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From: Cass-Gottlieb, Gina <Gina.Cass-Gottlieb@acc.gov.au>
Sent: Thursday, 9 March 2023 2:54 PM
To: Kennedy, Steven <Steven.Kennedy@TREASURY.GOV.AU>; Philp, Brenton <Brenton.Philp@TREASURY.GOV.AU>
Cc: Office of the Secretary <OfficeOfTheSecretary@TREASURY.GOV.AU>; Ayres, Lisa Anne (ACCC - Unclassified DLM) <lisaanne.ayres@acc.gov.au>; Copley, Suzie <suzie.copley@acc.gov.au>; Leuner, Tom <tom.leuner@acc.gov.au>; Gregson, Scott (ACCC - Unclassified DLM) <scott.gregson@acc.gov.au>
Subject: Merger Reform Paper [SEC=OFFICIAL]

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Dear Steven and Brenton

As I have foreshadowed with each of you, we have been working to prepare and provide the government with the ACCC's considered views regarding the adequacy and effectiveness of the competition merger controls in Australia and outline possible reform options which we have developed over time. Our outline paper is attached and we would welcome the opportunity to discuss the paper and the proposed reforms in more detail and possible next steps.

This paper reflects the views of the ACCC's Commissioners and takes into account feedback we received from various stakeholders since the ACCC started a debate on the need for reform in August 2021. We consider the current economic conditions, uncertainty and levels of market concentration highlight the importance of reform.

For some time, the ACCC has been concerned that Australia's merger regime is not fit for purpose and is out of step with most regimes in mature economies. We are increasingly concerned that the current informal, enforcement-based model does not provide the necessary tools to effectively assess and prevent anti-competitive mergers, and that it is not possible to achieve meaningful change without a policy and law shift.

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We look forward to discussing the paper with your team and the possible next steps, including the form of any potential consultation on reform options. Suzie Copley, Tom Leuner and Lisa Anne Ayres are meeting with David Pearl today to commence discussion of the paper.

Kind regards
Gina

Gina Cass-Gottlieb

Chair
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PS – If you have received this outside normal hours, it was because it was convenient for me to be working, I don't expect a response until normal working hours.

The ACCC acknowledges the traditional owners and custodians of Country throughout Australia and recognises their continuing connection to the land, sea and community. We pay our respects to them and their cultures; and to their Elders past, present and future.

From: Palisi, Joanne <joanne.palisi@acc.gov.au>
Sent: Wednesday, March 8, 2023 6:55 PM
To: Cass-Gottlieb, Gina <Gina.Cass-Gottlieb@acc.gov.au>
Cc: Gregson, Scott <scott.gregson@acc.gov.au>; Leuner, Tom <tom.leuner@acc.gov.au>; Copley, Suzie <suzie.copley@acc.gov.au>; Ayres, Lisa Anne <LisaAnne.Ayres@acc.gov.au>; Beauchamp, Kim <Kim.Beauchamp@acc.gov.au>; Kwong, Jessica <Jessica.Kwong@acc.gov.au>
Subject: Merger reform paper for Treasury - draft email for Steven and Brenton [SEC=OFFICIAL]

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Hi Gina – please see below draft text which you may find helpful for an email to Steven Kennedy and Brenton Philp which attaches our paper on merger reform. Suzie and Tom intend to send the paper to David Pearl first thing in the morning. Attached is the final version of the paper to send with the email. Please let us know if you require anything further at this stage.

Thanks
Jo

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