

s22

From: [REDACTED] s22
Sent: Friday, 27 April 2018 3:55 PM
To: Gray, Harriet; NYAKUENGAMA Sharon; [REDACTED] s22
Cc: !Takata Taskforce s22
Subject: RE: Takata: Mtg with states/territories 17 or 18 May [SEC=UNCLASSIFIED]

Hi Harriet

Thanks for the summary.

The NSW contact that we've previously contacted is:

s47 [REDACTED] y@transport.nsw.gov.au

Thanks

s22

Director | Regulatory Policy, Risk and Compliance
 Vehicle Safety Standards Branch | Surface Transport Policy Division
 Department of Infrastructure, Regional Development and Cities
 GPO Box 594, Canberra ACT 2601

s22

| w www.infrastructure.gov.au

From: Gray, Harriet <harriet.gray@accc.gov.au>
Sent: Friday, 27 April 2018 3:37 PM
To: NYAKUENGAMA Sharon <Sharon.Nyakuengama@infrastructure.gov.au>

s22

Cc: !Takata Taskforce <!TakataTaskforce@accc.gov.au>
Subject: Takata: Mtg with states/territories 17 or 18 May [SEC=UNCLASSIFIED]

Hi [REDACTED] s22

1. Alternative NSW contact would be much appreciated.
2. Will send email to s/t to arrange phone conference on 17 or 18 May.

s47 3. [REDACTED] VicRoads is planning to raise registration options at AMVCB mtg next week. VicRoads option outlined below. If it is raised – would be great if Sharon could say:

- Infrastructure & ACCC strongly support VicRoad's proposal
- ACCC is meeting with each state/territory reg authority to discuss consumer awareness & registration options.
- Phone conference to be arranged for 17/18 May.

- ACCC aiming to get guidance out as soon as possible so suppliers can include in escalation communication strategy for vehicle registered operators.

VicRoads suggestion:

- Initial focus: Alpha inflators (about 25,000 of these replacements remain to be done although this figure is likely to be significantly lower once suppliers have accounted for written-off vehicles).
- ACCC acts as gatekeeper: Supplier and ACCC will not contact registration authority until the supplier has provided evidence to the ACCC that the supplier has completed its escalation strategy in its Communication & Engagement Plan (i.e. we're confident that the registered operator has received multiple recall notifications, and has failed to respond).
- VicRoads is able, under reg 28 of the Road Safety (Vehicles) Regulations 2009 (Vic) to issue a notice requiring the registered operator to bring the vehicle to an appointed inspection site to have the defective airbag inflator replaced.
- If the vehicle owner fails to respond to this notice, VicRoads is able to cancel the registration.
- Proposal also needs the following:
 - Education/communication strategy for registered operators – probably a pamphlet to accompany the recall notices provided by the suppliers (rather than a pamphlet that goes to all car owners within a state/territory)
 - ACCC to provide VicRoads with US expert reports to provide a basis for VicRoad decisions.
 - If possible, a consistent approach across all jurisdictions.

HG

section 22 - not relevant to request



s22

From: NYAKUENGAMA Sharon
Sent: Tuesday, 20 February 2018 7:20 AM
To: Matthew, Neville; [REDACTED]
Cc: Grimwade, Timothy; Probyn, Glenn; Burdon, Thyme; FOULDS Alex
Subject: RE: TAKATA Notice of Recommendation [DLM=Sensitive:Legal]
 [SEC=UNCLASSIFIED]

UNCLASSIFIED

Thanks Neville
 Appreciated
 Sharon

Sent with BlackBerry Work
 (www.blackberry.com)

UNCLASSIFIED

From: Matthew, Neville <neville.matthew@accc.gov.au>
Date: Tuesday, 20 Feb 2018, 6:32 am
To: NYAKUENGAMA Sharon <Sharon.Nyakuengama@infrastructure.gov.au>, [REDACTED] s22
 [REDACTED]
Cc: Grimwade, Timothy <timothy.grimwade@accc.gov.au>, Probyn, Glenn <glenn.probyn@accc.gov.au>, Burdon, Thyme <thyme.burdon@accc.gov.au>, FOULDS Alex <Alex.Foulds@infrastructure.gov.au>
Subject: RE: TAKATA Notice of Recommendation [DLM=Sensitive:Legal]

Hi Sharon

The document you received yesterday is the document we are intending to give those industry participants who attended the supplier conference this Friday (under strict embargo). They will receive additional information during the Monday briefing (which is most likely to be an afternoon session).

