AUSTRALIAN AUTOMOTIVE
AFTERMARKET ASSOCIATION

Australian Automotive Aftermarket Association (AAAA)

Submission to ‘Improving and Expanding Australia’s First Right to Repair Laws’

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FOR FURTHER INFORMATION

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PREFACE
The Basis for AAAA's Submission

This submission is lodged by the Australian Automotive Aftermarket Association (AAAA), but it should not be read as the view of a single organisation in isolation.

AAAA is the national peak body for Australia's automotive aftermarket. We represent more than 4,000 member businesses across manufacturing, distribution, retail, service, repair, diagnostics, technology and associated professional services. Many of our members operate through national and multi-site networks, meaning that one AAAA membership can represent dozens, hundreds, and in some cases more than 500 individual outlets across metropolitan, regional and remote Australia.

The practical reach of this submission is therefore much broader than a single organisational response. It reflects the experience of thousands of businesses and operating locations that supply, service, repair, maintain, diagnose, modify and support Australia's vehicle fleet every day.

AAAA has also been deeply involved in the development of Australia's Right to Repair framework for more than 15 years. We have participated in every major stage of the policy journey: from the early national discussions on access to vehicle service and repair information, through the first national review in 2012, the voluntary code period, the ACCC market study, the development of the mandatory Motor Vehicle Information Scheme, the passage of the legislation, and the practical implementation challenges that have followed.

We make this point not to rehearse history, but because institutional memory matters. The issues now before Treasury are not theoretical for our sector. They are the next stage of a long-running competition, consumer choice and productivity reform that AAAA and the independent aftermarket have supported consistently. AAAA has supported Right to Repair from the beginning — not only once reform became likely, but during the years when it was fiercely contested, actively resisted and far from inevitable.

In preparing this submission, AAAA has undertaken a substantial consultation process across the domestic and international aftermarket. This included engagement with independent repairers, national repair and retail chains, data intermediaries, data publishers, diagnostic tool providers, remote diagnostic service providers, industry councils, technical experts and global right to repair counterparts.

Over the six-week consultation period, AAAA:

- held dedicated discussions with data intermediaries, data publishers, data aggregators, diagnostic tool providers and remote diagnostic service providers, many of whom operate internationally and have direct experience with overseas access regimes.
- identified and convened, for the first time, an informal consultation group of AAAA members involved in servicing and repairing agricultural machinery, and commenced work to expand this group into a regular consultation forum to ensure independent agricultural machinery repairers are represented in future Scheme design and implementation discussions.
- consulted with the Automotive Repairers Council of Australia, which represents independent repairers across the country and provides a direct workshop-level test of whether the Scheme is delivering practical, timely and affordable access to the information repairers need.
- briefed and sought feedback from major national automotive service and repair networks, including national steering committees and member networks to test the proposals against both the formal legal architecture of the Scheme and the practical day-to-day experience of repairers trying to access information, tools, software, calibration pathways and diagnostic support.
- engaged with member businesses operating across manufacturing, distribution, retail, repair, diagnostics and technology and
- met with international right to repair colleagues in Europe, Canada, South Africa and the United States to jointly analyse how the Australian proposals compare with active legislative, regulatory and policy developments in other jurisdictions.

This consultation has reinforced a central point: the success of the Motor Vehicle Information Scheme cannot be judged by whether information is technically published somewhere. It must be judged by whether the Scheme delivers practical, affordable, timely and usable access for the independent businesses that consumers rely on to keep vehicles safe, roadworthy and productive.

AAAA's submission is therefore grounded in three sources of evidence: the lived experience of Australian aftermarket businesses; the operational lessons from the first years of the Motor Vehicle Information Scheme; and comparative insight from international right to repair regimes and reform proposals.

We recognise that Treasury is considering complex policy questions involving competition, commercial confidentiality, vehicle technology and consumer choice. AAAA's position is not that every access barrier can be solved simply, or that every category of information should be unrestricted. Rather, our position is that limitations must be specific, justified and proportionate, and that exceptions must not be drafted so broadly that they undermine the purpose of the Scheme.

The independent aftermarket supported the creation of Australia's first Right to Repair law because it promised a practical outcome: that consumers would have genuine choice in where they service and repair their vehicles, and that independent repairers would have fair access to the information and tools needed to compete.

That promise remains the right one.

The task now is to ensure the Scheme continues to deliver what Parliament intended it to deliver: real consumer choice, fair competition and practical repair access in a vehicle market that is becoming more connected, more software-defined and more controlled by the vehicle manufacturer.

Executive Summary

The Australian Automotive Aftermarket Association (AAAA) welcomes the opportunity to respond to Treasury's discussion paper, Improving and expanding Australia's first Right to Repair law. This submission primarily responds to Part B proposals that follow on from the 2025 consultation on the MVIS.

Taken as a whole, the proposals would meaningfully improve the operation of the Scheme and are consistent with the Review's findings. Many reflect reforms AAAA has advocated for over a number of years. The value of this package, however, depends on three things.

1. That the strongest pro-competition reforms are adopted in full
2. That several well-intentioned proposals are not allowed to entrench weak standards or create new loopholes through poorly bounded exceptions
3. That the package is expanded to address the structural gaps the Review itself identified.

AAAA believes that many of the proposals put forward by Treasury do carry out the intent of the review's findings and recommendations. The summary below outlines where AAAA is in full agreement with a proposal, partial agreement and where we disagree with the intent/ execution of certain proposals.

Proposals AAAA supports

AAAA supports Proposals 4 (Option 2), 5, 6, 7, 12, 13 and 15. Two are of particular importance. Proposal 5, requiring data providers to supply scheme information to intermediaries including data aggregators and tool manufacturers, is the single most significant reform in the paper; for most small and independent workshops, intermediaries are the practical pathway through which the legal right to information becomes usable, with up to 87% of workshops relying on aggregators to access affordable data. Proposal 6, bringing repair and maintenance history within the Scheme and enabling independent repairers to update electronic logbooks, closes a fast-emerging barrier to consumer choice. This is a function that already operates safely across more than fifteen brands.

The remaining supported proposals, pricing in Australian dollars quarterly security declarations, data-provider reporting and outage notification, and prohibiting unlawful terms at the offer stage are sensible measures that promote transparency. On safety information, AAAA prefers Option 2 removing the safety/non-security distinction and managing safety obligations through workplace health and safety frameworks and regulatory guidance, rather than embedding them in the access rules.

Proposals AAAA supports in part or with qualifications

AAAA supports Proposals 8, 14 and 16, but each requires refinement. On Proposal 8 (fair market value and overseas comparison), AAAA supports limiting comparisons to genuinely comparable schemes, but the fair-market-value test must remain broad enough to challenge pricing that is technically published yet commercially unrealistic. On Proposal 14 (Scheme Adviser reporting on additional vehicle classes), AAAA supports the Scheme Adviser providing operationally informed advice, but it should be one pathway among several not the sole gateway, and not a body recast to perform policy or economic analysis it was not designed for. On Proposal 16 (bundling), AAAA strongly supports the accessibility safeguard but considers the bundling exception must be tightly constrained, with the onus on the data provider, so that it cannot be used to legitimise proprietary lock-in.

Proposals AAAA does not support as drafted

AAAA does not support Proposals 4 (Option 1), 9, 10 and 11 in their current form. The common thread is that each, as drafted, risks entrenching the status quo or handing data providers a means to limit access. Option 1 of Proposal 4 would place data providers in a quasi-regulatory role by allowing them to suspend access for an alleged breach. Proposal 9's "unreasonable burden" exception risks becoming a significant loophole, allowing data providers to defend restrictive supply periods on the basis of legacy or proprietary system design. Proposal 10's five-business-day rule normalises dependence on scarce, manufacturer-controlled hardware rather than questioning why such hardware is required at all, when interoperable J2534 pathways already exist. Proposal 11's one-business-day security timeframe sets the bar too low when immediate, automated and secure access is technically achievable for repairers who have already been verified.

What is missing and what should be included

The most significant omission is telematics. The Review expressly identified telematics as a future competition and productivity issue, yet it is absent from this consultation. As repair and diagnostic information migrates into connected, manufacturer-controlled environments, the Scheme's practical value will erode unless it keeps pace and 75% of workshops strongly agree independent repairers should have equal access to telematics data. AAAA recommends telematics be included now or through a clearly defined and time-bound second-stage process.

Other key aspects should be progressed in this package include the enforcement measures the Review identified but did not formalise, third-party liability and expanded infringement notices, which should not be deferred to possible future consultation; extension of the Scheme to 4.5 tonnes GVM to cover the full light-vehicle market; narrowing the vehicle-generated data exclusion (s 57BD(2)(d)) so that repair-critical live data, including ADAS dynamic calibration, is not excluded merely because the vehicle is moving when the data is generated; and monitoring of soft lockouts and parts pairing as an emerging access barrier.

AAAA believes that information must be accessible in practice. The early operation of the Scheme has exposed loopholes, ambiguities and access barriers that have been used to limit the practical value of the law. AAAA urges Treasury to address those issues in this reform package, and to continue consulting on any reforms that may create new opportunities for avoidance, so that the Scheme remains effective as vehicle technology evolves.

Summary of Positions

A summary table is detailed below outlining the top-level position on each of the proposals as well as additional measures we believe that Treasury should consider. Each point is expanded throughout this submission

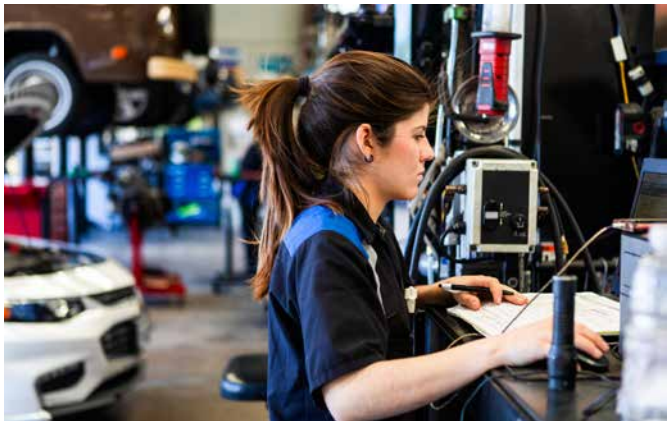
PROPOSAL / ISSUE	AAAA POSITION
PART B	
Proposal 4 (Option 1) Safety info: data-provider suspension model	**Do not support**
Proposal 4 (Option 2) Remove safety/non-security distinction + WHS	**Support (preferred option)**
Proposal 5 Intermediaries	**Strong support**
Proposal 6 Electronic logbooks	**Strong support**
Proposal 7 Pricing in Australian dollars	**Support**
Proposal 8 Fair market value / overseas comparison	**Support with refinements**
Proposal 9 Supply periods (electronic)	**Do not support as drafted**
Proposal 10 Five business days where hardware supplied	**Do not support**
Proposal 11 Security info within one business day	**Do not support in current form**
Proposal 12 Quarterly security declarations	**Strong support**
Proposal 13 Reporting and outage notification	**Strong support**
Proposal 14 Scheme Adviser: additional vehicle classes	**Partial support**
Proposal 15 Prohibited terms in scheme offers	**Strong support**
Proposal 16 Bundling clarification	**Support safeguard; constrain exception**
PART A	
General position	**Support**
Proposal 1	**Support**
Proposal 2	**Support**
Proposal 3	**Support**
Telematics and connected-vehicle data	**Include now / stage 2**
Enforcement: third-party liability & infringement notices	**Progress now**
Extend scheme to 4.5 tonnes GVM	**Legislate now**
Narrow vehicle-generated data exclusion (s 57BD(2)(d))	**Amend**
Soft lockouts / parts pairing	**Monitor; stage 2**

Detailed Responses to proposals and discussion questions – Part B: The Motor Vehicle Information Sharing Scheme

Proposal 4	(Safety information)
AAAA position	**Option 1 - Safety information: implied term model - do not support**
Treasury proposal	Remove the obligation to separate safety information from other scheme information. Supply would be subject to an implied term requiring repairers to ensure safety information is used by fit and proper persons. Data providers could temporarily suspend access for breach, with safeguards against unreasonable suspension.
AAAA response	**AAAA does not support Proposal 4, Option 1.** We do not support the proposed data-provider suspension mechanism. AAAA supports, in principle, removing the obligation to separate safety information from other scheme information. This obligation has created unnecessary complexity and regulatory burden because safety information is often embedded within broader repair and service information and cannot easily be separated in practice. AAAA has consistently taken the view that safety obligations relating to EV, hydrogen and high-voltage systems are more appropriately dealt with through existing workplace health and safety laws, training obligations, and general business duties, rather than through the mandatory data-sharing scheme. However, AAAA does not support giving data providers the ability to temporarily suspend access to scheme information for alleged breach of the implied term. This would place data providers in an inappropriate quasi-regulatory role and could allow OEMs to delay, restrict or interrupt access based on alleged safety concerns. If any suspension mechanism is considered necessary, it should sit with an independent scheme body such as AASRA, not with individual data providers. Any such mechanism would also require clear procedural safeguards, natural justice, appeal rights, and oversight. AAAA's preferred approach is therefore Option 2.

