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**Reference No:** changes to FCAI airbag website/mm-06-21

**Date issued:** 28/06/2021

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## **Changes to website [www.ismyairbagsafe.com.au](http://www.ismyairbagsafe.com.au)**

Members are advised of changes that will take effect to the Federal Chamber of Automotive Industries (FCAI) website [www.ismyairbagsafe.com.au](http://www.ismyairbagsafe.com.au) from July 1, 2021. FCAI is the peak body that represents the vehicle manufacturers in Australia.

### **About the website**

The website was created in mid-2018 after the Australian Government launched what is the single largest vehicle recall in Australian history in February 2018.<sup>[1]</sup>

FCAI advise that from 25 June 2021 the recall has successfully resulted in 99.9 per cent of the more than 3 million vehicles with faulty Takata Airbags recalled.<sup>[2]</sup>

The changes to the FCAI website come into effect after the Australian dealer network had identified and rectified approximately 2.1 million affected vehicles in the recall period. The entire Victorian Licensed Motor Car Trader (LMCT) cohort, including motorcycle dealers, used car traders and automotive dismantlers and recyclers, has handled the issue of the Takata Airbag recall with professionalism. This was a herculean effort by the dealer and LMCT network in assisting consumers to rectify an issue not of dealers making.

### **What are the changes?**

VACC has been advised by the FCAI that it will:

- continue to assist vehicle owners by providing a modified website service beyond the end of June 2021,
- no longer offer a SMS facility for information on a search beyond June 30, 2021, and,
- no longer provide information on vehicles not affected by the Takata Recall on the modified website.<sup>[3]</sup>

LMCTs can continue to use the ACCC [Product Safety Recalls](http://www.accc.gov.au/Products/Recalls) website or information in the case of privately or concessionally imported vehicles and all other recalls.

### **Reiteration of recall advice to LMCTS**

LMCT members are reminded of the August 2018 legal advice, received by VACC from HWL Ebsworth Lawyers. The advice states that it does not matter whether the sale of a recalled product is to a consumer or another dealer because section 127 of the Australian Consumer Law (ACL) prohibits the 'supply, in trade or commerce, of a consumer good' in respect of which a recall notice is in force.

A vehicle is a consumer good for the purposes of the ACL irrespective of whether it is purchased by a retail or wholesale buyer. Any sale by a dealer - whether a wholesale or retail sale - will be a supply in trade or commerce.<sup>[4]</sup>

Please feel free to contact me with any queries.

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- [1] Department of Infrastructure, Transport, Regional Development and Communications, *Compulsory Takata airbag recall* <https://www.infrastructure.gov.au/vehicles/recalls/index.aspx> (Webpage 2021) [20].
- [2] Federal Chamber of Automotive Industries (FCAI) *Letter to Stakeholders*, (2021) [1].
- [3] FCAI (n 2) [6].
- [4] VACC Dealer advice, 2018.