

COMPETITION LAW: MERGER CLEARANCE IN AUSTRALIA

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Australia has a voluntary premerger notification regime, administered by a well-resourced and proactive antitrust authority, the Australian Competition and Consumer Commission (the **ACCC**).

The ACCC's *Merger Guidelines* recommend that business should seek clearance from the ACCC in the event that the post merger market share of the merged entity is greater than 20%.

After appropriate investigation and market inquiries, the ACCC can clear a transaction relatively promptly. If it has concerns with a proposal, it has extensive investigatory powers which can result in a lengthy second phase process that has no statutory time limit.

Ultimately, if the ACCC has concerns with a merger, it will commence proceedings in court to restrain its completion or seek divestiture of the acquired shares or assets.

To read the full chapter, please [click here](#).

Ayman Guirguis (2016). 'Competition Law: Merger Clearance in Australia'. In Nick Humphrey's *Negotiated Acquisitions and Buyouts* (pp. 277 to 289). Sydney: Wolters Kluwer, CCH.

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