

Industry Research and Development (Capacity Investment Scheme Program) Instrument 2023

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

Dated 7 November 2023

Chris Bowen

Minister for Climate Change and Energy

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1 Name

 This instrument is the *Industry Research and Development (Capacity Investment Scheme 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Note: This table relates only to the provisions of this instrument as originally made.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*.

***Kyoto Protocol*** means the Kyoto Protocol to the United Nations Framework Convention on Climate Change, done at Kyoto on 11 December 1997, as in force for Australia from time to time.

Note:          The Protocol is in Australian Treaty Series 2008 No. 2 ([2008] ATS 2) and could in 2023 be viewed in the Australian Treaties Library on the AustLII website (http://www.austlii.edu.au).

***Paris Agreement*** means the Paris Agreement, done at Paris on 12 December 2015, as in force for Australia from time to time.

Note:          The Agreement is in Australian Treaty Series 2016 No. 24 ([2016] ATS 24) and could in 2023 be viewed in the Australian Treaties Library on the AustLII website (http://www.austlii.edu.au).

***program***:see subsection 5(1).

***United Nations Framework Convention on Climate Change*** means the United Nations Framework Convention on Climate Change, done at New York on 9 May 1992, as in force for Australia from time to time.

Note:          The Convention is in Australian Treaty Series 1994 No. 2 ([1994] ATS 2) and could in 2023 be viewed in the Australian Treaties Library on the AustLII website (http://www.austlii.edu.au).

5 Prescribed program

 (1) For the purposes of subsection 33(1) of the Act, the Capacity Investment Scheme Program(the ***program***) is prescribed.

 (2) The program provides underwriting for dispatchable renewable generation and storage projects in South Australia and Victoria.

 (3) The purpose of the program is to encourage new investment in clean dispatchable capacity and support reliability.

6 Specified legislative power

 For the purposes of subsection 33(3) of the Act, the power of the Parliament to make laws with respect to external affairs (within the meaning of paragraph 51(xxix) of the Constitution), as it relates to measures to give effect to Australia’s obligations under one or more of the following, is specified:

1. the Kyoto Protocol, particularly Article 10;
2. the Paris Agreement, particularly Article 4;
3. the United Nations Framework Convention on Climate Change, particularly Article 4.