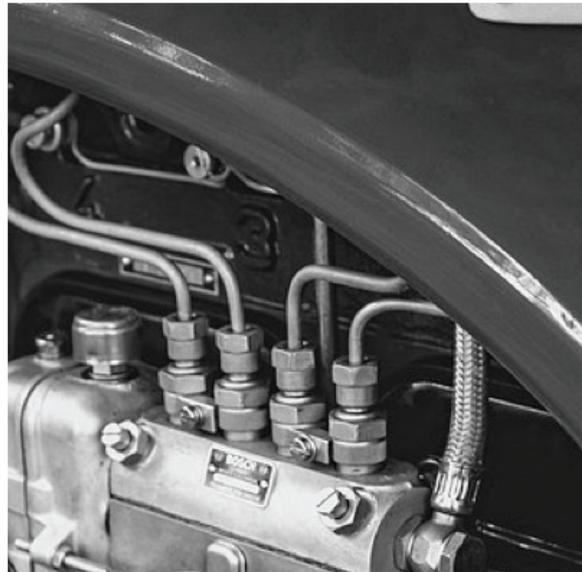


# VACC Submission: Agricultural machinery aftersales market

31 May 2020



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## About VACC

The Victorian Automobile Chamber of Commerce (VACC) is Victoria's peak automotive industry association, representing the interests of more than 5,500 members in over 20 retail automotive sectors who employ over 50,000 Victorians.

VACC members range from new and used vehicle dealers (passenger, truck, commercial, motorcycles, recreational and farm machinery), repairers (mechanical, electrical, body and repair specialists, i.e. radiators and engines), vehicle servicing (service stations, vehicle washing, rental, windscreens), parts and component wholesale/retail and distribution and aftermarket manufacture (E.g. specialist vehicle, parts or component modification and/or manufacture), and automotive dismantlers and recyclers.

VACC is also an active member of the Motor Trades Association of Australia (MTAA) and contributes significantly to the national policy debate through Australia's peak national automotive association.



## List of VACC Recommendations

### Recommendation 1

VACC recommends the Australian Competition and Consumer Commission (ACCC) clearly highlights standalone guidance that if an independent repairer causes a defect when repairing a vehicle, and that defect is not covered by the manufacturer's warranty, the consumer will need to seek a remedy from the independent repairer.

### Recommendation 2

VACC supports a mandatory scheme for manufacturers to provide independent farm machinery repairers with access to the same technical information, parts and diagnostic tools which they make available to dealers and preferred repairer networks. The technical information should not be supplied free but be available to the independent aftermarket on commercially fair and reasonable terms.

### Recommendation 3

VACC recommends that the ACCC pursue manufacturers who do not comply with their obligations and compensate their respective dealer networks who repair warranty or product defect issues as mandated under Section 274 Schedule 2 of the Australian Consumer Law.

### Recommendation 4

VACC recommends that ACCC create and distribute consumer facing information that will inform consumers of the risks from a consumer protections perspective when dealing with grey imports or purchasing from an auction house.

### Recommendation 5

VACC recommends that the Australian Government extend reforms announced in the Competition and Consumer (Industry Codes—Franchising) Amendment (New Vehicle Dealership Agreements) Regulations 2020 to motorcycle, farm and industrial machinery before the first review period.

### Recommendation 6

A mandated undertaking to undertake training for independents provided directly by OEMs, by their franchised dealers, by dedicated and qualified automotive training providers or a combination of these avenues on fair and reasonable commercial terms.

### Recommendation 7

That ACCC mandate that farmers and independent repairers invest in equipment and protocols that will ensure a safe working environment for employees, consumers and contractors when repairing or maintaining farm machinery an on-site farming or remote location.

### Recommendation 8

FIMDA recommends that the independent use of service and repair information is consistent with manufacturer guidelines and that the independent continually seek appropriate education/training where required at their own expense.



## Background

The Victorian Automobile Chamber of Commerce (VACC) welcomes the opportunity to respond to the Australian Competition and Consumer Commission (ACCC) Discussion Paper on Agricultural Machinery Aftersales Markets.

