

ELECTRICAL SAFETY RECALL

GUIDE FOR INDUSTRY

It is in the best interests of suppliers and consumers to make sure that unsafe electrical products are removed from use. Consumers may suffer serious injury from such products and, if they do, suppliers can be liable under the product liability provisions of the Federal Trade Practices Act, mirrored State legislation or at common law.

This guide is to be read in conjunction with the *Product Recall – A Guide for Suppliers* issued by the Consumer Affairs Division of the Federal Treasury (www.recalls.gov.au).

The majority of State electrical safety regulators have mandatory recall powers and regard a voluntary recall as mandatory for the purposes of enquiry and subsequent review.

In this guide 'home regulator' means-

- a) where the product is certified or approved, the regulator who issued that certification or approval; or
- b) where no approval or certification has been issued, the electrical safety product regulator in the State in which the recalling entity's head office is situated.

1) Advise the home regulator of the basis for the recall, including:-

- The type of equipment including brand/trade name/s and model number/s
- The fault and its expected consequence;
- How the fault came to notice;
- Number of units found to have the fault;
- Cause of the fault – eg. design defect, manufacturing process failure or bad workmanship;
- Total number of units manufactured or imported;
- Number sold to wholesalers and/or retailers
- Number of units known or suspected to have the fault, and how this number was determined.

2) Advise the home regulator whether you (the recaller) is the:

- Australian manufacturer;
- importer into Australia; or
- overseas manufacturer and importer into Australia
- other

- 3) **Advise the home regulator, if not the manufacturer:**
- of the details of the manufacturer
- 4) **Advise the home regulator of –**
- **the details of retailers and/or wholesalers** you have supplied with the product
 - **the geographic distribution of the product**
 - **other known Australian sellers** supplied with the product by the manufacturer.
 - **any known similar product** (whether in your product range or a competitor's) that may have the same fault as that to be recalled.
- 5) **Advise wholesalers/retailers to stop sale and quarantine affected stock**
- 6) **In consultation with the home regulator determine the most appropriate recall method or methods**
Eg. Direct mail to consumers utilising sales records
General press or speciality press advertising
Point of sale advertising
- 7) **Where records are available for a direct recall** prepare suitable correspondence or notice, which must address the items listed in 8) below.

The home regulator may assist in the drafting of the above on request.

- 8) **Where records for a direct recall are not available**

Prepare a draft recall advertisement-

The advertisement must

- Contain the prominent heading 'ELECTRICAL SAFETY RECALL'
- Contain a picture or sketch of the product
- Identify the product by brand/s and model or type (and batch if relevant)
- Identify the fault
- Adequately identify the risk (eg of electric shock or fire)
- Identify where and when the article was sold
- Advise of the action to be taken (eg cease use immediately and return to...)
- Identify the entity responsible for the recall.
- Be in the standard format of :
 - at least two columns width with a minimum size of 10 X 12 cm
 - inside a hatched border with a safety triangle in the upper left-hand corner

The home regulator may assist in the drafting of the above on request.

- 9) **Submit the draft advertisement or other notification, and publication schedule (if applicable) to the home regulator for approval before it is published or issued.**
- 10) **Notify the Parliamentary Secretary to the Federal Treasurer** (the minister) in writing within two days of taking recall action. **Notification is required under the Trade Practices Act and may be made via the national recall website; www.recalls.gov.au.**
- 11) **Notify State/Territory Fair Trading / Consumer Affairs agencies.** Notification is required by most State Fair Trading Acts.
- 12) **Publish the recall advertisement in the publications as agreed by the home regulator.** In general these will include at least those publications identified below but **additional regional or specific advertising may be sought.**

For New South Wales

- Sydney Morning Herald, Telegraph, Illawarra Mercury, Newcastle Herald and Canberra Times

For Victoria

- [Herald Sun and Age](#)

For Queensland

- The Courier Mail, The Sunday Mail, The Sunshine Coast Daily, Townsville Bulletin, Rockhampton Morning Bulletin, Mackay Mercury, Gympie Times, The Toowoomba Chronicle, The Daily Mercury, The Queensland Times, The North West Star, News Mail, The Gladstone Observer. There are also 12 Suburban Brisbane newspapers that can also be utilized.

For South Australia

- The Advertiser and the Sunday Mail

For Western Australia

- The West Australian

For Tasmania

- The Mercury, The Advocate and The Examiner.

Or, on negotiation with the home regulator (who will consult the other Regulators) other publications that may be determined more suitable (eg trade or age group targeted magazines).

The advertisements in the format previously described must be placed prominently (**usually within in the first five pages**) in the newspapers or magazines.

Publication does not

- **preclude additional action** such as point of sale advertising.
- **diminish** a suppliers responsibility to attempt to recover all faulty product by other means

13) Determine after publication of the advertisement or after issue of a recall notice, and at least monthly advise the home regulator on a state-by-state basis where possible;

- the number of unsold units returned by retailers
- the number of units sold to consumers by retailers
- the number of units returned by consumers as a result of the recall

14) Determine in consultation with the home regulator whether further advertising or other action is warranted.

15) Where replacement or ‘reworked’ units cannot be readily identified from the recalled type, it is recommended that replacement or reworked units be marked to enable that identification.

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