Proposal 4	(Safety information)
AAAA position	**Option 2 - Safety information: remove distinction and provide guidance - Support**
Treasury proposal	Remove the distinction between safety information and other non-security information and provide enhanced regulatory guidance on scheme obligations and WHS obligations.
AAAA response	**AAAA Supports Proposal 4, Option 2;** removing the distinction between safety information and other non-security information and dealing with safety obligations through clear regulatory guidance, training expectations and existing workplace health and safety frameworks. The current separation of safety information was a late addition to the scheme and has created practical complexity for data providers, intermediaries, and repairers without delivering a clearly demonstrated safety benefit. Safety information is often interwoven with ordinary repair information, meaning the current model can unnecessarily restrict access to broader information that repairers need for lawful diagnosis, service, and repair work. AAAA has previously used the existence of a national scheme to argue against fragmented state-based approaches to EV repair regulation. For that reason, we recognise the need to preserve national consistency. However, the better national position is not to embed EV safety training requirements in the data-sharing scheme. Safety competency should sit within workplace health and safety obligations and relevant training frameworks, not within the access rules for repair information. Option 2 is therefore the cleaner, more proportionate and more workable approach.

Proposal 5	Intermediaries
AAAA position	**Strong support**
Treasury proposal	Require data providers to supply scheme information to intermediaries, including data aggregators and tool manufacturers, in a reasonably accessible form, at no more than fair market value, and as soon as reasonably practicable. Terms and conditions would be prescribed for the intermediary context.
AAAA response	**AAAA strongly supports Proposal 5 — this is one of the most important reforms in the discussion paper.** AAAA strongly supports expanding access to scheme information for intermediaries, including data aggregators, scan tool providers, diagnostic platform providers, and other tool manufacturers. For many independent workshops, intermediaries are not peripheral to the scheme — they are the practical pathway through which repair information is accessed and used. Most small and independent workshops do not have the time, resources, or operational capacity to navigate multiple OEM portals, subscription models, interfaces, payment systems, and access rules. Intermediaries translate the legal right to access information into a commercially practical pathway. Without effective intermediary access, the scheme will remain difficult for many workshops to use in practice, even where information is technically available through OEM portals. AAAA has research providing evidence of the extent to which workshops rely on intermediaries, including workshops that solely use intermediary tools or platforms rather than accessing OEM portals directly. AAAA provides more information in **Appendix 1**. This proposal would make a significant contribution to fair and open competition by ensuring independent workshops can access repair information through the tools, platforms, and systems they already use in daily workshop operations. The obligation must be designed so that intermediary access is genuine, timely, commercially viable and not undermined by restrictive terms, excessive prices, technical barriers or unnecessary limitations on use. While AAAA strongly supports this reform, we recognise that implementation will be technically and commercially complex. Appendix 2 outlines a possible drafting structure; however, AAAA recommends further industry roundtables to work through the practical detail.



Proposal 6	Electronic logbooks / repair and maintenance history
AAAA position	**Strong support**
Treasury proposal	Include repair and maintenance history in the definition of scheme information and require data providers to give Australian repairers the ability to update a vehicle's repair and maintenance history.
AAAA response	**AAAA strongly supports Proposal 6.** AAAA expects some data providers may seek to resist this reform by overstating privacy, security or data integrity concerns, and by asserting that independent repairers cannot and should not update electronic logbooks. That position is factually incorrect and directly contradicted by current market practice. Allowing a repairer to record work they have performed on a customer's vehicle is not, of itself, a privacy breach. It is a legitimate and necessary record of repair and maintenance activity, undertaken for the benefit of the vehicle owner, subsequent owners and future repairers. It is directly connected to the purpose of the Scheme: ensuring that independent repairers can service and repair vehicles safely, accurately and competitively. Nor should broad, unsubstantiated claims about data integrity be allowed to operate as a veto on reform. Independent repairers already create invoices, service records, warranty records, diagnostic reports and inspection reports every day. Updating an electronic logbook is an extension of that existing professional function. Appropriate user authentication, audit trails and record-keeping requirements can manage any genuine integrity concerns without excluding independent repairers from the process. Importantly, independent repairers are already updating electronic logbooks for a number of vehicle brands, including high-end and technically sophisticated brands. AAAA is aware of at least 15 brands for which this is already occurring in practice (Appendix [3]). There is strong demand from workshops for this ability with 59% of scheme users saying the ability for independent repairers to update online vehicle logbooks would most benefit their operations (AAAA Critical Trends Report 2025–26). This has not created any privacy, security or data integrity issues. It demonstrates that independent repairer access to electronic logbooks is practical, manageable and already operating safely in the market. Any suggestion that independent repairers are inherently unable to update electronic logbooks safely or accurately should therefore be rejected. It is not supported by the practical experience of the market. The issue is not capability. The issue is consistency, fairness and legal certainty. The existence of access for some brands is not a reason to leave this issue to voluntary arrangements. Quite the opposite. It proves the function can be provided and therefore should be provided consistently across the market. At present, access remains fragmented and dependent on the policies and systems of individual data providers, and there is no evidence that the remaining brands will voluntarily move to provide fair, practical and consistent access without a clear regulatory requirement. The reform should therefore guarantee independent repairers the ability to update electronic service histories where they have performed service or repair work on a customer's vehicle, subject to appropriate authentication and audit requirements. This would protect consumers, preserve accurate vehicle service records, support future repairers, and prevent electronic logbooks becoming a new barrier to consumer choice and fair competition.

Proposal 7	Scheme pricing in Australian dollars
AAAA position	**Support**
Treasury proposal	Require scheme offers published by data providers to quote the price of scheme information in Australian dollars.
AAAA response	**AAAA supports Proposal 7.** This is a simple transparency measure. It helps workshops compare costs and avoid currency uncertainty. In the 2025-26 AAAA Critical Trends Survey 62% of scheme users say reducing the cost of accessing OEM service and repair information would most benefit their operations, and AUD pricing removes currency uncertainty and any associated international fees that have resulted from pricing in USD.

Proposal 8	Fair market value and overseas pricing comparison
AAAA position	**Support with important qualifications**
Treasury proposal	Allow overseas prices to be considered in assessing fair market value only where the information is made available under a similar scheme.
AAAA response	**AAAA Supports Proposal 8 With Important Qualifications.** AAAA supports the policy intent of ensuring that overseas pricing comparisons are only used where they are genuinely comparable. Overseas pricing can be useful evidence in assessing fair market value, but only where the information is supplied under a similar right-to-repair or regulated information-sharing framework. Prices set in unregulated overseas markets, bundled commercial arrangements, dealer-only systems or materially different access regimes may not provide a fair benchmark for Australian scheme pricing. AAAA's concern is that the fair market value test needs to remain robust. AAAA members have provided an example involving Stellantis where the daily price for accessing scheme information had been set broadly in line with the equivalent United States pricing before being doubled overnight from US$35 to US$70 per day. The justification offered was that Australia is a small market. The increase was unsupported by any demonstrated change in the cost or value of the information supplied. In AAAA's view, this price increase appears excessive and not aligned with the fair market value test. This reform must not weaken the ability of repairers, AASRA or the ACCC to challenge excessive pricing. The scheme's core requirement is that information be supplied on fair and reasonable commercial terms. If overseas pricing evidence is limited to comparable schemes, there should still be scope to consider other relevant factors, including the price paid by authorised repairers, the cost of equivalent information in other jurisdictions, the scope and usability of the information supplied, whether the pricing model is practical for small workshops, and whether the price has the effect of discouraging independent repairer access. AAAA supports preventing inappropriate overseas comparisons, but the fair market value test must remain broad enough to identify and address pricing that is technically published but commercially unrealistic. The need for an effective fair-market-value test is reinforced by workshop experience of pricing as a real barrier: 62% of scheme users want the cost of OEM information access reduced and 43% cite the cost of OEM-specific diagnostic tools being a major barrier (AAAA Critical Trends Report 2025–26).

Proposal 9	Supply periods for electronic information
AAAA position	**Does not support in its current form**
Treasury proposal	Introduce a presumption that electronically stored information allows variability in supply periods unless that would impose an unreasonable burden on the data provider and the data provider does not offer time-limited subscriptions in other jurisdictions.
AAAA response	**AAAA Does Not Support Proposal 9 In Its Current Form.** AAAA supports the policy objective of ensuring that electronically supplied scheme information is available across practical and flexible supply periods, including daily, monthly, and yearly access. This is important because independent repairers should be able to purchase information for a period that reflects their actual business need. A repairer who needs information for a single job should not be forced to purchase an annual subscription. However, AAAA is concerned that Proposal 9 may not achieve this objective. While the proposal is framed as a rebuttable presumption that electronic information can be made available across variable supply periods, it also creates an exception where doing so would impose an "unreasonable burden" on the data provider. AAAA is highly concerned that this exception could become a significant loophole. In our experience, vehicle manufacturers and data providers are highly effective at arguing that changes to their systems are difficult, costly, or impractical. They will often argue that their systems are global, proprietary, brand-specific, legacy, security-sensitive, integrated with overseas platforms, or technically unable to accommodate Australian-specific requirements. These arguments can be persuasive, particularly where the technical architecture of the system is opaque to repairers, the Scheme Adviser, regulators, and government. The risk is that the "unreasonable burden" exception becomes the new basis on which data providers avoid providing daily, monthly, and yearly access. Data providers may argue that their current systems only support annual subscriptions, and that changing those systems would be expensive, or that their proprietary architecture does not allow for more flexible supply periods. If accepted, that would undermine the purpose of Proposal 9 and leave repairers in the same position they are in now: technically able to access information, but only on terms that do not reflect their actual needs. AAAA notes Treasury's statement that the mere fact the information is currently supplied through software, that only allows annual subscriptions would not, of itself, be evidence that shorter access periods would impose an unreasonable burden. AAAA supports that principle. However, AAAA is not confident that this statement alone is sufficient protection. Without a much stronger statutory test, data providers will be able to construct detailed arguments about system design, cost and operational complexity to justify maintaining restrictive access models. For this reason, AAAA does not support Proposal 9 as currently drafted. If Treasury proceeds with Proposal 9, AAAA considers that the exception must be significantly narrowed. At a minimum: 1. The onus must sit clearly with the data provider to prove unreasonable burden; 2. Inconvenience, cost, legacy system design, proprietary system architecture or current business practice should not be sufficient to establish unreasonable burden; 3. The test should require objective evidence, not assertion; the ACCC and Scheme Adviser should be able to test and scrutinise claims of unreasonable burden; 4. The exception should be time-limited, so that data providers cannot rely indefinitely on current system limitations; 5. The legislation should make clear that data providers are expected to make reasonable changes to their systems to comply with the scheme; 6. A data provider should not be able to rely on unreasonable burden where it provides equivalent daily, monthly, or yearly access in another jurisdiction. AAAA's preferred position is that electronically supplied scheme information should be required to be made available across daily, monthly, and yearly supply periods, unless the data provider can meet a strict, evidence-based and independently reviewable test. Without those safeguards, Proposal 9 risks creating a substantial loophole that could weaken, rather than strengthen, access to scheme information. A weak exception would also entrench a problem workshops already report: 54% of scheme users cite system inefficiencies or slow access to information (AAAA Critical Trends Report 2025–26).