Cheers

Neville

Neville Matthew

General Manager | Consumer Product Safety Branch
 Australian Competition & Consumer Commission
 23 Marcus Clarke Street Canberra 2601
 T: +61 2 6243 1066
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Executive Assistant – Fay O'Connor - +61 2 6243 1391

From: NYAKUENGAMA Sharon [mailto:Sharon.Nyakuengama@infrastructure.gov.au]
Sent: Monday, 19 February 2018 7:02 PM
To: Matthew, Neville; [REDACTED]

Cc: Grimwade, Timothy; Probyn, Glenn; Burdon, Thyme; FOULDS Alex
Subject: RE: TAKATA Notice of Recommendation [DLM=Sensitive:Legal]

This material contains information that may be subject to legal professional privilege.

Dear Neville

Thank you for the confidential copy of your recommendations and draft notice which will be shared on a need to know basis only.

We will ensure that we have appropriate representation at the industry briefing session on Monday. I note that Infrastructure is scheduled to appear at Estimates on Monday and Alex and I will likely need to attend from lunchtime onwards. However [REDACTED] and her team members will be available to attend if the briefing is in the afternoon. s22

Can I just clarify one point from your advice below - Will you be providing industry with any material ahead of the briefing, or will the advice at the briefing be the first awareness they have of the terms of the final notice? I'm just wondering about the potential for media enquiries of the weekend or questions during Estimates.

Regards
Sharon

Sharon Nyakuengama
General Manager
Vehicle Safety Standards Branch | Surface Transport Policy Division
Department of Infrastructure, Regional Development and Cities
GPO Box 594, Canberra ACT 2601
t 02 6274 7266 s47F
e sharon.nyakuengama@infrastructure.gov.au | w www.infrastructure.gov.au

This material contains information that may be subject to legal professional privilege.

From: Matthew, Neville [<mailto:neville.matthew@accg.gov.au>]
Sent: Monday, 19 February 2018 5:31 PM
To: NYAKUENGAMA Sharon <Sharon.Nyakuengama@infrastructure.gov.au>; [REDACTED] s22

Cc: Grimwade, Timothy <timothy.grimwade@accg.gov.au>; Probyn, Glenn <glenn.probyn@accg.gov.au>; Burdon, Thyme <thyme.burdon@accg.gov.au>
Subject: TAKATA Notice of Recommendation [DLM=Sensitive:Legal]

Dear Sharon

IN CONFIDENCE – TAKATA - NOTICE OF RECOMMENDATION TO MINISTER SUKKAR

s22

As you would be aware, Tim Grimwade, Glenn Probyn and I met with [REDACTED] via teleconference on Friday 17 February to advise that the ACCC has made a recommendation to Minister Sukkar that he issue a compulsory recall notice for motor vehicles with faulty Takata airbag inflators pursuant to section 122 of the Australian Consumer Law. The ACCC is continuing to provide briefings to Minister Sukkar and his staff on the operation of the recommended Recall Notice.

I **attach** the ACCC's Notice of Recommendation to the Minister which outlines the reasons for the ACCC's recommendation and attaches a copy of the recommended Recall Notice. These documents are **confidential** and we ask that you only provide them to those DIRDAC **staff who can meet the "need to know" test**. When we discussed this with [REDACTED] we had envisaged that this would include you, your Division Head, relevant Deputy Secretary and any staff in your team working on this matter.

The ACCC plans to hold a briefing session for industry members and relevant associations on Monday 26 February 2018 (details to be confirmed) to discuss the recommended Recall Notice and to respond to industry enquiries.

