

Mandatory Reporting of Unsafe Products

ARE YOU A SMALL OR LARGE BUSINESS PROVIDING CONSUMER GOODS TO CLIENTS?

Mandatory reporting laws have been in place since **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 small or large 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.).

'**Consumer Goods**' are goods that are intended to be used for personal, domestic or household use or consumption.

WHEN MUST A REPORT BE MADE?

The individual supplier is responsible for making a report where:

1) They become aware consumer goods they have supplied resulted in serious injury, illness or death; and

2(i) The supplier considers the death or serious injury or illness was caused by, or may have been caused, by the use or foreseeable misuse of the consumer goods;

(ii) 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.

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

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.



Reports can be made online via:

<https://www.productsafety.gov.au/contact-us/for-retailers-suppliers/mandatory-injury-report>

If you are unsure about liability for reporting under these laws please contact Adam Robinson, Georgina Vlahos or Guy Lawton.

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liability limited by scheme approved under Professional Standards Legislation