Australian Research Council Act 2001

No. 8, 2001 as amended

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About this compilation

This compilation

This is a compilation of the *Australian Research Council Act 2001* as in force on 1 July 2014. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on 31 July 2014.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of each amended provision.

Uncommenced amendments

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

Application, saving and transitional provisions for provisions and amendments

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

Modifications

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

Provisions ceasing to have effect

If a provision of the compiled law has expired or otherwise ceased to have effect 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.

4 Definitions

In this Act:
Part 1 Preliminary

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*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.
(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.
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(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.

Note: For rules that apply to acting appointments, see section 33A of the Acts Interpretation Act 1901.
Part 5  Chief Executive Officer and staff of the ARC
Division 1  Chief Executive Officer

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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—Planning and reporting

Division 1—Corporate plans

42 Corporate plans

(1) The CEO must give to the Minister for approval the corporate plan prepared under section 35 of the Public Governance, Performance and Accountability Act 2013.

(2) Without limiting that section (or the rules made for the purposes of that section), the plan must deal with any matters that the Minister, by notice in writing to the CEO, requires to be dealt with in the plan.

43 Ministerial approval of corporate plans

(1) After receiving a corporate plan (or a revised corporate plan) from the CEO, the Minister must either:
   (a) approve the plan; or
   (b) give the plan back to the CEO with a written request for the CEO to give the Minister a corporate plan (prepared in accordance with section 42) for the same period, revised to take account of specified concerns of the Minister.

(2) If the Minister requests the CEO to give him or her a revised corporate plan, the CEO must do so as soon as reasonably practicable.

(3) The Minister must cause a copy of a corporate plan that he or she has approved to be laid before each House of the Parliament within 15 sitting days of that House after that approval.

(4) A corporate plan is of no effect unless it has been approved by the Minister.
44 Variation of corporate plans

(1) If the CEO considers that a variation of a corporate plan is necessary or desirable, the CEO may, with the approval of the Minister, vary the corporate plan.

(2) The Minister must cause a copy of a variation that he or she has approved to be laid before each House of the Parliament within 15 sitting days of that House after that approval.

(3) A variation of a corporate plan is of no effect unless the variation has been approved by the Minister.

45 Annual report to include assessment of CEO’s performance using performance indicators in corporate plan

(1) The annual report referred to in section 46 for a period must include an assessment of the CEO’s performance of his or her functions during that period.

(2) The performance indicators set out in the corporate plan as required by the rules made for the purposes of section 35 of the Public Governance, Performance and Accountability Act 2013 must be used in making that assessment.

Note: For more information about the ARC’s annual report, see section 46 of this Act.
Division 2—Annual report

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).
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.

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
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(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—$783,253,000; and
(q) for the financial year starting on 1 July 2016—$716,205,000.

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 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.
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(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 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
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(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 by a qualified auditor in an approved form as to the amounts spent by the organisation in connection with the proposal.
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
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(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 the Institute of Chartered Accountants in Australia, 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.

(3) The rules must be in writing.

(4) The rules must take account of, and be consistent with:

Australian Research Council Act 2001

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Part 7 Funding of research
Division 1 Financial assistance for approved research programs

Section 60

(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 subsection 44(2) of the Legislative Instruments 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:
Section 61

(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.
Part 7  Funding of research
Division 2  The ARC Research Endowment Account

Section 62

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 details of the history of this legislation and its provisions. The following endnotes are included in each compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history
Endnote 5—Uncommenced amendments
Endnote 6—Modifications
Endnote 7—Misdescribed amendments
Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word “none” will appear in square brackets after the endnote heading.

Abbreviation key—Endnote 2
The abbreviation key in this endnote 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 the compiled law. The information includes commencement information for amending laws and details of 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 level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

Uncommenced amendments—Endnote 5
The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in endnote 5.
Endnotes

Endnote 1—About the endnotes

Modifications—Endnote 6
If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

Misdescribed amendments—Endnote 7
An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

Miscellaneous—Endnote 8
Endnote 8 includes any additional information that may be helpful for a reader of the compilation.
Endnotes

Endnote 2—Abbreviation key

**Endnote 2—Abbreviation key**

ad = added or inserted
am = amended
c = clause(s)
Ch = Chapter(s)
def = definition(s)
Dict = Dictionary
disallowed = disallowed by Parliament
Div = Division(s)
exp = expired or ceased to have effect
hdg = heading(s)
LI = Legislative Instrument
LIA = *Legislative Instruments Act 2003*
mod = modified/modification
No = Number(s)
o = order(s)
Ord = Ordinance
orig = original
par = paragraph(s)/subparagraph(s)
    /sub-subparagraph(s)

pres = present
prev = previous
(prev) = previously
Pt = Part(s)
r = regulation(s)/rule(s)
reloc = relocated
renum = renumbered
rep = repealed
rs = repealed and substituted
s = section(s)
Sch = Schedule(s)
Sdiv = Subdivision(s)
SLI = Select Legislative Instrument
SR = Statutory Rules
Sub-Ch = Sub-Chapter(s)
SubPt = Subpart(s)

ComLaw Authoritative Act C2014C00523
## Endnote 3—Legislation history

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<th>Act</th>
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32 Australian Research Council Act 2001
**Endnote 4—Amendment history**

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34 Australian Research Council Act 2001
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| s. 46              | am. No 87, 2006 |
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| 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 |

**Subdivision 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 |
| s. 50              | am. No. 87, 2003 |

**Subdivision C**

| Heading to s. 52   | am. No 87, 2006 |
| s. 52             | am. No 87, 2006 |
| Note to s. 52(4)  | am. No 87, 2006 |
| s. 53             | am. No. 87, 2003; No 87, 2006 |
| s. 58             | am. No. 87, 2003 |
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Endnote 5—Uncommenced amendments [none]

Endnote 6—Modifications [none]

Endnote 7—Misdescribed amendments [none]

Endnote 8—Miscellaneous [none]