



21 July 2021

**SUBMISSION ON PRODUCTIVITY COMMISSION DRAFT REPORT
ON “RIGHT TO REPAIR”**

BACKGROUND

The Queensland Consumers’ Association (the Association) is a non-profit organisation established in 1976 to advance the interests of Queensland consumers.

The Association is a member of the Consumers’ Federation of Australia, the peak body for Australian consumer groups.

The Association’s members work in a voluntary capacity and specialise in particular policy areas.

The Association made a brief submission on the Issues Paper and welcomes the opportunity to make this brief submission on the Draft Report.

The contact person for this submission is: Ian Jarratt,

GENERAL

We welcome the Commission’s recognition that “right to repair” is, as emphasized in our submission on the Issues Paper, a multifaceted policy issue and that it includes the ability of consumers to buy products that are of “acceptable quality” and “reasonably durable”.

RECOMMENDATIONS

1. We strongly support the following recommendations in the Draft Report which we consider will result in significant improvements to

- the current power imbalance between the seller and the buyer after the purchase of a product highlighted in our submission on the Issues Paper and
- the durability and repairability of products and repair costs:

DRAFT RECOMMENDATION 3.1 GUIDANCE ON REASONABLE DURABILITY OF PRODUCTS

The Australian Competition and Consumer Commission (ACCC) should develop and publish estimates of the minimum expected durability for products within major categories of common household products.

The estimates would be a guide only to support application of the acceptable quality consumer guarantee in section 54 of the Australian Consumer Law. It could use ranges to take into account lower and higher value products in each category.

The ACCC guidance should be developed in consultation with State and Territory consumer law regulators, consumer groups and business groups representing product suppliers and manufacturers, and should be updated over time.

DRAFT RECOMMENDATION 3.2 POWERS FOR REGULATORS TO ENFORCE GUARANTEES

State and Territory Governments should introduce alternative dispute resolution mechanisms to better resolve complaints about the consumer guarantees, such as compulsory conciliation or direction powers (as are used in South Australia and New South Wales).

To inform the most effective design and use of any alternative dispute resolution mechanism, appropriate cost-benefit analysis and sufficient regulator resourcing would be required prior to implementation.

DRAFT RECOMMENDATION 3.3 ENABLING A SUPER COMPLAINTS PROCESS

The Australian Government should enable designated consumer groups to lodge 'super complaints' on systemic issues associated with access to consumer guarantees, with the complaints to be fast tracked and responded to by the Australian Competition and Consumer Commission (ACCC).

The Australian Government should design the super complaints system in consultation with the ACCC, relevant State and Territory regulators and consumer groups. The system should be underpinned by sound operational principles — including criteria for the assignment (or removal) of designated consumer bodies, evidentiary requirements to support a complaint, and the process and time period by which the ACCC should respond.

The Australian Government should amend r. 90 of the Competition and Consumer Regulations 2010, to require manufacturer warranties ('warranties against defect') on goods to include text (located in a prominent position in the warranty) stating that entitlements to consumer guarantees under the Australian Consumer Law do not require consumers to use authorised repair services or spare parts.

2. We recommend that the final report include a mandatory product labelling scheme covering the durability and repairability of products. This would:

- Increase consumer awareness of, interest in, and consideration of durability and repairability when choosing products.
- Greatly assist consumers with warranty and guarantee claims.
- Result in the increased durability and repairability of products.

3. We recommend that the final report recommend greater action by governments and support for community organisations, etc. to increase consumer awareness of the opportunities to make simple repairs to goods themselves. As mentioned in our submission on the Issues Paper, we consider there are many opportunities for consumers to make simple repairs to goods themselves rather than dumping them or paying for expensive repairs. For example, many products have plastic covers, or are made of plastic which often can be easily, cheaply and effectively repaired using one of the very wide range of adhesives now available to household consumers. Similarly, goods made of fabric can often be easily and quickly self-repaired. Consumer interest in this is increasing, however it needs to be greatly accelerated and this will only be achieved if sufficient resources are available to increase consumer awareness, interest, knowledge and skills, and to facilitate the establishment, and publicise the existence of, relevant community projects and organisations.

4. We recommend that greater consideration be given in the final report to the roles that national and international standards can play in facilitating the achievement of many "right to repair" objectives and that the views of Standards Australia be sought prior to the preparation of the final report. In this regard, we note that an ISO standard was published recently on consumer warranties and guarantees (*ISO 22059, Guidelines on consumer warranties/guarantees*) information about which is available here <https://www.iso.org/news/ref2482.html>