

2026

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

ELEVENTH ASSEMBLY

COMPETITION LEGISLATION AMENDMENT BILL 2026

**EXPLANATORY STATEMENT
and
HUMAN RIGHTS COMPATIBILITY STATEMENT
(*Human Rights Act 2004, s 37*)**

**Presented by
CHRIS STEEL MLA
TREASURER
September 2026**

COMPETITION LEGISLATION AMENDMENT BILL 2026

This Explanatory Statement relates to the Competition Legislation Amendment Bill 2026 (the Bill) as presented to the Legislative Assembly. It has been prepared to assist the reader of the Bill and to inform its debate. It does not form part of the Bill and has not been endorsed by the Assembly.

The statement is to be read in conjunction with the Bill, it is not, and is not meant to be, a comprehensive description of the Bill.

OVERVIEW OF THE BILL

In November 2024, the ACT entered into the Intergovernmental Agreement to revitalise National Competition Policy (NCP IGA). It is the primary overarching agreement that gives effect to the revitalised NCP by establishing the NCP Principles, updated institutional arrangements, and ongoing arrangements for competition law.

The NCP IGA places an obligation on the ACT, and other jurisdictions who entered the NCP IGA, to give effect to the revitalised NCP Principles by aligning with the NCP IGA, by the end of 2026.

The NCP principles update and build on the 1995 National Competition Policy agreement. The agreement lifted Australia's Gross Domestic Product by 2.5 per cent (about \$20 billion in 2003-04 dollars).

The Bill amends two Acts, the *Competition Policy Reform Act 1996* and the *Independent Competition and Regulatory Commission (ICRC) Act 1997* to reflect the revitalised NCP Principles and remove superseded elements of the previous Intergovernmental Agreement.

CONSULTATION ON THE PROPOSED APPROACH

The Commonwealth, states and territories agreed to revitalise National Competition Policy in 2023, with national consultation on changes to revitalise the Principles in 2024 resulting in the NCP IGA. The Bill was developed in consultation with the Commonwealth, states and territories.

CLIMATE IMPACT

Not applicable.

CONSISTENCY WITH HUMAN RIGHTS

The Bill **is not** a Significant Bill. Significant Bills are bills that have been assessed as likely to have significant engagement of human rights and require more detailed reasoning in relation to compatibility with the *Human Rights Act 2004*.

The Bill does not engage human rights.

Competition Legislation Amendment Bill 2026

Human Rights Act 2004 - Compatibility Statement

In accordance with section 37 of the *Human Rights Act 2004* I have examined the **Competition Legislation Amendment Bill 2026**. In my opinion, having regard to the Bill and the outline of the policy considerations and justification of any limitations on rights outlined in this explanatory statement, the Bill as presented to the Legislative Assembly **is** consistent with the *Human Rights Act 2004*.

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Tara Cheyne MLA
Attorney-General

CLAUSE NOTES

Clause 1 Name of Act

This clause provides that the name of the Act is the *Competition Legislation Amendment Bill 2026*.

Clause 2 Commencement

Clause 2 provides that the Bill commences on the day after its notification day.

Clause 3 Legislation amended

This clause identifies the legislation that will be amended is the *Independent Competition and Regulatory Commission Act 1997* and *Competition Policy Reform Act 1996*.

Amendments included in the Bill

Competition Policy Reform Act 1996

Dictionary- new definition of national competition policy agreement.

A new definition is inserted to refer to the NCP IGA, as amended from time to time, in tandem with removal of the definition Conduct Code Agreement. The 1995 Conduct Code Agreement has been superseded and replaced by the NCP IGA.

Dictionary- new definition of participating jurisdiction

The definition is updated to reflect and align with the NCP IGA and omits the definition of Conduct Code Agreement.

Dictionary- definition of schedule version of part 4

This amendment reflects the current location of the schedule version of part 4, *Competition and Consumer Act 2010* (Commonwealth), Schedule 1 part 1.

Independent Competition and Regulatory Commission Act 1997

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

This amendment substitutes the existing provisions to require the Commission, when conducting a regulatory reference investigation, to have regard to the competitive neutrality principles set out in the NCP IGA.

Section 19J(1A)

This amendment substitutes the existing provision to clarify that, when conducting investigation into government-regulated activity, the Commission must take into

account the principles relating to public interest exemptions and review, as set out in Schedule 1 of the NCP IGA.

Section 33(5)- Arbitrator- appointment and functions

This amendment substitutes the existing section 33(5) to clarify the matters that a dispute resolution body must take into account when determining the terms and conditions of access.

Dictionary- definition of access regime

This definition is substituted to align with the NCP IGA. The revised definition refers to arrangements governing third-party access to services provided by infrastructure facilities (whether physical or non-physical) that are wholly or substantially owned, controlled or operated by a single entity. Examples of Infrastructure facilities are also included to improve clarity.

Dictionary- definition of competitive neutrality principles

This definition is replaced to reflect the NCP IGA.

Dictionary- new definition of national competition policy agreement.

A new definition is inserted to refer to the NCP IGA, as amended from time to time.