



Australian
Competition &
Consumer
Commission

Product safety bulletin

Mandatory reporting for service agents and technicians

April 2012

This bulletin alerts service agents and technicians to the obligation to report serious injury, illness or death associated with consumer goods.

If you provide a service associated with consumer goods, this bulletin applies to you. Examples of services include installing, servicing, inspecting and/or repairing consumer goods.

About the law

Suppliers of consumer goods and related services, including service agents and technicians, are required to report serious injury, illness or death associated with consumer goods. This requirement is known as 'mandatory reporting'.

*What does serious injury or illness mean?
Serious illness or injury means an acute physical injury or illness requiring medical or surgical treatment by, or under the supervision of, a qualified doctor or nurse.*

Mandatory reporting does not apply to incidents involving industrial goods. There are also some incidents involving consumer goods which are exempt. An example of this is motor vehicle accidents on public roads where other laws or codes require a different government entity to be notified of the serious injury, illness or death.

Exemptions are listed in Regulation 92 of the Competition and Consumer Regulations 2010 and are explained in the ACCC's Mandatory Reporting Guidelines which are available from www.productsafety.gov.au/mandatoryreporting.

Your responsibilities as a service agent or technician

If you become aware of a reportable incident, you must provide a mandatory report in writing **within two days** of becoming aware of the serious injury, illness or death.

You must report any incident where someone believes it was caused by the use or misuse of the consumer goods. Your obligation to report applies regardless of whether the incident was related to a service you provided.

If you are a franchisee, you are required to lodge a mandatory report even if you notify your franchisor of the incident. However, you may want to establish an 'agency' relationship so that your franchisor can report on your behalf. More information is available in the ACCC's Mandatory Reporting Guidelines.

How to make a mandatory report

Reports can be submitted using the online mandatory reporting form which is available from www.productsafety.gov.au/mandatoryreporting. If you are unable to submit the online form, please contact the ACCC on 1300 302 502.



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Penalties

A supplier, including a service agent or technician, who fails to fulfil the mandatory reporting requirement may be liable for a penalty of up to \$16 500 for a body corporate or \$3 300 for a person other than a body corporate.

Confidentiality

The information provided in the notice will be treated confidentially. It must not be disclosed without consent, except under exceptional circumstances defined in the law. You can find out more about what is considered an exceptional circumstance by reading the ACCC's Mandatory Reporting Guidelines.

Liability

Where a supplier, including a service agent or technician, has provided a mandatory report, it is not taken for any purpose as an admission of any liability in relation to the consumer goods, product related services or the serious injury, illness or death of any person.

Example: A service technician is called to repair a washing machine that stopped working properly after an electrical storm. On arrival at the house, the service technician was advised that the consumer had tried to use the machine during the storm, had received a bad electrical shock and was taken to hospital. In this instance, the service technician is required to report the details of the incident.

Example: A pool service technician is called to service a backyard pool filter. After completing the service, the technician incorrectly replaces the skimmer box cover. Some time later, a child playing in the pool is suctioned onto the filter and is partially disembowelled. The parents call the service technician about the incident. In this instance, the technician is required to report the details of the incident. The ACCC cannot treat the report as an admission of liability.



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