

December 2019

Takata compulsory airbag recall

Fact Sheet

On 28th February 2018, following an Australian Competition and Consumer (ACCC) investigation, the Assistant Minister to the Federal Treasurer, the Honourable Michael Sukkar announced a compulsory recall for all vehicles with defective Takata airbags.

The ACCC estimates that up to 4 million vehicles in Australia are affected.

The compulsory recall requires suppliers of vehicles with defective Takata airbags to replace all defective airbags in Australian vehicles by 31 December 2020.

What is the issue?

Certain types of airbags made by Takata use a chemical called phase-stabilised ammonium nitrate (PSAN) as a propellant. The ACCC investigation concluded that Takata PSAN airbags without a drying agent or with a calcium sulphate drying agent have a design defect. Due to the defect, as the airbag ages the propellant degrades. The result is that when the airbag is triggered it is deployed with too much force, rupturing the airbag so that sharp metal fragments fly out and can hit vehicle occupants, potentially injuring or killing them.

Does the recall affect all Takata airbags?

No. Vehicle manufacturers have a full listing of all the vehicles in Australia affected by the recall.

Two types of Takata airbags alpha and beta airbags have been identified as defective and are being recalled.

The alpha airbags present a significantly higher risk to vehicle occupants due to their age, especially when operated in areas with high humidity. Experts indicate that the risk of these alpha airbags being deployed dangerously is as high as 50 per cent. More recently, manufacturers have confirmed that a small number of beta airbags have also been categorised as higher (critical) risk. Consumers are urged to take immediate steps to have their airbags replaced if their car has a higher-risk (critical) airbag installed.

What are manufacturers doing?

Vehicle manufacturers must follow strict rules set by the ACCC to contact people with vehicles affected by the recall to ensure airbags are replaced. Manufacturers are using a number of sources to ensure they have up to date contact information, including information from the Department of Transport and Main Roads. It is important that your contact details are up to date for you to receive this correspondence.

How do I know if I'm affected?

There are a number of ways for you to check if your vehicle is affected by the compulsory recall.

- You can check the status of your vehicle on your vehicle manufacturer's website.
- You can visit the Product Safety Australia website to enter your vehicle's make and model: <https://www.productsafety.gov.au/recalls/compulsory-takata-airbag-recall/takata-airbag-recalls-list>.
- You can also visit the Federal Chamber of Automotive Industries, "Is my airbag safe" website: <https://ismyairbagsafe.com.au>. Enter your number plate and the state or territory of vehicle registration.

What should I do if my vehicle is on the recall list?

If your vehicle is affected by the recall you need to go to your vehicle manufacturer's website which contains a searchable recall database to find out the current vehicle recall status. There are four recall statuses:

- **"active"** recalls are for replacement now.
- **"critical"** a small number of active recalls are categorised as "critical". These are vehicles which contained alpha or higher risk beta airbags. The recommendation from the ACCC is that these cars should not be driven. Contact your nearest dealer for advice if you own one of these vehicles.
- **"future"** recalls are for lower risk airbags and have a date for replacement in the future.
- **"completed"** recalls, all replacement activities have been completed.

If your vehicle is under active recall, contact your local dealer / manufacturer as soon as you can and make an appointment to get the airbag replaced. This is essential for critical recalls.

Contact information is included in recall correspondence, on the manufacturer's webpage and on the Product Safety Australia webpage:

<https://www.productsafety.gov.au/recalls/compulsory-takata-airbag-recall/vehicle-manufacturer-helplines-contact-details>.

Replacements are free of charge. If you believe you have been charged in error for replacement airbags by your dealer / manufacturer, please report it to the ACCC at: <https://www.productsafety.gov.au/contact-us-for-consumers/make-an-enquiry>.

You should also ensure that your vehicle's manufacturer has the correct contact details for your vehicle. This will ensure you receive all correspondence regarding the recall, particularly if your vehicle is under future recall.

What are my rights under the compulsory recall?

The compulsory recall requires manufacturers of vehicles with defective Takata airbags to recall the vehicles and sets the timeframe for replacement of the airbag.

You can have confidence that if your vehicle is affected, it will be repaired without cost to you. The compulsory recall may also require that you be provided with a loan / hire car, or reasonable alternative transportation in certain circumstances, during the replacement process. Manufacturers' may face penalties if they fail to comply with a requirement of the compulsory recall.

What happens if I don't comply with the recall?

The ACCC, vehicle manufacturers and industry are working hard to notify all affected vehicle holders. This is based on information held by the manufacturers and information that can be sourced about the current registered operator of a vehicle.

The ACCC is currently working with transport agencies across Australia on additional steps that can be taken to have defective airbags replaced.

To reduce the number of vehicles on the road with "critical" airbags, the Department of Transport and Main Roads is supporting the compulsory recall by contacting current registered operators of vehicles affected by the "critical" recall.

TMR will write to all impacted registered operators to make customers aware of the steps TMR is taking to ensure these critical airbags are replaced. If no action is taken by the registered operator, TMR will then issue a Defect Notice requiring the defective airbag to be replaced.

How do I comply with the Defect Notice?

You will need to contact your nearest dealer / manufacturer to arrange a time and place to have the airbag replaced. It is strongly recommended that you do not drive the vehicle until it is repaired. If you do not wish to drive your vehicle for repair, the dealer must offer to tow the vehicle to the place of replacement or arrange for a technician to travel to you.

How long do I have to comply with the Defect Notice?

Registered operators will be given 21 days to action the Defect Notice. If you contact your local dealer / manufacturer and are unable to have the vehicle fixed in this time, you may seek an extension of time.

How do I request an extension of time for my Defect Notice?

Send an email to QLDtakatarecall@tmr.qld.gov.au, with your full name, contact phone number, vehicle registration number and defect notice number, along with the reason for extension and how much additional time is required. If you do not have email you can call 3813 8623 and speak to a Transport Compliance Officer. A Transport Inspector will assess your request and advise what is required to grant you an extension of time.

What happens if I don't comply with the Defect Notice?

Failure to comply with the Defect Notice may result in your registration being cancelled. If the defective airbag is not replaced within 21 days of the Defect Notice being issued, TMR will issue a warning notice followed by a show cause notice.

Unless you can provide evidence that the Defect Notice has been remedied and the defective airbag has been replaced or you have a good reason for not doing so, the vehicle registration will be cancelled 28 days after the show cause notice has been issued.

If your vehicle's registration is cancelled any remaining registration fees will be refunded to you according to existing refund policies.

What happens if my vehicle's registration is cancelled?

If your vehicle's registration is cancelled, TMR will notify you in writing.

You cannot use an unregistered vehicle on a road. Unregistered vehicles are also uninsured and do not have a valid policy of Compulsory Third Party insurance. This means you will be liable for any costs associated with personal injury arising from a crash. Driving an unregistered vehicle often impacts other insurances as well, including comprehensive insurance policies.

The penalties for driving an unregistered or uninsured vehicle are significant. The current penalty for driving an unregistered light vehicle ranges from \$417.76 to \$626.64, while the current penalty for driving an uninsured light vehicle is \$522.20.

What if I want to sell or transfer my vehicle?

You must action the compulsory recall before selling or transferring your vehicle to another registered operator.

Transport legislation prevents the sale or transfer of a vehicle with an outstanding defect. This means you will be prevented from transferring the registration of the vehicle until the outstanding defect has been addressed.