



1 February 2021

Right to Repair Inquiry  
Productivity Commission  
4 National Circuit  
Barton Act 2600

By email to: [repair@pc.gov.au](mailto:repair@pc.gov.au)

Dear Commissioners

## Productivity Commission Inquiry on the Right to Repair – The Importance of Good Design

Thank you for the opportunity to respond to the Commission's Issues Paper on Right to Repair.

The Design Institute of Australia (DIA) is the peak professional association for designers and design businesses in Australia, representing professionals in all design disciplines for over sixty years. The DIA is run by and funded by designers for designers. The DIA champions design and design thinking as a central element in a flourishing digital economy and a sustainable future, and believes that Australia's highly skilled and innovative design community offers the prospect of solutions to the world's most pressing problems, as well as ways to make everyday life more comfortable and enjoyable.

Designers and the design industry have a key role to play in transitioning to a circular economy, where the life, value and functionality of products (and materials) is prolonged. Designing-out ewaste is one of the key principles of a circular economy; therefore attention to product life extension through more durable and repairable products is an essential requirement.

Good design necessarily strives to create products that are fit-for-purpose, safe to use, durable, life-enhancing, repairable, accessible, and affordable without impacting on human health and the environment. Increasingly there is a need to design, produce, use and consume products that are restorative and regenerative in a way that builds social, economic and environmental capital. Simply adopting a 'less harm' approach will not deliver a sustainable or desirable future for Australia.

The DIA released its policy – *Designers for a Circular Economy* in August 2020, and is attached for your review and consideration as part of the Right to Repair Inquiry.

The imperative for the designers, their clients, industry, retailers, government and policy-makers, researchers, users and consumers, is very clear i.e. shift from the take-make-waste model of production and consumption to a circular mode thinking and action. The benefits of a circular design approach are directly relevant to

enabling more repairable and durable products with a range of positive features that benefit consumers and the environment, including:

- Reduced environmental impacts as a result of designing-out waste and pollution from the outset.
- Longer life products that are designed for durability, repair, reuse, repurposing, remanufacturing and/or recycling.
- Creation of spaces, places and built forms that are restorative and regenerative with explicit attention to human health and wellbeing.
- Design, applied in both product and communications, can contribute to changing our culture from throw-away to care and repair
- Sustainable materials use through closing materials loops and striving for higher levels of widespread upcycling.
- Regenerative and restorative design approaches and outcomes, as opposed to merely doing 'less harm' and being ameliorative.
- Decarbonising our products, services, processes and habits by shifting to clean energy.
- Creation of high-value upcycled products, materials and related design services that close supply chain loops and maximise the specification and procurement

Design for high levels of repairability can make a difference between easy /straightforward repair and difficult or obstructed repair. Design can also help to make the repair process more affordable and safe by integrating specific design for disassembly/reassembly product features. In short, designer's ability to help deliver and facilitate a more cost-effective repair option should not be under-estimated.

Key design decisions may also impact on the longevity or lifespan of a product. When considered from the outset, design can help to prevent premature product obsolescence and early or unnecessary disposal of product, when they could otherwise last longer or be designed and manufactured to make repairability an essential product feature. This is especially relevant to product classes such electrical and electronic devices, which are proliferating in society and constitute one of the fastest growing waste streams in the world. Increasing consumer distaste with premature and planned obsolescence, part of the reason for seeing greater interest in self-repair and policy reforms such as the Right to Repair.

Waste avoidance and reduction by extending product life and prolonging the life of products through design for repairability is an important contribution toward achieving a circular economy by diverting end-of-life products from landfill and maximising their functionality, value and environmental benefit. Indeed, design for durability, repair and reuse can be seen as the 'first responders' when considering solutions and preventative measures that can avoid and reduce waste.

Indeed design for durability and repairability are explicit 'preventative' measures that effectively aim to design-out waste from the outset and therefore underscore one of the key principles of what constitutes a circular economy, and the significantly

impact that design can have on keeping products going long, and materials circulating in the economy.

