



**AUSTRALIAN AUTOMOTIVE
AFTERMARKET ASSOCIATION**

Motor vehicle service and repair
information sharing scheme

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EXPOSURE DRAFT

2019-2020

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES/THE SENATE

EXPOSURE DRAFT

Competition and Consumer Amendment (Motor Vehicle Service and Repair Information Sharing Scheme) Bill 2020

No. , 2020

(Treasury)

A Bill for an Act to amend the *Competition and Consumer Act 2010* in relation to sharing information for motor vehicle service and repair, and for related purposes

- An amendment to Australia's Competition and Consumer Act 2010.
- Enforced by the Australian Competition and Consumer Commission.
- Penalties of up to \$10 million.
- Exposure Draft Consultation (31 January 2021).

The Good

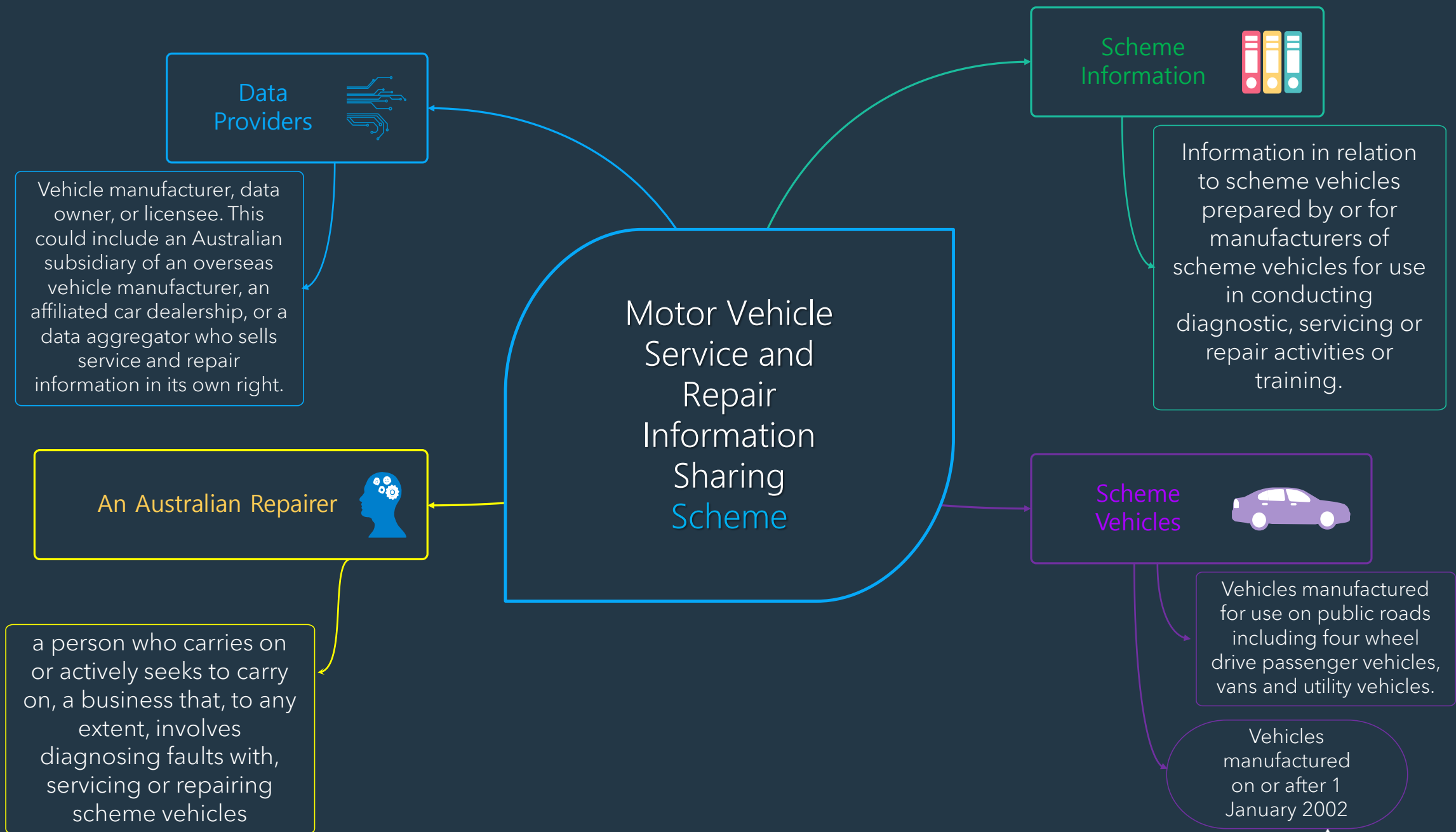
- The principles and context: A genuinely competitive market for motor vehicle service and repair services relies on all repairers having fair access to the information they require to safely repair their customers' vehicles.
- All repairers should be able to enjoy the same functionality as affiliated repairers.
- Choice of time period/clear definition of fair and reasonable.
- Prohibited business practices
- Adaptability / future technology
- The Treasury has assessed the annual regulatory burden on businesses to be \$1.509 million.

