

## LEGAL NEWS ALERT

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### Mandatory Reporting of Unsafe Products



#### Are you a large or small business providing consumer goods to clients?

Mandatory reporting laws came into effect on **1 January 2011** requiring businesses to report unsafe products sold which have resulted in serious injury, illness or death. The system is not an admission of liability but rather aimed at protecting consumers from products which are identified as being unsafe.

The laws apply to all large or small businesses in the supply chain including retailers, dealers, hirers, distributors, installers, repairers, importers, exporters and manufacturers of consumer goods. It will also relate to services associated with the goods (installation, maintenance etc).

#### When must a report be made?

The individual supplier is responsible for making a report where:

1. They become aware consumer goods supplied by them have resulted in serious injury, illness or death.
2. The supplier considers the death or serious injury or illness was caused, or may have been caused, by the use or foreseeable misuse of the consumer goods;

#### OR

The supplier becomes aware that a person other than the supplier considers that the death or serious injury or illness was caused, or may have been caused, by the use or foreseeable misuse of the consumer goods.

A serious injury is defined as an acute physical injury or illness requiring medical or surgical attention under a qualified doctor or nurse.

A report must be made within 2 days of a supplier becoming aware of the incident.

These laws apply in all cases where a supplier became aware in either way stipulated in point 2 (above) after 31 December 2010, regardless of the date of incident.

Consumer goods are defined as goods intended to be used for personal, domestic or household use or consumption.

Reports can be made online via [www.productsafety.gov.au](http://www.productsafety.gov.au).

If you are unsure about liability for reporting under these laws please contact Adam Robinson, Gerard Ryan or Ian Portas.

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