An invitation to attend the briefing session will be extended to DIRDAC and I encourage you or a representative to attend. The briefing session will be held in ACCC offices in Adelaide, Canberra, Sydney and Melbourne and attendance by teleconference will also be an option. I will provide details of the briefing session when final arrangements have been confirmed.

We will discuss the attached documents and related issues with you tomorrow at our scheduled meeting.

Regards

Neville

Neville Matthew

General Manager | Consumer Product Safety Branch

Australian Competition & Consumer Commission

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Executive Assistant – Fay O'Connor – +61 2 6243 1391

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s22

From: Cooper, Wendy <wendy.cooper@accc.gov.au>
Sent: Tuesday, 10 April 2018 9:34 AM
To: Recalls
Cc: s22 [REDACTED]; NYAKUENGAMA Sharon; [REDACTED]
Subject: RE: Takata recall and other info - PRA 2017/15950, SIRS ref: R17/049 [SEC=UNCLASSIFIED]

Hi [REDACTED] s22

It did take longer than we hoped to re-publish all the Takata recalls. There were a large number of recalls to publish; there is only one person that publishes (me) and there were a large number of other recalls that also needed to be published at the same time.

Thanks for sending the information about the Toyota recall PRA2017/15950. We had not been sent any of the technical information or letters that you have attached to your email – they would have been helpful! Please keep in mind that we typically we don't get sent any technical bulletins or letters with our recall notifications, so if you see that there is anything useful or that we may have missed by not receiving these, can you send them on please? Also I don't receive the monthly updates that you get, so I would not have picked up that the inflators were referred to as TRW.

The fact that TRW inflators appear to have the same defect and present the same hazard has been discussed within the ACCC and with the Takata Taskforce. These inflators are not part of the compulsory recall as they are not within the scope of that recall. Therefore it seems likely that the recall will be removed from the list of recalls within the compulsory recall. I am still waiting on information on the chemistry of these inflators from Toyota and once that has been received we will discuss whether that recall is removed from the list. For now it remains on the list, but with Infrastructure as the responsible regulator.

Thank you for letting me know that you understand that some TRW inflators were made under licence by Takata – I was not aware of that and will pass that information on to the Takata Taskforce. It is possible they are already aware of it.

Wendy

Dr Wendy Cooper

Assistant Director, Hazard Analysis & Management | Consumer Product Safety | Consumer Small Business and Product Safety
Australian Competition & Consumer Commission

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E: wendy.cooper@accc.gov.au

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Please note – I do not work on Fridays.

Recalls inbox Recalls@accc.gov.au

Recalls hotline +61 2 6243 1262

From: Recalls <Recalls@infrastructure.gov.au>
Sent: Tuesday, 10 April 2018 8:59 AM
To: Cooper, Wendy <wendy.cooper@accc.gov.au>

Cc: Recalls <Recalls@infrastructure.gov.au>, [REDACTED] s22
takatarecall <takatarecall@acc.gov.au>; NYAKUENGAMA Sharon <Sharon.Nyakuengama@infrastructure.gov.au>;

Subject: RE: Takata recall and other info - PRA 2017/15950, [REDACTED] SEC=UNCLASSIFIED]

Hi Wendy,

Thanks for the information on the responsible regulator for the original voluntary, now compulsory recalls. We noted that the change was going on, it just happened slower that we were first advised.

On PRA 2017/15950, all of the information about this recall supplied by Toyota doesn't say that it's a Takata based recall. They do refer to it in the monthly updates as TRW though. Looking at this photo from the attached PDF "TI Driver Side Airbag", it is a TRW branded device:



I have had a look through our records and I have no information where Toyota explicitly say that this recall is or isn't part of the Takata action but I agree that the symptoms are identical to what is described with Takata failures.

I have however, received some information verbally from another supplier that their TRW inflators were manufactured by Takata under licence so keep this in mind when discussing this with Toyota. My view is, you need to be completely sure before making any recommendation to remove it from the compulsory recall action. If TRW are also making inflators that can cause injury in the same way that a Takata airbag can, then this needs to be looked into further.

Happy to discuss if you need any more information.

