

**NATIONAL
COMPETITION
COUNCIL**



Corporate Plan 2025-26

August 2025

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1. Introduction

- 1.1 As the accountable authority of the National Competition Council (NCC), I present the NCC Corporate Plan 2025-26, which covers the financial years over the period 2025–26 to 2028–29, as required under paragraph 35(1)(b) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).



Katrina Groshinski
Acting President
National Competition Council

4 August 2025

2. Purpose and key activities

- 2.1 The NCC is a Commonwealth statutory agency established by section 29A of the *Competition and Consumer Act 2010* (CCA). It was created in 1995 following agreement by the Council of Australian Governments (COAG) to a National Competition Policy (NCP). NCP places competition at the forefront as a means of promoting productivity and economic growth to enhance the economic welfare of Australians.
- 2.2 The NCC's functions include both to advise on the regulation of third-party access to services provided by monopoly infrastructure and to support the implementation of the National Competition Policy, which has as its objects the maintenance and promotion of consistent and complementary competition policies and laws for a more seamless and competitive Australian economy.
- 2.3 The Council operates in accordance with Part IIA of the CCA and the Annual Work Plan determined in accordance with the Intergovernmental Agreement on National Competition Policy signed by all States and Territories on 29 November 2024.

Provision of advice on the regulation of third-party access to services provided by monopoly infrastructure.

- 2.4 The outcome that the activities of the NCC are directed to achieve, in relation to the provision of advice on the regulation of third-party access to services provided by monopoly infrastructure, is specified in the NCC Portfolio Budget Statement 2025-26:

Outcome 1: Competition in markets that are dependent on access to nationally significant monopoly infrastructure, through recommendations and decisions promoting the efficient operation of, use of and investment in infrastructure.

- 2.5 The NCC makes recommendations under the National Access Regime in Part IIIA of the CCA and recommendations and decisions under the National Gas Access (Western Australia) Law (WA NGL)¹:
 - The National Access Regime provides for access to the services of infrastructure facilities on appropriate terms, through the declaration of services. The NCC's role is to make recommendations to designated ministers in relation to applications for declaration of services and also the certification of state or territory access regimes.
 - The NCC has a similar role under the WA NGL where it makes recommendations on the coverage of natural gas pipeline systems in Western Australia. Under the WA NGL, the NCC also has the tasks of deciding the form of regulation of natural gas pipeline systems (light or full regulation); classifying pipelines (as transmission or distribution); and making recommendations in relation to various exemptions for greenfields gas pipelines.

¹ In Western Australia access to gas pipelines is governed by the National Gas Access (Western Australia) Law (WA NGL). The WA NGL adopts version 1 of the National Gas Rules (NGR) whereas the rest of the participating jurisdictions have adopted the current (as of May 2023) version 70 of the NGRs. On 2 March 2023 the South Australian Government introduced an amendment to the NGRs which removed the powers of the National Competition Council (contained in versions 1-67 of the NGRs) to determine whether third parties should be granted access to gas pipelines. The current NGRs provide the Australian Energy Regulator with power to determine which form of regulation should apply, by applying the form of regulation test (rather than the coverage test). The result of these changes is that the NCC only has access determination powers in relation to gas pipelines in Western Australia.

- 2.6 Both the National Access Regime and the WA NGL seek to promote the efficient operation of, use of, and investment in significant bottleneck infrastructure; and to promote competition, efficiency and productivity in markets that depend on the use of services provided by significant bottleneck infrastructure facilities.

