

AUSTRALIAN VEHICLE RECALL PROCEDURES

Transmitted by the representative of Australia



**PROCEDURES FOR THE RECALL OF  
VEHICLES AND ASSOCIATED PRODUCTS  
WITH SAFETY RELATED DEFECTS**

**Endorsed by Senator Ron Boswell, Parliamentary Secretary to the Minister for Transport and  
Regional Services, Canberra 2002.**

**This voluntary Recall Code of Practice describes procedures to be  
followed by suppliers for the rectification of safety related defects  
in any vehicle, part, accessory or service.**

**Inquiries concerning this Recall Code should be addressed to:**

Research, Audit and Vehicle Recall  
Vehicle Safety Standards  
Department of Transport and Regional Services  
GPO Box 594  
Canberra ACT 2601

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## PART 1 INTRODUCTION

### 1.1 Overview

This Recall Code describes the procedures to be followed when a supplier is advised (or becomes aware) that a vehicle, part, accessory or service may have a safety related defect, *that is, a defect which will or may cause injury to any person.*

This Code replaces an earlier document, "Procedures for the Rectification of Safety Related Defects in Vehicles and Related Products", which was endorsed by the Australian Transport Advisory Council and published in 1987.

The Trade Practices Act 1974 provides the Minister responsible for Consumer Affairs with powers to order a mandatory recall in appropriate circumstances. However, the need for a mandatory recall may be avoided by a supplier taking effective voluntary recall action under the provisions of this Recall Code. All recalls are monitored for effectiveness by the Department of Transport and Regional Services (DOTARS).

This Code may be reviewed in the light of changed circumstances.

### 1.2 Suppliers Affected

This Recall Code applies to all suppliers in Australia of vehicles, as well as vehicle related parts, accessories and services. However, firms which are members of the Federal Chamber of Automotive Industries or which supply tyres may choose to apply the procedures included in industry based Recall Codes (see Appendix G). Other persons or corporations with in-house procedures for product safety recall should contact the Department of Transport and Regional Services for advice.

Suppliers may choose to adopt more stringent procedures for investigation and recall of products and services than detailed in this Code.

### 1.3 Statutory Obligation

In all circumstances, suppliers of vehicles, parts, accessories and services are subject to the provisions of the Trade Practices Act 1974 and all other relevant legal requirements of the Commonwealth, States and Territories.

The Trade Practices Act 1974 requires suppliers to notify all voluntary product safety recalls (see Appendix F).

### 1.4 Related Owner issues

Not all defects in products involve the need for a safety related recall. Other issues may be involved, such as owner satisfaction and product liability. Suppliers should consider implementing 'pro-active' measures to avoid being caught unprepared if defective products are suspected.

For information on these issues, suppliers should contact the Australian Competition and Consumer Commission or the Consumer Affairs Division of Department of the Treasury.

## PART 2 DEFINITIONS

*Accessory* - means any item supplied for use in connection with a vehicle which is not included in the usual specifications of the vehicle. (See also definition of *Part* below).

*Owner* - means the person or corporation in whom title or property in an item is vested or, if the item is subject to a hire purchase agreement, lease or other financial arrangement, the person or corporation having possession of the item. In the case of a vehicle this is normally the person or corporation in whose name the vehicle is registered.

*Dealer* - means an organisation which is authorised by the supplier to sell its vehicles, parts, accessories and services at wholesale or retail level within Australia.

*Excluded Safety Related Defect* - means a safety related defect which is:

- ◆ caused by failure of a owner or other user to comply with any reasonable instructions, including servicing and maintenance instructions, or warnings provided by the supplier; or
- ◆ due to abnormal use or due to normal wear and tear;  
provided that such defect is not also attributable to any deficiency in design, manufacture, assembly, modification, addition, alteration or repair performed by, or at the direction of, or with the approval of, a supplier.

*Department of Transport and Regional Services* - means the Division of the Department of Transport and Regional Services responsible for road safety matters.

*Part* - means any item supplied for use in connection with a vehicle, being included in the usual specifications of the vehicle (see also *Accessory*).

*Recall* - means any action including the inspection, repair or replacement of any vehicle, part, accessory or service which contains or may contain a safety related defect.

