Competition and Consumer (Exceptional Circumstances Class Exemption—Global Supply Chain Disruptions) Determination (No. 1) 2026

made under

section 95AC of the *Competition and Consumer Act 2010* and section 95AC of the Competition Code

Compilation No. 1

Compilation date: 10 September 2026

Includes amendments: F2026L01182

Prepared by the Office of Parliamentary Counsel, Canberra

Authorised Version F2026C00937 registered 01/10/2026

About this compilation

This compilation

This is a compilation of the *Competition and Consumer (Exceptional Circumstances Class Exemption—Global Supply Chain Disruptions) Determination (No. 1) 2026* that shows the text of the law as amended and in force on 10 September 2026 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au).

Application, saving and transitional provisions

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Presentational changes

The *Legislation Act 2003* provides for First Parliamentary Counsel to make presentational changes to a compilation. Presentational changes are applied to give a more consistent look and feel to legislation published on the Register, and enable the user to more easily navigate those documents.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. Any modifications affecting the law are accessible on the Register.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name

This instrument is the *Competition and Consumer (Exceptional Circumstances Class Exemption—Global Supply Chain Disruptions) Determination (No. 1) 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	Immediately after the commencement of the *Competition and Consumer (Exceptional Circumstances) (No. 1) Declaration 2026*	23 June 2026

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:

(a) section 95AC of the *Competition and Consumer Act 2010*; and

(b) section 95AC of the Competition Code.

4 Object of this instrument

The object of this instrument is to facilitate corporations engaging in collaborative conduct to assist in the response to, and recovery from, the significant harm to the Australian economy or Australian consumers caused by the exceptional circumstances to which this instrument relates.

5 Exceptional circumstances to which this instrument relates

For the purposes of subsection 95AC(9) of the Act, this instrument relates to the disruptions to global supply chains arising from the conflicts in the Middle East commencing in February 2026 and the disruptions to international shipping transport through the Strait of Hormuz.

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5A Period for which determination is in force

For the purposes of paragraph 95AC(7)(a) of the Act, the day is 23 June 2026.

Note 1: This is the day on which this determination began to be in force.

Note 2: See paragraph 95AC(7)(b) of the Act for when this determination ceases to be in force.

6 Definitions

Note 1: A number of expressions used in this instrument are defined in section 4 of the Act, including the Commission.

Note 2: For the meaning of references to the "Competition Code", see Part XIA of the Act.

Note 3: In the circumstances provided for in the Act, a reference in this instrument to a corporation includes a reference to a person that is not a corporation: see section 6 of the Act and paragraph 13(1)(b) of the *Legislation Act 2003*.

Note 4: For the purposes of the Competition Code, a reference in this instrument to a corporation will also include a reference to a person that is not a corporation: see subsection 150C(2) of the Act.

(1) In this instrument:

Act means the *Competition and Consumer Act 2010* or the Competition Code, as appropriate.

business day means a day that is not a Saturday, a Sunday or a public holiday in the Australian Capital Territory.

government meeting means a meeting that:

(a) is initiated or convened, and attended, by the Commonwealth, a State or a Territory, or an officer, agency or authority thereof; and

(b) is held for the purpose of responding to, or recovering from, the exceptional circumstances to which this instrument relates; and

(c) is attended by one or more corporations or their representatives.

Note: The meeting may be initiated by the Fuel Supply Taskforce Coordinator.

meeting includes a meeting in which a person takes part by the use of technology that allows that person to clearly and simultaneously communicate with one or more other persons.

non-government meeting means a meeting that:

(a) does not satisfy paragraph (a) of the definition of ***government meeting***; and

(b) is held for the purpose of responding to or recovering from the exceptional circumstances to which this instrument relates; and

(c) is attended by one or more corporations or their representatives.

plan means a plan for responding to, or recovering from, the exceptional circumstances to which this instrument relates.

subsidiary discussions to a government meeting or non-government meeting means information sharing, communications and discussions between 2 or more

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corporations that are necessary to progress matters that were discussed at the meeting, and which do not result in any plan being formally agreed to.

Note: The limitations set out in Division 2 of Part 2 do not need to be complied with in relation to each subsidiary discussion. However, they must be complied with in relation to the government meeting or non-government meeting to which a subsidiary discussion relates.