National Competition Policy functions

- 2.7 The NCC's functions include its role under the Intergovernmental Agreement on National Competition Policy signed by the Commonwealth and all State and Territory Governments on 29 November 2024 and the associated NCC Annual Work Plan approved on 1 April 2025 by the National Competition Policy Oversight Committee.
- 2.8 The NCC's main roles under National Competition Policy are as follows:
- a) an assessor of progress under the relevant Federation Funding Agreement (FFA)
 - b) an expert and source of information and advice on the application of the National Competition Principles
 - i. as part of this role, the Council is expected to undertake and publish periodic thematic reviews of the application of one or more of the National Competition Principles, and to engage with Parties when preparing and undertaking these reviews
 - c) a public educator on the value of competition and competition policy reform
 - d) assessment of Jurisdiction-Specific Reform Plans (JSRPs) as requested by the Commonwealth. This demand-driven work may involve the Commonwealth requesting advice from the NCC to assist it in assessing and providing advice on a jurisdiction's draft JSRP.
 - e) provision of binding ex ante advice on reform implementation. This demand-driven work may involve States and Territories that are parties to the FFA Schedule requesting the NCC provide and publish binding advice on whether – and to what extent – that party's proposed implementation approach for performance elements that will have no guidelines (or will be different from approved guidelines) would likely meet the commitments set out in the FFA Schedule.

3. Operating context

Environment

- 3.1 Key factors that will influence the way the NCC operates over the next four years are set out below.

Variable workload

- 3.2 Access applications under Part IIIA of the CCA and the WA NGL are sporadic and, as a consequence, the NCC's current workload is highly variable. To maintain the sustainability and efficiency of its operations, the NCC entered into a memorandum of understanding with the Australian Competition and Consumer Commission (ACCC), with effect from 1 July 2014, whereby the ACCC provides the NCC with corporate and professional services. This arrangement is reviewed every two years; and is next due to be reviewed during the 2025-26 financial year.

National Competition Policy

- 3.3 Competition is critical for lifting dynamism, productivity and wages. It puts downward pressure on the prices of the things we pay for every day, and delivers more choice and higher quality goods and services for everyone. This is why the Commonwealth, State, and Territory governments are working together to revitalise Australia's landmark NCP.
- 3.4 On 29 November 2024, the Commonwealth Treasurer and all State and Territory Treasurers agreed to sign the Intergovernmental Agreement on National Competition Policy and the associated Federation Funding Agreement. All Treasurers committed to working together to revitalise NCP and drive the National Productivity agenda. This agreement will deliver a 10-year reform of NCP underpinned by the \$900 million Commonwealth investment in a new National Productivity Fund. States and Territories will, in return for delivering agreed competition reforms, have access to payments from the National Productivity Fund.
- 3.5 The NCC's role over the 10-year reform period, which commences in 2025 and will run until 2035, centres on assessment of progress of competition reform proposals committed to by States and Territories, identifying maximum payments which may be made to States and Territories and making a recommendation to the Treasurer on the portion of the maximum payment States and Territories could receive. Prior to the first Annual Assessment Reports on State and Territory reform progress due in October 2026, the NCC will ensure the frameworks, procedures and processes are in place to support the successful delivery of the NCP.

Capabilities

Governance

- 3.6 The NCC comes under the portfolio responsibilities of the Treasury. The NCC's responsible Minister is the Hon Dr Jim Chalmers MP, Commonwealth Treasurer.
- 3.7 The NCC consists of a President and up to four other part-time Councillors appointed by the Governor-General for their expertise or experience in industry, commerce, economics, law, consumer protection or public administration. Appointments to the NCC are made on the recommendation of the Commonwealth Government which must be supported by a majority of the states and territories.
- 3.8 The NCC presently comprises:²
- Katrina Groshinski – Acting President
 - Sally McMahon
 - The Hon Dr Craig Emerson
- 3.9 The NCC meets a minimum of four times each year, with additional meetings scheduled to consider specific applications or other matters as required. NCC meetings are held on a face-to-face basis, by video conference or by telephone conference as appropriate. The NCC may also make decisions without meeting, by way of circular resolutions, in accordance with its established protocols.

² A list of current Council Members and associated biographies is available on the NCC's [website](#).

Corporate and professional services

3.10 As noted earlier, the NCC employs a contractual approach to the provision of the corporate and professional services it requires to fulfil its roles under the CCA. Rather than directly engaging staff and other resources, the NCC has contracted with the ACCC for the provision of its corporate and professional services.

3.11 The agreement between the NCC and ACCC for provision of corporate and professional services, which was originally entered into in 2014, is available in full on the NCC website. The key elements of the agreement are summarised below.

