

BULLETIN

Automobile Repairers Division



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ACCC Clarification on - Servicing Your Vehicle While Under Warranty

Members are advised that the Australian Competition and Consumer Commission (ACCC) recently released a new fact sheet for consumers to better understand their rights when it comes to the purchase of a new car. This includes ***servicing their vehicle while under warranty***.

The [New Car Retailing Industry market study report](#) released in December 2017 by the ACCC found that some manufacturers log books contained false and misleading statements such as:

- authorised dealers must carry out services and repairs;
- an 'authorised' dealer should stamp or otherwise confirm a routine service had been undertaken during the manufacturer's warranty;
- strong recommendations for dealers to undertake maintenance or repair work;
- references to dealers (instead of repairers generally) in the context of information about servicing or repairs;
- statements linking servicing at a dealer to a better chance of long-term reliability and performance of the car, or its resale value;
- statements recommending against the use of non- 'genuine' parts because, for example, of claims that such parts are less likely to be suitable to the car and therefore may impact its functionality or safety or result in the manufacturer's warranty being voided;
- requests for the repairer to confirm that they had fitted 'genuine' parts as part of repair or servicing work.

Following the release of the report the ACCC undertook the following actions:

- developed a concise and simple explanation of consumer guarantees and their interaction with warranties which should, as industry best practice, be provided to consumers at the point of sale of a new car;
- updated the Motor vehicle sales & repairs – an industry guide to the Australian Consumer Law (ACL);
- gave assurances that instances of misleading or deceptive conduct, or misrepresentations, in relation to the use of independent repairers or non-OE spare parts will be targeted through action by the ACCC, including enforcement action where appropriate.

Click [here](#) to download the "Just bought a new car" fact sheet.

Click [here](#) to download the updated industry guide.

Important Note:

When servicing a vehicle while under warranty you need to ensure that:

- work is performed by a qualified technician;
- use genuine or appropriate quality parts (be wary of cheap counterfeit parts as these are not tested in accordance with manufacturers standards);
- work is carried out in accordance with manufacturers log book service specifications and procedures.

Should the part/s installed fail or not perform satisfactorily, the consumer has rights against the fitter and or/or manufacturer of those replacement parts. If a non-genuine part fails, the dealer and the vehicle manufacturer will not be liable for damage caused by that failure.

The VACC Automobile Repairers Division (ARD) Executive Committee will continue to monitor false or misleading behaviour in relation to the above findings and is in constant dialogue with the ACCC. If you encounter anything that may constitute a breach of the ACL and servicing a vehicle while under warranty, then we would like to hear from you.

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