



Industry Research and Development (National Rail Manufacturing Advocate Program) Instrument 2023

I, Ed Husic, Minister for Industry and Science, make the following instrument.

Dated: 15 June 2023

Ed Husic
Minister for Industry and Science

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1 Name

This instrument is the *Industry Research and Development (National Rail Manufacturing Advocate Program) Instrument 2023*.

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Note: This table relates only to the provisions of this instrument as originally made.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

Advocate: see paragraph 5(2)(a).

Australian rail industry business means a business that:

- (a) produces or trades in goods or services that are intended for use in, or in connection with, the rail industry; and
- (b) is carried on wholly or primarily in or from Australia.

constitutional trade or commerce means trade or commerce:

- (a) between Australia and a place outside Australia; or
- (b) among the States; or
- (c) between a State and a Territory; or
- (d) between 2 Territories; or
- (e) within a Territory.

program: see subsection 5(1).

5 Prescribed program

- (1) For the purposes of subsection 33(1) of the Act, the National Rail Manufacturing Advocate Program (the *program*) is prescribed.
- (2) The program is:
 - (a) to establish a position called the National Rail Manufacturing Advocate (the *Advocate*); and
 - (b) for the Commonwealth to contract with a person, as required from time to time, to fill the position; and
 - (c) to facilitate and enable the Advocate's ongoing performance of the responsibilities specified in subsection (3).
- (3) For the purposes of paragraph (2)(c), the following responsibilities of the Advocate are specified:
 - (a) to support Australian rail industry businesses to:
 - (i) access export opportunities in overseas markets; and
 - (ii) access procurement opportunities in, or in connection with, constitutional trade or commerce; and
 - (iii) participate in national and global supply chains in, or in connection with, constitutional trade or commerce; and
 - (iv) use innovations or technologies that improve their systems, products or operations in, or in connection with, constitutional trade or commerce; and
 - (b) to identify, and support the adoption of, innovations or technologies for use in, or in connection with, constitutional trade or commerce in the rail industry; and
 - (c) to consult or engage with governments, research bodies, participants in the rail industry or any other person for the purpose of performing the responsibilities in paragraphs (a) or (b).

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