(2) Despite subsection (1), neither of the following is a government meeting or non-government meeting:

(a) a subsidiary discussion to a government meeting or non-government meeting;

(b) a meeting about how to implement a plan that was agreed to at a government meeting or non-government meeting.

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Part 2—Class exemption

Division 1—Conduct covered by exemption

7 Class exemption

(1) Subject to subsection (2) and the limitations specified in Division 2, sections 45AF, 45AG, 45AJ, 45AK, 45 and 47 of the Act do not apply to the following conduct by a corporation:

(a) preparing for a proposed government meeting or non-government meeting;

(b) participating in a government meeting or non-government meeting, including discussing a proposed plan at the meeting;

(c) preparing for and participating in a subsidiary discussion to a government meeting or non-government meeting;

(d) formally agreeing to a plan proposed at a government meeting or non-government meeting, or to be part of that plan;

(e) implementing a plan agreed to at a government meeting or non-government meeting, including preparing for and participating in meetings about implementing that plan.

(2) Conduct referred to in subsection (1) does not include conduct of a kind that includes a contract, arrangement or understanding between 2 or more corporations on the price of goods or services which they compete to supply.

(3) The following are examples of the conduct mentioned in subsection (1):

(a) sharing information and documents;

(b) communications between 2 or more corporations for the purposes of preparing for a government meeting or non-government meeting;

(c) communications between 2 or more corporations for the purposes of undertaking tasks arising out of a government meeting or non-government meeting;

(d) making and giving effect to a contract, arrangement or understanding to implement a plan;

(e) complying with this instrument in relation to the meeting (for example, preparing information for the purposes of section 14).

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Division 2—Limitations

8 Commission must be notified of meeting prior to engagement in conduct

(1) Conduct referred to in paragraph 7(1)(a), (b), (c) or (d) that relates to a government meeting or non-government meeting must comply with the condition that, before the conduct is engaged in, the Commission must be given, or have been given, notice of the government meeting or non-government meeting to which the conduct relates, in accordance with this section.

Note: For conduct referred to in paragraph 7(1)(e), limitations relating to notification and approval are set out in sections 15, 16 and 17.

(2) The notice must specify the following:
   (a) the time and date of the meeting;
   (b) the corporations that are proposed to attend or be represented at the meeting;
   (c) the purpose of the meeting;
   (d) the matters to be discussed at the meeting;
   (e) if the meeting is a non-government meeting—whether it is proposed that the meeting will be one of a series of non-government meetings.

(3) The notice must be given either:
   (a) at least 24 hours before the meeting occurs; or
   (b) within a shorter period approved by the Commission.

(4) The notice must be given to the Commission by email to exemptions@accc.gov.au.

9 Approved lawyer must attend meeting

Conduct referred to in paragraph 7(1)(b), (c) or (d) that relates to a government meeting or non-government meeting must comply with the condition that:
   (a) before the government meeting or non-government meeting is held, the Commission's approval of a lawyer, with expertise in competition law, to attend the meeting has been obtained; and
   (b) that meeting is attended by the lawyer; and
   (c) the lawyer has been instructed to immediately advise the meeting attendees if the lawyer has concerns about whether conduct relating to that meeting might not be exempted by this instrument, and whether there might be any other competition law issues with such conduct.

10 Commission must be able to attend meeting

Conduct referred to in paragraph 7(1)(b), (c) or (d) that relates to a government meeting or non-government meeting must comply with the condition that, if the Commission indicates that it wishes to attend that meeting, its attendance is facilitated and accommodated.

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11 Government meetings—corporations that may engage in meeting-related conduct

(1) This section applies to a government meeting.

(2) Conduct referred to in paragraph 7(1)(a), (b) or (d) that relates to the meeting may only be engaged in by a corporation that is:

(a) specified in the notice for the meeting referred to in section 8; or

(b) specified in a subsequent notice for the meeting to the Commission by email to exemptions@accc.gov.au.

12 Non-government meetings—Commission must approve meeting taking place

(1) This section applies to a non-government meeting.

(2) Conduct referred to in paragraph 7(1)(a) is limited to the circumstance that the Commission has not indicated that it does not approve, or withdrawn its approval for, the meeting taking place.

(3) Conduct referred to in paragraph 7(1)(b), (c) or (d) must comply with the condition that, before a corporation engages in the conduct, the Commission must give, or have given, written approval for the meeting taking place.

