



Industry Research and Development (Thermochemical Conversion Technology Trial Facility Program) Instrument 2020

I, Angus Taylor, Minister for Energy and Emissions Reduction, make the following instrument.

Dated 12 November 2020

Angus Taylor
Minister for Energy and Emissions Reduction

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1 Name

This instrument is the *Industry Research and Development (Thermochemical Conversion Technology Trial Facility Program) Instrument 2020*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
|---------------------------------|--|------------------|
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | The day after this instrument is registered. | 14 November 2020 |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under section 33 of the *Industry Research and Development Act 1986*.

4 Definitions

In this instrument:

Act means the *Industry Research and Development Act 1986*.

Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal means the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal done at Basel on 22 March 1989.

Note: The Convention is in Australian Treaty Series 1992 No. 7 ([1992] ATS 7) and could in 2020 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

International Covenant on Economic, Social and Cultural Rights means the International Covenant on Economic, Social and Cultural Rights done at New York on 16 December 1966.

Note: The Covenant is in Australian Treaty Series 1976 No. 5 ([1976] ATS 5) and could in 2020 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

program: see subsection 5(1).

5 Prescribed program

- (1) For the purposes of subsection 33(1) of the Act, the Thermochemical Conversion Technology Trial Facility Program (the *program*) is prescribed.
- (2) The program provides funding to ARI Global Technologies Australasia Pty Ltd for the purpose of assisting it to carry out steps preliminary to the construction and operation of a thermochemical conversion technology trial facility for the disposal of asbestos waste, including by:
 - (a) undertaking planning and risk assessment; and
 - (b) identifying and assessing possible sites for the facility; and
 - (c) acquiring a site for the facility; and
 - (d) obtaining regulatory approvals to operate the facility.

6 Specified legislative power

For the purposes of subsection 33(3) of the Act, the powers of the Parliament to make laws with respect to the following are specified:

- (a) foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth (within the meaning of paragraph 51(xx) of the Constitution);
- (b) external affairs (within the meaning of paragraph 51(xxix) of the Constitution) as it relates to measures that would assist Australia to meet its obligations under either or both of the following:
 - (i) the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, particularly Articles 1, 2 and 4;
 - (ii) the International Covenant on Economic, Social and Cultural Rights, particularly Articles 2 and 12;
- (c) enterprises and activities that are peculiarly adapted to the government of a nation and cannot otherwise be carried on for the benefit of the nation.