

Dissenting Report by Senator Nick Xenophon

1.1 I cannot support the Competition and Consumer Amendments (Deregulatory and Other Measures) Bill 2015 ('the bill') in its entirety. In particular, I oppose Part 1 of the bill which would remove the requirement for businesses to report any food related deaths or serious injuries/illness to the Australian Competition and Consumer Commission ('ACCC') unless it relates to the packaging of the food. This is an unacceptable weakening of the Competition and Consumer Act 2010 that will leave the responsibility of investigating such incidents to the states and territories which, based on information provided to the committee, may lack up to date reporting and investigative mechanisms. A rational approach is necessary.

1.2 The Explanatory Memorandum for the bill argues that this measure will reduce compliance burdens for businesses as the requirement to report food related deaths and serious illnesses to the ACCC is 'duplicative and places a disproportionate cost on industry'.¹

1.3 However, in its submission to the inquiry, CHOICE reported that it 'found it difficult to confirm exactly what processes the ACCC reporting requirement duplicates'.² CHOICE's submission continued:

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. 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.³

1.4 The importance of having a centralised point for critical information such as the ACCC was emphasised by Allergy and Anaphylaxis Australia, who told CHOICE that information provided to the ACCC about life-threatening allergic reactions assists with the management of such reactions.⁴

1.5 The level of cooperation and communication between state and territory based regulators is also unclear. A national body that is able to collect, collate, analyse food related incidents is necessary in order to identify potential trends which may otherwise go undetected if state and territory based regulators are working in isolation of one another.

1 *Explanatory Memorandum*, p. 8.

2 CHOICE, *Submission 5*, p. 1.

3 CHOICE, *Submission 5*, p. 1.

4 CHOICE, *Submission 5*, p. 2.

Recommendation 1

1.6 That the bill be amended to remove Part 1

**Senator Nick Xenophon
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