Adaptability and Future Technology Issues

The scheme provides for the making of scheme rules to enable the Minister to prescribe technical details about the coverage of the scheme, update the scheme as necessary to ensure it keeps pace with technology and deal promptly with attempts to frustrate the scheme.

Motor Vehicle
Service and
Repair
Information
Sharing
Scheme





Scheme Information

Scheme information

Information in relation to scheme vehicles prepared by or for manufacturers of scheme vehicles for use in conducting diagnostic, servicing or repair activities or training on those vehicles, as supplied to the market.

the electronic log book or specific service and repair information about a particular scheme vehicle.

includes information required to repair a vehicle by fitting or installing a new part.

information and codes for computerised systems (such as information that may appear on board a scheme vehicle after being plugged into a computer system, for example, an error code);

manuals and procedures, including repair manuals, technical service bulletins, wiring diagrams, technical specifications for components and lubricants and testing procedures (including in relation to environmental performance);

Scheme Information
✗ does not include any of
the following:

A source code version of a program

a trade secret

Intellectual Property

Global Positioning data

information relating to an
automated driving system of a
scheme vehicle

Telemetry

Data Providers

"Data Providers" = a corporation that carries on a business that, to any extent and whether directly or indirectly, supplies **scheme information** to any repairer or RTO in Australia

A data provider may be a vehicle manufacturer, data owner, or licensee. This could include an Australian subsidiary of an overseas vehicle manufacturer, an affiliated car dealership, or a data aggregator who sells service and repair information in its own right.

A data provider, for example, a manufacturer, can use an agent, for example, a data aggregator, to meet its obligations under the scheme. The data provider is liable for compliance with the scheme.

Supply scheme information **within two business days** of the repairer having paid the agreed price.