3.12 *Key elements of ACCC-NCC Memorandum of Understanding*

- The NCC remains an independent entity with its President and Councillors retaining responsibility for NCC recommendations, decisions and other functions under the CCA and WA NGL.
- The ACCC will ensure that staff and other related resources are available to provide corporate and professional services to the NCC so that the NCC is able to meet statutory and other agreed deadlines and are of a quality acceptable to the NCC.
- Corporate and professional services provided to the NCC by ACCC officers will be provided in accordance with NCC policies and procedures (and joint protocols between the ACCC and the NCC), and under the direction of the NCC President and Councillors.
- An identified ACCC officer will be designated as Executive Director of the NCC and will act as the principal link with the NCC President and Councillors and have day to day responsibility for directing the provision of corporate and professional services.
- In assigning officers to provide secretariat services to the NCC, regard will be had to the need for transparency in decision making, and avoidance of any actual conflict of interest or the appearance of a conflict of interest.
- In determining payment to the ACCC for the provision of corporate and professional services, regard will be had to the period the MOU agreement has been in operation; the total number of applications over that period; the nature of applications received; and the anticipated level of work required.

Resources

3.13 Four-year budget estimates for the NCC are published annually in The Treasury's Portfolio Budget Statements. The following table sets out the NCC's funding for 2025-26 and forward years of the budget estimates. The following table does not include resourcing for the NCP functions agreed on 1 April 2025 by the National Competition Policy Oversight Committee, which is a decision for Government.

Budgeted expenses for Outcome 1

	2024-25 Estimated actual	2025-26 Budget	2026-27 Forward estimate	2027-28 Forward estimate	2028-29 Forward estimate
	\$'000	\$'000	\$'000	\$'000	\$'000
Program 1.1: National Competition Council					
Departmental expenses					
Departmental appropriation	1,753	1,771	1,813	1,842	1,963
Expenses not requiring appropriation in the Budget year (a)	34	34	34	34	34

Departmental total	1,787	1,805	1,847	1,876	1,997
Total expenses for program 1.1	1,787	1,805	1,847	1,876	1,997
Total expenses for Outcome 1	1,787	1,805	1,847	1,876	1,997

	2024–25	2025–26
Average staffing level (number)	1	1

a) Expenses not requiring appropriation in the Budget year represent audit services received free of charge from the Australian National Audit Office (ANAO).

Note: Departmental appropriation splits and totals are indicative estimates and may change in the course of the budget year as government priorities change.

Source: Portfolio Budget Statements 2025-26

Risk oversight and management

3.14 Risk management at the NCC is about enabling good decision making and robust, high-quality and timely recommendations. Our risk management policy and framework support the NCC to meet its obligations under section 16 of the PGPA Act in line with the Commonwealth Risk Management Policy.

Risk appetite and tolerance

3.15 The NCC strives to achieve the right balance between engaging with risk to effectively deliver our recommendations in relation to access applications and the NCP, while upholding accountability requirements and protecting our status as trusted expert advisers.

3.16 The Council has a conservative approach to risk in accordance with our risk appetite and tolerances articulated in the NCC Risk Management Plan. Risks assessed as having a higher likelihood or consequence are managed through the Executive Director and or where appropriate the President and Council. The Council approves annually the NCC Risk Management Plan following consideration by the Audit and Risk Committee.

Enterprise Risks

3.17 The NCC has identified key enterprise risks that may impact our ability to deliver our purpose and priorities, and the responsibilities we must discharge.

Key Enterprise Risk	How risk is managed
Incorrect or poorly reasoned advice or information to the Treasurer, governments or other stakeholders.	<ul style="list-style-type: none"> Recognised economic and legal experts contracted to provide advice on significant matters where the Council does not have expertise. Council meetings to provide oversight and advice. Effective links with governments. Advice, information, etc. to governments and others on sensitive and key issues approved by Council, Executive Director and/or President.
Failure to maintain productive and collaborative relationships with States, Territories and other stakeholder or failure to maintain actual or perceived independence.	<ul style="list-style-type: none"> Council participation (where possible at senior level) in external processes covering areas of work that are relevant to the Council. Contact with States, Territories and other agencies and departments to monitor potential changes in policy and legislation. Strict adherence by all persons to relevant Commonwealth interest disclosure, reporting obligations and policies.

