

# Competition & Consumer Law Journal

Volume 31 Part 2

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[The Act and its institutions — A success story](#)

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This article contends that the Australian Competition and Consumer Act 2010 (Cth) (CCA) and its associated institutions such as the Australian Competition and Consumer Commission (ACCC) are deservedly hailed as success stories. The article discusses the elements of that success, notes some qualifications to the view that that it has been an unqualified success story and points to future challenges.

[The Australian Competition Tribunal: A personal perspective](#)

— *Dr Jill Walker*

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The Australian Competition Tribunal has been an enduring feature of the competition law landscape in Australia. The range and scope of its role in the administrative review of decisions has ebbed and flowed over six decades. Nevertheless, the Tribunal has had an important influence on the interpretation and practice of competition law in Australia. Firstly, it has assisted the Courts in developing an understanding of competition law as economic law. Secondly, it introduced the practice of receiving expert economic evidence concurrently in a 'hot tub', a practice which has spread to other areas of the law and other jurisdictions. The role of the Tribunal seems assured for the foreseeable future with the introduction of mandatory and suspensory merger notification and administrative review. In future there may be scope for other areas of competition law to revert to the administrative sphere and/or for the Tribunal to provide expert assistance to the Federal Court.

[Bumps and breakthroughs: The journey of Australia's merger reforms](#)

— *Annalisa Heger, Jessica Kwong and Andrew Leigh*

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We examine the evolution of Australia's merger laws over the past six decades, detailing significant legislative and policy developments. Our analysis begins with Garfield Barwick's early proposals and the establishment of the Trade Practices Act 1974 (Cth), which introduced the prohibition on anti-competitive mergers. We discuss the shift to the dominance test in 1977, the reversion to the

substantial lessening of competition test in 1993, and the impact of the Hilmer Reforms. The analysis covers key periods, including the era of voluntary and non-suspensory merger processes, the challenges posed by creeping acquisitions, and the responses to market concentration issues. The merger reforms enacted in 2024 are discussed in detail, highlighting the introduction of mandatory notification, streamlined review processes, and enhanced transparency measures aimed at improving the efficiency and effectiveness of Australia's merger control framework. Applying a historical lens, and looking to the future, the article underscores the importance of robust merger laws in promoting competitive markets and protecting consumer welfare.

## Reflections on 50 years of consumer protection

— *Catriona Lowe*

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