

By email: repairinfo@treasury.gov.au

21 September 2021

EXPOSURE DRAFT: COMPETITION AND CONSUMER (MOTOR VEHICLES SERVICE AND REPAIR INFORMATION SHARING SCHEME) RULES 2021

I refer to the recent release of the Exposure Draft Competition and Consumer (Motor Vehicles Service and Repair Information Sharing Scheme) Rules 2021 (**Scheme Rules**) and Exposure Draft Explanatory Materials (**Explanatory Materials**).

Thank you for the opportunity to comment on the Scheme Rules and Explanatory Materials. As advised during earlier consultation periods, 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.

Our key concern relates to ensuring that the restrictions on access to safety and security information are not used by data providers to undermine the principles of information sharing, particularly based on a claim that unrestricted information cannot be separated from restricted information.

Feedback on the Scheme Rules and Explanatory Materials:

1. In general, we support the Scheme Rules and the Explanatory Materials.
2. We support adequate protections for the privacy of technicians providing personal information, including police checks.
3. The description of how the National Police Check Law will operate in practise is confusing. We appreciate the attempt to minimise licensing requirements where other existing comparable licences are in place, but the drafting seems unnecessarily complicated. We support, and the security process appears to support, a national portal approach.
4. We have some concerns that the blurred line between electric propulsion systems and items connected to it will be exploited for delay. However, information should be made available subject to the safety requirements, so this should be manageable.
5. We are concerned about the ambiguity around safety. Safety is about the safety of the technician and not the vehicle or the public. There are already ample protections in relation to protection of vehicle and public by virtue of existing licensing requirements.

In relation to the final point above, the definition of safety, we provide more information. The Explanatory Materials state:

'This restriction on access to safety and security information is appropriate and necessary to protect vehicle security, and to protect the safety of the vehicle, the public and those using that information.' (page 2)

'This restriction on access to safety and security information is designed to protect vehicle security or the safety of the vehicle, the public and information users.' (page 4)

We take issue with this wording. The restriction on access to safety and security information is appropriate and necessary to protect vehicle security and those using that information, but not to protect the safety of the vehicle or the public. The safety of the vehicle and the public are adequately protected already and subject to other licensing requirements for technicians.

- The safety of the vehicle is governed by the Road Vehicle Standards Act and by Vehicle Standards in each state and territory.
- The quality of repairs, relevant to safety, are governed by Australian Consumer Law.
- Quality of parts is governed by the Product Safety legislative and enforcement framework.

Including safety of the vehicle is not consistent with the Act and is a potential loophole that will be exploited by data providers unwilling to facilitate information sharing. It is contrary to the advice of the Technical Advisors (one of whom was our team member Thomas Hatch) and would be an overreach for the scheme.

Lastly, we anticipate that the Rules will provide for changing technology, including telematics and autonomous vehicles, and we look forward to future discussions about how these technologies can be included.

Please let me know if we can be of further assistance.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Adam Pay', is enclosed in a light grey rectangular box.

Adam Pay

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