

21 April 2015

Senate Standing Committees on Economics

By email [economics.sen@aph.gov.au](mailto:economics.sen@aph.gov.au)

To the Senate Standing Committees on Economics

Re: Competition and Consumer Amendment (Deregulatory and Other Measures) Bill 2015

CHOICE appreciates the opportunity to provide the following comments on the Competition and Consumer Amendment (Deregulatory and Other Measures) Bill 2015.

Part 1 of the Bill removes the requirement for businesses to report food-related product safety incidents to the Australian Competition and Consumer Commission (ACCC) claiming that this requirement duplicates existing processes and places a disproportionate cost burden on industry.

CHOICE has found it difficult to confirm exactly what processes the ACCC reporting requirement duplicates. Before this reporting requirement is removed the Federal Government has an obligation to demonstrate that alternative or existing processes are in place to require reporting of food products in the case of a serious injury, illness or death.

We believe that if this Bill proceeds there is the possibility that reporting of food-related deaths, injuries and illnesses as a result anaphylactic reactions may not occur. In addition, we have been unable to clarify whether State and Territory-level reporting requirements are up-to-date and adequate.

State and Territory legislation relating to health, food and notifiable diseases requires food-borne infectious diseases to be reported to health authorities. These reporting requirements are not consistent between states but capture a large amount of food-borne diseases. OzFoodNet appears to be the central repository of data where government captures all information about food-borne disease incidents.<sup>1</sup> However, it appears as though this website has not been updated since 2013, raising questions about the currency of the data and adequacy of current reporting.

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<sup>1</sup> <http://www.ozfoodnet.gov.au/internet/ozfoodnet/publishing.nsf/Content/what-is-ozfoodnet-1>

Recognising other reporting requirements outlined in section 92 of the *Competition and Consumer Regulations 2010*, food-borne infectious diseases are currently exempted from mandatory reporting to the ACCC.<sup>2</sup> Other food-related deaths, serious injury or illness (i.e. anaphylactic reactions and choking on food-packaging) are not exempted and are required to be reported by food companies to the ACCC. Anaphylactic reactions and incidents of choking from packaging are the two reporting areas that will be affected by the Bill. Paragraph 1.9 of the Explanatory Memorandum states that choking incidences will continue to be required to be reported where it relates to choking on food packaging. From what we can tell, there remains a gap with the reporting of incidents related to anaphylaxis.

CHOICE discussed this issue with Allergy and Anaphylaxis Australia (A&AA), a not-for-profit organisation that deals with community issues related to anaphylaxis. Maria Said, President of A&AA commented;

*“... if this requirement is deregulated we have lost the ability to build on an existing platform to help capture information that would assist us with management of allergic disease in relation to food products... The gathering of information on potentially life threatening allergic reactions by the ACCC has meant we have a collection point for critical information”.*

CHOICE believes that duplication of processes is undesirable and supports removing unnecessary reporting requirements. We ask that the Federal Government clarifies the precise processes that the current ACCC reporting duplicates with specific reference to reporting requirements for food-related deaths, injuries and illnesses as a result anaphylactic reactions.

Yours sincerely,

Matt Levey  
Director, Campaigns & Communications

<sup>2</sup> Specific exemptions allowed as per *Competition and Consumer Act 2010, Schedule 2, 131(2)(c)*; See also *Competition and Consumer Regulations 2010, s 92*. For further information see ACCC, A guide to the mandatory reporting law in relation to consumer goods, 2010, <https://www.productsafety.gov.au/content/item.phtml?itemId=984082&nodeId=2ac90e6ab5f98b822a59ba2fdf3ed9de&fn=Mandatory%20Reporting%20Guidelines.pdf>