Failure to maintain people or IT capability	<ul style="list-style-type: none"> • Ensuring the NCC has an attractive work environment including diverse, challenging and rewarding work with maximum possible flexibility provided when possible. • Ensuring parties providing critical IT services provide appropriate assurance and have in place Commonwealth compliant security policies, cyber security incident response plans, and information management and technology services recovery plans.
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Co-operation and collaboration

- 3.18 The implementation and realisation of benefits from the NCP requires the co-operation and collaboration between the Commonwealth Government, States, Territories and relevant Commonwealth Departments and Agencies including Treasury, the NCC, Productivity Commission and ACCC. In discharging its role to support the NCP, the NCC will continue to build and maintain strong and productive partnerships with all stakeholders in the NCP environment.
- 3.19 The Intergovernmental Agreement on National Competition Policy is an agreement to maintain and promote consistent and complementary competition policies and laws for a more seamless and competitive Australian economy, to improve living standards and opportunities for Australians. Partys to this agreement are the Commonwealth of Australia, the State of New South Wales, the State of Victoria, the State of Queensland, the State of South Australia, the State of Western Australia, the State of Tasmania, the Australian Capital Territory and the Northern Territory of Australia.
- 3.20 The Commonwealth, States and Territories are represented via the Council on Federal Financial Relations, the National Competition Policy Oversight Committee which consists of Treasury officials of States and Territories. A Senior Officials Group consisting of Treasury officials from each State and Territory will collaborate on National Competition Policy and provide operational advice to the Oversight Committee.

Subsidiaries

- 3.21 The NCC does not have any subsidiaries.

4 NCC strategic objectives, key activities and performance.

Strategic Objective 1 - Facilitate competition in markets that are dependent on access to nationally significant monopoly infrastructure, through recommendations and decisions promoting the efficient operation of, use of and investment in infrastructure.

To achieve this strategic objective, we undertake the following **key activities**:

- 1.1. make recommendations to the designated Ministers pursuant to Part IIIA of the CCA in relation to applications for the declaration of services provided by monopoly infrastructure and the certification of state and territory access regimes
- 1.2. make recommendations to the designated Ministers pursuant to the WA NGL relating to the coverage of natural gas pipelines; price regulation and greenfields pipeline incentives; and
- 1.3. on the form of regulation and classification of natural gas pipelines advise the Parliament on the operation of the National Access Regime in accordance with section 29O of the CCA

Strategic Objective 1 performance measures

Performance measures	Target	
	2025–26	Future ³
1a. Percentage of recommendations on declaration and certification applications made within statutory time limits (consideration period of 180 days, subject to ‘clock stopping’ provisions ⁴) and meet the advice requirements of Ministers. <i>Methodology: Manual count and cross-check of a range of records measuring how many applications completed by the NCC within statutory time limits.</i> <i>Data source: Internal records</i> <i>Related key activities: 1.1, 1.2,</i>	100%	100%
1b. Extent to which the NCC’s annual report to the Parliament includes a report that meets the requirements of s290 of the CCA and is provided within the timeframe required by the PGPA Act 2013 (usually by the 15th day of the fourth month after the end of the reporting period). <i>Methodology: Approval of Annual Report s290 reporting by the Council.</i> <i>Data source: Council meeting minutes documenting approval of Annual Report.</i> <i>Related key activities: 1.3</i>	100%	100%
1c. Percentage of: a) information on all access regulation matters for which the NCC is responsible is provided on the NCC website in accessible formats and b) up to date and informative guidelines on all the NCC’s areas of responsibility are maintained on the NCC website and c) case law developments, legislative amendments and developments in the NCC’s processes or policies which are reflected in the NCC’s information resources within 30 days. <i>Methodology: Count and check of information holdings on NCC website which meets 1c (a) and (b). Ongoing monitoring of (c) in light of information resources to ensure reflection in NCC information resources within 30 days.</i> <i>Data source: NCC Internal records.</i> <i>Related key activities: 1.1, 1.2, 1.3.</i>	100%	100%

Strategic Objective 2 – Support effective implementation and advancement of National Competition Policy and contribute towards the maintenance and promotion of consistent and complementary competition policies and laws for a more seamless and competitive Australian economy.