Proposal 10	Minimum five business days where hardware must be supplied
AAAA position	**Does not support**
Treasury proposal	Where access to scheme information requires physical hardware to be sent to the repairer or RTO, require scheme information to be available for a minimum of five business days.
AAAA response	**AAAA does not support Proposal 10.** AAAA does not support Proposal 10 because it risks normalising and rewarding a model in which access to scheme information depends on scarce, proprietary, manufacturer-controlled hardware. Where scheme information requires physical hardware to be sent to a repairer, the policy response should not be simply to extend the access period to five business days. The better question is why access to scheme information requires physical hardware at all, and whether the data provider should instead be required to make the information available through more accessible, interoperable, and commercially practical pathways. If proprietary hardware is genuinely unavoidable, data providers should be required to ensure sufficient availability of that hardware so that repairers are not delayed or disadvantaged. However, the scheme should not create incentives for OEMs to design systems that require dedicated manufacturer-owned tools, restrict access through scarcity, or make independent repairers dependent on OEM-controlled equipment. This dependency is already a recognised barrier by many in the scheme with 43% of users citing a requirement to purchase OEM-specific diagnostic tools as a gap This proposal risks taking the scheme down the wrong path. The policy objective should be to encourage access through common diagnostic tools, universal scan tools, J2534 pass-through devices or other interoperable systems already used by independent workshops In 2022, shortly after the scheme commenced, an independent workshop in Sydney sought to update the powertrain control module (PCM) software on a 2009 Mazda 3 to rectify an emissions-related fault (DTC P2096), as directed by a technical service bulletin. The update could be performed over the J2534 pass-through protocol, and the workshop already held J2534-capable hardware. It needed only access to the relevant Mazda module-programming software (MMP124 / MDARS) and a login (the same access available to authorised dealers.) No such access was offered. Unlike the United States and Canada, where independent workshops have been able to download Mazda software since 2014, Mazda Australia provided only two pathways: take the vehicle to an authorised dealer, or hire genuine OEM diagnostic hardware (with the software bundled) through a third-party loan-tool provider. When the workshop asked to license the software for use on its own equipment, it was referred to Bosch, which advised in writing that it does not provide any access or licence to Mazda diagnostic software for the aftermarket. The workshop was returned to the hardware-hire pathway and ultimately lodged a Missing Mandatory Information Request with AASRA. This case illustrates the main problem. A Mazda dealer quoted $88 to perform the update. To carry out the same job in-house, the independent workshop faced a minimum of $125 (a $45 monthly membership plus $80 return freight, with the standard $220 seven-day hire fee, alongside a $1,200 refundable security deposit and credit-card-only terms, all to access software it was entitled to under the scheme and already had the hardware to use. A minimum five-business-day access period does not solve the underlying problem if the repairer is forced to wait for scarce hardware, pay for unnecessary hardware, or rely on a manufacturer-controlled access pathway that could have been avoided. AAAA's position is that hardware-dependent access should be the exception, not the model. The scheme should require data providers to supply information in the most reasonably accessible form available and should not allow proprietary hardware requirements to become a new barrier to fair and open competition.

Proposal 11	Security information within one business day
AAAA position	**Does not support in its current form**
Treasury proposal	Require security information to be supplied within one business day, rather than two, where conditions for immediate supply are not met.
AAAA response	**AAAA does not support Proposal 11 in its current form.** AAAA agrees that the current two-business-day timeframe for the supply of security information is too slow. However, reducing that timeframe to one business day does not go far enough and risks entrenching a standard that is still well below what is technically possible and operationally necessary. Security information is often required in urgent repair scenarios, immobilised vehicles, lost or stolen keys, module replacement, programming, reinitialisation, or situations where a vehicle is stranded in a location such as an underground car park, shopping centre, workplace, or roadside environment. In these circumstances, even a 24-hour delay can be excessive. It can leave a consumer without access to their vehicle, extend workshop downtime, disrupt repair scheduling, and create unnecessary cost and inconvenience. The technology exists to supply security information much more quickly than one business day. In many cases, access can and should be automated where the repairer has already met the relevant access, identity and fit-and-proper-person requirements. Some brands already demonstrate that fast, secure, and automated access is possible. Kia is a practical example of a system capable of providing security-related access efficiently, without reliance on slow manual processes. The problem is not that secure access cannot be provided more quickly. The problem is that some data providers have not invested in the systems, security architecture and API or platform interfaces required to enable timely access. Where access depends on a phone call, an individual authorised person, business hours, leave arrangements, weekends or public holidays, the system is not operating in a way that reflects the realities of modern vehicle repair. AAAA is concerned that moving from two business days to one may validate an outdated and inefficient access model and may reduce the incentive for data providers to modernise their systems and adopt automated, secure access pathways. AAAA's preferred position is that security information should be supplied immediately where the repairer has already satisfied the relevant access requirements, including where a valid declaration, credential, police check or other required verification is already held or can be verified through an approved system. This should be the primary standard, not the exception. Where a new assessment is genuinely required, any delay should be limited to the minimum time reasonably necessary to complete that assessment. Accordingly, AAAA recommends that Proposal 11 be replaced or substantially amended to require: • immediate supply of security information wherever the repairer has already satisfied the relevant access requirements; • automated or system-based access wherever reasonably practicable; • a strict obligation on data providers to invest in access systems capable of timely and secure supply; • one business day only as an outer limit for genuinely new or exceptional assessments, not as the ordinary standard; and • clear limits on the ability of data providers to rely on manual processes, proprietary system constraints, or staff availability to justify delays. AAAA strongly supports the objective of improving timely access to security information. However, a one-business-day timeframe is not an adequate reform. The scheme should be designed around what is technically possible and what consumers and repairers need: secure, controlled, and immediate access wherever the repairer has already been verified.

Proposal 12	Quarterly declarations for security information
AAAA position	**Strong support**
Treasury proposal	Reduce the frequency of declarations and supporting documents for security information from one declaration per request to quarterly declarations. Require immediate supply where a valid and current declaration is held.
AAAA response	**AAAA strongly supports Proposal 12.** Independent repairers who hold appropriate vehicle security professional accreditation have already gone through a controlled process to establish that they are suitable to access security information. Requiring those repairers to repeatedly provide declarations and supporting documentation for each individual request creates unnecessary administrative burden, delays legitimate repair work, and provides little additional security benefit. Security information is often needed in time-sensitive circumstances, including immobilised vehicles, key and module-related work, and situations where a customer is waiting for the vehicle to be returned to service. Where a data provider already holds a valid and current declaration, security information should be supplied immediately. Quarterly declarations provide a sensible and proportionate balance: they preserve accountability and regular confirmation of eligibility, while removing repetitive process steps that slow down accredited repairers. This reform would improve the practical operation of the scheme for legitimate, accredited data recipients without weakening the integrity of the security information framework.

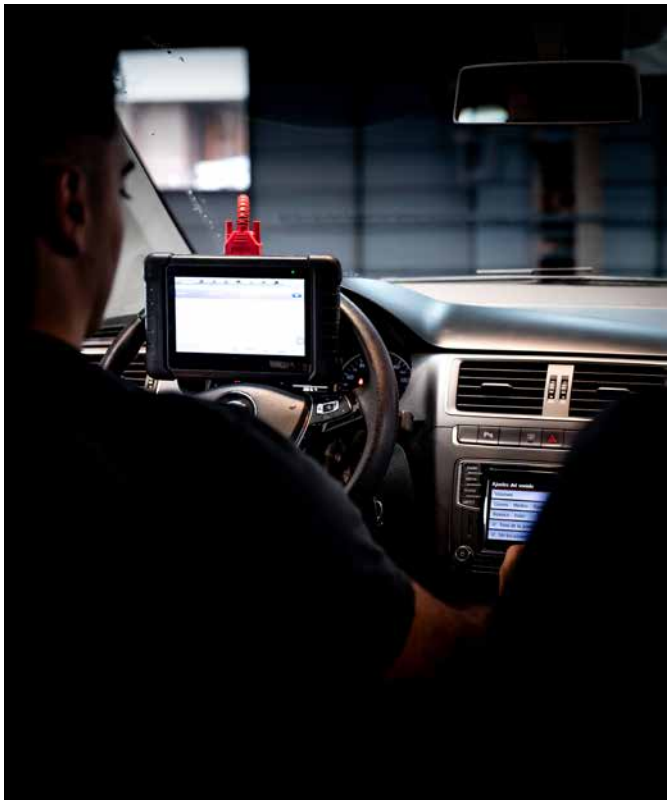
Proposal 13	Data provider reporting and outage notification
AAAA position	**Strong support**
Treasury proposal	Require data providers to periodically report on terms, conditions, and prices for scheme information, and immediately notify the Scheme Adviser when system outages affect access.
AAAA response	AAAA strongly supports increased reporting obligations for data providers, including periodic reporting on terms, conditions and pricing, and immediate notification of system outages. This is an important transparency and accountability measure. Independent repairers rely on timely access to scheme information to diagnose, service and repair customer vehicles. When data provider systems are unavailable, slow, unreliable, or subject to repeated outages, the impact is not theoretical, workshops lose productive time, customers face delays, vehicles remain off the road and competition is weakened. AAAA is aware of repeated access issues and outages affecting the practical operation of the scheme. These reliability problems are measurable and widespread, among scheme users, 57% report difficulty accessing or navigating OEM websites and 54% report system inefficiencies and slow access (AAAA Critical Trends Report 2025–26). The frequency of these issues raises serious concerns. At best, repeated outages suggest that data provider systems are not sufficiently robust or reliable to support their statutory obligations. At worst, repeated interrupted access can have the same practical effect as a refusal or delay in supply. Neither outcome is acceptable. Data providers should be required to notify the Scheme Adviser immediately when outages occur, provide information on the cause and duration of the outage, identify affected brands, systems and information categories, and report on remedial action. Reporting should also include outage frequency, response times, resolution times and whether repairers were offered reasonable extensions, credits, or alternative access pathways. Transparency is essential because access failures can otherwise be invisible, fragmented, and difficult for individual repairers to evidence. This reform should ensure that systemic access issues are visible to the Scheme Adviser, the ACCC and government, and that repeated failures are treated as compliance issues, not merely technical inconveniences.

