

Australian Consumer Law (Victoria) – personal injury claims ready reckoner

Cause of action	Who can bring it?	Who is sued?	SLE?	Assessment of damages?	W A. liability provisions applicable?	(Victoria) Part VBA Certificate required?
Actions for damages against a manufacturer of goods that were supplied in trade or commerce, brought as a result of a safety defect in the goods (s 138 and 139 ACL).	An individual injured because of the safety defect (s 138 ACL).	The manufacturer (s 7 ACL).	3 years, 10 year 'long-stop' (s 143 ACL). No extension.	Part VIB of the CCA applies (s 87E CCA).	Unclear, possibly.	Not settled, but likely required.
	A person who suffers consequential loss or damage as a result of the individual's injuries (s 139 ACL).					
Actions for damages against a manufacturer of goods that were supplied to a consumer in trade or commerce, brought as a result of the manufacturer's failure to comply with the "acceptable quality" guarantee in relation to the goods (s 54 ACL).	Any "affected person" (s 271 ACL) who suffers loss or damage as a result of the manufacturer's failure to comply with the guarantee (s 272 ACL).	The manufacturer (s 7 ACL).	3 years (s 273 ACL). No extension.	Reasonably foreseeable damage recoverable (s 272 ACL). Part VIB of the CCA applies (s 87E CCA).	Unclear, possibly.	Not settled, but likely required.
Actions for damages against a supplier of goods that were supplied to a consumer in trade or commerce, brought as a result of the supplier's failure to comply with the "acceptable quality" (s 54 ACL) or "disclosed purpose" (s 55 ACL) guarantees in relation to the goods.	A consumer of the goods who suffers loss or damage as a result of the supplier's failure to comply with the guarantee (s 259 ACL)	The supplier (s 2 ACL).	Somewhat unclear, but likely to be 3 years (s 236 ACL, s 27D LAA), with the possibility for s 23A LAA extension.	Reasonably foreseeable damage recoverable (s 259 ACL). Part VIB of the CCA <u>does not</u> apply. Likely under Part VB and VBA of the <i>Wrongs Act 1958</i> .	Unclear, possibly.	Not settled, but very likely required.
	A person who receives the goods from the consumer as a gift and who suffers loss or damage as a result of the supplier's failure to comply with the guarantee (s 266 ACL)					
Actions for damages against a supplier of services that were supplied to a consumer in trade or commerce, brought as a result of the supplier's failure to comply with the "due care and skill" (s 60 ACL) or fitness for particular purpose (s 61 ACL) guarantees in relation to the services.	A consumer of the services who suffers loss or damage as a result of the supplier's failure to comply with the guarantee (s 267 ACL)	The supplier (s 2 ACL).	Somewhat unclear, but likely to be 3 years (s 236 ACL, s 27D LAA), with the possibility for s 23A LAA extension.	Reasonably foreseeable damage recoverable (s 267 ACL). Part VIB of the CCA <u>does not</u> apply. Likely under Part VB and VBA of the <i>Wrongs Act 1958</i> .	Yes (s 275 ACL).	In most cases yes (s 275 ACL).