To achieve this strategic objective, we undertake the following **key activities**:

³ Future refers to 2026/27 to 2028/29

⁴ Further to ‘clock stopping’ provisions, under s 44NC of the CCA, the Council may also extend the consideration period in certain circumstances, for example if an application is particularly complex or other factors restrict the Council’s ability to gather information.

- 2.1 make recommendations to the Treasurer on the assessment of a State or Territories progress under the relevant Federation Funding Agreement as part of the NCP Annual Assessment Reporting including recommendations on the maximum possible funding allocation each State and Territory Party could receive from the Commonwealth in that year; and make recommendations on the portion of the maximum possible funding allocation that the National Competition Council assesses each State and Territory Party has evidenced it could receive from the Commonwealth
- 2.2 on request, provision of binding ex ante advice on reform implementation in accordance with the 2024 National Competition Policy Federation Funding Agreement which involves provision of advice on the extent to which the implementation approach specified in its agreed Jurisdiction-Specific Reform Plan is likely to be assessed by the National Competition Council to deliver the relevant Performance Requirements for elements of the Performance Requirements that will not have approved Guidelines, or a Party's implementation approach does not adopt relevant Guidelines or parts thereof.
- 2.3 on request, provide expert advice and information on the application of the National Competition Principles
- 2.4 undertake and publish periodic thematic reviews of the application of one or more of the National Competition Principles, and engage with Parties when preparing and undertaking these reviews
- 2.5 deliver public education on the value of competition and competition policy reform
- 2.6 on request from the Commonwealth Minister provide any report or advice as required under the National Competition Policy IGA or Federation Funding Agreement.

Strategic Objective 2 performance measures

Performance measures	Target	
	2025–26	Future ⁵
2a. Establish framework, process and procedures for the NCP NCC annual assessment process in accordance with the relevant agreements including the National Competition Policy Federation Funding Agreement executed on 29 November 2024 paragraphs [1], [20], [22] – [28], [34] and [40]-[52] to ensure that the approach used by the NCC supports the effective implementation of the NCP.	Complete by 31 March 2026.	Nil
<i>Methodology: Internal framework, process and procedures established, documented and approved by Council by 31 March 2026.</i>		
<i>Data source: Internal records including framework, procedures and minutes of Council meetings.</i>		
<i>Related key activities: 2.1</i>		
<i>* Note: the first Annual Assessment Report will be due in the 2026-27 financial year.</i>		
2b. Percentage of annual assessment reports (and drafts to States or Territories) provided on time and in accordance with the requirements specified in the NCP Intergovernmental agreement and NCP Federation Funding Agreement executed on 29 November 2024 paragraphs [1], [20], [22] – [28], [34] and [40]-[52]	N/A *	100%