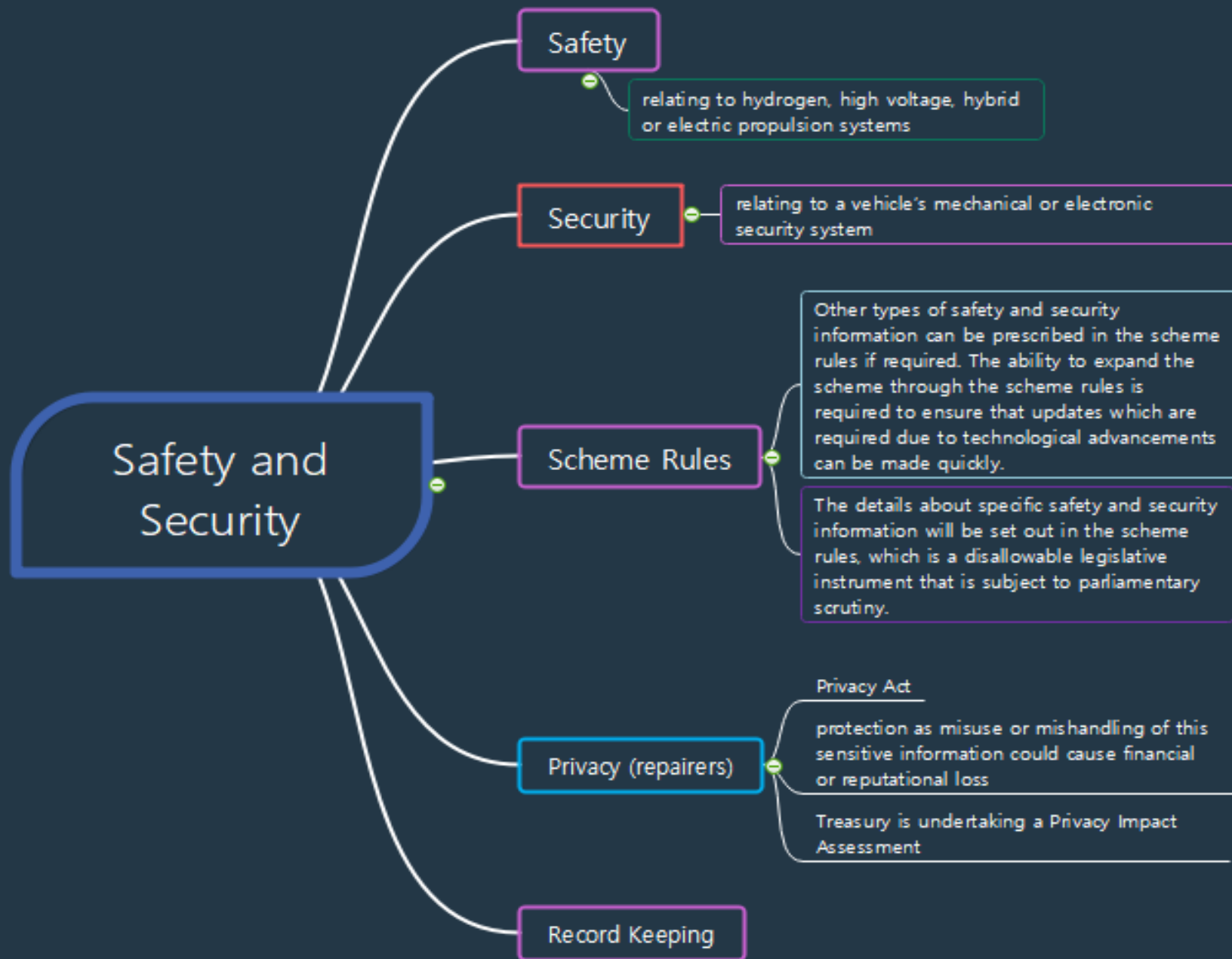
Scheme Vehicles

Vehicle coverage – "Scheme vehicle"

Covers most vehicles manufactured primarily for use on public roads including four wheel drive passenger vehicles, vans and utility vehicles.

The scheme initially applies to such vehicles manufactured on or after 1 January 2002

Scheme vehicle excludes two or three wheeled vehicles, farm, construction or heavy vehicles, motor homes & buses.



If a data provider supplies scheme information to one or more repairer, the data provider must offer to supply such information to all repairers.

Who can access scheme information – “Australian repairers” and “scheme RTOs”

Repairer: A person carrying on, or actively seeking to carry on to any extent, a business of diagnosing faults with, servicing or repairing motor vehicles in Australia

Data providers obligations.

publicly offer to supply information used for conducting diagnostic, service or repair activities to all Australian repairers for scheme vehicles.

charge no more than the fair market value for the information; and

restrict access to safety and security information to those who meet specified access criteria and keep records of access;

protect sensitive personal information collected under the scheme; and

pay compensation to any third parties that hold copyright in relation to scheme information for the supply of that information.

supply scheme information within two business days of the repairer having paid the agreed price.

