

Industry Research and Development (Refinery Upgrades Program) Instrument 2021

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

Dated 8 September 2021

Angus Taylor

Minister for Energy and Emissions Reduction

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1 Name

 This instrument is the *Industry Research and Development (Refinery Upgrades Program) Instrument 2021*.

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. | 15 September 2021 |

Note: This table relates only to the provisions of this instrument as originally made.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*.

***program***: see subsection 5(1).

5 Prescribed program

 (1) For the purposes of subsection 33(1) of the Act, the Refinery Upgrades Program (the ***program***) is prescribed.

 (2) The program provides funding to support the upgrading of petroleum refineries so that they can produce fuel consistent with improved fuel quality standards and improve the efficiency of their production.

 (3) The purpose of the program is to:

 (a) support fuel security; and

 (b) bring forward the benefits of improved fuel quality standards.

6 Specified legislative power

 For the purposes of subsection 33(3) of the Act, the power of the Parliament under paragraph 51(xx) of the Constitution to make laws with respect to foreign corporations and trading or financial corporations formed within the limits of the Commonwealth is specified.

7  Eligibility criteria relating to program

 For the purposes of subsection 33(4) of the Act, the eligibility criteria relating to the program include the requirement that an applicant:

 (a) is a trading or financial corporation to which paragraph 51(xx) of the Constitution applies; and

 (b) must confirm in writing that the petroleum refinery to be upgraded is expected to continue to operate until at least 30 June 2027; and

 (c) must declare in writing the understanding that, when an arrangement under section 34 of the Act for the program is entered into, the applicant will consent to obligations under that arrangement relating to the requirement for the applicant to make repayments if the petroleum refinery ceases to operate before 30 June 2027*.*