

EXPLANATORY STATEMENT

Grant Guidelines made under section 60 of the *Australian Research Council Act 2001* **Discovery Program Grant Guidelines (2023 edition): Discovery Indigenous**

Issued by the authority of the Minister for Education

Subject: *Australian Research Council Act 2001* - Discovery Program Grant Guidelines (2023 edition): Discovery Indigenous

Authority

Section 60 of the *Australian Research Council Act 2001* (the Act) provides that the Minister must approve Australian Research Council (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 schemes funded under the Discovery Program of the National Competitive Grants Program. The Discovery Program supports the growth of Australia's research and innovation capacity, which generates new knowledge resulting in the development of new technologies, products and ideas, the creation of jobs, economic growth and an enhanced quality of life in Australia. In particular, these rules relate to the Discovery Indigenous scheme.

In accordance with subsection 59 (2) of the Act, the Discovery Program Grant Guidelines (2023 edition): Discovery Indigenous contain:

- (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 programme 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 Discovery Program Grant Guidelines (2023 edition): Discovery Indigenous 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 Discovery Program Grant Guidelines (2023 edition): Discovery Indigenous was approved by the Minister for Education, the Hon Jason Clare MP on 15 November 2023.

Documents incorporated by reference

The following documents are incorporated by reference:

- ARC Medical Research Policy available on the [ARC website \(as at December 2022\) previous versions available](#)
- Conflict of Interest and Confidentiality available on the [ARC website \(as at December 2023\) previous versions available](#)
- ARC Open Access Policy available on the [ARC website \(as at June 2023\) previous versions available](#)
- Australian Code for the Responsible Conduct of Research available on the [NHMRC website \(as at 2018\) previous versions available](#)

- ARC Research Integrity Policy available on the [ARC website \(as at September 2023\) previous versions available](#)

Commencement

The Discovery Program Grant Guidelines (2023 edition): Discovery Indigenous shall take effect on the day after registration on the Federal Register of Legislation.

The provisions include:

These Grant Guidelines contain information relating to the Discovery Program including: 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.

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 Discovery Program Grant Guidelines (2023 edition) 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;
- (b) A variation of a setoff rules made under section 61 of the Act.