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EDITORIAL

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ARTICLES

**When a Seemingly Anti-competitive Merger Is Actually Better for the Market;
Vodafone v ACCC – Ketki Kotwal**

This article discusses the decision relating to a merger, through the acquisition by Vodafone Hutchison Australia Pty Limited of all the ordinary shares in TPG Telecom Limited, under s 163A of the *Competition and Consumer Act 2010* (Cth). In particular, it considers the “counterfactual” vs the commercial reality presented by the parties should the merger proceed. This judgment raises some interesting questions over when a merger is not only permissible, but also beneficial to competition, despite two of the entities in the proposed merger also being prominent competitors in the market. 5

Australian Open Banking: The Regulatory Dilemma of Balancing Different Policy Objectives – Suman Podder

The Australian Government has recently enacted the “Consumer Data Right” legislation. The application of Consumer Data Right to the banking sector is commonly known as “Open Banking”. Under Open Banking customers are given an option to share their data held by the incumbent banks with other accredited entities. This article explores the reasons for implementing Open Banking in Australia and considers both the benefits that can be enjoyed by the customers and risks that can be exacerbated by this data-sharing regime. Mainly this article focuses on the regulatory dilemma of balancing the policy objectives of the Consumer Data Right legislation when it is implemented as Open Banking. 15

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