Motor Vehicle Service and Repair Information Sharing Scheme

Format

The scheme aims to provide data providers with the flexibility to use their existing systems to provide scheme information to repairers

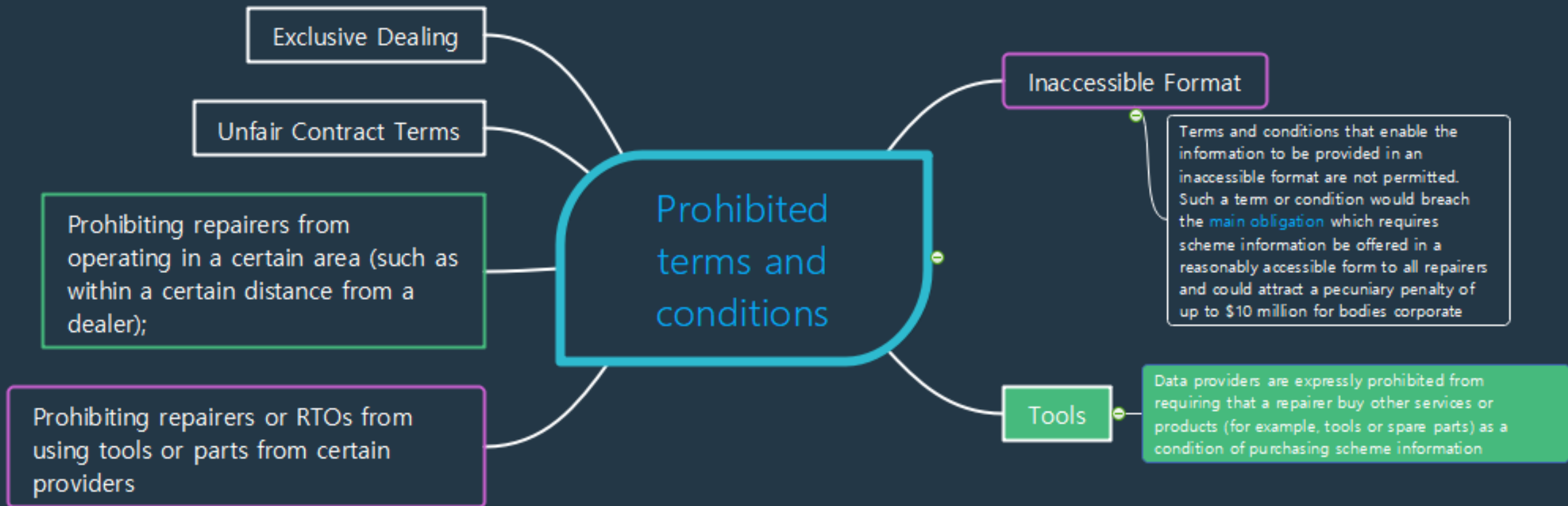
ensure the form the information is offered in is such that repairers and RTOs are able to use it