This has been acknowledged in the Australian Government's recently passed legislation – the *Recycling and Waste Reduction Act 2020*, which includes attention to a much stronger life-cycle approach to products, materials, waste and the associated impacts. It is especially important to note the Objects of the Act and specific subclauses that cite repair and related aspects:

*“The objects of the Bill will include reducing the impact that products and waste material have on human and environmental health and realising community and economic benefits by taking responsibility for products and waste material. The objects will be achieved by regulating the export of waste material to promote its management in an environmentally sound way, encouraging reuse, recycling and recovery of products, as well as responsible product design.”<sup>1</sup>*

Subclause 3(2) talks about how the objects are to be achieved by: encouraging and regulating those responsible for using, designing, manufacturing and distributing products to take responsibility for those products, including by taking action that relates to: improving the durability, repairability and reusability of products; and managing products throughout their life cycle.<sup>2</sup>

Also at a Federal level, the Australian Government's response to the [Review of the Product Stewardship Act 2011](#) (July 2020), made specific recommendations with the aim/intent of continuing to apply product stewardship as an essential policy tool for transitioning to a circular economy (recommendation #1); ipso facto ... durability, repairability and reusability are increasingly important elements of any product stewardship approach relative to the specific product class in question. Additional noteworthy recommendations accepted in the *Review of the Product Stewardship Act 2011* with implications for durability and repairability include the following:

- Recommendation #8 - Broaden the objects of the Act to include product design improvements related to durability, repairability, re-usability and recyclability.
- Recommendation #16 - Consider options to broaden the focus of the NTCRS to address the full product life cycle in line with the objectives of the Product Stewardship Act.
- Recommendation #24 - Develop a policy position for the NTCRS on re-use before the next review.

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<sup>1</sup> Federal Register of Legislation, Australian Government.  
<https://www.legislation.gov.au/Details/C2020B00104/Explanatory%20Memorandum/Text>

<sup>2</sup> Federal Register of Legislation, Australian Government.  
<https://www.legislation.gov.au/Details/C2020B00104/Explanatory%20Memorandum/Text>

The DIA supports the types of actions and reforms outlined in Table 1<sup>3</sup> (Examples of international approaches to a 'right to repair') in the Commission's Discussion Paper with regard to product design standards, product information and labelling, as well as laws prohibiting planned product obsolescence. The EU Ecodesign Directive for appliances is noteworthy as is the durability Index recently announced by France. These measures require a strong circular design approach that serve to benefit the consumer, the environment and progressive manufacturers, producers and retailers.

Education, professional development and ongoing training related to design for repair should also be pursued as part of the overall package of reforms to support the Right to Repair. The DIA believes that design education at tertiary level should incorporate courses, subjects and programs specifically related to circular design, including strategies, principles, guidelines and project-based learning with a focus on 'how to' design for durability and repairability.

In relation to the specific information requests, the DIA offers the following responses:

- *What types of products and repair markets should the Commission focus on?*

The commission should focus on those product categories where repair can make a difference to extending their longevity without compromising functionality, safety and performance. Examples of such categories would typically include small domestic appliances, major domestic appliances and whitegoods, consumer electronics, furniture, power tools, scientific and medical equipment, musical instruments, hobby equipment and toys. Focus should also be placed on those products widely accepted as being subject to obvious design features that contribute to premature and/or planned obsolescence.

- *To what extent do current IP laws already facilitate repairs by consumers or independent third parties (e.g. the spare parts defence under the Design Act)?*

Currently, designers are inadequately recognised in Australian IP protections. Terms of protection in Australia are shorter than in comparable countries and significantly shorter than copyright protection. Also, there is no moral rights clause in the Designs Act so designers routinely do not receive credit for their innovations. Designers are trained to create products, environments and experiences that simply and elegantly serve their purpose. Longevity and repairability are natural outcomes of good design. It is others in the supply chain – such as manufacturers and retailers – that demand and gain from planned obsolescence and restricted repairability.

