

TABLE 1
AUSTRALIA

Stature	General Motivation	Merger Definition	Merger Test	Defences, Exemptions	Decision-Making Body	Enforcement
The Trade Practices Act 1974	<ul style="list-style-type: none"> ● competition, public benefit 	<ul style="list-style-type: none"> ● acquisition of the shares or assets of a body corporate 	<p>● market dominance test: whether, either as a result of an acquisition, the acquiror would be in a position to dominate a market, or if already in such position, would be likely to strengthen that domination</p> <p><u>Guidelines</u></p> <ul style="list-style-type: none"> ● Review triggered where: <ul style="list-style-type: none"> (a) acquiror obtains market share of 45% or more and becomes largest competitor, or (b) acquiror becomes largest competitor and market share exceeds #2 competitor by 15% or more, or (c) market share of dominant firm increases by 10% or more 	<ul style="list-style-type: none"> ● no statutory defences or exemptions, however, authorization may be granted if merger would result in "benefit to the public" 	<ul style="list-style-type: none"> ● Trade Practices Tribunal (quasi-judicial) ● Federal Court of Australia 	<p><u>Administration</u></p> <ul style="list-style-type: none"> ● Trade Practices Commission (independent federal competition law enforcement agency)

⁸⁹ Reproduced from American Bar Association Section of Antitrust Law, op cit, pp. 448-457.