*Recall Campaign* - means a recall procedure conducted in accordance with the provisions of this Code.

*Registering Authorities* - means State and Territory authorities responsible for registration of vehicles.

*Safety Related Defect* - means a defect in an item "which will or may cause injury" to any person, in accordance with the provisions of the Trade Practices Act 1974.

*Service* - means an action taken to modify, repair, restore or maintain the performance of a vehicle, part or accessory.

*Supplier* - means the organisation in Australia:

- ◆ which manufactured and/or assembled or modified or performed a service on a vehicle, part or accessory; or
- ◆ which is the accredited representative in Australia of an overseas supplier and which is responsible for distribution of the overseas supplier's vehicles, parts, accessories or services in Australia; or
- ◆ which, where neither of the above applies, imported a vehicle, part or accessory for sale in Australia.

*Trade Practices Act 1974* - means the Trade Practices Act 1974, as amended.

*Vehicle* - means any motor vehicle or trailer designed solely or principally for transport on public roads, or permitted to be used on public roads.

### **PART 3 RESPONSIBILITY FOR ACTION**

Individual suppliers are responsible for the investigation and rectification of safety related defects, in accordance with the provisions of this Recall Code.

*(Note: The Department of Transport and Regional Services is prepared to offer advice to suppliers on the investigation and rectification of safety related defects, however it bears no responsibility for performing these actions.)*

### **PART 4 SAFETY INVESTIGATION**

#### **4.1 Advice of Possible Defect**

When a supplier detects or receives a report of a possible safety related defect in any of its products or services, it shall immediately make an initial examination of the information available.

*(Note: A supplier may become aware of a possible safety related defect by the following means:*

- ◆ *detection by a supplier itself, a dealer or retailer; or*
- ◆ *complaint from a vehicle owner, repairer or insurer; or*
- ◆ *detection by a motoring or other consumer organisation; or*
- ◆ *detection by the Department of Transport and Regional Services, Federal Bureau of Consumer Affairs or a State or Territory registering authority.)*

#### **4.2 Conduct of Safety Investigation**

If a supplier has reason to believe that a safety related defect exists, or may exist, in any of its products or services, it shall immediately commence an investigation to determine whether that safety related defect exists. The supplier shall use all reasonable efforts to ensure that the investigation is completed without undue delay. The investigation shall include deciding whether or not the defect exists in any other items sold by the supplier.

The investigation shall include consideration of:

- ◆ the reported number and frequency of incidents which may point to a safety related defect; and
- ◆ the time, circumstances and consequences of such incidents; and
- ◆ any other relevant facts and circumstances.

If the investigation does not confirm either (i) there is or (ii) there is not, a safety related defect, the supplier shall determine the likely possibility of occurrence. If, as a result, the supplier cannot confirm the non-existence of a safety related defect, the supplier shall conclude that a safety related defect exists.

### **PART 5 ASSOCIATED SUPPLIERS**

An associated supplier is any supplier in another part of the production chain whose product or service is involved in a safety investigation:

- ◆ a supplier of relevant components of an item subject to investigation; or

- ◆ a user of a component which is subject to investigation.

Liaison with associated suppliers is a very important aspect of investigating the cause or possible consequences of a safety related defect. Associated suppliers should be given details of the nature of the defect and actions required to repair or overcome the defect. They should be kept informed of the course of investigations and of any subsequent recall campaign.

## **PART 6 RECALL CAMPAIGN**

### **6.1 Supplier's Recall Procedure**

If a supplier determines or concludes that a safety related defect (other than an excluded safety related defect) exists, the supplier shall conduct a recall campaign in accordance with this Recall Code. The supplier shall implement the recall procedure described at Appendix A.

*(Note: A recall need not be conducted if the safety related defect exists in items which have not yet been released to the supplier's dealers, agents or distributors for sale, and the safety related defect is rectified in all items prior to release.)*

### **6.2 Notification Requirements**

Under the Trade Practices Act 1974, a supplier undertaking voluntary recall of goods *which will or may cause injury to any person* must provide certain details in writing to the Minister responsible for Consumer Affairs within two days of taking the recall action. A supplier must also notify the Minister if any goods subject to recall are also exported. (See Appendices A and F).

