**EXPLANATORY STATEMENT**

Issued by the authority of the Minister for Industry and Innovation

*Industry Research and Development Act 1986*

*Industry Research and Development (Australian Made Makes Australia Program) Instrument 2025*

**Purpose and Operation**

Section 33 of the *Industry Research and Development Act 1986* (the IR&D Act) provides a mechanism for the Minister to prescribe programs, by disallowable legislative instrument, in relation to industry, innovation, science or research, including in relation to the expenditure of Commonwealth money under such programs.

The statutory framework provided by section 33 of the IR&D Act enables a level of flexibility to provide authority for Commonwealth spending activities in relation to industry, innovation, science and research programs. This allows the Government to respond quickly and appropriately to the need to implement innovative ideas and pilot programs on an ongoing basis and as opportunities arise. Prescribing programs in legislative instruments provides transparency and parliamentary oversight of Government programs and spending activities, whilst reducing administrative burden on the Commonwealth.

Once a program is prescribed by the Minister under section 33, subsection 34(1) allows the Commonwealth to make, vary or administer arrangements in relation to activities under the prescribed program. Arrangements may include contracts, funding agreements or other arrangements, and may provide for money to be payable by the Commonwealth to one or more third parties. The power conferred on the Commonwealth by subsection 34(1) may be exercised on behalf of the Commonwealth by a Minister or an accountable authority of a non‑corporate Commonwealth entity, or by their delegate (under section 36).

The purpose of the *Industry Research and Development (Australian Made Makes Australia Program) Instrument 2025* (the Legislative Instrument) is to prescribe the Australian Made Makes Australia Program (the Program). The Program provides $20 million as part of the Australian Government’s commitment to promote the Australian Made, Australian Grown (AMAG) logo and the purchase of products made or grown in Australia, on the internet, television or radio. The program will provide funding to Australian Made Campaign Ltd (AMCL) to:

* promote uptake, use and awareness of the AMAG logo; and
* promote the purchase of products carrying the AMAG logo; and
* subsidise the licence fee payable for use of the AMAG logo; and
* generally promote the purchase of products made or grown in Australia, on the internet, television or radio.

Funding is available to AMCL to undertake eligible projects to promote the AMAG logo.

Funding authorised by this Legislative Instrument comes from Program 1.1 as set out in the 2025-26 Portfolio Budget Statement of the Department of the Prime Minister and Cabinet.

The Program will be designed and delivered by the Department’s Business Grants Hub, which is a specialised design, management and delivery body with extensive expertise and capability in designing and delivering similar programs.

The Program is administered by the Department in accordance with the *Commonwealth Grant Rules and Guidelines 2024* (https://www.legislation.gov.au/F2024L00854/latest/text).

A Senior Executive Service officer within the Department will approve the grant in accordance with the AMMA grant opportunity guidelines.

As this is a one-off, *ad ho*c grant that supports the implementation of policy decisions made by the government, the grant will be made to AMCL and will not be subject to merits review. They have been identified as the recipient because:

* it has a well-established record of delivering the same or similar activities
* it has the required technical expertise to undertake the activities
* the AMAG logo is administered by AMCL

Persons who are otherwise affected by decisions or who have complaints about the Program will have recourse to the Department. The Department investigates any complaints about the Program in accordance with its complaints policy and procedures. If a person is not satisfied with the way the Department handles the complaint, they may lodge a complaint with the Commonwealth Ombudsman.

**Statement of the Relevance and Operation of Constitutional Heads of Power**

For the purposes of s 33(3) of the IR&D Act, the Legislative Instrument specifies that the legislative powers in respect of which the Instrument is made are as follows:

* the communications power in paragraph 51(v) of the Constitution, and
* the trade-marks power in paragraph 51(xviii) of the Constitution.

*Communications power*

Paragraph 51(v) of the Constitution empowers the Parliament to make laws with respect to 'postal, telegraphic, telephonic, and other like services'.

Funding provided under the Program will promote the purchase of products made or grown in Australia, on the internet, television or radio.

*Trade marks power*

Paragraph 51(xviii) of the Constitution empowers the Commonwealth to make laws with respect to ‘copyrights, patents of inventions and designs, and trade marks’.

Funding provided under the Program will promote the update, use and awareness of the AMAG logo, promote the purchase of products carrying the AMAG logo, and subsidise the licence fee payable for use of the AMAG logo. The AMAG Logo is a registered certification trade mark.

Further details of the Legislative Instrument are set out at **Attachment A.**

**Authority**

Section 33 of the IR&D Act provides authority for the Legislative Instrument.

**Consultation**

In accordance with section 17 of the *Legislation Act 2003*, the Attorney-General’s Department has been consulted on this Legislative Instrument.

Further consultation was not conducted because AMCL is the sole licensor of the AMAG logo and this ad hoc grant makes funding available to AMCL to undertake eligible projects to promote the AMAG logo.

**Regulatory Impact**

It is estimated that the regulatory burden is likely to be minor (Office of Impact Analysis/Office of Best Practice Regulation reference number OIA25-09326).

**Statement of Compatibility with Human Rights**

A Statement of Compatibility with Human Rights for the purposes of Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* is set out at **Attachment B.**

**Attachment A**

**Details of the *Industry Research and Development (Australian Made Makes Australia Program) Instrument 2025***

**Section 1 – Name of Instrument**

This section specifies the name of the Legislative Instrument as the *Industry Research and Development (Australian Made Makes Australia Program) Instrument 2025.*

**Section 2 – Commencement**

This section provides that the Legislative Instrument commences immediately after registration on the Federal Register of Legislation.

**Section 3 – Authority**

This section specifies the provision of the IR&D Act under which the Legislative Instrument is made.

**Section 4 – Definitions**

This section provides for definitions of terms used in the Legislative Instrument.

**Section 5 – Prescribed Program**

Subsection 5(1) prescribes the Program for the purposes of section 33 of the IR&D Act.

Subsection 5(2) provides that the program provides funding to:

* promote uptake, use and awareness of the AMAG logo; and
* promote the purchase of products carrying the AMAG logo; and
* subsidise the licence fee payable for use of the AMAG logo; and
* generally promote the purchase of products made or grown in Australia, on the internet, television or radio.

**Section 6 – Specified Legislative Power**

This section specifies for the purposes of s 33(3) of the IR&D Act the power of the Parliament to make laws with respect to postal, telegraphic, telephonic and other like services (paragraph 51(v) of the Constitution) and copyrights, patents of inventions and designs, and trade marks (paragraph 51(xviii) of the Constitution).

**Attachment B**

**Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

*Industry Research and Development (Australian Made Makes Australia Program) Instrument 2025*

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

**Overview of the Legislative Instrument**

The *Industry Research and Development (Australian Made Makes Australia Program) Instrument 2025* (the Legislative Instrument) provides legislative authority to commit Commonwealth funding for the Australian Made Makes Australia Program (the Program).

The Program will provide funding for enhanced Australian Made, Australian Grown logo branding to increase visibility of the logo, Australian manufacturers, and their products.

**Human rights implications**

The Legislative Instrument does not engage any of the applicable rights or freedoms.

**Conclusion**

The Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

**The Hon Tim Ayres MP**

**Minister for Industry and Innovation**