

EXPLANATORY STATEMENT

Variation to Funding Rules made under section 60 of the Australian Research Council Act 2001

Special Research Initiatives

Issued by the authority of the Minister for Education

Authority

Section 61(1) of the *Australian Research Council Act 2001* provides that 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.

Purpose and effect

On 18 February 2008, the *Special Research Initiatives Funding Rules for funding commencing in 2008-2009 or 2009-2010* (Funding Rules) were approved under section 60 of the Act.

The Funding Rules were varied by three variation instruments:

- *Special Research Initiatives* Funding Rules for funding commencing in 2008-2009 or 2009-2010 Variation (No.1) (FRLI: F2009L02868) (date approved 27 May 2009)
- *Special Research Initiatives* Funding Rules for funding commencing in 2008-2009 or 2009-2010 Variation (No.2) (FRLI: F2009L02303) (date approved 26 May 2009), and
- *Special Research Initiatives* Funding Rules for funding commencing in 2008-2009 or 2009-2010 Variation (No.2) (FRLI: 2009L02869) (date approved 29 May 2009).

The three variation instruments were all registered on the Federal Register of Legislative Instruments on 28 July 2009 and commenced simultaneously on 29 July 2009 as a consequence of the operation of s 12(1)(d) of the *Legislative Instruments Act 2003*. As a consequence of all three instruments seeking to vary Appendix 2 at the same time, there is uncertainty about what version of Appendix 2 is the law.

The Australian Research Council has administered the Funding Rules on the basis that the version of Appendix 2 that is the law is the version appearing in *Special Research Initiatives* Funding Rules for funding commencing in 2008-2009 or 2009-2010 Variation (No.2) (FRLI: F2009L02303). This variation clarifies which version of Appendix 2 is the current law.

Commencement

This variation takes effect from 26 May 2009.

Retrospective commencement is appropriate in this instance to clarify which version of Appendix 2 is the law. This variation does not breach s 12(2) of the *Legislative Instruments Act 2003*.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Special Research Initiatives Funding Rules for funding commencing in 2008-2009 or 2009-2010 Variation (No. 1) 2014

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Bill/Legislative Instrument

The *Special Research Initiatives Funding Rules for funding commencing in 2008-2009 or 2009-2010 Variation (No. 1) 2014* inserts a new Appendix 2 into *Special Research Initiatives Funding Rules for funding commencing in 2008-2009 or 2009-2010*. This variation clarifies which version of Appendix 2 is the current law following the commencement of 3 legislative instruments which varied Appendix 2 at the same time.

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Bill/Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

Christopher Pyne
Minister for Education