Proposal 14	Scheme Adviser reporting on additional vehicle classes
AAAA position	**Partial support**
Treasury proposal	Allow the Scheme Adviser to report to the Minister on whether additional vehicle classes should be included in the scheme.
AAAA response	**AAAA Partially Supports Proposal 14.** However, the Scheme Adviser should not be the only pathway for adding additional vehicle classes to the scheme. AAAA supports the Scheme Adviser being able to report to the Minister on whether additional vehicle classes should be included in the scheme, particularly where there are clear synergies with the existing light vehicle scheme. The Scheme Adviser has line of sight across the practical operation of the scheme, including data provider conduct, repairer access, registration and accreditation processes, information flows, disputes, anomalies and recurring access issues. This operational visibility may place the Scheme Adviser in a useful position to identify vehicle classes that sit awkwardly outside the current scheme boundary or where there is an evident overlap with existing scheme vehicles. AAAA considers there is a strong case for increasing the current scheme coverage from 3.5 tonnes to 4.5 tonnes. This would better reflect the structure of the contemporary vehicle market and the practical overlap between light vehicles and larger light commercial vehicles. That overlap is already operational with 56% of workshops currently service heavy vans or light trucks and 29% service heavy machinery, using many of the same tools and staff as for light vehicles (AAAA Critical Trends Report 2025–26). AAAA has prepared a separate paper setting out the case for extending the scheme to vehicles up to 4.5 tonnes. **(Appendix 4).** In this context, the Scheme Adviser may be well placed to provide advice on adjacent or overlapping categories, such as larger SUVs, vans, utilities, light commercial vehicles and vehicles in the 3.5 to 4.5 tonne range. These are categories where the Scheme Adviser's existing expertise, systems and industry relationships may be directly relevant. However, AAAA does not support the Scheme Adviser being treated as the sole gateway for future expansion of the scheme. The current Scheme Adviser has been designed to support the operation of the light vehicle service and repair information sharing scheme. Its role is primarily operational and facilitative. It is a monitoring, access and dispute-resolution body with practical visibility of scheme conduct. It is not a policy agency, economic regulator or productivity reform body. AAAA is concerned that Proposal 14 could be interpreted as requiring, or encouraging, the Scheme Adviser to develop into a broader policy body capable of undertaking economic analysis, productivity assessment, cost-benefit analysis and recommendations on future government reform. That does not sit comfortably with the Scheme Adviser's function, structure or lean resourcing. The Scheme Adviser may be able to identify objective operational evidence, such as anomalies in vehicle classification, recurring access barriers, emerging repair market issues or classes of vehicles that appear to be bundled with existing scheme vehicles in practice. That evidence could be valuable to government. However, the broader task of determining whether a new class of vehicles should be brought into a regulated access scheme is a policy question. It may require market analysis, competition assessment, productivity modelling, consultation with affected sectors and consideration of regulatory costs and benefits. Those functions sit more appropriately with Treasury, the ACCC, the Productivity Commission or a sector-specific review process. AAAA therefore supports the Scheme Adviser being one important source of advice, but not the only mechanism by which future scheme coverage can be considered. Additional vehicle classes should be capable of being considered through multiple pathways, including: • recommendations from the Scheme Adviser based on operational evidence; • ACCC market intelligence, complaints data or enforcement experience; • Productivity Commission inquiries or productivity reform processes; • Treasury reviews or ministerial requests; • sector-specific market studies; • evidence provided by industry associations, repairers, consumers or fleet operators; • other evidence-based policy processes. AAAA also cautions against assuming that the current Scheme Adviser necessarily has the technical expertise, market coverage or representative structure to assess all other vehicle classes. Categories such as motorcycles, heavy vehicles, agricultural machinery, caravans, trailers, earthmoving equipment and other specialised machinery may require different technical expertise, different market evidence and different sector-specific consultation. Accordingly, AAAA supports Proposal 14 only to the extent that it enables the Scheme Adviser to provide operationally informed advice to the Minister. AAAA does not support any approach that would make the Scheme Adviser the sole gateway for future expansion of the scheme, or that would require the Scheme Adviser to perform broader policy, economic or cost-benefit analysis functions that properly sit with government and specialist policy agencies.

Proposal 15	Prohibited contract terms in scheme offers
AAAA position	**Strong support**
Treasury proposal	Prohibit scheme offers from containing prohibited terms and conditions.
AAAA response	**AAAA strongly supports Proposal 15.** The scheme already prohibits data providers from entering into contracts for the supply of scheme information that contain prohibited terms, including bundling requirements, post-contract price increases and terms prohibited by the Rules. However, the Review identified that prohibited terms can cause harm even before a contract is entered into. If a scheme offer contains terms that appear to restrict lawful use, require unnecessary additional purchases, create uncertainty, or impose unreasonable conditions, an independent repairer may be discouraged from accessing scheme information at all. That undermines the practical operation of the scheme. From the repairer perspective, the harm is not limited to signed contracts. The offer itself can shape behaviour. Small workshops are unlikely to seek legal advice, test the validity of a term, or enter into a contract in the hope that an unlawful term will not later be enforced. They are more likely to walk away, delay the repair, or after trying everything conclude that the pathway is too difficult or risky. Proposal 15 is therefore an important enforcement reform because it allows the ACCC to act before harm occurs, rather than waiting until a prohibited term is included in a final contract. Scheme offers should be clear, lawful, fair, and consistent with the purpose of the scheme. Access should not be chilled by unlawful or intimidating terms at the offer stage.

Proposal 16	Bundling clarification
AAAA position	**Support the accessibility safeguard strongly; support the bundling exception only if tightly constrained**
Treasury proposal	Clarify that data providers do not breach the bundling prohibition where bundling is necessary to make scheme information reasonably accessible, but electronic information is not reasonably accessible if it could reasonably have been supplied in a more accessible alternative form.
AAAA response	AAAA understands what Treasury is seeking to achieve through Proposal 16. The scheme should not prevent data providers from using legitimate existing systems to supply scheme information. In some cases, scheme information may need to be provided through a website subscription, secure portal, authentication process, software platform, pass-through interface or a (non-proprietary) hardware interface in order to make that information readable and usable. For example, AAAA accepts that it may be legitimate for a data provider to require a repairer to access scheme information through an online technical portal, where that portal is the ordinary and practical mechanism for making service and repair information available. Similarly, there may be circumstances where access to security-related functionality, software updates, reprogramming, or calibration information requires reasonable authentication, a secure login, a subscription period, or a standardised interface to ensure that the information is supplied safely and in a usable form. However, AAAA is concerned that Proposal 16, if not drafted carefully, could also legitimise the very conduct the scheme is intended to prevent. The concern is not with genuine access systems. The concern is with access pathways that are designed, or allowed to operate, in a way that makes scheme information practically inaccessible to independent repairers. For example, it would not be acceptable for a data provider to make diagnostic, calibration, programming or repair information available only through expensive proprietary hardware where that information could reasonably be supplied through a more accessible electronic form, such as a web portal, standard file, existing diagnostic interface, pass-through arrangement, API, or recognised intermediary platform. In practical terms, AAAA distinguishes between acceptable bundling and problematic bundling. Acceptable bundling may include: • a reasonable website subscription that allows a repairer to access technical service information, wiring diagrams, repair procedures and software updates; • a secure authentication process where it is genuinely required to protect security information; • a standard diagnostic interface or pass-through arrangement where that is the ordinary method for making the information usable; • a software licence or portal fee that is proportionate, transparent and directly connected to the supply of scheme information. Problematic bundling may include: • requiring repairers to purchase expensive proprietary hardware when the same information could reasonably be supplied in a more accessible electronic form; • designing an access pathway so that a repairer is technically offered the information, but practically cannot use it without buying additional products or services from the data provider; • requiring the purchase of a full diagnostic ecosystem when the repairer only needs access to specific scheme information; • using bundled hardware, software or subscriptions to inflate the effective cost of scheme information; • refusing to supply information through an available pass-through, web-based, standardised or intermediary pathway because the data provider prefers to maintain control through its own proprietary system. → *continued*

Proposal 16	Bundling clarification - continued
AAAA response	AAAA supports the principle that a data provider should not breach the bundling prohibition where additional goods or services are genuinely necessary to make scheme information reasonably accessible. However, this should be a narrow and evidence-based exception. It must not become a general permission for data providers to tie scheme information to proprietary tools, platforms, or commercial ecosystems. The key test should be whether the bundled product or service is genuinely necessary, proportionate, technically justified, and the least restrictive reasonably available means of making the information accessible. If a more accessible alternative form could reasonably be supplied, then the information should not be regarded as reasonably accessible merely because it is technically available through a bundled pathway. AAAA therefore recommends that Proposal 16 be strengthened to make clear that: • the data provider bears the onus of demonstrating why the bundled product or service is necessary; • cost, usability and practical accessibility for independent repairers must be considered; • proprietary hardware should not be required where a more accessible electronic form could reasonably be supplied; • bundling should not be permitted where it has the effect of inflating the effective price of scheme information; • the ACCC and Scheme Adviser should be able to scrutinise whether bundling is genuinely necessary or whether it is being used to preserve proprietary control. AAAA understands the policy intent of Proposal 16 but remains uncomfortable with any amendment that could be interpreted as validating avoidable bundling. The scheme must continue to protect repairers from being forced into unnecessary proprietary hardware, subscriptions or platforms as the practical price of accessing information they are legally entitled to receive. The purpose of the scheme is not simply to make information theoretically available. It is to ensure that information is available in a form that independent repairers can practically, affordably, and effectively use.



Telematics	
Treasury proposal	No proposal put forward by Treasury
AAAA response	AAAA is concerned that telematics is absent from the current implementation consultation, despite the Review expressly identifying telematics as a future competition and productivity issue for the Scheme. The Review found that telematics is expected to increase, that telematics data can be relevant to diagnosis, repair and servicing, and that a shift towards telematics risks making relevant repair information inaccessible over time. It also recorded the ACCC's view that the risks and benefits of including telematics warrant reconsideration. **The absence of telematics from this consultation is therefore a significant gap.** The Scheme was designed to protect competition, consumer choice and productivity in vehicle service and repair. Those objectives cannot be achieved if increasingly important repair and diagnostic information is allowed to migrate into closed manufacturer-controlled data environments outside the reach of the Scheme. AAAA does not accept that telematics can be treated as a distant or hypothetical issue. Connected vehicle technology is already embedded in the Australian car parc and will become increasingly central to diagnosis, maintenance, software updates, fault detection, prognostics, remote services, and customer communications. The strength of sector concern is clear in the data. 75% of all workshops strongly agree independent repairers should have equal access to telematics data and 62% of scheme users say access to real-time vehicle data would most benefit their operations (AAAA Critical Trends Report 2025–26). AEB became mandatory on all new vehicles sold in Australia from 1 March 2025 under ADR 98/00, accelerating the migration of diagnostic and repair information into connected, manufacturer-controlled environments (ADR 98/00; ANCAP) If the Scheme is not modernised to keep pace with this shift, its practical value will diminish over time. AAAA therefore recommends that telematics be expressly included in the implementation package, either through immediate reform or through a clearly defined second-stage reform process. At a minimum, Government should commit to: 1. **a specific telematics workstream** under the MVIS reform process; 2. **a clear timetable** for consultation, policy development and implementation; 3. **a technical and competition assessment** of the types of telematics data that are relevant to diagnosis, repair, servicing and maintenance; 4. **consideration of overseas regulatory models,** including the European Union and United States approaches to connected vehicle data access; 5. **a clear statement of principle** that information required to diagnose, repair, service or maintain a vehicle should not be excluded from the Scheme merely because it is transmitted wirelessly or held on a manufacturer-controlled server; and 6. **ongoing monitoring by the Scheme Adviser and ACCC** of emerging telematics-related barriers to competition. The central issue is not the method by which information is transmitted. The issue is whether that information is necessary to diagnose, service, repair or maintain a vehicle. If it is, then independent repairers must have a fair, secure and practical pathway to access it. Without a clear telematics pathway, the current reform package risks improving the Scheme for yesterday's vehicles while leaving the most important competition questions for tomorrow unresolved. That would be inconsistent with the Review's findings and with the Government's stated objective of ensuring the Scheme remains effective as vehicle technology evolves. AAAA recommends that telematics be expressly included in the MVIS implementation package. If Government is not prepared to legislate telematics access immediately, it should at least establish a formal second-stage reform process, with a published timetable, clear policy objectives, and a commitment that repair and service information will not fall outside the Scheme simply because it is transmitted wirelessly or held by the manufacturer in a connected vehicle data environment.