⁵ Future refers to 2026/27 – 2028/29

Performance measures	Target	
	2025–26	Future ⁵
<p><i>Methodology: Check of records for timeliness of delivery of annual assessment reports to Treasurer, drafts to States and Territories. Council approval and endorsement will measure provision of annual assessment reports in accordance with requirements of NCP Intergovernmental agreement and Federation Funding Agreement.</i></p> <p><i>Data source: Internal records including delivery dates of annual assessment reports and Council minutes.</i></p> <p><i>Related key activities: 2.1</i></p> <p><i>* Note: the first Annual Assessment Report will be due in the 2026-27 financial year.</i></p>		
2c. Percentage of NCC responses to requests for binding advice provided in accordance with the NCP Federation Funding Agreement and in response to a request by a State or Territory.	100% *	100% *
<p><i>Methodology: Manual count of responses to requests for binding advice and publication on NCC website of final advice or provision of reasons for not providing binding advice.</i></p> <p><i>Data source: Internal records including Council Minutes.</i></p> <p><i>Related key activities: 2.2</i></p> <p><i>* Note: provision of binding advice is demand driven by States and Territories.</i></p>		
2d. Percentage of advice provided on the application of the National Competition Principles in response to a State or Territory request	100% *	100% *
<p><i>Methodology: Manual count of requests for advice and of advice provided.</i></p> <p><i>Data source: Internal records</i></p> <p><i>Related key activities: 2.3</i></p> <p><i>* Note: provision of expert advice and information on the application of the National Competition Principles is demand driven by States and Territories.</i></p>		
2e. Publication of periodic thematic reviews of the application of one or more of the National Competition Principles, and engagement with Parties when preparing and undertaking these reviews.	0 *	To be determined following future engagement with parties to the agreement *
<p><i>Methodology: Manual count of thematic reviews.</i></p> <p><i>Data source: Internal records.</i></p> <p><i>Related key activities: 2.4</i></p> <p><i>* Note: It is anticipated that these thematic reviews will commence after the first year of operation (post 2025-26) of the NCP and will relate to the 7 competition principles as described in the NCP Intergovernmental Agreement.</i></p>		
2f. Develop Council-approved protocols for delivering public education on the benefits of competition and policy reform, and establish a baseline to measure future advocacy and education efforts.	Complete by June 30, 2026.	Nil
<p><i>Methodology: Council meeting minutes noting approval of operational protocols for the delivery of public education and information on the value of competition and competition policy reform and a count of Council approved educative publications or activities which may include media releases, media appearances, website articles, speeches or inquiry submissions.</i></p> <p><i>Data source: Internal records and Council minutes.</i></p> <p><i>Related key activities: 2.5</i></p>		

Performance measures	Target	
	2025–26	Future ⁵
2g. Public education in the form of advocacy and information on the value of competition and competition policy reform.	0	To be set with reference to the baseline established in 2f.
<i>Methodology: Manual count of Council approved educative publications which may include media releases, media appearances, website articles, speeches or inquiry submissions.</i>		
<i>Data source: Internal records and Council minutes.</i>		
<i>Related key activities: 2.5</i>		
2h. Percentage of requests from the Commonwealth Minister - appropriately fulfilled by the Council - for provision of any report or advice as required under the National Competition Policy IGA executed on 29 November 2024 paragraph [21] and [44] or the Federation Funding Agreement executed on 29 November 2024 paragraph [13].	100%	100%
<i>Methodology: Manual count of Council approved advice to the Commonwealth Minister in response to a request.</i>		
<i>Data source: Internal records.</i>		
<i>Related key activities: 2.6</i>		

Appendix A: Additions to Performance Information

Performance information revisions in Corporate Plan 2025-26

Rationale for changes

Establish framework, process and procedures for the NCP NCC annual assessment process in accordance with the relevant agreements to ensure that the approach used by the NCC supports the effective implementation of the NCP.	New performance measure associated with the National Competition Policy revitalisation.
Recommendations on the assessment of a State or Territories progress under the relevant Federation Funding Agreement as part of the NCP Annual Assessment Reporting undertaken within the time limit specified in the Federation Funding Agreement of 31 October each year.	New performance measure associated with the National Competition Policy revitalisation.
Provision of appropriate and timely ex-ante binding advice by the NCC in response to each specific request for binding advice from a State or Territory	New performance measure associated with the National Competition Policy revitalisation.
Provision of expert advice and information on the application of the National Competition Principles upon each request from States, Territories or the Commonwealth	New performance measure associated with the National Competition Policy revitalisation.
Undertake and publish periodic thematic reviews of the application of one or more of the National Competition Principles in practice upon request from States or Territories	New performance measure associated with the National Competition Policy revitalisation.
Establish both Council approved operational protocols for the delivery of public education and information on the value of competition and competition policy reform and an activity baseline to be used for measurement of advocacy and public education in future years.	New performance measure associated with the National Competition Policy revitalisation
Delivery of ongoing public education on the value of competition and competition policy reform directly to States, Territories, the community or to other stakeholders.	New performance measure associated with the National Competition Policy revitalisation.