The supplier shall also notify the Department of Transport and Regional Services of the recall, providing a range of relevant information (see Appendix D). Additional information is also required during the course of the recall campaign. This information enables the Department of Transport and Regional Services to monitor each recall for effectiveness.

The initial notification of a recall campaign shall also be forwarded to State and Territory registering authorities (see list at Appendix E).

### **6.3 Recalls conducted by Registering Authorities**

In cases where a safety related defect has been identified but the supplier cannot be identified or is no longer in business in Australia, the Department of Transport and Regional Services may request State or Territory Registering Authorities to initiate recalls within their jurisdiction.

## **PART 7 CAMPAIGN FILES, MONITORING AND COSTS**

### **7.1 Maintenance of Files**

The supplier shall maintain a file or files relating to each recall campaign and the safety investigation which preceded it. The file or files shall record the relevant information detailed at Appendix C. Each file shall be kept in such a manner that it is readily capable of audit and shall be made available for audit if required.

### **7.2 Monitoring**

The supplier shall ensure that recall campaigns are regularly monitored for effectiveness. This includes the adequacy of measures used for rectifying the defect, the method and timeliness of contact with owners and the percentage of affected items returned for rectification.

*(Note: The Department of Transport and Regional Services also monitors these aspects of the effectiveness of suppliers' recall campaigns.)*

### **7.3 Costs**

All costs involved in a recall will be borne by the supplier and, if appropriate, by associated suppliers.

## **PART 8 DISPUTES**

Where any dispute arises relating to the application of this Recall Code, an interested party may bring the matter to the attention of the Department of Transport and Regional Services with a view to resolving the dispute. DOTARS will facilitate negotiation between the parties.

### **APPENDIX A SUPPLIER'S RECALL PROCEDURE**

#### **A.1 Initial Steps**

The supplier's recall procedure commences when the supplier has identified a safety related defect (see clause 4.2).

The supplier shall without delay:

- ◆ identify the supplier's products or services in which the safety related defect exists or could exist; and
- ◆ determine the manner of rectifying the safety related defect.

*(Note: A recall need not be conducted if the safety related defect exists in items which have not yet been released to the supplier's dealers, agents or distributors for sale, and the safety related defect is rectified in all items prior to release.)*

#### **A.2 Allocation Of Responsibilities Within Supplier's Organisation**

The supplier shall nominate a Bureau or department of its organisation to manage and implement the recall, including a contact point for liaison with Government, owners and other parties.

#### **A.3 Campaign File**

The supplier shall maintain a file or files relating to each safety related defect and recall campaign. Each file shall be kept in such a manner as to be readily capable of audit (see Appendix C).

#### **A.4 Notification to Government**

Under the Trade Practices Act 1974, a supplier undertaking voluntary recall of goods *which will or may cause injury to any person* must provide details in writing to the Minister responsible for Consumer Affairs within two days of taking the recall action (see Appendix F).

Where goods supplied to overseas owners are the subject of a recall, a supplier must notify its overseas owners of details of the recall action and provide a copy of this notice to the Minister responsible for Consumer Affairs within ten days of issuing the notice (see Appendix F).

In addition to these legal requirements, the supplier shall also notify the Department of Transport and Regional Services of the recall, providing a range of relevant information (see Appendix D). This information enables the Department of Transport and Regional Services to commence monitoring each recall for effectiveness.

The supplier shall also notify the Department of Transport and Regional Services and State and Territory registering authorities of the recall.

A list of all addresses is at Appendix E.

#### **A.5 Further Notification to Department of Transport and Regional Services**

During the course of the recall campaign the supplier shall provide the Department of Transport and Regional Services with additional information (see Appendix D). This information will be requested by the Department of Transport and Regional Services and enables it to continue monitoring each recall for effectiveness.