Scheme enforcement

1. Third-party liability / data provider responsibility
2. Infringement notices / ACCC enforcement tools

Treasury proposal

The Review identified four technical amendments that could improve regulatory clarity and help the ACCC act in a more timely and proportionate way:

1. extend prohibited terms protections to pre-contractual conduct;
2. clarify the bundling prohibition;
3. clarify scheme liability where third parties supply information on behalf of data providers; and
4. expand the range of provisions subject to infringement notices.

However, only the first two are framed as formal proposals: **Proposal 15** and **Proposal 16**. The last two are discussed after that, but they are not framed as proposals.

Data providers should remain responsible for compliance even when a third party, such as a data aggregator or agent, supplies information on their behalf. Minor and technical amendments could clarify this, and Treasury welcomes views "in advance of possible future consultation."

The Review found that court-based enforcement alone may not be suitable for lower-level or technical breaches that still undermine the scheme. It says there is merit in expanding infringement notices so the ACCC can respond earlier and more efficiently, including for breaches of the main obligation to make a scheme offer and the obligation not to exceed fair market value.

AAAA response

Additional enforcement issues not reflected in formal proposals

AAAA notes that the discussion paper identifies several enforcement issues that are not reflected in standalone proposals.

In particular, the paper states that the Review identified a range of technical amendments that could improve regulatory clarity and support more timely and proportionate enforcement by the ACCC. These include clarifying the application of the scheme to certain third-party agreements and expanding the range of provisions subject to infringement notices. However, while pre-contractual conduct and bundling are addressed through Proposals 15 and 16, these additional enforcement matters are discussed only as issues for possible future consultation.

AAAA considers that these matters should be progressed as part of the current reform package.

The effectiveness of the scheme depends not only on the scope of the legal obligations, but on whether those obligations can be enforced quickly and proportionately. Independent repairers are not assisted by rights that exist only in theory, or by enforcement mechanisms that are too slow, too costly or too dependent on court-based action to address practical access barriers as they arise.

Workshops are asking for stronger, faster enforcement. 51% of scheme users want stronger non-compliance measures, against a backdrop where 57% report difficulty accessing OEM websites and 54% report system inefficiencies or slow access (AAAA Critical Trends Report 2025–26).

AAAA strongly supports clarifying that data providers remain responsible for compliance with the scheme where scheme information is supplied by a third party on their behalf. Data providers should not be able to avoid or dilute their obligations by outsourcing access systems, portals, technical interfaces, data supply functions or customer support functions to another entity. Where a data provider controls the scheme information, responsibility for compliance should remain with that data provider regardless of the contractual or corporate arrangements used to deliver the information.

AAAA also supports expanding the ACCC's infringement notice powers under the scheme. The ACCC should have access to timely and proportionate enforcement tools where conduct restricts, delays or frustrates access to scheme information. Court-based enforcement will remain necessary for serious or systemic breaches, but it is not always suited to lower-level, technical or procedural breaches that nevertheless have immediate consequences for repairers and consumers.

→ *continued*

Scheme enforcement - continued

1. Third-party liability / data provider responsibility
2. Infringement notices / ACCC enforcement tools

AAAA response

In particular, AAAA supports infringement notices being available for breaches of:

- the main obligation to make a scheme offer;
- the obligation to offer scheme information at a price not exceeding fair market value;
- timeframes for the supply of scheme information;
- obligations relating to security information;
- obligations relating to prescribed terms and conditions;
- reporting obligations that support scheme oversight.

AAAA is concerned that deferring these matters to possible future consultation risks leaving known enforcement weaknesses unresolved. The current reform process should not only expand and clarify the scheme; it should also ensure that the ACCC has the practical tools required to enforce it.

AAAA therefore recommends that Treasury include, as part of the current reform package:

- a clear statutory provision confirming that data providers remain responsible for compliance where third parties act on their behalf;
- expanded infringement notice powers for the ACCC across key scheme obligations;
- guidance on how the ACCC will respond to lower-level, technical and procedural breaches;
- recognition that timely enforcement is essential to the practical effectiveness of the scheme.

Without these changes, the scheme may continue to rely too heavily on slow or high-threshold enforcement pathways, allowing non-compliance to persist in ways that undermine repairer access, consumer choice and competition.

Detailed Responses to proposals and discussion questions – Part A: Agricultural machinery and the right to repair

General Position on Agricultural Machinery Expansion	
AAAA position	**Support**
Treasury proposal	Treasury proposes to extend Australia's right to repair framework to certain agricultural machinery and to design sector-specific rules for access, use and governance.
AAAA response	AAAA supports the extension of right to repair principles to agricultural machinery, provided the framework is practical, enforceable and informed by the experience of implementing the Motor Vehicle Information Scheme. The policy problem in agricultural machinery is familiar to the automotive aftermarket. Where manufacturers control access to service and repair information, software, diagnostics, tools, calibration processes and electronic systems, independent repairers and equipment owners can be prevented from carrying out legitimate repair work. The result is reduced competition, longer downtime, higher costs and less genuine choice for consumers and businesses. The agricultural context gives these issues additional urgency. A delayed repair can affect planting, harvest, contracting, freight movements, regional employment and supply-chain resilience. A right to repair framework should therefore support timely, safe and competitive repair by ensuring that appropriately qualified repairers can access the information and tools needed to keep machinery operating. AAAA's position is that agricultural machinery reform should be aligned with the broader objectives of the existing automotive scheme: preserving consumer choice, supporting independent repair capability, reducing unnecessary downtime and ensuring that safety and cybersecurity risks are managed through proportionate controls rather than broad exclusions.

Proposal 1	Scope of agricultural machinery
AAAA position	**Support with a technology-neutral refinement**
Treasury proposal	Require data providers to supply scheme information for agricultural vehicles with their own automotive power and agricultural implements that attach to a vehicle and are built to perform agricultural tasks.
AAAA response	AAAA supports a scope that captures agricultural machinery and implements where repair, service, diagnosis, calibration, configuration, software updates, fault rectification or post-repair verification depends on manufacturer-controlled information, systems, software or tools. The scope should not turn solely on whether a machine is self-propelled, large, high-value or traditionally understood as a 'vehicle'. Modern agricultural operations increasingly rely on connected, software-enabled and sensor-based equipment. Smart implements, towed equipment, precision agriculture systems and electronically controlled attachments may all require proprietary diagnostic access or manufacturer information to complete a safe and effective repair. AAAA recommends that Treasury avoid drafting that allows critical repair information to fall outside the scheme simply because the relevant component is an implement, attachment, module or digital system rather than the primary self-propelled machine. AAAA supports an initial targeted scope, provided it is accompanied by a clear mechanism for future expansion where evidence shows that repair barriers exist in other categories of agricultural equipment.

Proposal 1	Date of manufacture and price thresholds
AAAA position	**AAAA supports a date threshold that captures the period in which electronic diagnostics, proprietary service tools, embedded software, electronic control units and manufacturer-controlled calibration processes became common.**
Treasury proposal	Treasury seeks views on the appropriate manufacture date for agricultural machinery and whether an upper or lower purchase price limit should apply.
AAAA response	The manufacture date should reflect the machinery that is still operating in Australian agriculture, not merely the newest machinery entering the market. Agricultural machinery often has a long working life, and older equipment can remain commercially critical for many years. In the automotive sector, AAAA has consistently observed that repair barriers do not only arise at the point of new sale; they persist throughout the service life of a vehicle or machine. AAAA supports a date threshold that captures the period in which electronic diagnostics, proprietary service tools, embedded software, electronic control units and manufacturer-controlled calibration processes became common. A recent cut-off would risk excluding equipment that remains in active use and is still dependent on controlled technical information. AAAA does not support a purchase price threshold. Repairability is determined by technical dependency, not by purchase price. A lower-cost implement may still require proprietary diagnostics or software access, while a high-value item may be mechanically simple. The correct policy test should be whether manufacturer-controlled information, software, tools or processes are required for legitimate diagnosis, service, repair, calibration or verification.

Proposal 1	Automated and semi-automated systems
AAAA position	**Manage the risk; do not create a broad exclusion.**
Treasury proposal	Treasury seeks views on risks associated with including information relating to automated driving systems or autonomous agricultural machinery.
AAAA response	AAAA recognises that automated and semi-automated agricultural systems raise legitimate safety, cybersecurity and misuse concerns. These concerns are real and should be addressed through appropriate access controls. However, they should not be used to remove repair-critical information from the scheme. Independent repairers increasingly need access to information that allows them to diagnose, calibrate, initialise, verify and restore automated or semi-automated systems after repair. If information relating to automation is excluded too broadly, the exclusion could become a significant loophole as agricultural machinery becomes more software-defined. AAAA supports a proportionate model based on qualification, authentication, auditability, traceability and penalties for misuse. Sensitive information can be subject to additional controls where necessary. But repair-critical diagnostic, calibration and verification information should remain available to appropriately qualified repairers for legitimate repair purposes.

Proposal 2	Who can access agricultural scheme information
AAAA position	**Support**
Treasury proposal	Grant access to appropriately qualified independent Australian repairers and appropriately qualified repairers engaged as part of broader agricultural operations.
AAAA response	AAAA supports access rules based on competence, qualification and legitimate repair purpose, rather than the legal structure of the business or the physical location where repair occurs. The automotive aftermarket has demonstrated that independent repair can be delivered safely and professionally outside manufacturer dealer networks where repairers have access to the necessary information, tools, training and accreditation. The same principle should apply in agriculture, with recognition that repair may occur in a wider range of operating environments. Agricultural repair may occur on-farm, in a shed, in the field, through a mobile repairer, through a contractor, through a cooperative arrangement, or through in-house maintenance staff within a farming or contracting business. The scheme should reflect these practical realities and should not inadvertently narrow long-standing repair and maintenance capability where suitably qualified people are performing legitimate repair work. The access framework should expressly consider independent repairers, mobile technicians, in-house farm maintenance teams, contractor repairers, remote diagnostic support providers and shared repair arrangements.

