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EDITORIAL

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ARTICLES

Loosening the Handbrake: Competition Law and Sustainability Initiatives –
Haydn Flack and Paul Schoff

The world is facing a climate emergency and a rapid loss of biodiversity. Responding to the challenge presented by a changing climate requires a collective response from governments, business and individuals. While competition law is not the solution, businesses are increasingly seeking to understand the implications of competition law for sustainability agreements and collective action directed at achieving sustainability outcomes. This article explores the evolving response of policy makers and regulators to the interaction between competition law and sustainability and the growing dialogue in other countries that remains in its infancy in Australia. This article offers some suggestions as to what practitioners and regulators in Australia can do to ensure that competition law does not operate as a handbrake on collective action directed at achieving sustainability outcomes, particularly in response to a rapidly changing climate. 187

Amazon, Antitrust, and a First Amendment Paradox – *Michael Gvozdencovic*

The intersection between digital platforms and the right to freedom of speech guaranteed by the First Amendment of the *US Constitution* is an area of law ripe for consideration. When Twitter removed then-President Donald Trump from its social media platform, Justice Thomas observed, “the right to cut off speech lies most powerfully in the hands of private digital platforms. The extent to which that power matters for purposes of the First Amendment and the extent to which that power could lawfully be modified raise interesting and important questions”: *Biden v Knight First Amendment Institute at Columbia University*, 141 S Ct 1220, 1221, 1227 (2021). This article seeks to answer one of these interesting and important questions: whether and how antitrust law can be used to regulate the monopoly power that digital platforms hold over “free speech” in a manner consistent with the First Amendment. 203

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