

Australian Capital Territory

Competition Legislation Amendment Act 2026

A2026-22

Contents

Page

Part 1 Preliminary

1 Name of Act 2
2 Commencement 2
3 Legislation amended 2

Part 2 Competition Policy Reform Act 1996

4 Dictionary, definition of *Conduct Code Agreement* 3
5 Dictionary, new definition of *national competition policy agreement* 3
6 Dictionary, definition of *participating jurisdiction* 3

J2025-1249

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Page

7 Dictionary, definition of *schedule version of part 4* 3

Part 3 Independent Competition and Regulatory Commission Act 1997

8 Sections 19B (2) (b) and 19C (2) (a) 4

9 Regulatory references initiated by commission
Section 19D (4) 4

10 Principles for regulatory reference investigations
Section 19J (1) 4

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

12 Section 33 (8) 5

13 Schedules 1 and 4 5

14 Dictionary, definition of *access regime* 5

15 Dictionary, definitions of *competition policy considerations* and *competition principles agreement* 6

16 Dictionary, definition of *competitive neutrality principles* 6

17 Dictionary, new definition of *national competition policy agreement* 6

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Australian Capital Territory

Competition Legislation Amendment Act 2026

A2026-22

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

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

J2025-1249

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Part 1 Preliminary

1 Name of Act

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

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

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

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Part 2 Competition Policy Reform Act 1996

4 Dictionary, definition of *Conduct Code Agreement*

omit

5 Dictionary, new definition of *national competition policy agreement*

insert

national competition policy agreement means the Intergovernmental Agreement on National Competition Policy, entered into by the Australian Capital Territory on 29 November 2024, as in force from time to time.

6 Dictionary, definition of *participating jurisdiction*

omit

Conduct Code Agreement

substitute

national competition policy agreement

7 Dictionary, definition of *schedule version of part 4*

omit

Competition and Consumer Act, schedule

substitute

Competition and Consumer Act, schedule 1, part 1

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Part 3 Independent Competition and Regulatory Commission Act 1997

8 Sections 19B (2) (b) and 19C (2) (a)

omit

, taking into account the competition policy considerations (as set out in schedule 1)

9 Regulatory references initiated by commission Section 19D (4)

omit

, taking into account the competition policy considerations set out in schedule 1

10 Principles for regulatory reference investigations Section 19J (1)

substitute

(1) In conducting an investigation into a competitive neutrality complaint, the commission must take into account the competitive neutrality principles.

(1A) In conducting an investigation into a government-regulated activity, the commission must take into account the principles relating to public interest exemptions and reviews, as set out in the national competition policy agreement, schedule 1.

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

substitute

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

12 Section 33 (8)

omit

13 Schedules 1 and 4

omit

14 Dictionary, definition of *access regime*

substitute

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

(a) including the use of an infrastructure facility, the handling or transporting of things or a communications service or similar service; but

(b) not including the supply of goods, the use of intellectual property or the use of a production process, except to the extent that the supply or use is an integral but subsidiary part of the service.

Examples—infrastructure facilities

roads, railways, digital platforms, databases

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15 Dictionary, definitions of *competition policy considerations* and *competition principles agreement*

omit

16 Dictionary, definition of *competitive neutrality principles*

substitute

competitive neutrality principles means—

(a) principle 4 of the national competition principles, as set out in the national competition policy agreement, part 3; and

(b) the principles set out in the national competition policy agreement, schedule 4.

17 Dictionary, new definition of *national competition policy agreement*

insert

national competition policy agreement means the Intergovernmental Agreement on National Competition Policy, entered into by the Australian Capital Territory on 29 November 2024, as in force from 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 9 November 2026.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Competition Legislation Amendment Bill 2026, which was passed by the Legislative Assembly on 29 October 2026.

Clerk of the Legislative Assembly

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