



# **Industry Research and Development (Northern Australia Development Program) Instrument 2021**

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I, David Littleproud, as delegate for the Minister for Industry, Science and Technology, make the following instrument.

Dated 27 October 2021

David Littleproud  
Minister for Agriculture and Northern Australia

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## 1 Name

This instrument is the *Industry Research and Development (Northern Australia Development 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.	3 November 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Note: This table relates only to the provisions of this instrument as originally made.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*.

**International Covenant on Economic, Social and Cultural Rights** means the Covenant of that name 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 2021 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

**International Labour Organization's Convention concerning Employment Policy** means the Convention of that name done at Geneva on 9 July 1964.

Note: The Convention is in Australian Treaty Series 1970 No. 17 ([1970] ATS 17) and could in 2021 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 Northern Australia Development Program (the *program*) is prescribed.
- (2) The program supports job creation and business growth, including business resilience and innovation, in existing and new industries in Northern Australia by funding:
  - (a) businesses to:
    - (i) scale up or diversify their activities; or
    - (ii) establish a new industry; or
    - (iii) grow the value of an existing industry; and
  - (b) advisory services to assist businesses to strengthen their impact.

## 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) postal, telegraphic, telephonic, and other like services (within the meaning of paragraph 51(v) of the Constitution);
- (b) foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth (within the meaning of paragraph 51(xx) of the Constitution);
- (c) the people of any race for whom it is deemed necessary to make special laws (within the meaning of paragraph 51(xxvi) of the Constitution);
- (d) 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 one or more of the following:
  - (i) the International Covenant on Economic, Social and Cultural Rights, particularly Articles 2 and 6;
  - (ii) the International Labour Organization's Convention concerning Employment Policy, particularly Articles 1 and 2;
- (e) the government of a Territory (within the meaning of section 122 of the Constitution).

## 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 requirements that:

- (a) applicants for funding referred to in paragraph 5(2)(a) must be trading or financial corporations to which paragraph 51(xx) of the Constitution applies; and
- (b) providers of advisory services referred to in paragraph 5(2)(b) must be foreign, trading or financial corporations to which paragraph 51(xx) of the Constitution applies.