(4) If the meeting is one of a series of non-government meetings, the Commission may, when giving written approval for that meeting taking place, also give written approval for the series of meetings taking place.

(5) The Commission may, by written notice to the corporation that gave the notice referred to in section 8, withdraw its approval for the remainder of a series of meetings.

13 Non-government meetings—corporations that may engage in meeting-related conduct

(1) This section applies to a non-government meeting.

(2) Conduct referred to in paragraph 7(1)(a) that is engaged in by a corporation is limited to the circumstance that:

(a) the corporation has been specified in a notice for the meeting under section 8, or in a subsequent notice for the meeting by email to exemptions@accc.gov.au; and

(b) the Commission has not indicated that it does not approve the corporation attending or being represented at the meeting.

(3) Conduct referred to in paragraph 7(1)(b) or (d) that is engaged in by a corporation must comply with the condition that, before the corporation engages in the conduct:

(a) the corporation must have been specified in a notice for the meeting to the Commission under section 8, or in a subsequent notice for the meeting by email to exemptions@accc.gov.au; and

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(b) the Commission must give written approval for the corporation to attend or be represented at the meeting.

(4) If the meeting is one of a series of non-government meetings, the Commission, when giving written approval for a corporation attending or being represented at one meeting in the series, is taken to have approved the corporation attending or being represented at any meeting in the series.

14 Commission must be given information about meeting

(1) The Commission must be given the information referred to in subsection (2) about a government meeting or non-government meeting no later than:
(a) the end of the period that ends 5 business days after the day on which the meeting was held; or
(b) the end of a longer period approved by the Commission.

(2) The information is the following:
(a) the minutes of the meeting;
(b) copies of any documents tabled at the meeting.

(3) The minutes must include:
(a) the corporations that attended or were represented at the meeting; and
(b) a summary of any conduct of a kind referred to in paragraph 7(1)(a) that occurred prior to the meeting; and
(c) what was discussed and agreed to at the meeting; and
(d) what subsidiary discussions are proposed to be held to progress matters discussed at the meeting; and
(e) an update about any subsidiary discussions that were held since the most recent related government meeting or non-government meeting.

(4) The information must be given to the Commission by email to exemptions@accc.gov.au.

(5) After the end of that period, conduct referred to in paragraph 7(1)(c) or (d) is limited to the circumstance that the Commission was given that information in accordance with this section.

15 Commission must be notified of proposed implementation of plans after meeting

(1) Conduct referred to in paragraph 7(1)(e) must comply with the condition that, before the corporation engages in the conduct, the Commission must be given, or have been given, notice of the proposed conduct in accordance with this section.

(2) The notice must specify the following:
(a) a description of the conduct;
(b) the purpose of the conduct;

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(c) each corporation, or class of corporations, that is proposed to engage in the conduct, and the conduct they are proposed to engage in;
(d) when the conduct is expected or forecast to occur, to the extent that this is known;
(e) any protocols and guidelines that relate to the conduct;
(f) how the conduct is to cease in the event this instrument is revoked or ceases to be in force.

(3) The notice must be given to the Commission by email to exemptions@accc.gov.au.

16 Government meetings—corporations that may engage in implementation of plans after meeting

(1) This section applies to a government meeting.

(2) Conduct referred to in paragraph 7(1)(e) may be engaged in only by a corporation that:
(a) attended or was represented at the meeting; or
(b) was specified, or is within a class of corporations that was specified, in the notice referred to in section 15; or
(c) was specified in a relevant notice to the Commission by email to exemptions@accc.gov.au.

(3) Conduct referred to in paragraph 7(1)(e) must also comply with the condition that:
(a) if the corporation proposes to engage in the conduct within 3 business days after the day of the notice under section 15—the Commission has given written approval for the corporation, or a class of corporations that includes the corporation, to engage in the conduct; or
(b) otherwise—the Commission has not indicated in writing, within 3 business days after the day of the notice under section 15, that it does not approve the corporation, or a class of corporations that includes the corporation, engaging in the conduct.

Note: If the Commission indicates it does not approve within 3 business days, paragraph 7(1)(e) does not apply to the conduct.

17 Non-government meetings—corporations that may engage in implementation of plans after meeting

(1) This section applies to a non-government meeting.

(2) Conduct referred to in paragraph 7(1)(e) must comply with the condition that, before a corporation engages in the conduct, the Commission has given written approval for the corporation, or a class of corporations that includes the corporation, to engage in the conduct.

