

# AUSTRALIAN JOURNAL OF COMPETITION AND CONSUMER LAW

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## EDITORIAL

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## ARTICLES

**The AFL, the joint venture defence and single economic entity theory** – *Paul A Czarnota*

The Australian Football League (AFL) relies on its ability to generate revenue from the “pooling” of broadcasting, merchandise and sponsorship rights by all licensed AFL clubs to effect a level of financial equality throughout the league by virtue of its revenue-sharing arrangements, which in turn allow it to create a marketable competition. This article will focus on whether the aforementioned pooling arrangements contain exclusionary provisions in contravention of s 45 of the Competition and Consumer Act 2010 (Cth), and if so, what defences are available to the AFL. The article contends that it should more properly be open to the AFL to claim immunity from s 45 pursuant to the single economic entity theory, as opposed to being classified as a joint venture and relying on the joint venture defence contained in s 76C of the Act. .... 149

**ACCC priorities in enforcing competition law** – *Rod Sims*

This is an abridged text of a speech given by the Chairman of the Australian Competition and Consumer Commission, Rod Sims, at the 2012 Competition Law Conference, in Sydney on 5 May 2012. .... 171

**Understanding the ACCC’s NBN Co/Optus authorisation decision and its implications** – *Rod Sims*

The Australian Competition and Consumer Commission’s recent authorisation of the agreement between NBN Co and Optus has generated much comment. This short article from the Chairman provides an overview of how and why the Commission reached its decision, and examines both the public benefits and detriments resulting from the authorisation, and its long-term implications. .... 177

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