

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

23 August, 2007

Dear Sir/Madam

I am writing to protest against the new proposed bill to enforce the secondary boycott provisions of the Trade Practices Act 1974.

It is stated that 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 by amending 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 am objecting to these proposed changes because they indirectly inhibit the fundamental right of free speech. Should a genuine concern be raised which affects any person, business or industry in such a way as they suffer a loss or damage then the legitimacy of such loss or damage must surely be determined by the degree of their culpability as perceived by the people who consume their goods and/or services. This is a vastly different scenario to a person to person or person to business libel case.

Under the current law the ACCC is able to investigate and prosecute organisations that seek to hinder or prevent the supply of goods to or from a company but it cannot bring representative actions or seek compensation on behalf of small businesses. This Bill is effectively turns the ACCC - Australia's independent consumer protection 'watchdog' - into an entity which may legitimately attack any community group which seeks to bring attention to issues which are of genuine concern to it. As a result, these legitimate organisations will be muzzled as they will be deterred from speaking out because of the need to first obtain costly legal advice and/or defence.

In short this Bill is an indirect attack on the right of free speech and must be quashed forthwith.

Yours faithfully

Mark Berriman