#### **A.6 Notification to Owners (in the case of vehicles)**

*(Note 1: See the flowchart at Attachment 1 for a pictorial description of this process.)*

*(Note 2: See section A.7 if the recall involves parts, accessories or services)*

- ◆ At the commencement of a recall campaign, the supplier shall prepare:

- (a) a written notice to each owner, at the owner's last known address, containing a range of information (see Appendix B); and

*(Note 1: If the supplier does not know owners' names and addresses, or suspects that details held may be largely inaccurate, the supplier shall firstly contact registering authorities to obtain this information - see flowchart at Attachment 1.)*

*(Note 2: The supplier may arrange for its dealers to contact owners on its behalf.)*

- (b) a written notice to each of the supplier's dealers, agents or distributors informing them of the recall campaign and the action that the supplier and these other parties are to take in implementing the campaign; and
- (c) an advertisement in a certain format and containing certain information for publication in the media (see Appendix B).

*(Note: an advertisement is not required if the affected items:*

- (i) are held by the supplier or the supplier's dealers, agents or distributors and have not yet been released to the public, provided that all items can be accounted for; or*
- (ii) are in the possession of owners, all of whom can be contacted directly by the supplier within a reasonable time.)*

In addition to writing, the supplier may also contact owners by telephone, personal visit or electronic communication. In addition to advertising in the media, the supplier should also consider press releases, point of sale notices and other means of publicity.

- ◆ If owners fail to respond within ninety (90) days of the initial batch of written notices, or fail to return an item for inspection and/or rectification, the supplier shall send a second written notice to these owners.  
*(Note: If, at any time during the recall campaign, a owner advises that the owner has disposed of a recalled item and names the new owner, the supplier shall immediately send a written notice to the person named.)*

- ◆ If owners fail within ninety (90) days to respond to the second batch of written notices, the supplier shall contact registering authorities to obtain current name and address details for these vehicles.  
*(Note: The supplier provides Vehicle Identification Number (VIN) details to the Roads and Traffic Authority (RTA) of NSW and requests a search of the National VIN Register. The RTA will provide details for vehicles registered in NSW and will advise the State/Territory of registration for other vehicles. The supplier then contacts each State/Territory registering authority. The cost of registration searches will be a matter for negotiation between the supplier and registering authorities.)*

- ◆ Where the supplier is advised by registering authorities of current name and address details for vehicles, the supplier shall send a written notice, by 'Registered Post', to each such owner.  
*(Note: Some States and Territories have privacy rules which may mean the registering authority will post letter on behalf of the supplier)*

- ◆ If owners fail within ninety (90) days to respond to the written notice by 'Registered Post', the supplier shall advise registering authorities of the details of these vehicles.

- ◆ A recall campaign may be declared 'closed' as soon as all affected items have been located and rectified. The supplier shall notify the Department of Transport and Regional Services when it considers that 'closed' status is warranted.

- ◆ A recall campaign may be declared 'inactive' when all necessary steps detailed in this section to contact owners have been undertaken and a satisfactory proportion of items subject to recall have been rectified. The supplier shall notify the Department of Transport and Regional Services when it considers that 'inactive' status is warranted.

Even after a recall is declared 'inactive', the supplier shall take appropriate measures to rectify the defect in any remaining items brought to its attention. This includes dealers being instructed to routinely check that the defect has been rectified when owners present vehicles for normal servicing.

#### **A.7 Notification to Owners (in the case of parts, accessories or services)**

*(Note: In most cases involving vehicle parts, accessories or services, the supplier (or its resellers) will not keep records of the names and addresses of owners. Therefore the supplier will need to rely on public notices to inform owners of the recall. Where full or partial owner details are known, the supplier (or its resellers) should contact these owners directly by mail, telephone or other suitable means.)*

- ◆ At the commencement of a recall campaign, the supplier shall prepare:
  - (a) a written notice to each of the supplier's dealers, agents or distributors informing them of the recall campaign and the action that the supplier and these other parties are to take in implementing the campaign; and
  - (b) an advertisement in a certain format and containing certain information for publication in the media (see Appendix B).

*(Note: an advertisement is not required if the affected items:*

- (i) are held by the supplier or the supplier's dealers, agents or distributors and have not yet been released to the public, provided that all items can be accounted for; or*

- (ii) are in the possession of owners, all of whom can be contacted directly by the supplier within a reasonable time.)

In addition to advertising in the media, the supplier should also consider press releases, point of sale notices and other means of publicity.