Regards,

[REDACTED] s22

Recalls Manager A/g | Regulatory Policy, Risk and Compliance
Vehicle Safety Standards | Surface Transport Policy
Department of Infrastructure, Regional Development and Cities
GPO Box 594, Canberra ACT 2601

From: Cooper, Wendy <wendy.cooper@accc.gov.au>
Sent: Sunday, 8 April 2018 1:47 PM
To: Recalls <Recalls@infrastructure.gov.au>
Cc: Cooper, Wendy <wendy.cooper@accc.gov.au>
Subject: Takata recalls [SEC=UNCLASSIFIED]

Hi [REDACTED] s22

Just a quick email to update you on 2 things:

1. Responsible regulator for recalls that are part of the Takata compulsory recall. The responsible regulator for all published car and motorbike recalls that are part of the compulsory recall has been changed from Infrastructure to ACCC. This has been a significant undertaking as it involved republishing every Takata recall – thanks for your patience. The heavy vehicle Takata recalls remain unchanged, with Infrastructure as the responsible regulator.
2. [PRA2017/15950 Toyota Corolla](#). This recall is currently on the Takata recall list but has not been changed from Infrastructure as the responsible regulator to ACCC. This is because Toyota claim this is not a Takata recall and that these airbag inflators are TRW, not Takata. The wording for the recall is exactly like a Takata recall in terms of defect and hazard. I have requested evidence from Toyota that this is not a Takata recall. If this is provided, the recall can be removed from the Takata list on our website. Also FYI, during discussions with Toyota it emerged that the number of affected vehicles was out by 9000. This was a typo by Toyota in their notification (our submission has 29129 instead of 20129). As Toyota provide VIN tables instead of VIN lists there is no way that this error could have been picked up, except by chance. Toyota are also providing confirmation of the number of vehicles affected. Please check that the number of affected vehicles in your records – from what Toyota have told me the figure should be 20129. I believe (from Toyota) that they provided the correct number to Infrastructure. If so, your recall monitoring numbers would be correct.

Wendy

Dr Wendy Cooper

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From: NYAKUENGAMA Sharon
Sent: Friday, 23 February 2018 12:58 PM
To: Matthew, Neville
Cc: Vagg, Elisabeth; Probyn, Glenn; [REDACTED] s22
Subject: RE: Takata recall reporting [DLM=For-Official-Use-Only] [SEC=UNCLASSIFIED]

Hi Neville,

That was our understanding and we are comfortable with that.

I expect that we will need to work together on sequencing the closure of reporting on the voluntary recalls, the start of reporting on the compulsory recall, and reconciling between the two sets of reporting – and have a clear and joined-up messaging to industry on the changeover.

Regards
Sharon

From: Matthew, Neville [mailto:neville.matthew@accc.gov.au]
Sent: Friday, 23 February 2018 12:03 PM
To: NYAKUENGAMA Sharon <Sharon.Nyakuengama@infrastructure.gov.au>
Cc: Vagg, Elisabeth <ev@accc.gov.au>; Probyn, Glenn <glenn.probyn@accc.gov.au>
Subject: Takata recall reporting [DLM=For-Official-Use-Only]

Hi Sharon

Just want to check in about future Takata recall reporting.

I just can't recall if we discussed this – but I would envisage that under any compulsory recall under the ACL, we'd have the monitoring supervision role, and have the suppliers report their progress to the ACCC in the first instance.

Would you be OK with this approach or did you have a different view?

Cheers

Neville

Neville Matthew

General Manager | Consumer Product Safety Branch
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Executive Assistant – Fay O'Connor - +61 2 6243 1391

[REDACTED] a22

From: [REDACTED] s22
Sent: Tuesday, 23 January 2018 10:46 AM
To: Matthew, Neville
Cc: NYAKUENGAMA Sharon; [REDACTED] s22
Subject: RE: This afternoon's Takata teleconference [SEC=UNCLASSIFIED]

Thanks Fay.

