



Industry Research and Development (Diesel Exhaust Fluid Emergency Stockpile Program) Instrument 2022

I, the Hon Chris Bowen MP, as delegate of the Minister for Industry and Science, make the following instrument.

Dated 10 November 2022

Chris Bowen
Minister for Climate Change and Energy

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1 Name

This instrument is *the Industry Research and Development (Diesel Exhaust Fluid Emergency Stockpile Program) Instrument 2022*.

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.	

Note: This table relates only to the provisions of this instrument as originally made.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

DEF means Diesel Exhaust Fluid.

program: see subsection 5(1).

TGU means technical grade urea.

5 Prescribed program

- (1) For the purposes of subsection 33(1) of the Act, the Diesel Exhaust Fluid Emergency Stockpile Program (the *program*) is prescribed.
- (2) The program provides funding for the Commonwealth to procure and manage an emergency stockpile of TGU, including funds associated with selling the emergency stockpile of TGU (or parts of it).
- (3) The purpose of the program is to prepare for, and allow the Commonwealth to respond to, an anticipated disruption in the supply of DEF, in order to reduce the

likelihood and severity of harmful economic and social impacts resulting from any such disruption (noting that DEF is necessary for the operation of key transport and logistics services across Australia).

6 Other constitutional bases of this instrument

- (1) In addition to its effect apart from this section, this instrument also has the effect as provided by this section.

Trade and commerce

- (2) This instrument also has the effect it would have if references to procuring, managing and selling were expressly confined to procuring, managing and selling in order to protect or facilitate:
- (a) trade or commerce between Australia and places outside Australia; or
 - (b) trade or commerce among the States; or
 - (c) trade or commerce within a Territory, between a State and a Territory or between 2 Territories.

Territories

- (3) This instrument also has the effect it would have if references to procuring, managing and selling were expressly confined to procuring, managing and selling within the limits of a Territory.

7 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) trade and commerce with other countries, and among the States (within the meaning of paragraph 51(i) of the Constitution);
- (b) 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 (see paragraph 51(xxxix) and section 61 of the Constitution);
- (c) the government of a Territory (within the meaning of section 122 of the Constitution).