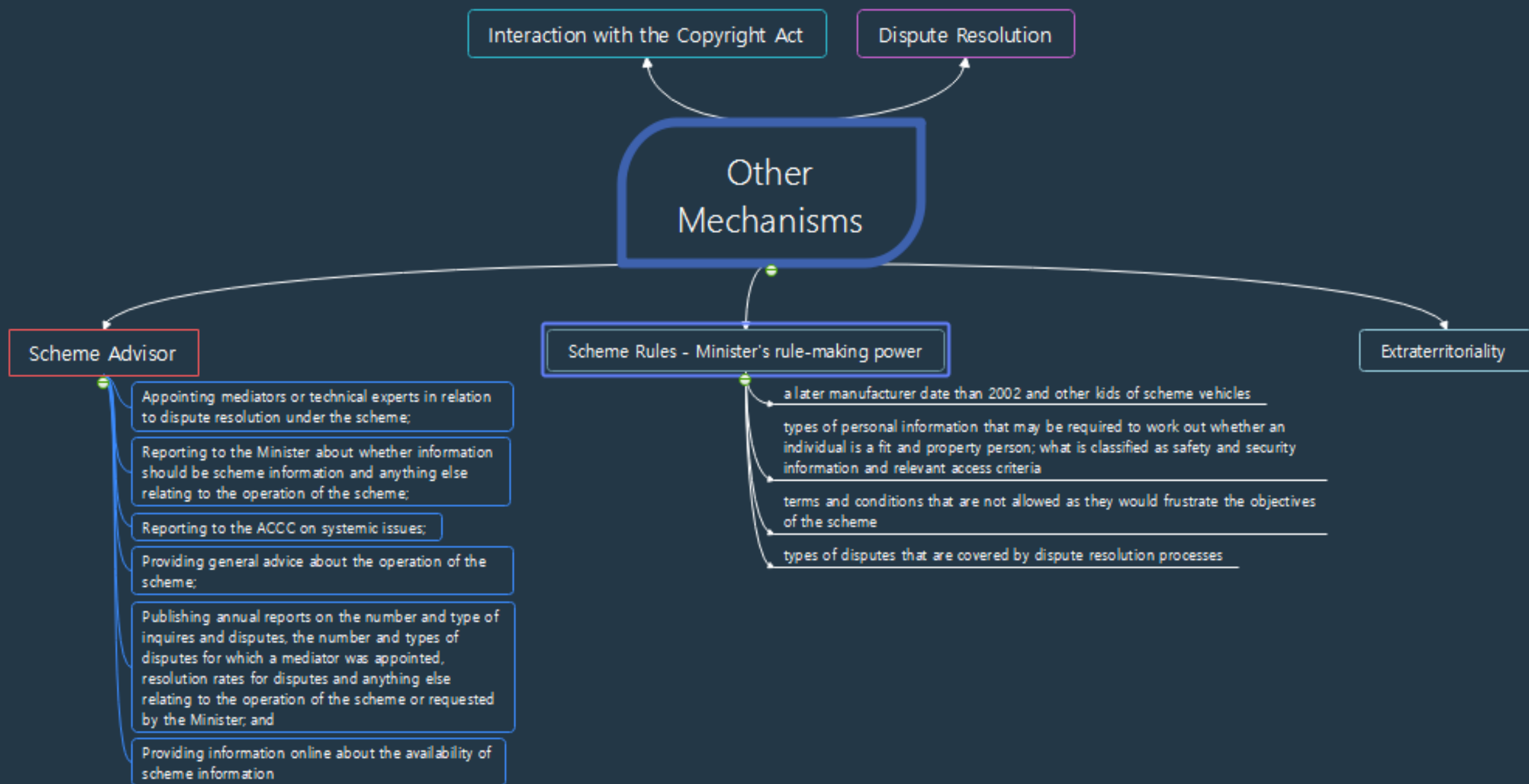
All repairers should also be able to enjoy the same functionality as, for example, affiliated repairers

Time period (Daily, monthly, annual basis)

A data providers is required to publish scheme offers on its website;
notify the scheme adviser of scheme offers and any changes to scheme offers.

Once the repairer or RTO has paid, or offered to pay, the agreed price, and provided any evidence required by the data provider to assess whether the individual meets the relevant safety and security access criteria (if applicable), a data provider must supply the scheme information within the time agreed or two business days.