Kind regards,

[REDACTED] s22

Recall Reform Manager | Regulatory Policy, Risk and Compliance
Vehicle Safety Standards | Surface Transport Division
Department of Infrastructure, Regional Development and Cities
GPO Box 594, Canberra ACT 2601

[REDACTED] s22

infrastructure.gov.au | w www.infrastructure.gov.au

From: O'Connor, Fay [mailto:Fay.O'Connor@accc.gov.au] **On Behalf Of** Matthew, Neville

Sent: Tuesday, 23 January 2018 10:45 AM

Cc: NYAKUENGAMA Sharon <Sharon.Nyakuengama@infrastructure.gov.au>; [REDACTED] s22

Subject: RE: This afternoon's Takata teleconference [SEC=UNCLASSIFIED]

s22 [REDACTED] and all

Neville is ok with cancelling this afternoon's meeting.

Regards

Fay

Fay O'Connor

Executive Assistant to Neville Matthew | General Manager | Consumer Product Safety Branch

Australian Competition & Consumer Commission

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The ACCC acknowledges the traditional owners and custodians of Country throughout Australia and recognises their continuing connection to the land, sea and community. We pay our respects to them and their cultures; and to their Elders past, present and future.

From: [REDACTED]@infrastructure.gov.au]
Sent: Tuesday, 23 January 2018 10:39 AM s22
To: Matthew, Neville
Cc: NYAKUENGAMA Sharon; [REDACTED] O'Connor, Fay
Subject: This afternoon's Takata teleconference [SEC=UNCLASSIFIED]

Good morning Neville

We do not have anything specific that we want to raise with you at this afternoon's meeting. We're proposing to cancel it on the basis that we 'met' last Thursday, unless there is something that you wish to raise with us?

Kind regards,

[REDACTED] s22

Recall Reform Manager | Regulatory Policy, Risk and Compliance
Vehicle Safety Standards | Surface Transport Division
Department of Infrastructure, Regional Development and Cities
GPO Box 594, Canberra ACT 2601

[REDACTED] s22

[REDACTED]@infrastructure.gov.au | w www.infrastructure.gov.au

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s22

From: takatarecall <takatarecall@accc.gov.au>
Sent: Wednesday, 21 March 2018 5:07 PM
To: takatarecall
Subject: Compulsory Recall - ACCC reporting requirements - forms and guidance for suppliers [SEC=UNCLASSIFIED]
Attachments: Recall Initiation Schedule Template.docx; Grey_Parallel Importers and RAWs Communication and Engagement Plan Form.docx; Vehicle Manufacturers_Suppliers Communication and Engagement Plan Form.docx

Good afternoon

The *Consumer Goods (Motor Vehicles With Affected Takata Airbag Inflators and Specified Spare Parts) Recall Notice 2018*, requires suppliers to submit a Communication and Engagement Plan and a Recall Initiation Schedule to the ACCC **by 3 April 2018**.

To assist you in preparing these documents, the ACCC has developed the **attached** documents and guidance also available on the Product Safety Australia website here <https://www.productsafety.gov.au/recalls/compulsory-takata-airbag-recall/what-suppliers-should-do/reporting-guidance-templates>:

- Communication and Engagement Plan for Vehicle Manufacturers (OEMs)
- Communication and Engagement Plan for Grey/Parallel Importers and RAWs Participants
- Recall Initiation Schedule

Guidance for suppliers

The format of your Communication and Engagement Plan (**CEP**) is optional. The CEP document is not a template for your CEP. It instead provides you with a framework to inform the ACCC of the components of your plan, and allows you to provide narrative explanations as well as to submit relevant documents and links to evidence your plan. There is a different form provided for Vehicle Manufacturers and Grey/parallel importers and RAWs participants. Completion of the form will assist you to ensure that your CEP meets the minimum requirements of the Recall Notice and will help to avoid gaps in your CEP (as it includes a field or section on each required aspect of the CEP). It is also likely to assist the ACCC to more rapidly assess your CEP.

The ACCC strongly encourages you to complete and submit the form relevant to your circumstances. Alternatively, you may choose not to complete this form, and may instead simply submit your CEP in narrative or other format for the ACCC to assess.

