



Australian Government



Australian
**Small Business and
Family Enterprise**
Ombudsman

29 January 2021

Department of the Treasury
Langton Crescent
PARKES ACT 2600

via email: repairinfo@treasury.gov.au

Dear Sir/Madam

Motor Vehicle Service and Repair Information Sharing Scheme

Small and family businesses in the motor vehicle repair sector need greater access to software and information sharing. Manufacturer imposed barriers to accessing this information has led to anticompetitive outcomes, and reduced small business profitability over many years. This is particularly problematic in rural and regional areas, where access to manufacturer-owned or operated repair outlets are intermittent at best.

We welcome the mandatory nature of the proposed scheme, as well as the clear dispute resolution process and penalties for non-compliance. We remain concerned about some aspects of the scheme and offer the following comments:

1. Allowing a data provider up to two business days to provide scheme information could lead to repairers being unable to meet customer requirements. Scheme information should be sourced and shared immediately.
2. Limitations on the sharing of scheme information in relation to autonomous and electric vehicles are unacceptable. Both technologies will grow in usage in Australia in coming years, the current proposal will limit the ability of independent repairers to access growing markets.
3. There is no reference to binding arbitration as a dispute resolution mechanism. Our recent Access to Justice Report¹ shows that small businesses need access to binding dispute resolution methods outside of the court system. The Dairy Code, and imminent changes to the Franchising Code, provide these much needed supports, and can be used as a model for future dispute resolution mechanisms.

Thank you for the opportunity to comment. If you would like to discuss this matter further, please contact Mike Kearney on [REDACTED] or at [REDACTED]

Yours sincerely

Kate Carnell AO
Australian Small Business and Family Enterprise Ombudsman

¹ <https://www.asbfeo.gov.au/sites/default/files/Access%20to%20Justice%20Final%20Report%20v2.pdf>