceeds the amount of the financial assistance that is properly payable to the organisation, the organisation will pay an amount equal to the excess to the Commonwealth;
- (e) despite paragraph (d), if:
  - (i) the organisation fails to spend all of that financial assistance as required by this Division (including the other conditions) in respect of the year; and
  - (ii) the Minister determines that this paragraph is to apply in relation to the organisation in respect of the year;so much of the unspent amount as the Minister specifies will be taken to have been paid to the organisation under section 55 in respect of the next following year under similar conditions to the conditions of the original payment or under other conditions determined by the Minister;
- (f) the organisation will comply with any applicable additional accountability requirements specified in the governing funding rules;
- (g) such other conditions as the Minister imposes by notice in writing to the applicant.

(2) In this section:

***approved form*** means a form approved in writing by the Minister for the purposes of paragraph (1)(b).

***qualified auditor*** means:

- (a) the Auditor-General of a State, of the Australian Capital Territory or of the Northern Territory; or
- (b) a person registered as a company auditor or a public accountant under a law in force in a State, the Australian Capital Territory or the Northern Territory; or
- (c) a member of Chartered Accountants Australia and New Zealand, or of the Australian Society of Certified Practising Accountants; or
- (d) a person approved by the Minister in writing as a qualified auditor for the purposes of this Act.

### **Subdivision D—Funding rules**

#### **59 CEO to prepare rules**

- (1) The CEO must, before the start of each year to which this Division applies, prepare a set of rules dealing with the matters set out in subsection (2) for funding proposals that relate to that year, or that relate to that year and to one or more later years to which this Division applies, and give it to the Minister for approval under section 60.
- (2) The matters that must be dealt with in the rules are as follows:
  - (a) the eligibility criteria to be met in order for a proposal to be approved for financial assistance (including criteria relating to the kinds of organisation that may receive assistance and the kinds of research program in respect of which assistance may be provided);
  - (b) how to apply for financial assistance;
  - (c) the assessment process for deciding which proposals will be recommended for approval;
  - (d) the ways in which, and circumstances in which, a funding approval may be varied;
  - (e) any additional accountability requirements that the CEO thinks desirable.

The rules may also deal with such other matters as the CEO considers appropriate.

**Part 7** Funding of research

**Division 1** Financial assistance for approved research programs

**Section 60**

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- (3) The rules must be in writing.
- (4) The rules must take account of, and be consistent with:
  - (a) the funding cap for the year, or each of the years, to which the rules apply; and
  - (b) the funding split determination for the year, or each of the years, to which the rules apply.
- (5) The rules take effect from the time determined by the CEO, which must not be a time before the rules have been approved by the Minister.

**60 Ministerial approval of rules**

- (1) After receiving a set of rules (or a revised set of rules) from the CEO, the Minister must either:
  - (a) approve the set of rules; or
  - (b) give the set of rules back to the CEO with a written request for the CEO to give the Minister a set of rules (prepared in accordance with section 59), revised to take account of specified concerns of the Minister.
- (2) If the Minister requests the CEO to give him or her a revised set of rules, the CEO must do so as soon as reasonably practicable.
- (3) A set of rules is of no effect unless it has been approved by the Minister.

*Approved rules are legislative instruments*

- (4) A set of rules made by the Minister on the day on which it is approved is a legislative instrument.

Note: The rules are not subject to disallowance: see regulations made for the purposes of paragraph 44(2)(b) of the *Legislation Act 2003*.

## **61 Variation of rules**

- (1) If the CEO considers that a variation of a set of approved funding rules is necessary or desirable, the CEO may, with the approval of the Minister, vary the set of rules.
- (2) The circumstances in which a variation of a set of approved funding rules is necessary include (but are not limited to) the following:
  - (a) there is a change in the amount of the funding cap for the year, or any of the years, to which the rules apply and the rules are not consistent with the changed funding cap;
  - (b) the funding split determination for the year, or any of the years, to which the rules apply is varied and the rules are not consistent with the varied determination.
- (3) A variation of a set of rules is of no effect unless the variation has been approved by the Minister.