Proposal 3	Use of information and modification controls
AAAA position	**Support in principle, subject to careful drafting.**
Treasury proposal	Permit data providers to impose terms limiting prescribed unauthorised modifications and exclude information whose sole purpose is enabling unauthorised modification.
AAAA response	AAAA agrees that the scheme should not enable unlawful, unsafe or emissions-defeating modifications. A right to repair framework is intended to support legitimate service, diagnosis, repair and maintenance; it should not be used as a pathway for unlawful tampering or unsafe alteration. However, the distinction between repair and modification must be drafted with precision. In modern vehicles and machinery, ordinary repair frequently involves software-enabled processes, including calibration, configuration, coding, initialisation, software updates, sensor alignment, post-repair programming and system verification. These activities must not be characterised as unauthorised modification simply because they involve software, electronic systems or manufacturer-controlled processes. AAAA strongly supports retaining the word "sole" in any exclusion. Information should only be excluded where its sole purpose is enabling a prescribed unauthorised modification. Where information is also required for legitimate diagnosis, servicing, repair, calibration, configuration or verification, it should remain within the scheme, subject to appropriate controls where necessary. This distinction is critical. If drafted too broadly, modification controls could be used to withhold ordinary repair information and undermine the purpose of the scheme.

Agricultural Scheme Adviser	
AAAA position	**Support a sector-informed governance model**
Treasury proposal	Treasury anticipates an additional Scheme Adviser may be required for agricultural machinery because of the sector-specific nature of the role.
AAAA response	AAAA supports governance arrangements that recognise the specific commercial, technical and operational features of agricultural machinery repair. Agricultural repair has different timing pressures, operating environments, equipment lifecycles and business structures from light vehicle repair, and those differences should be reflected in the scheme's administration. Any Scheme Adviser or equivalent body for agricultural machinery should have genuine credibility with farmers, independent repairers, machinery owners, training bodies, suppliers and manufacturers. It should also have the technical capability to understand the interaction between mechanical systems, embedded software, diagnostics, calibration and connected equipment. At the same time, AAAA recommends that the governance model draw on lessons from the existing automotive scheme. The MVIS experience has demonstrated the importance of clear definitions, practical access pathways, enforceable obligations, transparent pricing, usability, dispute resolution and strong compliance mechanisms. AAAA therefore supports an agricultural governance model that is sector-specific, but not isolated. It should benefit from the implementation experience of automotive right to repair and should be designed in a way that promotes consistency, avoids duplication and supports broader right to repair policy development across the economy.

Appendix 1
Intermediaries

AAAA response

Data Aggregators and Third-Party Platforms

Data aggregators are the first preference for many small and regional workshops as they offer information efficiently and securely to thousands of workshops. These intermediaries make manufacturer data usable and accessible.

In AAAA research shows that up to 87% of workshops use data aggregators to access affordable data.[1]

32% of all workshops heavily rely on data aggregators as their sole way to access information from manufacturers.

Additionally, "**A requirement to purchase OEM-specific diagnostic tools**" is named a gap/challenge by 43% of users (41% Developing, 42% Leaders)

The full 'Automotive Service and Repair Industry AAAA Critical Trends Research' is available upon request.

[1] Fifth Quadrant – MVIS Market Research 'MVIS Channels Accessed' p.18

Appendix 2
Intermediaries – Proposed Amendment

AAAA response

Where an OEM, or its related body corporate, licenses MVIS-equivalent information to an aggregator, publisher, diagnostic platform or data intermediary in an overseas market, it should be required to offer equivalent access in Australia on fair, reasonable and non-discriminatory terms that are appropriate to Australian market conditions.

The law should include a targeted overseas-equivalence obligation. Where a manufacturer or related entity already licenses equivalent service and repair information to aggregators, publishers, diagnostic platforms or technical intermediaries in another comparable market, the manufacturer should be required to make equivalent access available to Australian data intermediaries.

This obligation would not require manufacturers to create information that does not exist, or to develop new products or platforms specifically for the Australian market. It would simply prevent manufacturers from making information channels, licensing models or technical access arrangements available in comparable overseas markets, while denying equivalent access to Australian intermediaries.

However, overseas equivalence should not be treated as a complete answer to pricing. Australia is a small and highly fragmented market, and pricing structures that may be commercially viable in larger markets may make access effectively unworkable in Australia. Any fair, reasonable and non-discriminatory pricing test should therefore be assessed by reference to Australian market conditions, including the size of the independent repair sector, the number and scale of intermediaries, the volume of vehicles in the Australian market, and the need to preserve commercially viable pathways for repair information to reach independent repairers.

This is an area that will require further dedicated consultation with data intermediaries, repair information publishers, diagnostic platforms, manufacturers, and independent repair representatives. It may be appropriate, for example, to examine whether an Australian pricing approach could be informed by overseas pricing models, including on a per-registered-vehicle basis, while recognising that a specifically Australian solution may be required. The legislation should therefore establish the principle of equivalent access, while allowing further work to develop a pricing and access framework that is practical for the Australian market.

Proposed legislative amendment — access by data intermediaries and aggregators

1. Insert new definition — Australian data intermediary

After section 57BC, insert:

57BCA Meaning of Australian data intermediary

(1) An Australian data intermediary is a person who, in trade or commerce, collects, receives, organises, translates, indexes, publishes, distributes, supplies, integrates, transmits or otherwise makes available scheme information for use by one or more Australian repairers or scheme RTOs.

(2) Without limiting subsection (1), an Australian data intermediary includes:

- (a) a technical information publisher;
- (b) a data aggregator;
- (c) a diagnostic information platform;
- (d) a scan tool provider;
- (e) a remote diagnostic service provider;
- (f) a service information platform;
- (g) a repair procedure, wiring diagram, parts, service schedule, calibration or technical bulletin publisher; and
- (h) any other person prescribed by the scheme rules.

(3) A person may be an Australian data intermediary whether or not the person also performs service or repair work on scheme vehicles.

2. Insert new section — obligation to supply where information is licensed overseas

After section 57CB, insert:

57CBA Scheme information — supply to Australian data intermediaries where equivalent information is supplied overseas

(1) A data provider must offer to supply scheme information to an Australian data intermediary if:

- (a) the data provider, or a related body corporate of the data provider, supplies, licenses, authorises, permits access to, or otherwise makes available substantially equivalent information to an overseas data intermediary; and

Appendix 2 - continued

Intermediaries – Proposed Amendment

AAAA response

(b) the substantially equivalent information relates to a scheme vehicle, or to a motor vehicle, engine, system, component, software, tool, diagnostic function, calibration process, repair procedure or service operation that is substantially equivalent to that used in a scheme vehicle; and

(c) the Australian data intermediary seeks access to the scheme information for the purpose of supplying, supporting, enabling or facilitating access to scheme information by Australian repairers or scheme RTOs.

(2) The offer under subsection (1) must be made:

(a) within a reasonable time after receiving a request from the Australian data intermediary;

(b) on fair, reasonable and non-discriminatory terms;

(c) at a price that is no more than fair market value;

(d) on terms no less favourable, taken as a whole, than the terms on which substantially equivalent information is supplied to the overseas data intermediary; and

(e) in a form and format that enables the Australian data intermediary to carry out the task associated with its business in the aftermarket supply chain.

(3) Without limiting subsection (2), the information must be supplied in a machine-readable and electronically processable format where:

(a) the data provider, or a related body corporate of the data provider, supplies substantially equivalent information in that format overseas; or

(b) the information is held, stored, generated, supplied or made available by the data provider, or a related body corporate of the data provider, in that format.

(4) A data provider must not refuse to supply scheme information to an Australian data intermediary merely because:

(a) the data provider offers the information through its own website, portal or proprietary system;

(b) the Australian data intermediary proposes to combine, index, translate, reformat, integrate or supply the information with information from other data providers;

(c) the Australian data intermediary is not itself an Australian repairer;

(d) the information is supplied overseas by a related body corporate, affiliate, agent, contractor, licensee or other third party; or

(e) the overseas supply arrangement is described as a commercial, voluntary, private, technical, regional, platform, publisher, data feed, bulk data, API, licence or distribution arrangement.

(5) A data provider may impose reasonable conditions on the supply and use of scheme information under this section, but only to the extent that those conditions are reasonably necessary to protect:

(a) vehicle safety;

(b) cybersecurity;

(c) personal information;

(d) intellectual property rights; or

(e) compliance with this Part.

(6) A condition is not reasonable for the purposes of subsection (5) if the condition has the purpose, effect or likely effect of:

(a) preventing or materially limiting the Australian data intermediary from supplying scheme information to Australian repairers or scheme RTOs;

(b) preventing the Australian data intermediary from providing multi-brand, searchable, integrated, diagnostic, technical, repair or service information services;

(c) requiring the Australian data intermediary or Australian repairers to acquire unnecessary proprietary hardware, software, subscriptions, tools or services;

(d) imposing a price, technical requirement, audit requirement, security requirement or contractual restriction that is not reasonably necessary and proportionate; or

(e) making access materially less effective than the access supplied to an overseas data intermediary.

(7) For the purposes of this section, **overseas data intermediary** means a person outside Australia who performs a function substantially equivalent to an Australian data intermediary.

(8) For the purposes of this section, **substantially equivalent information** includes information that is the same as, derived from, corresponds to, replaces, updates, supplements, corrects or performs substantially the same diagnostic, service, repair, maintenance, calibration, parts identification, software, technical bulletin or repair procedure function as scheme information.

(9) This section applies whether the overseas supply occurred before or after the commencement of this section.

→ *continued*

Appendix 2 - continued
Intermediaries – Proposed Amendment

AAAA response

3. Consequential amendment — terms and conditions

At the end of section 57CC, insert:

() In determining whether terms and conditions for the supply or use of scheme information are fair, reasonable and non-discriminatory, regard must be had to:

(a) whether the data provider, or a related body corporate of the data provider, supplies substantially equivalent information to an overseas data intermediary;

(b) the price, format, timing, scope, technical method and contractual terms of that overseas supply;

(c) whether the Australian terms would enable an Australian data intermediary to provide a service of substantially equivalent functionality to that provided by the overseas data intermediary; and

(d) whether any difference in treatment is reasonably necessary and proportionate having regard to safety, cybersecurity, privacy, intellectual property or Australian legal compliance.

4. Consequential amendment — scheme rules

After section 57GE(2), insert:

( ) Without limiting subsection (1), the scheme rules may make provision for, or in relation to:

(a) the accreditation, registration or recognition of Australian data intermediaries;

(b) standard-form licence terms for the supply of scheme information to Australian data intermediaries;

(c) technical standards, data formats, APIs, bulk data feeds and machine-readable access;

(d) audit, cybersecurity, privacy and information management requirements;

(e) evidence required to establish that substantially equivalent information is supplied to an overseas data intermediary;

(f) circumstances in which a data provider is taken to have access to or control over information supplied by a related body corporate, affiliate, agent, contractor or licensee; and

(g) dispute resolution concerning access by Australian data intermediaries.

5. Evidentiary presumption

Insert new section after section 57CBA:

57CBB Presumption where information is supplied overseas

(1) If an Australian data intermediary reasonably believes that a data provider, or a related body corporate of the data provider, supplies substantially equivalent information to an overseas data intermediary, the Australian data intermediary may give the data provider a written notice requesting confirmation of that matter.

(2) The data provider must, within 10 business days after receiving the notice, provide a written response stating:

(a) whether substantially equivalent information is supplied to an overseas data intermediary;

(b) the general nature and scope of the information supplied;

(c) the format in which the information is supplied;

(d) whether the information is supplied under a licence, data feed, API, portal, publisher arrangement, technical platform arrangement or other distribution arrangement; and

(e) if the data provider refuses to supply equivalent information in Australia, the reasons for refusal.

