

2026

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Treasurer)

# Competition Legislation Amendment Bill 2026

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## A Bill for

An Act to amend the *Competition Policy Reform Act 1996* and the *Independent Competition and Regulatory Commission Act 1997*

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Competition Legislation Amendment Act 2026*.

4 **2 Commencement**

5 This Act commences on the day after its notification day.

6 *Note* The naming and commencement provisions automatically commence on  
7 the notification day (see [Legislation Act](#), s 75 (1)).

8 **3 Legislation amended**

9 This Act amends the *Competition Policy Reform Act 1996* and the  
10 *Independent Competition and Regulatory Commission Act 1997*.

|    |               |                                                                                          |
|----|---------------|------------------------------------------------------------------------------------------|
| 1  | <b>Part 2</b> | <b>Competition Policy Reform</b>                                                         |
| 2  |               | <b>Act 1996</b>                                                                          |
| 3  | <b>4</b>      | <b>Dictionary, definition of <i>Conduct Code Agreement</i></b>                           |
| 4  |               | <i>omit</i>                                                                              |
| 5  | <b>5</b>      | <b>Dictionary, new definition of <i>national competition policy agreement</i></b>        |
| 6  |               |                                                                                          |
| 7  |               | <i>insert</i>                                                                            |
| 8  |               | <i>national competition policy agreement</i> means the <a href="#">Intergovernmental</a> |
| 9  |               | <a href="#">Agreement on National Competition Policy</a> , entered into by the           |
| 10 |               | Australian Capital Territory on 29 November 2024, as in force from                       |
| 11 |               | time to time.                                                                            |
| 12 | <b>6</b>      | <b>Dictionary, definition of <i>participating jurisdiction</i></b>                       |
| 13 |               | <i>omit</i>                                                                              |
| 14 |               | Conduct Code Agreement                                                                   |
| 15 |               | <i>substitute</i>                                                                        |
| 16 |               | national competition policy agreement                                                    |
| 17 | <b>7</b>      | <b>Dictionary, definition of <i>schedule version of part 4</i></b>                       |
| 18 |               | <i>omit</i>                                                                              |
| 19 |               | Competition and Consumer Act, schedule                                                   |
| 20 |               | <i>substitute</i>                                                                        |
| 21 |               | <a href="#">Competition and Consumer Act</a> , schedule 1, part 1                        |

|    |               |                                                                         |
|----|---------------|-------------------------------------------------------------------------|
| 1  | <b>Part 3</b> | <b>Independent Competition and</b>                                      |
| 2  |               | <b>Regulatory Commission Act 1997</b>                                   |
| 3  | <b>8</b>      | <b>Sections 19B (2) (b) and 19C (2) (a)</b>                             |
| 4  |               | <i>omit</i>                                                             |
| 5  |               | , taking into account the competition policy considerations (as set out |
| 6  |               | in schedule 1)                                                          |
| 7  | <b>9</b>      | <b>Regulatory references initiated by commission</b>                    |
| 8  |               | <b>Section 19D (4)</b>                                                  |
| 9  |               | <i>omit</i>                                                             |
| 10 |               | , taking into account the competition policy considerations set out in  |
| 11 |               | schedule 1                                                              |
| 12 | <b>10</b>     | <b>Principles for regulatory reference investigations</b>               |
| 13 |               | <b>Section 19J (1)</b>                                                  |
| 14 |               | <i>substitute</i>                                                       |
| 15 | (1)           | In conducting an investigation into a competitive neutrality            |
| 16 |               | complaint, the commission must take into account the competitive        |
| 17 |               | neutrality principles.                                                  |
| 18 | (1A)          | In conducting an investigation into a government-regulated activity,    |
| 19 |               | the commission must take into account the principles relating to        |
| 20 |               | public interest exemptions and reviews, as set out in the national      |
| 21 |               | competition policy agreement, schedule 1.                               |

1 **11 Arbitrator—appointment and functions**  
2 **Section 33 (5) (a)**

3 *substitute*

- 4 (a) the factors to be taken into account by a dispute resolution body  
5 in deciding on the terms and conditions for access, as set out in  
6 the national competition policy agreement, attachment A;

7 **12 Section 33 (8)**

8 *omit*

9 **13 Schedules 1 and 4**

10 *omit*

11 **14 Dictionary, definition of *access regime***

12 *substitute*

13 ***access regime*** means a scheme (whether of a legislative,  
14 administrative or other nature) set up to implement the national  
15 competition policy agreement in relation to third-party access to  
16 services provided by means of infrastructure facilities (whether  
17 physical or non-physical) that are wholly or substantially owned,  
18 controlled or operated by a single person, being services—

- 19 (a) including the use of an infrastructure facility, the handling or  
20 transporting of things or a communications service or similar  
21 service; but  
22 (b) not including the supply of goods, the use of intellectual  
23 property or the use of a production process, except to the extent  
24 that the supply or use is an integral but subsidiary part of the  
25 service.

26 **Examples—infrastructure facilities**

27 roads, railways, digital platforms, databases

- 1 **15** Dictionary, definitions of *competition policy*  
2 *considerations* and *competition principles agreement*  
3 *omit*
- 4 **16** Dictionary, definition of *competitive neutrality principles*  
5 *substitute*  
6 *competitive neutrality principles* means—  
7 (a) principle 4 of the national competition principles, as set out in  
8 the national competition policy agreement, part 3; and  
9 (b) the principles set out in the national competition policy  
10 agreement, schedule 4.
- 11 **17** Dictionary, new definition of *national competition policy*  
12 *agreement*  
13 *insert*  
14 *national competition policy agreement* means the [Intergovernmental](#)  
15 [Agreement on National Competition Policy](#), entered into by the  
16 Australian Capital Territory on 29 November 2024, as in force from  
17 time to time.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 16 September 2026.

**2 Notification**

Notified under the [Legislation Act](#) on 2026.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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