

**MEDIA RELEASE
28/2/06**



Last nail in consumer safety law

The safety of Australian consumers has been compromised by a new law passed by federal parliament overnight, according to the peak body representing personal injury lawyers.

The Australian Lawyers Alliance says that an amendment to the Trade Practices Act (TPA) means that businesses can now knowingly sell or use dangerous products and not be sued under this law for injuries or death caused as a result.

Lawyers Alliance president Richard Faulks said that the amendment removes the last avenue that people had under the TPA to sue for personal injury or death caused by dangerous products.

“Previous changes to the TPA limited the ability to sue the negligent party, with the only exception being where those responsible had engaged in misleading or deceptive conduct,” Mr Faulks said.

“Last night, parliament has removed even this safeguard for Australian consumers, except for tobacco products.”

“If the changes to the law are in the best interests of consumers, then why do tobacco products need special consideration?”

“The government’s aim has been to prevent personal injury victims from seeking compensation under the TPA that has been progressively denied to them by recent changes to state negligence laws.

“The result of the amendment will be to make it more difficult to pursue companies like James Hardie, which has endeavoured to rely on those state reforms to limit damages for asbestos victims.”

“Lawyers representing asbestos victims who have amended their actions to try and bring actions under the misleading and deceptive provisions of the TPA to gain fair compensation for asbestos victims will no longer be able to do so,” Mr Faulks said.

Note: *Trade Practices Amendment (Personal Injuries and Death) Bill, 2004*

Contact: Kyrn Stevens, Lawyers Alliance Communications Manager: 0408-974127