- ◆ The supplier shall monitor the rate of owner response, to determine the need for follow up advertising or other means of publicising the recall.
- ◆ A recall campaign may be declared 'closed' as soon as all affected items have been located and rectified. The supplier shall notify the Department of Transport and Regional Services when it considers that 'closed' status is warranted.
- ◆ A recall campaign may be declared 'inactive' when all necessary steps detailed in this section to contact owners have been undertaken and a satisfactory proportion of items subject to recall have been rectified. The supplier shall notify the Department of Transport and Regional Services when it considers that 'inactive' status is warranted.

Even after a recall is declared 'inactive', the supplier shall take appropriate measures to rectify the defect in any remaining items brought to its attention.

#### **A.8 Notification to Associated Suppliers**

The supplier shall ensure that associated suppliers are kept informed during the course of a safety investigation and any subsequent recall campaign.

#### **A.9 Notifying Substantial Change in Campaign**

Where a substantial change occurs during the course of a recall campaign, the supplier shall notify the Department of Transport and Regional Services, providing certain information (see Appendix D). The supplier shall also, if appropriate, notify owners, dealers, agents or distributors and associated suppliers.

#### **A.10 Rectification of Defect**

The supplier shall perform (or ensure that its dealers, agents or distributors perform), as soon as practicable, all necessary work to rectify the safety related defect in items presented by owners.

The supplier shall ensure that all items having a safety related defect which are in its possession or control, or which come into its possession or control, are destroyed or rendered incapable of use or re-use unless they are reworked and made safe. This includes both:

- ◆ items recovered from owners or from owners' vehicles; and
- ◆ items held in stock by the supplier or its dealers, agents or distributors.

If the item recalled is a vehicle, the supplier shall record that the safety related defect has been rectified using a sticker, plate or decal on the vehicle. This sticker, plate or decal shall:

- ◆ have a border similar to the recall advertisement (see Appendix B); and
- ◆ identify the recall campaign (this may be an alphanumeric code) and indicate the vehicle has been attended to; and
- ◆ be located on the right hand front A pillar of the vehicle (or, if there is insufficient room, on the B pillar). In relation to motorcycles, the sticker, plate or decal shall be located on the frame under the seat; and
- ◆ be designed to record either a single recall campaign or have provision to record several recall campaigns.

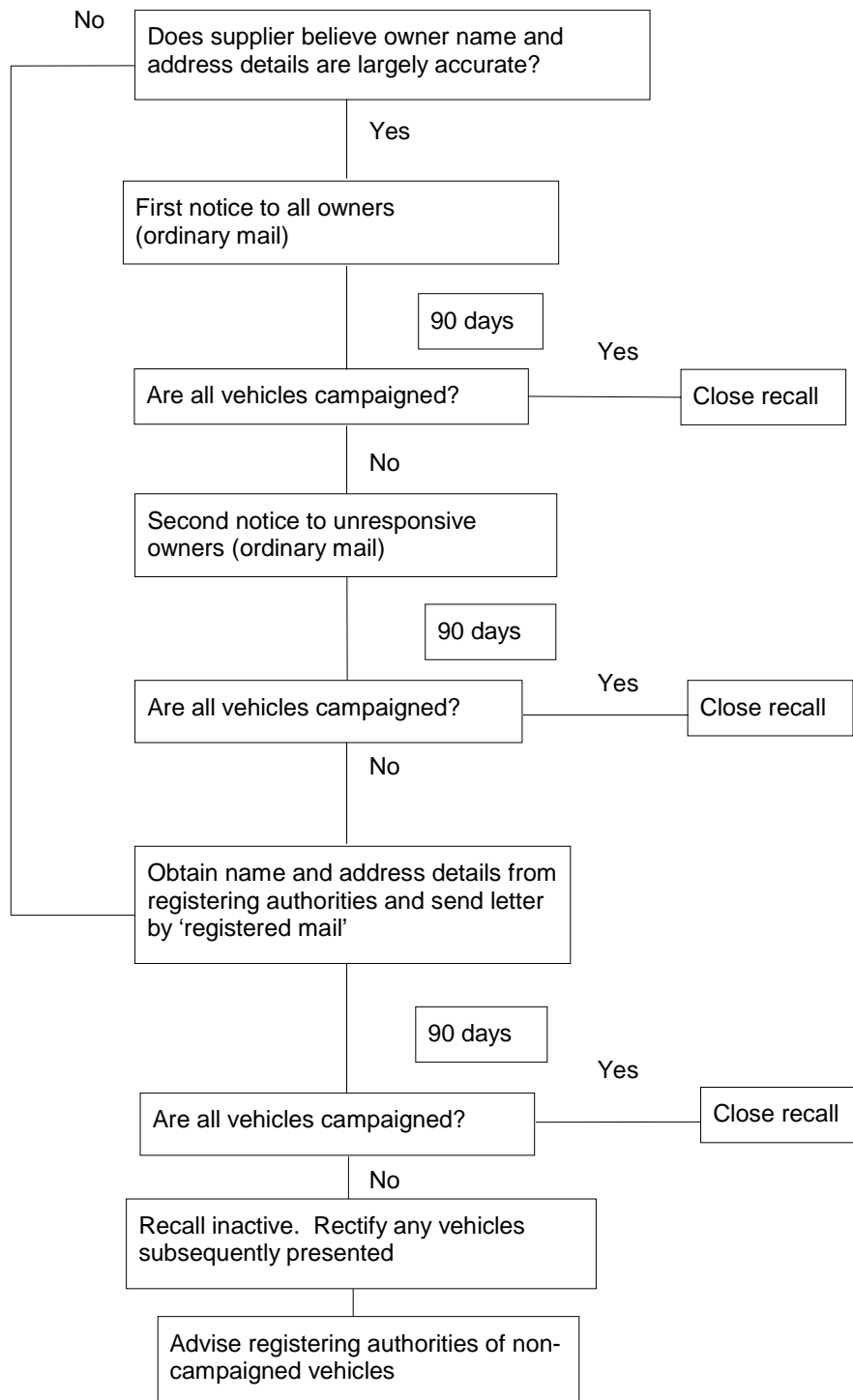
#### **A.11 Monitoring for Effectiveness**