(3) If the data provider does not provide a response within the period specified in subsection (2), the data provider is taken, for the purposes of any dispute under this Part, to supply substantially equivalent information to an overseas data intermediary unless the data provider proves otherwise.

(4) A response under subsection (2) must not be false or misleading in a material particular.

(5) Nothing in this section requires disclosure of commercially sensitive pricing or contractual terms to the Australian data intermediary, but the ACCC, the scheme adviser, a mediator or a court may require production of those terms for the purpose of determining compliance with this Part.

Appendix 3
Including repair and maintenance history in the definition of scheme information

AAAA response

Summary

AAAA strongly supports Proposal 6. Including repair and maintenance history in the definition of scheme information and requiring data providers to give Australian repairers the ability to update it. is a necessary, proportionate and evidence-based reform.

AAAA anticipates that a number of data providers will resist this proposal strongly, deploying arguments about privacy, security, data integrity and repairer competence. AAAA addresses each of those arguments below. In each case, those arguments are contradicted by the existing practice of the market.

The most important fact in this debate is one that some data providers would prefer not to acknowledge: independent repairers are already updating electronic logbooks for a significant number of vehicle manufacturers in the Australian market — and have been doing so without incident.

The reform and why it matters

A vehicle's electronic logbook — its digital service history embedded in or associated with the vehicle is increasingly the primary record of its repair and maintenance activity. In a growing number of vehicles, the electronic logbook is replacing the paper service book entirely. It affects warranty conditions, resale value, insurance assessments, safety recall tracking, and the ability of future repairers to understand the vehicle's service history.

Under the current scheme, electronic logbooks are not scheme information. A data provider has no obligation to permit an independent repairer to update the vehicle's service record after completing service or repair work, even where that work is identical in scope and quality to work performed by an authorised dealer.

This creates a structural disadvantage for independent repairers and the consumers who choose them. The consumer's vehicle receives the same service. But the independent repairer cannot complete the vehicle's official record of that service. The result is that electronic logbooks — if left unaddressed — will increasingly operate as a barrier to consumer choice and fair competition.

Proposal 6 addresses this by bringing repair and maintenance history within the scheme and requiring data providers to enable independent repairers to update it. AAAA strongly supports this reform.

The evidence: it already works

Before addressing the arguments that data providers are likely to make, AAAA wishes to place the following on the record.

Independent repairers are already updating electronic logbooks for a significant number of vehicle manufacturers operating in Australia.

AAAA has compiled a confirmed list of manufacturers for which this access is currently available to independent repairers. Without naming those manufacturers in this submission, AAAA can say the confirmed list includes:

- The confirmed brands span **more than fifteen vehicle manufacturers**, including European, British and American brands.
- They include manufacturers across the full spectrum of market positioning — from volume manufacturers with significant Australian fleet presence, through to premium and ultra-premium European brands whose vehicles carry substantial resale value and whose customers have strong interests in accurate service records.
- Several of the confirmed brands are among the most technically sophisticated vehicles sold in Australia, including models with advanced driver assistance systems, hybrid and electric powertrains, and complex electronic architectures.
- In some cases, access is provided free of charge. In others, it is provided on commercial terms. In all cases, appropriate access controls are in place — including, where applicable, requirements for EV certification, police checks, or recognised training credentials.

None of these arrangements has produced a privacy breach, a data integrity incident, or a security failure.

This is not a fringe arrangement applying to a small number of minor brands. It is current market practice across a substantial cross-section of the Australian vehicle parc. The function works. The risks are manageable. The access controls are effective.

The only thing missing is consistency and legal certainty. That is exactly what Proposal 6 provides.

Anticipated OEM arguments

AAAA expects data providers to advance some or all of the following arguments against Proposal 6. Each is addressed in turn.

→ *continued*

Appendix 3 - continued

Including repair and maintenance history in the definition of scheme information

AAAA response

Argument 1: Updating electronic logbooks raises privacy concerns

This argument does not withstand scrutiny.

Allowing a repairer to record work they have performed on a customer's vehicle, with the customer's knowledge and consent, is not a privacy breach. It is a legitimate and necessary record of repair and maintenance activity, undertaken for the benefit of the vehicle owner, subsequent owners and future repairers.

The Privacy Act 1988 already provides a framework for the handling of personal information in commercial contexts. Repairers who create invoices, service records, warranty records, diagnostic reports and inspection reports are already operating within that framework every day. Updating an electronic logbook is an extension of that existing professional function — not a new category of privacy risk.

If a data provider is genuinely concerned about privacy, the appropriate response is to design the access pathway so that only the information necessary to record the service activity is captured and recorded. It is not to exclude independent repairers from the process entirely.

Furthermore, and most critically: data providers who are already permitting electronic logbook updates by independent repairers are already managing this in practice. Privacy concerns have not caused those manufacturers to withdraw access. The privacy argument is therefore not a principled objection — it is a commercial one dressed in the language of regulation.

Argument 2: Independent repairers cannot be trusted to maintain data integrity

This argument is contradicted by market evidence and professional practice.

Independent repairers already create and maintain professional records every day, invoices, warranty documents, diagnostic outputs, roadworthy certificates and service reports. These records form part of the official documentation of a vehicle's maintenance history and are relied upon by consumers, insurers and subsequent owners. There is no credible basis for asserting that independent repairers are inherently unable to accurately record the work they have performed.

The legitimate integrity concerns — ensuring that records are accurate, attributable, and resistant to tampering, are properly addressed through authentication requirements, audit trails and access controls. These are technical and administrative solutions. They do not require excluding independent repairers from the process.

Again, the most compelling response to this argument is the evidence: data providers who already permit independent repairer access to electronic logbooks are already managing data integrity. If it could not be managed, those manufacturers would not have extended access. They have, and data integrity has not been compromised.

Argument 3: Security concerns prevent independent repairer access

Security is a genuine consideration, but it is not a basis for exclusion.

Data providers may argue that electronic logbook access creates a gateway to other vehicle systems and therefore poses a security risk. AAAA acknowledges that vehicle cybersecurity is an important and legitimate consideration.

However, the scheme already distinguishes between repair information and security information. The access controls currently in place for security information — including accreditation requirements, police checks and EV certification — these factors already demonstrate that the scheme is capable of calibrating access based on the sensitivity of the information involved. Where access to electronic logbook update functions raises genuine security concerns, appropriate access controls can be designed and prescribed. The existence of a security consideration does not justify a blanket refusal of access — it justifies a proportionate access control framework.

Appendix 3 - continued

Including repair and maintenance history in the definition of scheme information

AAAA response

AAAA's recommended approach

The reform should guarantee independent repairers the ability to update a vehicle's electronic service history where they have performed service or repair work on that vehicle. The obligation should:

- Apply to all scheme vehicles, including vehicles for which manufacturers currently provide access voluntarily — to ensure consistency and remove uncertainty.
- Be subject to appropriate authentication requirements, including user verification and access controls proportionate to the sensitivity of the relevant system.
- Not permit data providers to impose terms and conditions that restrict the ability of independent repairers to record legitimate repair and service activity.
- Not permit data providers to require the use of proprietary tools or systems as a condition of update access, where non-proprietary pathways are reasonably available.

These requirements would protect consumers, preserve accurate vehicle service records, support future repairers, and ensure that electronic logbooks do not become a new mechanism through which OEMs entrench dealer advantage.

Conclusion

Electronic logbook access is not a hypothetical reform. It is already operating in the Australian market across more than fifteen manufacturers, spanning volume, premium and ultra-premium segments, European, British and American brands, and vehicles of considerable technical sophistication.

The question before Treasury is not whether independent repairers can update electronic logbooks. The market has already answered that question: they can, and they do. The question is whether that capability will exist consistently, transparently and on legally certain terms — or whether it will remain a fragmented, voluntary patchwork that leaves consumers, repairers and future policy makers uncertain about who has access and on what terms.

AAAA strongly supports Proposal 6. It is proportionate, evidence-based and overdue.

Appendix 4
The scheme should apply to passenger vehicles and goods vehicles up to 4.5 tonnes GVM

AAAA response

The Motor Vehicle Service and Repair Information Sharing Scheme should be expanded to cover all relevant vehicles up to 4.5 tonnes GVM. This would close the current gap for vehicles between 3.5 and 4.5 tonnes, while still leaving genuinely heavy vehicles outside the scheme unless they are separately considered in future.

The current 3.5 tonne limit reflects an Australian Design Rule vehicle category boundary. It does not reflect the practical boundary between the light vehicle repair market and the heavy vehicle repair market. In practical regulatory, licensing and service terms, the more appropriate threshold is 4.5 tonnes GVM.

A vehicle up to 4.5 tonnes GVM is still treated in many Australian contexts as a light vehicle. It can be driven on a standard car licence. It is serviced and repaired by many of the same workshops that service passenger cars, utes, vans and light commercial vehicles. It uses many of the same diagnostic tools, repair procedures, service systems, electronic modules, ADAS technologies, emissions systems and parts supply chains. It is also used by many of the same consumers and small businesses that the scheme was designed to protect.

By contrast, the heavy vehicle regulatory framework generally begins above 4.5 tonnes GVM. That makes 4.5 tonnes the more logical and practical line between the light vehicle market and the heavy vehicle market. If the scheme is intended to support competition and consumer choice in the light vehicle repair sector, it should follow that practical boundary.

The current 3.5 tonne threshold creates an artificial gap. Vehicles between 3.5 and 4.5 tonnes GVM are not truly heavy vehicles in the way industry, regulators or consumers usually understand that term. They include larger vans, cab chassis vehicles, light trucks, motorhomes, converted vehicles and some larger American-style pickups. These vehicles are increasingly common in the Australian market and are often used by tradespeople, small businesses, delivery operators, rural customers, families and recreational users.

There is no sound policy reason why the owner of a 3.4 tonne van should have the benefit of the scheme, while the owner of a 3.8 tonne van should not. The repair task may be substantially the same. The repairer may be the same. The workshop may be the same. The diagnostic tool may be the same. The technical information may be held by the same OEM or data provider. The consumer harm caused by restricted access is also the same.

The scheme should be technology-neutral and consumer-focused. It should not allow access to repair information to turn on an arbitrary mass category where the vehicle remains within the ordinary light vehicle operating environment.

This is particularly important because vehicles in the 3.5 to 4.5 tonne range are often business-critical. They are used by sole traders, mobile service providers, delivery businesses, tradespeople, regional businesses and other small operators. When these vehicles are off the road, the impact is not just inconvenience. It can mean lost income, cancelled jobs, delayed deliveries and additional costs for small businesses.

Those owners should have the same right to choose a qualified independent repairer as the owner of a passenger car or standard ute. Independent repairers should have access to the information needed to diagnose, service and repair those vehicles safely and effectively.

Expanding the scheme to 4.5 tonnes would also support safety. Larger light commercial vehicles and converted vehicles increasingly contain advanced driver assistance systems, electronic braking systems, emissions systems, security systems, telematics, software-controlled modules and high-voltage or hybrid components. Access to accurate technical information is essential to proper repair, calibration and verification. Excluding these vehicles from the scheme risks creating a blind spot in the repair market at precisely the point where vehicles are becoming more complex.

The current threshold may also create incentives for strategic avoidance. If the scheme only applies up to 3.5 tonnes, vehicles just above that threshold may fall outside the mandatory sharing regime even though they are used and repaired in the same market. Over time, this could encourage manufacturers or data providers to treat vehicles in the 3.5 to 4.5 tonne range as outside the scheme, limiting access to repair information and weakening competition.

