

# AUSTRALIAN JOURNAL OF COMPETITION AND CONSUMER LAW

Volume 33, Number 3

2025

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## ARTICLES

### **Australia's Tougher New Merger Law – Russell Miller AM**

The vigorous debate on whether Australia's merger control approach is fit for purpose is over. Ignited by the ACCC's public advocacy, resulting from the view that the existing law was inadequate, the Government introduced broad-ranging changes. Parliament has enacted extensive amendments to Australian merger law, heralding a fundamentally new approach to merger evaluation in Australia. This article explains key features and explores some potential challenges the new law presents. .... 199

### **The Dire Consequences of Wasteful Arrangements – Adrian Coorey**

Criminal cartels are the most egregious form of anti-competitive conduct. The decisions *Director of Public Prosecutions (Cth) v Bingo Industries Pty Ltd* and *Director of Public Prosecutions (Cth) v Aussie Skips Bin Services Pty Ltd* are an important reminder that criminal cartel conduct is a serious offence that will result in severe sanctions. In these cases, Wigney J imposed fines on the corporate respondents totalling \$33.5 million. Additional fines were imposed on the individual respondents, each of which was sentenced to 18 months imprisonment, which resulted in hundreds of hours of community service. Both individuals were also disqualified from managing corporations for a period of five years and lost their positions as chief executive officers. .... 214

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