The supplier shall regularly monitor each recall campaign for effectiveness, regarding:

- ◆ the adequacy of measures used for rectifying the safety related defect; and
- ◆ the timeliness of contact with owners; and
- ◆ the percentage of affected items returned for rectification.

## RECALLS OF VEHICLES - CONTACT WITH OWNERS

(See section A.6 for description of this process)





## APPENDIX B

### RECALL ADVERTISEMENT AND NOTICE TO OWNERS

Each advertisement and notice to owners shall contain at least the following information:

- ◆ supplier's name, address and telephone number for owners to contact; and
- ◆ clear identification of the item subject to recall; and
- ◆ the nature and possible consequences of the safety related defect; and
- ◆ commencement date of the recall campaign; and
- ◆ where a owner can have the item inspected and rectified; and
- ◆ information as to repair, replacement or refund; and
- ◆ any limitations on the use of the item pending inspection and rectification; and
- ◆ any other matters which the supplier considers necessary or desirable.

The words "VEHICLE SAFETY RECALL", "VEHICLE PART SAFETY RECALL", "VEHICLE ACCESSORY SAFETY RECALL", "VEHICLE SERVICE SAFETY RECALL" (or otherwise according to circumstances) shall appear as a prominent heading in bold print at the top of each advertisement and notice to owners.

A print media advertisement shall also have the following characteristics (see sample format at Attachment 1):

- ◆ width at least 10cm (or two standard newspaper columns) and depth at least 12cm
- ◆ a border which highlights the advertisement
- ◆ the supplier's logo in a prominent position and in a readily visible size
- ◆ be printed in a prominent position, preferably on a facing page, in the news, editorial or feature articles section of newspapers and other appropriate publications.

The supplier should choose newspapers and/or other publications for recall advertising on the basis of:

- ◆ the likely geographical spread of owners: and
- ◆ whether specialised items (for example truck or motorcycle components) are being recalled; and
- ◆ the possibility of non English speaking owners.

Other appropriate means of publicity may include radio and television advertising, media releases, point of sale notices and the internet.

APPENDIX B  
Attachment 1

#### FORMAT OF RECALL NOTICE (Minimum size 10cm wide by 12cm deep)



## **APPENDIX C**

### **SUPPLIER'S FILE**

The supplier shall record at least the following information in a file or files.

