

Competition & Consumer Law Journal
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Lecture

[Growing up competitive: The influences of Barwick and Murphy on Australian competition regulation](#)

— *Stephen Gageler*

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In his second Bannerman Competition Lecture, Chief Justice Gageler traces the roles and influences of Sir Garfield Barwick and Lionel Murphy, mainly as politicians but partly as judges, in the development of Australian trade practices legislation. That history shows important commonalities and convergences of view. Each of Barwick and Murphy, in his own way, recognised the importance of tackling monopolistic and anticompetitive conduct and the relevance of international approaches to inform the Australian approach to regulating anticompetitive conduct, whilst maintaining a distinctively Australian character to that regulation. Through the work of Barwick, in building political momentum for trade practices legislation and embarking on a thorough and worldly approach to its design, and the work of Murphy, in crafting and successfully enacting the Trade Practices Act 1974 (Cth), the essentials of Australian trade practices regulation have now stood for more than half a century.

Articles

[Australia's competition policies and laws — a long and winding path towards improved prosperity](#)

— *Marcus Bezzi*

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Australia's 235-year historical journey towards a robust modern competition policy framework started poorly with a military convict economy that featured corrupt monopolies. This article traces the evolution of competition policy settings and laws from the colonial monopolies to protectionism and the Australian Industries Preservation Act 1906, through the Trade Practices Acts of 1965 and 1974, to the modern Competition and Consumer Act of 2010. It examines key reform periods — including the Swanson, Hilmer, Dawson and Harper Reviews — highlighting the interplay between domestic policy priorities, stakeholder advocacy and overseas influences.

The analysis underscores how legislative and institutional changes, notably the introduction of the Australian Consumer Law and the establishment of the Australian Competition and Consumer Commission, have sought to balance market efficiency, fairness and consumer welfare while creating a more prosperous economy. The recent Treasury led Competition Review is presented as a departure from past reform models, emphasising data-driven analysis, rapid policy development and targeted legislative change. The article argues that while substantial progress has been made, Australia's competition settings remain a work in progress, with ongoing opportunities to simplify laws, reinvigorate National Competition Policy and address emerging challenges such as market concentration, digital markets and labour market restraints.

Enforcement action by the ACCC and ASIC in response to greenwashing

— *Ian Ramsay and Miranda Webster*

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Manufacturers, retailers and suppliers may overstate the ways in which a product or service benefits (or is less harmful to) the environment, and investment funds and companies may misrepresent the extent to which a financial product or investment strategy is environmentally friendly, sustainable or ethical. These practices are referred to by the Australian Competition and Consumer Commission (ACCC) and the Australian Securities and Investments Commission (ASIC) as 'greenwashing'. Greenwashing is a current enforcement priority for both the ACCC and ASIC. The authors examine greenwashing enforcement activity by ASIC and the ACCC for the 11-year period from July 2013 to June 2024. They document the different results achieved by the two regulators in terms of the number of enforcement outcomes, when the enforcement outcomes occurred, and the types of enforcement outcomes (including the use of infringement notices, civil penalty litigation and enforceable undertakings). The authors discuss possible explanations for the differences in enforcement outcomes.