

I wish to note my concern and alarm at the proposed amendment.

I believe the ability to make a protest is fundamental to our democratic society; this amendment would change the balance of power to favour commerce over citizens.

This amendment allows no test of malice or no allowance of truth as defence. I understand the need to protect small business from untruths and unscrupulous behaviour, however this must be balanced against freedom of speech.

If protest affects commerce then so be it, the cornerstone of a democracy is the people and the duty for representatives to act in their interest, not the interest of business. If a business feels it has lost revenue unfairly, then provide a mechanism for it to pursue compensation itself through the courts rather than using a publicly funded body in the ACCC.

If people chose to engage in commerce then they should carry out their business in an ethical manner. If they choose not to, and choose to exploit others to their own advantage then others and their agents should have the right to highlight those business practices.

If this amendment is to protect small business, then have a limit placed into the act for number of employees or turnover; such tests are already defined in current tax legislation. Otherwise the amendment will be capable of being abused by larger corporations, these large corporations have the capability to pursue those who they believe have commercially interfered with them in other ways.

If a protest was to change others behaviour, then that is their choice as free citizens in a democracy. As long as all that the protest states is discernibly true in fact then the information should be allowed to be disseminated. This proposed amendment would swing the balance of power away from consumers, how can it be an offence to encourage others not to consume ?

In summary, one does not seek to remove the rights of small business owners to defend their business and their livelihood, but this must be balanced against the freedom for citizens to express their opinions. The proposed amendment is fundamentally flawed in being skewed towards the rights of commerce over the rights of peoples free speech.

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