*(Note the Department of Transport and Regional Services may audit these files).*

#### **Conduct of safety investigation (see clause 4.2)**

- ◆ date and details of how the supplier originally became aware of a possible safety related defect; and
- ◆ details of the circumstances which led the supplier to undertake a safety investigation; and
- ◆ commencement and completion dates of the safety investigation; and
- ◆ conclusions reached by the safety investigation and details of the decision to conduct a recall campaign; and
- ◆ particulars of the safety related defect.

#### **Conduct of recall campaign (see appendix A)**

- ◆ procedures for rectifying the safety related defect; and
- ◆ particulars of the item subject to recall (for example make, model, serial numbers, vehicle identification numbers); and
- ◆ commencement date of the recall campaign; and
- ◆ copies of relevant notices to the Parliamentary Secretary to the Treasurer, the Department of Transport and Regional Services, registering authorities, dealers and owners at commencement of the recall campaign; and
- ◆ details of advertising campaign (if conducted); and
- ◆ details of contact with associated suppliers and overseas owners; and
- ◆ records of inspection and/or rectification carried out on items presented by owners (files may be maintained by dealers, agents or distributors); and
- ◆ date or dates of follow up correspondence to unresponsive owners and of registration searches; and
- ◆ details of advice to the Department of Transport and Regional Services on monthly recall progress and of any substantial changes in the recall campaign; and
- ◆ date and reasons for declaring recall campaigns 'closed' and 'inactive'; and
- ◆ number of rectified vehicles; also the number of uncontactable and unco-operative owners; and
- ◆ any other matters which the supplier deems necessary or desirable.

## **APPENDIX D**

### **REPORTING TO DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES**

The Department of Transport and Regional Services is responsible for monitoring suppliers' recall campaigns for effectiveness. To enable DOTARS to perform this task, suppliers shall provide the following information in writing:

#### **At the commencement of a recall campaign**

- ◆ at least a description of the affected items and a description of the safety related defect; plus the following information as soon as it is available:
- ◆ consequences for vehicle safety and corrective action required to rectify the defect; and
- ◆ details of the affected items (make and model, dates manufactured, Vehicle Identification Numbers (VINs) for vehicles or serial numbers for components; and
- ◆ means for disposing of defective items recovered from owners, treatment of potentially defective items in stock and method of identifying vehicles which have been rectified; and
- ◆ number of items affected; and
- ◆ details of advertising and notice to owners (see Appendix B) and advice to dealers, agents, distributors, associated suppliers and any other parties; and
- ◆ if the recall affects items that are exported, confirmation that overseas owners have been notified; and
- ◆ supplier's recall campaign reference number or code, also point of contact in the supplier's organisation.

#### **During the course of a recall campaign**

- ◆ a monthly progress report (by facsimile or mail by the 14th of the following month) on the number of items returned for rectification
- ◆ advice of any substantial change in the recall campaign or any re-advertising (if applicable)
- ◆ the dates (if applicable) of subsequent written notices to owners and registration searches (see appendix A, section A.6)

- ◆ advice when the supplier considers a recall campaign should be declared 'closed' or 'inactive' (see Appendix A, sections A.6 and A.7).

## APPENDIX E

### GOVERNMENT AUTHORITIES: NAMES AND ADDRESSES

*Address for mandatory notification under the Trade Practices Act 1974:*

Senator the Hon. Ian Campbell  
Parliamentary Secretary to the Treasurer  
Consumer Safety Unit  
Competition and Consumer Policy Division  
The Treasury  
Langton Crescent  
PARKES ACT 2600  
Fax: (02) 6263 2830  
Email: recalls@recalls.gov.au

*Address for notification to enable each recall to be monitored according to the requirements of this Code:*

Research, Audit and Vehicle Recall  
Vehicle Safety Standards  
Department of Transport and Regional Services  
GPO Box 594  
CANBERRA ACT 2601  
Fax: (02) 6274 7375  
Email: recalls@dotars.gov.au

### Addresses of Registering Authorities

#### *New South Wales*

Chief Executive  
Roads and Traffic Authority  
PO Box K198  
SURRY HILLS NSW 1238  
Fax: (02) 9218 6999

