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Right to Repair inquiry  
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To whom it may concern

We welcome the opportunity to make a submission on the Productivity Commission's draft report for the inquiry into the Right to Repair within Australia.

This submission is made on behalf of Brisbane Residents United (BRU), Brisbane's peak body for community resident actions groups. Whose purpose is to:

- Represent Brisbane and surrounding district residents and provide them with a united voice Governments on matters pertaining to governance, urban planning and development.
- Act as a resource centre, facilitating information sharing across established and start-up local resident associations.

Brisbane Residents United is very aware of the growth in consumer products that are almost impossible to repair and that have a very limited life span. Items that were once considered items that had a twenty year or even longer life cycle are now regularly disposed of in under five years. Yet these item generally have the same if not more materials used in their manufacture. They are transported for longer distances and in many cases they are more technically complex.

We are now living in a society where we are in danger of destroying our environment with our waste. This was a problem we managed to hide for many years by sending our waste to countries with even less real ability to deal with it than we do. We need to restrict the use of land fill sites, increase our use of recycling and recycled products and ensure products we consume have a reasonable lifecycle. The obsolescence has to be designed out of products.

It is vital we are able to repair and even repurpose items in as many ways as possible. You cannot force people to repair items but you can make it as easy as possible for them. It is

increasingly difficult to find repair people if you want to repair an item and often the repair cost and the new item cost will not be that much different. There is a trend for the creation of community repair centres and we think for many reasons this is desirable.

We also realise the internet plays an increasing role in providing training of all descriptions to a whole new generation of home handy people. This is an environment where it is easy to encourage the public and trained repair people to have access to the materials and information they require to repair their consumer goods.

We are well aware of the intellectual property arguments of many companies and counter with the fact that many of the parts that are requiring replacement in their products are not in fact covered by any intellectual property restrictions. For example the batteries in modern mobile phone would certainly be fairly similar. Indeed up until a few years ago it was a simple matter for the user to purchase a new battery and replace it themselves in their phone.

There is a disturbing trend with computer software to keep updating software versions until eventually computer hardware is no longer serviceable because the software and operating systems they are currently using are no longer available for download if something happens with the original hardware. For example we have an old Apple iMac that is still working but I cannot download versions of the software that works with its operating system and it cannot be upgraded to the new operating system that works with the available software. This makes the computer virtually useless.

The use of rare metals in many of our electronic devices behoves us to use these devices to their maximum potential. We need to be able to recover and recycle as much of this material as possible. The increased use of solar panels and their subsequent recycling and possible reuse needs to be carefully considered.

Manufacturers are increasingly integrating parts in such a way that they cannot be removed as a small component and repaired but must be replaced as part of the larger and far more expensive whole. This is particularly noticeable in car design where whole panels need to be replaced where once it may only be small part of that for example a rear light surround.

## **Report**

- This report finds that there are barriers to repair for some products and that there is scope to reduce these barriers. The proposed reforms would improve consumers' right to repair, without the uncertainty and costs associated with more forceful policy interventions.

We would support this

- A 'right to repair' is the ability of consumers to have their products repaired at a competitive price using a repairer of their choice. Realising this aspiration in a practical way involves a range of policies, including consumer and competition law, intellectual property protections, product design and labelling standards, and environmental and resource management.

We would support this

- Consumers already have considerable rights to have their products repaired, replaced or refunded under guarantees in Australian Consumer Law. These guarantees are comprehensive and generally work well, but they could be improved by:
  - the Australian Competition and Consumer Commission (ACCC) providing guidance on the reasonable period of product durability for common household products, so that consumers and manufacturers can better understand when consumer guarantees apply
  - providing regulators with alternative dispute resolution processes to assist consumers to resolve their claims, and enabling designated consumer groups to lodge 'super complaints' about consumer guarantees, with these fast tracked by the ACCC
  - the inclusion of text in manufacturer warranties that prominently states that consumers are not required to use the repairers or spare parts specified by the product's manufacturer to access their rights to a guarantee under consumer law.

We would support all these proposals

- The Commission is seeking further evidence on other reforms that could help consumers obtain repairs and make more informed purchase choices. These potential reforms involve:
  - requiring manufacturers to provide software updates for a reasonable period
  - amending copyright laws to enable third-party repairers to copy and share repair manuals, and access repair data hidden behind digital locks
  - prohibiting manufacturer warranties from being voided if consumers do not use the repairers and spare parts specified by the manufacturer
  - developing a product durability or reparability labelling scheme to help consumers identify products that best meet their needs.

We would support all these proposals

- There is also scope to improve the way products are managed when they become 'e-waste' by amending regulated product stewardship schemes to remove current incentives that focus solely on product recycling, rather than repair and reuse. Global positioning system (GPS) trackers should also be used to improve monitoring of e-waste.

We would strongly support this

- The Commission is seeking evidence on the net benefits of a more extensive right to repair policy through a 'positive obligation' that would require manufacturers to provide third-party access to repair information and supplies.
  - The Commission's preliminary analysis suggests that restrictions on third-party repair supplies could be harming consumers in repair markets for agricultural machinery and mobile phones and tablets. However, the evidence base on the magnitude of repair barriers in these markets is patchy and largely anecdotal, preventing a rigorous assessment of whether additional policies would provide net benefits to the community.

- At a minimum, a review of the policy landscape in the coming years would be warranted, supported by an evaluation of the proposed mandatory scheme for the sharing of motor vehicle service and repair information, once it has been in operation for at least three years.

We would support all these proposals

## **Recommendations**

We support the consumers Right to Repair their items, the draft report and its many recommendations. We do not believe that many consumers in Australia actually have a clear grasp of some of the consumer protections already afforded them. We would ask that your department consider, as part of this review, how a public education process would be undertaken to ensure that people were aware of their rights.

Should you require any further information we can be contacted

Yours sincerely

Elizabeth Handley

President.

The Brisbane Residents United Inc Steering Group