

By email: [repairinfo@treasury.gov.au](mailto:repairinfo@treasury.gov.au)

28 January 2021

## **RE: Motor Vehicle Service and Repair Information Sharing Scheme (Scheme)**

Thank you for the opportunity to comment during consultation for the Scheme. We fully support the principle of a genuinely competitive market for motor vehicle service and repair services by enabling all repairers to have access to the information they require to safely repair customer vehicles.

Tyre and Auto Pty Ltd trading as mycar Tyre & Auto (**mycar**) is an independent nationwide automotive service and repair business. We have over 260 stores across all Australian states and territories.

We particularly support the following aspects of the amendment Bill:

1. The principles of the legislation.
2. The principles based compliance requirements.
3. The investigation, enforcement, and penalty provisions.
4. Utilising the ACCC investigation and enforcement powers with the legislation being introduced by way of an amendment to the Competition and Consumer Act.
5. The timetable to enact and enforce the legislation provides ample time for the industry to prepare, particularly given that the industry is already operating information sharing arrangements in other jurisdictions overseas.

We would like to see further thought given to the following aspects:

1. The **proposed time frame for the provision of Scheme Information by Data Providers to Australian Repairers**, in particular the reference to supply of information '*before the end of two business days*' of the repairer having paid the agreed price/provided the required information.

Most of our customers require/expect us to service their vehicles on the same day. If we cannot turn around the service in the same timeframe as a service centre linked to a dealership (**affiliated repairer**) then we are at a significant competitive disadvantage.

Under the existing voluntary system we have struggled to obtain timely information from Providers. We are concerned, based on our previous experience, that the two days will be treated as the standard response time rather than the exception used for difficult/unique problems. We anticipate that the bulk of enquiries could be dealt with by an almost immediate response (like

a search engine), once Repairers are set up in the relevant system. We would prefer to see language that refers to an immediate response with an allowance for unique/challenging queries.

Scheme Information should be available as quickly for independent repairers as for affiliated repairers. This relates to the equal functionality point that we are pleased to see in the Scheme, but at a minimum Scheme Information should be accessible as quickly and accurately for independent repairers as those associated with dealerships. See point 4 below for further comment.

2. **Excluding data for Electric and Hybrid vehicle propulsion systems.**

These vehicles are the future of auto repair work. We cannot see any logical reason for excluding these systems.

- If they are excluded due to concerns about workmanship, we believe this is addressed by the need for repairers of these vehicles to work to the Australian Standard for Electric vehicle operations – Maintenance and repair (**Standard**).
- If they are excluded for reasons relating to the safety of mechanics, we believe this is addressed by OH&S mechanisms. Withholding information will have the opposite detrimental effect of potentially jeopardising safety of mechanics (as identified by industry groups and government when developing the Standard).

If a light vehicle is registered on an Australian road, it should be included in the Scheme regardless of its propulsion system. No other countries with similar information sharing requirements have such an exclusion.

In addition, we are concerned that there may be confusion about what is included in the scheme and what is not, in relation to these vehicles. What is part of the propulsion system and what is a part of the vehicle that is included in the scheme? We anticipate that the propulsion system will be inextricably linked to parts of the vehicle that we would expect to work on, so although we would not need data about the system itself we would need to be able to connect to it for calibration and updates.

3. We are concerned that there is **no requirement to share data relating to the Autonomous Vehicle System (AVS)**.

Similarly to the exclusion of data for Electric and Hybrid vehicle propulsion systems, AVS technology is an increasing focus for the auto industry and we expect to see more vehicles containing such systems. We do not need a high level of detail about the algorithms behind the system but we do need to access data where the system is inextricably linked to the service being required. For example, although we do not need to know how the autonomous vehicle interprets its data we do need to know when replacing a tyre how to update or recalibrate the system to ensure sensors in the new tyre are updated/linked. We would expect this to require connecting to the AVS.

4. We have concerns about how the **pass through technology** will work in practise.

Independent repairers will need the same delivery mechanism as affiliated repairers. Access to a portal should be equally available for independent and affiliated repairers, with updated information or software.

We are concerned that the technology needs to work in practise. We expect that (at least until technology advances) we would need to download data onto a store based PC and then connect that to the vehicle. We need to be assured that a firewall or similar would not block this and that all the necessary information would be provided to ensure the data can to our store and then get to and from the vehicle.

We are concerned that there is no mention of what approach will be used in the pass through technology, for example to one of the recognised standards set by EODB (European) and OBD2 (Global).

We are happy to see the inclusion that Data Providers cannot force repairers to purchase their tools, however, we would also like to see a provision that Data Providers cannot refuse to sell a Repairer any product that is required to fix a vehicle. While the terms of sale cannot be unreasonable, we would like the Scheme to say that the terms of sale for a tool should be no worse than the terms of sale to an affiliated repairer. Preferably data could be made available via a universal scan tool rather than a tool required to be purchased from the Data Provider. This means that the information required to make an independently sourced tool would need to be available. This would provide a genuinely competitive alternative to the tool sold by the Data Provider.

5. **There is no allowance for Data to be provided to Repairers through data aggregators.**

We expect that we would want to use a data aggregator (a business that collects all the data from different manufacturers' platforms and on-sells it to us via one single platform). This way our technicians have a single point of contact for data rather than navigating different manufacturers' platforms. Due to the difficulties we have had with the current voluntary data sharing arrangements we have relied on data aggregators to provide data. In this way the ability of data aggregators to on-sell information fills a demand in the market. We would like the option to continue to receive data this way and would like to ensure that the data aggregators are entitled to data and to on-sell that data.

6. **Excluding telemetry** is problematic. As in points 2 and 3 above, diagnostic information is increasingly used to communicate to the car maker (and affiliated repairer).

We do not understand why this topic is included in (by being excluded from) the Scheme. To properly (and competitively) service a customer's vehicle we need access to all the information available to diagnose issues, service, and repair. Increasingly this will be available through telemetry both at the time of service when the vehicle is in the store but also in real time when a problem arises in a vehicle. We expect access to diagnostic data in real time if a customer

consents to it being provided. For example, if there is a problem with the vehicle's tyre or wheel, and the customer has consented, we should be entitled to receive a notification so that we can contact the customer to explain the danger and how it can be fixed. This data will be available to affiliated repairs and for true competition should be provided to all repairers.

Similarly, Electronic Log Book information, or any opportunity to update digital service information, should be owned by the vehicle owner and accessible in whatever manner they consent to.

Once again, we thank you for the progress made in enacting a competitive information sharing scheme and the opportunity to be heard as part of the consultation process.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Adam Pay', written over a thin horizontal line.

**Adam Pay**

Managing Director

