

## **REPLACEMENT EXPLANATORY STATEMENT**

Grant Guidelines made under section 60 of the *Australian Research Council Act 2001*

Grant Guidelines for schemes under the Linkage Program 2022— Industry Fellowships Program (IFP) Grants Guidelines.

Issued by the authority of the Minister for Education

**Subject:** *Australian Research Council Act 2001*— Grant Guidelines for schemes under the Linkage Program 2022— Industry Fellowships Program (IFP) Grants Guidelines

### **Authority**

Section 60 of the *Australian Research Council Act 2001* (the Act) provides that the Minister must approve ARC Grant Guidelines.

### **Purpose and effect**

The instrument is a legislative instrument for the purposes of the *Legislation Act 2003* (the LA). These Grant Guidelines relate to a scheme funded under the Linkage Program 2022— Industry Fellowships Program (IFP) Grants Guidelines. The Industry Fellowships Program provides funding for researchers to develop cutting edge innovations and apply their research to addressing industry challenges. The fellowships will provide industry with increased access to individuals with strong technical skills, knowledge and research capacity. They will also support universities to bolster their capacity for research commercialisation and translation.

In accordance with subsection 59 (2) of the Act, the Grant Guidelines for the scheme under the Linkage Program Guidelines 2022 — Industry Fellowships Program (IFP) Grants Guidelines for funding commencing in 2022 contains:

- (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; and
- (e) any additional accountability requirements that the ARC thinks desirable.

In accordance with subsection 59 (4) of the Act, the Grant Guidelines for the scheme under the Linkage Program 2022— Industry Fellowships Program (IFP) Grants Guidelines take account of, and are 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.

The Grant Guidelines for the scheme under the Linkage Program 2022— Industry Fellowships Program (IFP) Grants Guidelines were approved by the Minister for Education, the Hon Jason Clare MP, on 26 August 2022.

### **Documents incorporated by Reference**

The following documents are incorporated by reference:

- ARC Medical Research Policy available on the [ARC website](#)
- Conflict of Interest and Confidentiality available on the [ARC website](#)
- ARC Open Access Policy available on the [ARC website](#)
- Australian Code for the Responsible Conduct of Research
- Public Service Code of Conduct (Section 13(7)) of the *Public Service Act 1999*
- Guidelines to Counter Foreign Interference in the Australian University Sector available on the [Department of Education website](#).

## **Commencement**

The Grant Guidelines for the scheme under the Linkage Program 2022— Industry Fellowships Program (IFP) Grants Guidelines shall take effect upon registration on the Federal Register of Legislative Instruments.

## **The provisions**

These Guidelines contain information relating to the Grant Guidelines for the scheme under the Linkage Program 2022— Industry Fellowships Program (IFP) Grants Guidelines, this includes: grant amount, eligibility, assessment criteria, application process and delivery or grant activities.

## **Consultation**

The ARC consulted with the Department of Finance and the Department of Prime Minister and Cabinet and they have determined the Grant Guidelines as low risk.

### Consultation outside Government

The ARC consulted widely with stakeholders outside of government in developing the Industry Fellowship Program Grant Guidelines and other policy documents for the Industry Fellowship Program.

The following groups were among those invited to participate in consultations, and provided valuable feedback into the design of the schemes:

- Deputy Vice Chancellors for Research (from all Australian Universities)
- Universities Australia
- STA Australia
- Research Australia
- Australian Academy of Sciences Early and Mid-Career Researcher Forum
- Australian Academy of Technology and Engineering
- Women in STEMM Australia
- Australian Council of Learned Academies
- Australian Industry Group
- Business Council of Australia
- Australian Chamber of Commerce and Industry
- Council of Small Business Organisations Association
- Industry Growth Centres
- Co-operative Research Centres
- Former members of the ARC College of Experts
- Indigenous Business Australia
- Engineers Australia
- Australian Institute of Company Directors

Many other individual researchers and experts from both university and industry (research translation) settings also participated in the consultations. The Australian Research Council Advisory Committee, constituted of expert members from a range of fields, were consulted on the development of the guidelines.

## **Regulatory Impact Statement**

These Grant Guidelines include a number of measures that reduce regulatory burden on the higher education sector. This includes coordination with the National Health and Medical Research Council (NHMRC) to produce a timeline that minimises the burden on the sector in relation to preparation and submission of proposals.

## **Statement of compatibility with human rights**

Section 9(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* requires the rule maker in relation to a legislative instrument to which section 42 (disallowance) of the LA applies to cause a statement of compatibility to be prepared in respect of that legislative instrument.

The legislative instrument does not engage any of the applicable rights or freedoms. It is compatible with human rights, as it does not raise any human rights issues.

### **Senate Standing Order 23 (4a) – Standing Committee for the Scrutiny of Delegated Legislation**

The Industry Fellowships Program (IFP) Grants Guidelines is exempt from disallowance because it is an instrument containing a set of rules made under section 60 of the *Australian Research Council Act 2001* (ARC Act) and, Section 10, Item 7 of the *Legislation (exemption and other matters) Regulations 2015*, relevantly provides that legislative instruments made under section 60 of the ARC Act are not subject to disallowance.

The application of section 10, Item 7 of the *Legislation (exemption and other matters) Regulations 2015* to the Guidelines, allowing for exemption from disallowance, is appropriate because the legislative instrument was made in accordance with the enabling Act, the Legislation Act and other applicable Acts and does not contain matter more appropriate for an Act of Parliament.

### **Legislation (exemption and other matters) Regulations 2015**

Section 10 – Particular legislative instruments that are not subject to disallowance

Item 7 – Legislative Instruments:

- (a) A rule made under section 60 of the Australian Research Council Act 2001; and
- (b) A variation of a set of rules made under section 61 of the Act.