A 4.5 tonne threshold would be clearer, fairer and easier to explain. It aligns with the practical Australian distinction between light vehicles and heavy vehicles. It avoids an unnecessary gap between 3.5 and 4.5 tonnes. It gives consumers and small businesses a more consistent right to choose their repairer. It also future-proofs the scheme as larger vans, pickups, light trucks, motorhomes and converted vehicles become more common and more technologically complex.

The change would not require the scheme to cover the full heavy vehicle sector. It would simply ensure that the scheme covers the full light vehicle market, using the 4.5 tonne threshold that already makes practical sense in Australia.

Appendix 4 - continued

The scheme should apply to passenger vehicles and goods vehicles up to 4.5 tonnes GVM

AAAA response

Suggested policy position

The definition of scheme vehicle should be expanded to include all relevant vehicles with a GVM not exceeding 4.5 tonnes.

This would ensure the scheme applies to the full light vehicle repair market, including passenger vehicles, light goods vehicles and NB1 vehicles between 3.5 and 4.5 tonnes GVM.

The expansion should include vehicles used for private, commercial, trade, delivery, rural, recreational and small business purposes, provided they sit at or below the 4.5 tonne GVM threshold.

Suggested drafting approach

The Act currently defines a scheme vehicle by reference to passenger vehicles and light goods vehicles, with an additional ability to prescribe other kinds of vehicles through the scheme rules.

The cleanest amendment would be to expressly include vehicles up to 4.5 tonnes GVM.

Proposed redraft of section 57BA

A scheme vehicle is:

(a) a passenger vehicle, other than an omnibus, within the meaning of a national road vehicle standard made under the Road Vehicle Standards Act 2018, that was manufactured on or after:
  (i) 1 January 2002; or
  (ii) a later date prescribed by the scheme rules; or

(b) a goods vehicle with a gross vehicle mass not exceeding 4.5 tonnes, within the meaning of a national road vehicle standard made under the Road Vehicle Standards Act 2018, that was manufactured on or after:
  (i) 1 January 2002; or
  (ii) a later date prescribed by the scheme rules; or

(c) another kind of vehicle prescribed by the scheme rules.

Alternative drafting option

If government prefers to preserve the existing ADR terminology, the definition could be amended to expressly include NB1 vehicles:

A scheme vehicle is:

(a) a light goods vehicle, within the meaning of a national road vehicle standard made under the Road Vehicle Standards Act 2018, that was manufactured on or after:
  (i) 1 January 2002; or
  (ii) a later date prescribed by the scheme rules; or

(b) a goods vehicle in the NB1 sub-category, being a goods vehicle with a gross vehicle mass exceeding 3.5 tonnes but not exceeding 4.5 tonnes, within the meaning of a national road vehicle standard made under the Road Vehicle Standards Act 2018, that was manufactured on or after:
  (i) 1 January 2002; or
  (ii) a later date prescribed by the scheme rules; or

(c) a passenger vehicle, other than an omnibus, within the meaning of a national road vehicle standard made under the Road Vehicle Standards Act 2018, that was manufactured on or after:
  (i) 1 January 2002; or
  (ii) a later date prescribed by the scheme rules; or

(d) another kind of vehicle prescribed by the scheme rules.

Appendix 5
The vehicle-generated data exclusion should be narrowed

AAAA response

The current Act excludes from "scheme information" data automatically generated and transmitted by a scheme vehicle while being driven, where it relates to driver or vehicle performance, as well as GPS data and automated driving system information. That is where the problem starts. ADAS calibration guidance confirms that repairers may need OEM repair information, scan tools, calibration procedures and drive-cycle requirements, and that factory scan tools can perform scan, calibration and initialisation functions. (I-CAR Australia) Snap-on's ADAS guidance describes dynamic calibration as connecting a scan tool and driving the vehicle, with a scan tool required for all calibration methods. (Snap-on)

The current exclusion for data automatically generated and transmitted by a vehicle while it is being driven should be narrowed because, as drafted, it risks excluding information that is now essential to safe, effective and competitive vehicle repair.

The policy intent of the Motor Vehicle Service and Repair Information Sharing Scheme is clear. The scheme is intended to promote competition, support a fair playing field, and enable consumers to have vehicles diagnosed, repaired, serviced, modified or dismantled safely and effectively by the repairer of their choice. That purpose is undermined if the definition of scheme information excludes categories of information that are practically necessary to complete modern diagnostic, repair, calibration and verification tasks.

The concern is not with genuinely unrelated driver behaviour data, fleet analytics, consumer telematics products, marketing data, or general vehicle performance analytics collected for commercial purposes. Those categories of data may raise separate privacy, security and commercial issues, and it is reasonable for the legislation to treat them carefully.

The concern is that the current exclusion is expressed too broadly. It excludes "data automatically generated and transmitted by a scheme vehicle, while it is being driven, regarding driver or vehicle performance." On its face, that wording could capture live vehicle data generated during a legitimate repair, service or calibration procedure simply because the vehicle is moving at the time the data is generated.

That is a serious problem because modern vehicle repair is no longer confined to static manuals, wiring diagrams and fault codes. Increasingly, repairers need live system data, sensor data, calibration status, drive-cycle information and post-repair verification information. In some cases, the only way to complete a repair or calibration is to operate the vehicle under specified conditions while the diagnostic tool communicates with the vehicle.

A clear example is dynamic calibration of advanced driver assistance systems.

Dynamic ADAS calibration is not general telematics. It is not consumer tracking. It is not driver scoring. It is not fleet management. It is a repair and service procedure. It may be required after windscreen replacement, collision repair, sensor replacement, suspension or wheel alignment work, body repair, bumper removal, camera disturbance, radar disturbance, or other work that affects the position, operation or accuracy of ADAS components.

In a dynamic calibration, the vehicle is driven under specified conditions while connected to diagnostic equipment. The tool may initiate the calibration, monitor whether the correct conditions have been met, assess whether the relevant sensors or cameras are responding correctly, and confirm whether the calibration has completed. Depending on the vehicle and system, the process may involve vehicle speed, steering angle, yaw, lane markings, camera recognition, radar operation, braking or acceleration status, sensor alignment, distance recognition, system readiness and other operating inputs.

This means the repairer may need access to data that is generated while the vehicle is being driven. That data may relate directly to vehicle performance. But in this context, it is not being sought for general monitoring or commercial analytics. It is being used to complete a specific repair, service, diagnostic, calibration or verification procedure.

That distinction matters.

If the legislation excludes all vehicle-generated and transmitted data while the vehicle is being driven, OEMs and data providers may argue that repair-critical live data falls outside the scheme. That would create a loophole at the very point where modern repair is becoming more software-driven, sensor-driven and data-dependent.

The result would be perverse. Static repair information would be covered, but the live data needed to complete or verify the repair could be excluded. A repairer might have access to the written procedure but not the data needed to perform it. They might be told that calibration is required, but be denied access to the operating data needed to complete or validate that calibration. That would undermine both competition and safety.

This is particularly important for ADAS because these systems are safety-critical. A misaligned camera, radar, ultrasonic sensor or steering angle input can affect lane keeping, autonomous emergency braking, adaptive cruise control, blind spot monitoring, parking assistance and other safety systems. The public policy objective should be to ensure that these systems are properly repaired, calibrated and verified after relevant work is completed.

Appendix 5 - continued

The vehicle-generated data exclusion should be narrowed

AAAA response

A broad exclusion could have several harmful consequences.

First, it could limit the ability of independent repairers to perform complete and safe repairs. If the repairer cannot access the live data required to perform or confirm calibration, they may be unable to complete the repair in accordance with the required procedure.

Second, it could push consumers back to dealer networks, even where an independent repairer is otherwise qualified, equipped and capable. That would weaken consumer choice and competition.

Third, it could create uncertainty for repairers, data providers and the scheme adviser. If a data provider can characterise repair-critical live data as "vehicle performance" data generated while driven, disputes will become more likely and enforcement more difficult.

Fourth, it could become more problematic over time. Vehicles are becoming more connected, more automated, more sensor-dependent and more software-defined. Repair information will increasingly include live data, software interactions, calibration states and verification outputs. A broad exclusion that may have seemed manageable in 2021 could become a major structural weakness as vehicle technology evolves.

Fifth, it risks treating the form of the data as more important than its purpose. The question should not simply be whether the data was generated while the vehicle was being driven. The better question is whether the data is reasonably required to diagnose, service, repair, modify, dismantle, calibrate, initialise, program, configure or verify the operation of a scheme vehicle.

That purpose-based test is more consistent with the policy intent of the scheme.

The legislation can still protect privacy and security. It can still exclude general telematics, GPS tracking, driver behaviour analytics and automated driving data that is not required for repair. It can still ensure that personal information, safety information and security information are handled under appropriate safeguards. But those safeguards should be targeted. They should not operate as a blanket exclusion that prevents access to repair-critical information.

The current drafting also risks conflating several different categories of information.

There is a difference between:

1. general driver behaviour data collected for analytics, insurance, fleet management or commercial purposes;
2. GPS or location data that identifies where a vehicle has travelled;
3. automated driving system data relating to higher-level automated driving functions;
4. live operating data needed by a repairer to perform a diagnostic, service, repair, calibration or post-repair verification procedure.

The first three categories may justify exclusion or special treatment. The fourth should not be excluded where it is reasonably required for repair.

The clause should therefore be amended so that vehicle-generated data remains outside the scheme only where it is not reasonably required for a legitimate repair-related purpose. The drafting should make it clear that repair-critical live data remains scheme information where it is needed for diagnosis, service, repair, calibration, programming, initialisation or verification.

This is especially important in relation to ADAS. Dynamic calibration is a practical and already-common example of why the current exclusion is too broad. A repairer undertaking a dynamic calibration is not asking for general driving data. They are asking for access to the information necessary to ensure that the vehicle's safety systems are operating as intended after repair.

The principle should be simple: information should not fall outside the scheme merely because the vehicle has to be moving when the information is generated.

A fairer and more future-proof approach would be to retain an exclusion for general telematics, driver behaviour analytics, GPS location data and unrelated performance data, while expressly preserving access to vehicle-generated data that is reasonably required for diagnosis, service, repair, calibration, programming, initialisation, configuration or post-repair verification.

That would maintain the privacy and commercial protections the exclusion appears intended to provide, while preventing it from becoming a loophole that undermines the scheme's core purpose.

→ *continued*

Appendix 5 - continued
The vehicle-generated data exclusion should be narrowed

AAAA response

Suggested policy position

The exclusion for vehicle-generated data should be narrowed to ensure it does not capture live, dynamic or vehicle-generated information that is reasonably required for diagnosis, servicing, repair, calibration, programming, initialisation, configuration or post-repair verification of a scheme vehicle.

In particular, the legislation should make clear that data required for ADAS calibration, including dynamic calibration conducted while the vehicle is being driven, remains within the definition of scheme information where it is reasonably required to complete or verify a repair-related procedure.

Proposed redraft of the clause

Current clause:

"data automatically generated and transmitted by a scheme vehicle, while it is being driven, regarding driver or vehicle performance;"

Proposed replacement:

"data automatically generated and transmitted by a scheme vehicle while it is being driven, regarding driver behaviour, driver performance or vehicle performance, other than data that is reasonably required for the purpose of diagnosing faults with, servicing, repairing, modifying, dismantling, calibrating, programming, initialising, configuring or verifying the operation of the scheme vehicle;"

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