## Division 2—The ARC Research Endowment Account

### 62 Establishment of ARC Research Endowment Account

- (1) The ARC Research Endowment Account is established by this section.
- (2) The Account is a special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*.

### 63 Credits to Account

Amounts that are given or bequeathed for the purposes of the Account must be credited to the Account.

Note: An Appropriation Act provides for amounts to be credited to a special account if any of the purposes of the special account is a purpose that is covered by an item in the Appropriation Act.

### 64 Purposes of Account

- (1) Amounts standing to the credit of the Account may be expended by the CEO on providing financial assistance to organisations for eligible research programs if the following conditions are satisfied:
  - (a) if a funding proposal for that financial assistance were proposed under Division 1, that proposal would satisfy the eligibility criteria set out in the approved funding rules for the year in which expenditure occurs; and
  - (b) the Minister has, in writing, approved the expenditure.
- (2) In this section, *approved funding rules* and *funding proposal* have the same meanings as they have in Division 1.

### 65 Terms and conditions of financial assistance

Financial assistance under section 64 is provided on such terms and conditions (if any) as are determined by the CEO, with the written



approval of the Minister, by notice in writing to the organisation to which the assistance is provided.

## Part 8—Miscellaneous

### 66 Delegation

- (1) The Minister may, in writing, delegate all or any of the Minister's powers or functions under Division 1 of Part 7 (except sections 50 and 51 and Subdivision D) to the CEO or a member of the staff referred to in section 41.
- (2) The CEO may, in writing, delegate all or any of the CEO's powers or functions (including powers or functions delegated to the CEO by the Minister) to a member of the staff of the ARC who:
  - (a) is an SES employee or acting SES employee; or
  - (b) holds, or is acting in, an Executive Level 2, or equivalent, position.
- (3) A delegate must exercise a power delegated by the Minister or the CEO in accordance with any directions of the Minister or the CEO, as the case requires.

### 67 Regulations

The Governor-General may make regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

## Endnotes

### Endnote 1—About the endnotes

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be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

**Endnote 2—Abbreviation key**

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

## Endnotes

### Endnote 3—Legislation history

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### Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Australian Research Council Act 2001	8, 2001	22 Mar 2001	1 July 2001 (s 2(1) and gaz 2001, No GN25)	
Higher Education Funding Amendment Act 2001	86, 2001	18 July 2001	Sch 1 (items 1–3): 18 July 2001 (s 2(1))	—
Higher Education Legislation Amendment Act (No. 2) 2002	78, 2002	8 Oct 2002	Sch 2: 8 Oct 2002 (s 2)	—
Higher Education Funding Amendment Act 2002	87, 2002	21 Oct 2002	Sch 2: 21 Oct 2002 (s 2(1) item 6)	—
Higher Education Legislation Amendment Act 2003	87, 2003	23 Sept 2003	Sch 2: 23 Sept 2003 (s 2)	Sch 2 (items 4, 12, 19, 21)
Higher Education Legislation Amendment Act (No. 3) 2004	157, 2004	17 Dec 2004	Sch 4: 17 Dec 2004 (s 2(1) item 7)	—
Financial Framework Legislation Amendment Act (No. 1) 2006	30, 2006	6 Apr 2006	Sch 1 (item 21): 7 Apr 2006 (s 2(1) item 2)	—
Australian Research Council Amendment Act 2006	87, 2006	30 June 2006	Sch 1 and 2: 1 July 2006 (s 2(1) items 2, 3)	Sch 1 (items 43–51)
Higher Education Legislation Amendment (2006 Budget and Other Measures) Act 2006	121, 2006	4 Nov 2006	Sch 9: 4 Nov 2006 (s 2(1) item 6)	—

## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Higher Education Legislation Amendment (2007 Budget Measures) Act 2007	119, 2007	28 June 2007	Sch 9: 28 June 2007 (s 2(1) item 9)	—
Australian Research Council Amendment Act 2008	107, 2008	18 Oct 2008	18 Oct 2008 (s 2)	—
Australian Research Council Amendment Act 2010	49, 2010	31 May 2010	31 May 2010 (s 2)	—
Australian Research Council Amendment Act (No. 1) 2011	30, 2011	25 May 2011	25 May 2011 (s 2)	—
Acts Interpretation Amendment Act 2011	46, 2011	27 June 2011	Sch 2 (items 239–241) and Sch 3 (items 10, 11): 27 Dec 2011 (s 2(1) items 3, 12)	Sch 3 (items 10, 11)
Australian Research Council Amendment Act 2012	40, 2012	15 Apr 2012	15 Apr 2012 (s 2)	—
Higher Education Support Amendment (Maximum Payment Amounts and Other Measures) Act 2012	156, 2012	17 Nov 2012	Sch 2: 18 Nov 2012 (s 2)	—
Australian Research Council Amendment Act 2014	1, 2014	28 Feb 2014	1 Mar 2014 (s 2)	—

## Endnotes

### Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014	62, 2014	30 June 2014	Sch 6 (item 27), Sch 7 (items 418–436) and Sch 14: 1 July 2014 (s 2(1) items 6, 14)	Sch 14
<b>as amended by</b>				
Public Governance and Resources Legislation Amendment Act (No. 1) 2015	36, 2015	13 Apr 2015	Sch 2 (items 7–9) and Sch 7: 14 Apr 2015 (s 2)	Sch 7
<b>as amended by</b>				
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 486): 5 Mar 2016 (s 2(1) item 2)	—
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 495): 5 Mar 2016 (s 2(1) item 2)	—
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 58): 5 Mar 2016 (s 2(1) item 2)	—
Higher Education Legislation Amendment (Miscellaneous Measures) Act 2015	160, 2015	30 Nov 2015	Sch 6: 1 Dec 2015 (s 2(1) item 3)	—



## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Education and Other Legislation Amendment Act (No. 1) 2017	31, 2017	12 Apr 2017	Sch 2: 13 Apr 2017 (s 2(1) item 3)	—
Statute Update (Autumn 2018) Act 2018	41, 2018	22 May 2018	Sch 2 (item 2): 19 June 2018 (s 2(1) item 4)	—
Australian Research Council Amendment Act 2018	54, 2018	28 June 2018	29 June 2018 (s 2(1) item 1)	—
Australian Research Council Amendment Act 2020	7, 2020	26 Feb 2020	27 Feb 2020 (s 2(1) item 1)	—
Education Legislation Amendment (2021 Measures No. 1) Act 2021	39, 2021	27 May 2021	Sch 1: 28 May 2021 (s 2(1) item 1)	—
Australian Research Council Amendment Act 2022	29, 2022	1 Apr 2022	2 Apr 2022 (s 2(1) item 1)	—

## Endnotes

### Endnote 4—Amendment history

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#### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
<b>Part 1</b>	
s 3 .....	am No 87, 2006
s 4 .....	am No 78, 2002
	rs No 87, 2006
	am No 62, 2014
<b>Part 2</b>	
Part 2 .....	rs No 87, 2006
s 5 .....	rs No 87, 2006
	am No 62, 2014
s 6 .....	rs No 87, 2006
s 7 .....	rep No 87, 2006
Part 3 .....	rep No 87, 2006
s 8–11 .....	rep No 87, 2006
s 12 .....	am No 87, 2003
	rep No 87, 2006
s 13–26 .....	rep No 87, 2006
s 27 .....	am No 87, 2003
	rep No 87, 2006
s 28 .....	rep No 87, 2006
s 29 .....	am No 87, 2003
	rep No 87, 2006
<b>Part 4</b>	
Part 4 .....	rs No 87, 2006
s 30 .....	am No 78, 2002
	rs No 87, 2006
s 31 .....	rs No 87, 2006
s 32 .....	am No 78, 2002; No 87, 2003
	rs No 87, 2006