Generally, the ACCC will assess the adequacy of a CEP by measuring it against the requirements set out in Schedule 2 of the Recall Notice, and taking into account a range of factors outlined in the Recall Notice (see subsection 7(6)), including the Supplier's size and resources, supply profile - number of vehicles affected and priority risk factors and hazard of vehicles supplied (e.g. older vehicles, alpha airbags, hot and humid areas etc), affected consumer demographics, replacement rates achieved and other relevant factors to maximise the replacement of defective Takata airbags.

The Recall Initiation Schedule must be completed using the template provided.

Please submit all reports and questions in relation to the above to takatarecall@accc.gov.au

To assist suppliers further guidance and forms will be made available on the PSA website in due course.

Takata Task Force

Takata Task Force | Consumer Product Safety Branch

Australian Competition & Consumer Commission

23 Marcus Clarke Street Canberra 2601

www.accc.gov.au www.productsafety.gov.au

The ACCC acknowledges the traditional owners and custodians of Country throughout Australia and recognises their continuing connection to the land, sea and community. We pay our respects to them and their cultures; and to their Elders past, present and future.

s22

From: Media (Infrastructure)
Sent: Thursday, 15 March 2018 2:07 PM
To: media@accc.gov.au
Cc: Media (Infrastructure)
Subject: Request from the Colac Herald: Takata airbags recall [SEC=UNCLASSIFIED]

Good afternoon Team

Can you please action the following request from the Colac Herald?

Kind regards,

Media Team

Department of Infrastructure, Regional Development and Cities

tel: 1300 732 749 e: media@infrastructure.gov.au w: www.infrastructure.gov.au/media

ote to media: Unless otherwise agreed, the information contained in this email is for background and not for attribution.

From: [REDACTED] s47F [REDACTED] colacherald.com]
Sent: Thursday, 15 March 2018 1:30 PM
To: Media (Infrastructure) <media@infrastructure.gov.au>
Subject: Takata airbags

Good afternoon,

I am writing an article about how the compulsory Takata airbag recall will impact Colac residents. I am hoping a spokesperson from the ACCC can answer the below questions.

- Would you be able to tell me how many vehicles in Colac have been recalled or will be recalled?
- Is there a town by town list of how many vehicles have been recalled?
- What should Colac residents do if their vehicle has been recalled?
- What should Colac residents do if their car is on the Product Safety future recall list? Should they be fearful of exploding shrapnel from the airbag in the meantime?

To have a Department of Infrastructure and Regional Development and Cities spokesperson comment included in the article my deadline is March 20 at 10am.

Kind regards,

| Journalist | **Colac Herald** |

| 37-41 Bromfield Street, Colac | PO Box 21, Colac, 3250 |

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[REDACTED] s22

From: Vagg, Elisabeth <ev@acc.gov.au>
Sent: Thursday, 18 January 2018 10:50 AM
To: [REDACTED] s22
Cc: Ford, Mandy, Probyn, Glenn
Subject: Supplier progress reports of voluntary recalls for Takata [SEC=UNCLASSIFIED]

Hi [REDACTED] s22

Just following up on whether you're able to shed some light on suppliers reporting arrangements. Happy to discuss via phone too if that's easier?

We are also just considering what would be appropriate for the timing requirements for the monthly reporting, whether it be the first day of the month or within 10 business days after the end of the month.

We'll be contacting Honda to ask about what information they currently capture and report on to better understand any practicalities/barriers they may face for reporting.

Thanks
Liz
Ext. 6243 1355

From: Vagg, Elisabeth
Sent: Wednesday, 10 January 2018 3:23 PM
[REDACTED] s22
Subject: Supplier progress reports of voluntary recalls for Takata [SEC=UNCLASSIFIED]

Hi [REDACTED] s22

I'm unsure if you're able to assist, but should Takata recalls transition from voluntary to mandatory were wanting to ensure any transition of reporting requirements on the recall progress is as smooth and easy as possible for suppliers.

In light of this, I was just wanting to find out how suppliers currently submit their information on the progress of voluntary Takata recalls to DIRDC?

Is it just via email or an online portal, and is there a format/excel document that you request them to provide this information to DIRDC in?

Happy to discuss via phone too if it's easier.

Thanks
Liz
Ext. 6243 1355