

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Note: This table relates only to the provisions of this instrument as originally made.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