

Committee Secretary  
Senate Economics Committee  
Department of the Senate  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
Australia

To the Secretary of the Senate Committee,

I am putting forward a submission in relation to your inquiry into the Trade Practices Amendment (Small Business Protection) Bill 2007. The main objective of this bill is to enable the Australian Competition and Consumer Commission (ACCC) to seek compensation for parties affected by the secondary boycott provisions under Sections 45D and 45E of the *Trade Practices Act 1974*. The bill amends section 87 of the Act to allow the ACCC to take legal action and pursue compensation on behalf of persons who have suffered or are likely to suffer loss or damage as a result of unlawful secondary boycotts.

I believe the section 45DD (3) (a) should be amended to read

(a) the dominant purpose for which the conduct is engaged in is substantially related to environmental protection, *animal welfare* or consumer protection; and

My reason for this is that I believe animal welfare is similar in concept to protection of consumers and protection of the environment, but not covered by either.

The case for including the environment is that the environment doesn't have a voice and can't speak for itself. Consumers do have a voice, but it has long been accepted that especially because of information asymmetries, there is a value in consumer advocates having the freedom to speak on consumers behalf.

Animals, like the environment, have no voice, and it necessarily falls to animal welfare groups to speak on their behalf. Animal welfare groups should have as much freedom to speak on behalf of animals as environmental groups do to speak on behalf of the environment, or consumer groups do on behalf of consumers.

I have real concerns that if this legislation is not amended, organizations such as the RSPCA could be at risk of prosecution whenever it urges consumers not to buy certain products.

Naomi Henry

23 August 2007.