In addition to the role that designers can play in creating products that are able to be repaired, the DIA envisages a role for designers in the repair market. For example, where a manufacturer chooses not to retail component

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<sup>3</sup> Right to Repair- Issues paper, Productivity Commission, December 2020, p25.

parts (through a policy of replace rather than repair) designers could design replacement parts that can be easily and cheaply manufactured on demand eg through 3D printing. This might particularly suit product housing or mechanical parts where appropriate materials can be used in small scale production. It would require new pricing models in order to be feasible but contemporary production methods and changing community attitudes make this more possible than in the past. This role differs from existing non-licensed activity in two ways: the scale of production would be low numbers and on-demand and the designer would not necessarily be linked to or control the manufacture of the parts, and the service would be for parts that are otherwise not available individually. It would deliver high quality professional design at a scale currently served by hobbyists. This role could be covered by the existing spare parts defence in the *Designs Act 2003* but this has not been tested.

- *Do current IP protections (e.g. intellectual property rights, technological protection measures, end-user licencing agreements) pose a significant barrier to repair in Australia?*

In some repairs markets, eg cars, the high prices for licensed 'genuine' parts provide an incentive for other manufacturers to create alternative replacement parts. This provides choice of parts for car owners in some instances but insurers tend to dictate outcomes in terms of repair versus replace. The market is similar for common household goods. The role of designers in these secondary markets is invisible and there is no incentive or requirement for their work to be acknowledged. As a result, IP protections are generally viewed by the community as instruments of market protection for large organisations rather than a legitimate means of protecting creativity. If the work of designers was better understood and valued then the dynamics of many markets would shift to allow greater reparability. The current settings of the Designs Act are an impediment to this. Provisions such as copyright can also obstruct repair. For example, copyright on schematics or service manuals may prevent this information being available to repairers or users which can increase the risk and difficulty of repair

- *What are the benefits, costs and risks of Australia adopting measures similar to those currently used overseas, such as product design standards and reparability ratings?*

The benefits are likely to outweigh the costs and any risks, especially if Australia can learn from overseas policy reforms and how they've been implemented. Product design standards such as the EU Ecodesign Directive should be seriously considered for similar categories of electrical and electronic products in Australia. Similarly, the Durability Index from France should be considered with a view to its applicability in Australia, given its contribution providing practical consumer information at the time of purchase.

- *Do consumers have access to good information about durability and reparability when making purchases? If not, how could access to information be improved?*

No, Australian consumers have next to no information about durability and reparability when making purchases for the majority of manufactured durables, and particularly electrical and electronic equipment. See above comments regarding the relevance of the Durability Index from France being applied in Australia. All products are designed and engineered to have a certain lifespan – their ‘design life’. Publication of this design life and required maintenance to achieve it would allow the consumer to make a more informed product selection.

In summary, the DIA is supportive of Right to Repair policy reform in Australia, and highlights the important role of design in being an effective enabler of increased product reparability and durability. The DIA also believes that self-repair and professional repair services should co-exist in order to provide the market with diverse options for both domestic and business consumers. Increased reparability and durability, without compromising user safety, can deliver responsible prosperity and environmental benefit, solid waste avoidance and reduction, community empowerment and a greater sense of consumer control over the goods they purchase and use.

The DIA’s policy on Designers for Circular Economy is attached for your reference and noting as part of developing specific recommendations on the Right to Repair as they relate to professional designers and the design industry in Australia.

Should the Commissioners or Inquiry staff have any queries about any of the issues raised in this submission. Thank you once again for the opportunity for the DIA to share its views on this timely and important issue.

Yours sincerely

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Chief Executive Officer

Design Institute of Australia

**DIA Policies attached:** *Designers for a Circular Economy (August 2020)*  
*Value and Role of Design (June 2020)*  
*Retailers and Australian Design IP (June 2020)*