

# EXPOSURE DRAFT



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## **Income Tax Assessment (Hydrogen Production Tax Incentive—Grid Matching Requirements) Instrument 2026**

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I, Daniel Mulino, Assistant Treasurer and Minister for Financial Services, make the following instrument.

Dated 2026

Dr Daniel Mulino [**DRAFT – NOT FOR SIGNATURE**]  
Assistant Treasurer  
Minister for Financial Services

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Preliminary Part 1

Section 1

## Part 1—Preliminary

### 1 Name

This instrument is the *Income Tax Assessment (Hydrogen Production Tax Incentive—Grid Matching Requirements) Instrument 2026*.

### 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Note: This table relates only to the provisions of this instrument as originally made.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 the *Income Tax Assessment Act 1997*.

### 4 Definitions

Note: Paragraph 13(1)(b) of the *Legislation Act 2003* has the effect that expressions have the same meaning in this instrument as in the *Income Tax Assessment Act 1997* as in force from time to time.

In this instrument:

**large-scale generation certificate** has the same meaning as in the *Renewable Energy (Electricity) Act 2000*.

**registered REGO certificate** means a REGO Certificate (within the meaning of the *Future Made in Australia (Guarantee of Origin) Act 2024*) that the Clean Energy Regulator:

- (a) has decided to register under section 104 of that Act; and
- (b) has not been retired under section 107 of that Act.

**registered renewable electricity facility** has the meaning given by the *Future Made in Australia (Guarantee of Origin) Act 2024*.

**the Act** means the *Income Tax Assessment Act 1997*.

# EXPOSURE DRAFT

Grid matching requirements **Part 2**

Section 5

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## **Part 2—Grid matching requirements**

### **5 Grid matching requirements**

For the purposes of section 421-25 of the Act, if a company has a registered REGO certificate that has been retired in relation to a facility, or a large-scale generation certificate that has been surrendered in relation to a facility, for some or all of the electricity used to produce the kilogram of hydrogen, the grid matching requirement is that the facility must be connected to the same electricity grid as the registered renewable electricity facility referred to in the certificate.