

## **QUARTERLY NEWSLETTER**

**SEPTEMBER 2012**

### **Notification Requirements for Suppliers of Consumer Goods**

The *Trade Practices Amendment (Australian Consumer Law) Act (No. 2) 2010* imposes onerous notification requirements on suppliers of goods which may cause death, serious injury or illness of any person.

The Act provides that if a supplier of consumer goods in trade or commerce becomes aware that a death, serious injury or illness has been caused, or may have been caused, to a person by the use or foreseeable misuse of the goods, the supplier must give written notice to the Commonwealth Minister within 2 days of becoming aware. Furthermore, the supplier must provide such notice if the supplier becomes aware that another person considers that a death, serious injury or illness has been caused, or may have been caused, by the goods.

There are some exceptions to the notification requirement, including if it is clear that the death, serious injury or illness was not caused or it is very unlikely that it was caused by the use of the goods. The supplier does not have to provide notification if the supplier or another person is required to notify the death, serious injury or illness in order to satisfy the requirements of another law or an industry code of practice.

The notification must identify the goods, provide information on when the goods were manufactured, supplied, transported, imported into Australia or exported from Australia and specify their quantity.

The circumstances in which the death, serious injury or illness occurred and the nature of any serious injury or illness of any person, (if known by the supplier) should also be detailed in the notification.

If the supplier has or will take any action in relation to the goods, they should also provide details of such action in the notification.

### **Liability of Ship Owners for Maritime Accidents**

The *Convention on Limitation of Liability for Maritime Claims* ("LLMC Convention") enables ship owners to restrict their liability to pay compensation for general ship-sourced damage.

The LLMC Convention applies to claims for loss of life, personal injury and loss of or damage to property.

The LLMC Convention does not impose strict liability to pay compensation for damage on the ship owner. The amount of compensation that a court can award is limited by the LLMC Convention.

There is a separate liability limit applying in respect of claims for loss of life or personal injury to passengers of a ship. The liability limits relating to claims for loss of life or personal injury are twice the limits relating to property claims.

According to the LLMC Convention, the ship owner's liability limit is calculated based on the size of the ship.

Further information about The LLMC Convention can be found in *Limitation of Liability for Maritime Claims Act 1989*.

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