#### *Queensland*

Manager  
Vehicle Safety and Operations  
Queensland Transport  
GPO Box 673  
FORTITUDE VALLEY QLD 4006  
Fax: (07) 3253 4322

#### *Western Australia*

Manager, Vehicle Standards  
Licensing Division  
Department of Transport  
GPO Box R1290  
PERTH WA 6106  
Fax: (08) 9351 1699

#### *Australian Capital Territory*

Manager, Road Use Management  
Department of Urban Services  
PO Box 151  
CIVIC SQUARE ACT 2608  
Fax: (02) 6207 7160

#### *Victoria*

Chief Executive  
Vic Roads  
60 Denmark Street  
KEW VIC 3101  
Fax: (03) 9853 0512

#### *South Australia*

The Registrar of Motor Vehicles  
Transport SA  
PO Box 2526  
REGENCY PARK SA 5942  
Fax: (08) 8226 7495

#### *Tasmania*

Manager, Vehicle Standards  
Department of Infrastructure, Energy & Resources  
GPO Box 936J  
HOBART TAS 7001  
Fax: (03) 6233 5210

#### *Northern Territory*

Registrar of Motor Vehicles  
GPO Box 530  
DARWIN NT 0801  
Fax: (08) 8924 7324

Last updated 21/8/02

## APPENDIX F

### TRADE PRACTICES ACT 1974: NOTIFICATION REQUIREMENTS

The following extracts from the Trade Practices Act 1974 (as amended) are provided for information. However, it is strongly advised that suppliers consult the Act itself or obtain legal advice. Note that the "Minister" referred to in the Act is the Minister responsible for Consumer Affairs.

### Notification of Voluntary Recall

65R. (1) Where a corporation voluntarily takes action to recall goods because the goods will or may cause injury to any person, the corporation shall, within 2 days after taking that action, give a notice in writing to the Minister:

- (a) stating that the goods are subject to recall; and
- (b) setting out the nature of the defect in, or dangerous characteristic of, the goods.

### Notification if Goods Subject to Voluntary Recall are also Exported

65 F. (7) Where goods are recalled, whether voluntarily or in accordance with a requirement made by the Minister under paragraph (1) (d), a person who has supplied or supplies any of the recalled goods to another person outside Australia shall, as soon as practicable after the supply of those goods, give a notice in writing to that other person:

- (a) stating that the goods are subject to recall;
- (b) if the goods contain a defect or have a dangerous characteristic—setting out the nature of that defect or characteristic; and
- (c) if the goods do not comply with a prescribed consumer product safety standard in respect of the goods—setting out the nature of the non-compliance.

65 F. (8) Where a person is required under subsection (7) to give a notice in writing to another person, the first-mentioned person shall, within 10 days after giving that notice, provide the Minister with a copy of that notice.

## APPENDIX G FURTHER REFERENCES

### Trade Practices Act 1974

Copies of the Trade Practices Act 1974 may be purchased from the Australian Government Publishing Service or accessed on the internet.

Further details concerning the requirements of the Trade Practices Act 1974, as well as general guidelines on the conduct of recall campaigns, may be obtained from:

Competition and Consumer Policy Division  
The Treasury  
Langton Crescent  
PARKES ACT 2600  
Phone: (02) 6263 2730  
Fax: (02) 6263 2830

### Industry Voluntary Recall Codes

- (a) Federal Chamber of Automotive Industries (FCAI): *Code of Practice For the Conduct of an Automotive Product Safety Related Recall Campaign*  
This recall code is for use by members of FCAI.
- (b) Australian Tyre Manufacturers' Association (ATMA): *A Uniform Code of Practice For the Investigation/and Recall of Vehicle Tyres or Tubes with Safety Related Class Defects*  
This recall code is written for use by both members and non-members of ATMA.

### Other Industry Organisations

The following industry organisations may be able to assist member firms in regard to safety related recalls:

- ◆ Australian Automotive Aftermarket Association Ltd
- ◆ Federation of Automotive Products Manufacturers
- ◆ Motor Trades Association of Australia and its constituent bodies in each State and Territory
- ◆ Vehicle Importers and Converters Association of Australia
- ◆ Australian Auto Importers and Manufacturers Association Inc.
- ◆ Truck Industry Council
- ◆ Australian Road Transport Suppliers Association