MOTOR VEHICLE SERVICE AND REPAIR INFORMATION SHARING SCHEME

Australian
Automotive Service
and Repair
Authority ASRA

Facilitating Data Access

Secure Data Release

Technical Panel

Dispute Resolution

Monitoring,
Information,
advice &
continuous
improvement

2 representatives from
each Signatory Party & an
Independent Chair

Australian Automobile Association AAA

Australian Automotive Aftermarket Association AAAA

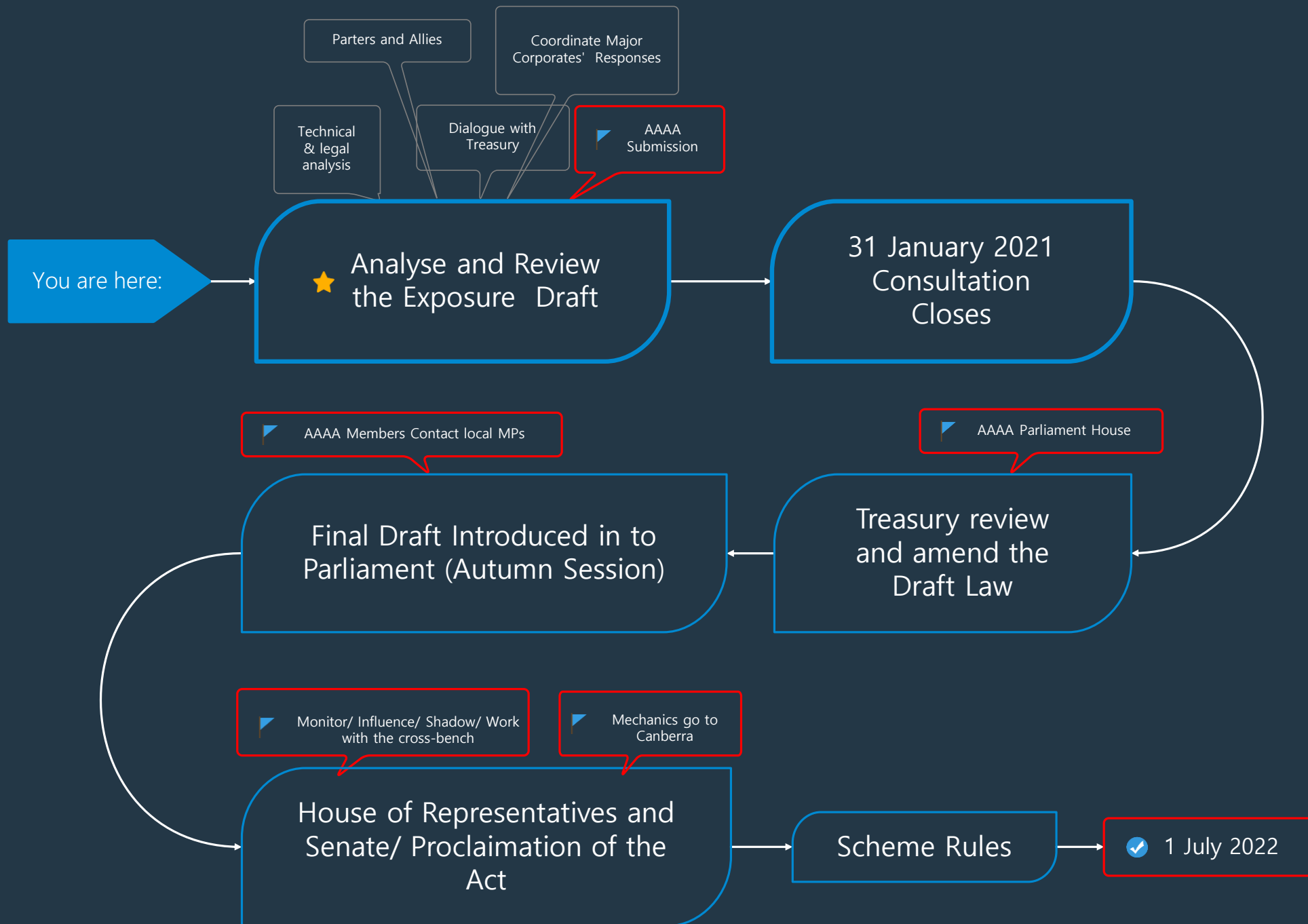
Australian Automotive Dealer Association AADA

Federal Chamber of Automotive Industries FCAI

Motor Trades Association of Australia MTAA

Issues

1. Within **two**-days
2. Does 'functionality equality' adequately **ensure** pass thru
3. Automated Vehicle Systems – sensors ADAS calibration
4. Electric Vehicle **propulsion systems** – what exactly does this exclude?
5. Telemetry



More information



- <https://treasury.gov.au/consultation/c2020-128289>
- Interested parties are invited to comment on this consultation at repairinfo@treasury.gov.au.
- You can submit responses to this consultation up until 31 January 2021.
- While submissions may be lodged electronically or by post, electronic lodgement is preferred.