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18 Information must be provided to the Commission when requested

(1) The Commission may, by written notice to a corporation:

(a) request the corporation to provide, within the period specified in the request, information to the Commission about its conduct relating to this instrument; or

(b) withdraw or vary such a request.

(2) If the Commission makes such a request to a corporation and does not withdraw it, then after the end of the following period (the ***relevant period***):

(a) the period specified in the request;

(b) if the corporation requests, and the Commission approves, a longer period—that longer period;

subsection 7(1) applies to conduct of the corporation only in the circumstance that the corporation has complied with that request in accordance with this section within the relevant period.

(3) The corporation is taken to have complied with the request if:

(a) any of the following apply:

(i) the information requested was not in the possession, power or control of the corporation;

(ii) the corporation was not able to locate the requested information after having conducted reasonable searches; and

(b) the corporation gives written notice to the Commission of this, in accordance with subsection (4), before the end of the relevant period.

(4) The information and the notice mentioned in paragraph (3)(b) must be given to the Commission by email to exemptions@accc.gov.au.

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Part 3—Miscellaneous

19 Delegation by Commission

(1) The Commission may, in writing, delegate all or any of its functions or powers under this instrument, other than this power of delegation, to:

(a) a Commissioner; or

(b) a member of the staff of the Commission who is an SES employee or an acting SES employee.

(2) The Commission may delegate a function or power to a person under subsection (1) only if satisfied that the person has appropriate qualifications, training or experience to perform the function or exercise the power.

(3) In performing the function or exercising the power, the delegate must comply with any written directions of the Commission.

(4) A delegation under this section is revocable at will and does not prevent the exercise of a power by the Commission.

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Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2
The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes
The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments
A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and "(md not incorp)" is added to the amendment history.

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Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

C[x] = Compilation No. x

ch = Chapter(s)

cl = clause(s)

cont. = continued

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

div = Division(s)

ed = editorial change

exp = expires/expired or ceases/ceased to have effect

gaz = gazette

LA = *Legislation Act 2003*

LIA = *Legislative Instruments Act 2003*

(md) = misdescribed amendment can be given effect

(md not incorp) = misdescribed amendment cannot be given effect

mod = modified/modification

No. = Number(s)

Ord = Ordinance

orig = original

p = page(s)

para = paragraph(s)/subparagraph(s) /sub-subparagraph(s)

pres = present

prev = previous

(prev…) = previously

pt = Part(s)

r = regulation(s)/Court rule(s)

reloc = relocated

renum = renumbered

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s) /rule(s)/subrule(s)/order(s)/suborder(s)

sch = Schedule(s)

SLI = Select Legislative Instrument

SR = Statutory Rules

sub ch = Sub-Chapter(s)

sub div = Subdivision(s)

sub pt = Subpart(s)

underlining = whole or part not commenced or to be commenced

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Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Competition and Consumer (Exceptional Circumstances Class Exemption—Global Supply Chain Disruptions) Determination (No. 1) 2026	25 June 2026 (F2026L00832)	23 June 2026 (s 2(1) item 1)	
Competition and Consumer (Exceptional Circumstances Class Exemption—Global Supply Chain Disruptions) Amendment (Competition Code) Determination 2026	9 Sept 2026 (F2026L01182)	10 Sept 2026 (s 2(1) item 1)	—

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Endnote 4—Amendment history

Provision affected	How affected
s 2.....	rep LA s 48D
s 3.....	rs F2026L01182
s 5A.....	ad F2026L01182
s 6.....	am F2026L01182
	ed C1

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Endnote 5—Editorial changes

In preparing this compilation for registration, the following kinds of editorial change(s) were made under the *Legislation Act 2003*.

Subsection 6(1) (definition of *Act)*

Kind of editorial change

Give effect to the misdescribed amendment as intended

Details of editorial change

Schedule 1 item 4 of the *Competition and Consumer (Exceptional Circumstances Class Exemption—Global Supply Chain Disruptions) Amendment (Competition Code) Determination 2026* provides as follows:

4 Section 6 (at the end of the definition of *Act*)

Add "or the Competition Code, as appropriate".

The definition of ***Act*** does not appear in section 6. However, it does appear in subsection 6(1).

This compilation was editorially changed to apply the amendment to the definition of ***Act*** in subsection 6(1) to give effect to the misdescribed amendment as intended.

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