

CONTINUING THE FIGHT

The dust has settled after the huge announcement of the new Mandatory Data Sharing Law

From far and wide, both locally and internationally, we have been inundated with positive messages, emails and calls of support about this landmark law for our industry. On behalf of all of us at the AAAA, thank you – your support has been overwhelming. Amongst the exciting reactions, celebrations, and relief for so many in our industry, there was also a ground swell of perfectly valid questions and concerns about how the Law will actually work.

You are probably aware by now that the law passed on the 24th of June, and will come into effect from the 1st of July 2022. The next few months is where the Government works through the scheme rules and clarifies definitions.

We are being vigilant in monitoring and providing our guidance on the rules that are being developed. We do not want to see the Law eroded by additional regulations and interpretations that narrow what information we are able to obtain on fair and reasonable commercial terms.

There are three main areas of enquiry around the Law that I'd like to clarify and address.

Safety and Security definitions

With manufacturers given provision to qualify recipients of critical safety and security data in the new Law, there were questions raised around how safety data and security data will be defined. Specifically, the concern was that manufacturers may determine that everything is either security or safety related. I'm pleased to report that from what we can see so far, those terms are being defined very accurately, addressing those specific concerns.

To elaborate further, in the scheme rules Safety is defined as information that may affect technician safety, and this has been narrowed down to high voltage systems for electric vehicles. For example, in order to de-power an electric vehicle, technicians may need to complete a study unit to ensure competency and safety in this area.



Thus, the definition of 'safety' does not include components on the vehicle or embedded in the vehicle that support safety of occupants and other road users, which could have been a long list.

The issue of 'Security' in the scheme rules context is similar. Our understanding is this is being interpreted to support activities that relate to vehicle entry and immobiliser codes to protect the car owner from information sharing that could lead to vehicle theft.

Access

Another common thread of enquiry from our members has been in relation to who can access this information.

If you are in the business of repair, service, or modification you are entitled to receive the information on fair and reasonable commercial terms. This includes the entire supply chain because the supply of auto parts is an integral component of the business of repairing and servicing vehicles.

Third-party data providers

This is undoubtedly a challenging area to navigate. The legislation is principles based and as such it says that it is against the law to withhold information, however it is not prescriptive about exactly how the information is to be provided. The car companies can't deliberately make it difficult – by requiring purchase of their proprietary tools, but they don't have to follow one standard method of supply.

We are optimistic that there will be a great deal of information supplied through the third-party intermediaries because that's how most of the industry secures the information that is needed. But we will be in a 'wait and see' pattern for a little while longer on this front.

Importantly there is a clear safety net in the Legislation – efforts to frustrate the Law will be addressed. So, our watching brief is governed by a level of optimism that the car companies that don't play nice will be picked up.

Skills Shortage

As fantastic as it has been to see the Law go through after so much work, we cannot afford the luxury of a break. Looming large on our agenda is the ever increasing and very worrying labour and skills crisis. Finding staff, keeping staff and worrying about the future pipeline of employees is now the number one issue for our industry.

And I don't believe it is hyperbole to call it a crisis either. In fact, we know that we are short by about 30,000 technicians. And that is frankly an alarming number. On the ground, in workshops across the



country, this reality is exacerbated by our current situation with the unprecedented demand as a result of the COVID-19 lockdowns and closure of international borders. I have heard directly from many workshops that are dealing with a huge surge in demand, with not enough staff to keep up.

Clearly we need more staff, and we need more young people choosing to work in our industry. In the short term we are working with the Australian Automotive Dealer Association (AADA) to lobby government for urgent attention, including listing us on the Skills Priority List in anticipation of our international borders and skilled migration programs re-opening.

The skills shortage issue is not something that can be solved overnight. Just as was the case with Mandatory Data Sharing, there is no simple, quick fix. We must be strategic, and patient. The issue is complex and multi-faceted, and needs to be tackled at Government level, the education and training level, and I would argue, at societal level. Automotive trades need to be encouraged as a worthwhile pathway for school leavers, and recognised as such.

Encouragingly, we have learned a great deal from championing mandatory data sharing and we are building strategies and tactics that will enable us to achieve short, medium and long-term goals on the skills issue. Our resilience and dogged determination, of which we are now well known for, will help us engage in this new battleground, and allow us to find solutions for the betterment of our industry.

We welcome feedback on your experience with labour shortages, and any questions you have about the new Mandatory Data Sharing Law. Please email us at info@aaaa.com.au or call us on 03 9545 3333.

STUART CHARITY
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