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## Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
s 33 .....	am No 78, 2002 rs No 87, 2006
<b>Part 5</b>	
Part 5 heading.....	rs No 87, 2006
<b>Division 1</b>	
<b>Subdivision A</b>	
Subdivision A.....	ad No 87, 2006
s 33A .....	ad No 87, 2006
s 33B .....	ad No 87, 2006
s 33C .....	ad No 87, 2006 am No 62, 2014
<b>Subdivision B</b>	
Subdivision B heading.....	ad No 87, 2006
s 34 .....	rs No 87, 2006
s 35 .....	am No 46, 2011
s 38 .....	am No 87, 2006
s 39 .....	rs No 87, 2006 am No 62, 2014
<b>Division 2</b>	
Division 2 heading.....	rs No 87, 2006
s 41 .....	am No 87, 2006
<b>Part 6</b>	
Part 6 heading.....	rs No 160, 2015
Division 1 heading.....	rs No 62, 2014 rep No 160, 2015
Division 1 .....	rep No 160, 2015
s 42 .....	am No 87, 2006 rs No 62, 2014 rep No 160, 2015
s 43 .....	am No 87, 2006; No 62, 2014 rep No 160, 2015

## Endnotes

### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
s 44 .....	am No 87, 2006; No 62, 2014 rep No 160, 2015
s 45 .....	am No 87, 2006 rs No 62, 2014 rep No 160, 2015
Division 2 heading.....	rep No 160, 2015
s 46 .....	am No 87, 2006 rs No 62, 2014
<b>Part 7</b>	
<b>Division 1</b>	
<b>Subdivision A</b>	
s 47 .....	am No 87, 2006
s 48 .....	am No 86, 2001; Nos 78 and 87, 2002; No 87, 2003; No 157, 2004; No 87, 2006; No 119, 2007; No 107, 2008; No 49, 2010; No 30, 2011; Nos 40 and 156, 2012; No 1, 2014; No 160, 2015; No 31, 2017; No 54, 2018; No 7, 2020; No 39, 2021; No 29, 2022
<b>Subdivision B</b>	
s 49 .....	am No 86, 2001; Nos 78 and 87, 2002; No 87, 2003; No 157, 2004; Nos 87 and 121, 2006; No 119, 2007; No 107, 2008; No 49, 2010; No 30, 2011; Nos 40 and 156, 2012; No 1, 2014; No 160, 2015; No 31, 2017; No 54, 2018; No 7, 2020; No 39, 2021; No 29, 2022 ed C26
s 50 .....	am No 87, 2003
<b>Subdivision C</b>	
s 52 .....	am No 87, 2006
s 53 .....	am No 87, 2003; No 87, 2006
s 58 .....	am No 87, 2003; No 41, 2018
<b>Subdivision D</b>	
s 59 .....	am No 87, 2006
s 60 .....	am No 87, 2006; No 126, 2015
s 61 .....	am No 87, 2006
<b>Division 2</b>	

## Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
s 62 .....	am No 62, 2014
s 63 .....	rs No 30, 2006 am No 62, 2014
s 64 .....	am No 87, 2006
s 65 .....	am No 87, 2006
<b>Part 8</b>	
s 66 .....	am No 87, 2003; No 87, 2006

## Endnotes

### Endnote 5—Editorial changes

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#### **Endnote 5—Editorial changes**

In preparing this compilation for registration, the following kinds of editorial change(s) were made under the *Legislation Act 2003*.

#### **Paragraph 49(x)**

##### **Kind of editorial change**

Change to grammar, syntax or the use of conjunctives or disjunctives

##### **Details of editorial change**

Schedule 1 item 5 of the *Australian Research Council Amendment Act 2022* instructs to insert paragraph (y) at the end of section 49.

The word “and” is missing at the end of paragraph 49(x).

This compilation was editorially changed to insert the word “and” at the end of paragraph 49(x) to bring it into line with legislative drafting practice.