The VACC Farm and Industrial Machinery Dealers Association of Victoria (FIMDA) and Motorcycle Industry Division (MID) represent approximately 400 Victorian based farm machinery and motorcycle dealerships, aftermarket repairers and parts suppliers.

VACC would like to stipulate that FIMDA and MID members have no intention of conflicting with manufacturers in the development of this paper. FIMDA and MID members seek a harmonious and profitable collaboration with their respective manufacturers.

Unsurprisingly, market leading manufacturers have happier, more profitable businesses in their dealership networks. They work well with their dealer networks and arrive at decisions via collaboration and trust. This was confirmed by two dealer surveys undertaken by VACC in 2018<sup>1</sup>.

FIMDA and MID members have provided data for this paper via a range of mediums. Additionally, VACC has widely consulted with FIMDA and MID members on the issue of access to repair information for independent agricultural machinery repairs. This consultation process included a FIMDA member survey, face to face interviews with independent repairers and teleconference forums involving FIMDA and MID members.

The survey results and member interviews indicated, that for the vast majority of FIMDA and MID members (over 70 per cent), access to technical repair information was not restricted by franchisors to dealers or consumers.

### 1. Access to independent agricultural machinery repairs is limited

VACC research shows that whilst there are limited reports of agricultural machinery dealers restricting technical repair information to some consumers, the results of the FIMDA survey provides evidence that such practices are not widespread. The survey results indicate that the majority of agricultural machinery dealers are able to share technical repair information with other businesses and consumers easily.

Internal VACC surveying conducted between 2016-2017<sup>2</sup> compiled an evidence-based portfolio of 432 instances independent repairers could not access technical information that was required to complete a repair. Of the 432 instances a total of three cases (or 0.06 per cent) were attributable to farm machinery specific repairs.

This feedback is indicative of the fact that rural and regional communities have very close business and community networks and are reliant on each other for support, sponsorship of community events and other activities for their well-being. Limiting access to technical information is not in the spirit of such civic mindedness and the evidence provided supports the fact that such cases are relatively isolated.

FIMDA supports a mandatory scheme for manufacturers to provide independent repairers with access to the same technical information, parts and diagnostic tools made available to dealers and preferred repairer networks. VACC notes that some dealership agreements<sup>3</sup> have a mandatory requirement for dealers to maintain an inventory of all special tools.

That support is contingent on the provision of security protocols for the protection and release of sensitive environmental, safety and security-related information. Moreover, as FIMDA and MID members have invested heavily in a franchise or dealership model, it would be fair and

1 VACC Franchise and Code review

2 MTAA -VACC Cases of no information available reported on the MTAA report an issue portal

3 CASE IH Dealership Agreement 2015



reasonable that manufacturer's information be provided to independent aftermarket businesses on commercially fair and reasonable terms.

### **Access to diagnostic, repair and service information**

Repair and service information includes technical aspects such as component overhaul procedures, component specifications, collision repair methods and dimensions, maintenance specifications and adjustment procedures, safety instructions, wiring diagrams, diagnostic and testing procedures and fault codes.

A key difference between a dealer servicing an expensive agricultural product and a farmer conducting 'do it yourself' repairs in a field is that for the dealer, all diagnostic tools and parts are readily available. There are examples of farmers attempting to repair an agricultural machinery product, failing and then having an expectation that the selling dealer will collect the machinery and repair it under warranty.

It was a concern to hear on the ABC Television Landline aired on 17 May 2020 that 'Aussie farmers demand the right to repair their own tractors', 'Aussie farmers have a long history of repairing their own tractors' and that 'some are hacking the tractors in desperation'.<sup>4</sup> FIMDA members have no issue with farmers repairing their own machinery, however, they do not believe it to be reasonable that the dealership network must then be subjected to warranty claims for rectification.

VACC would urge the reviewers to not bundle statistics into any future research regarding alleged lack of recourse when the issue has been generated by misuse of the machinery or an attempt to modify or repair the machinery by a non-qualified person.

Similarly, there are risks associated with this the information being used by a member of the public to repair an agricultural machine, who is not an appropriately qualified farm machinery specialist. This is an area where typically both the manufacturer and dealer come into dispute with a consumer.

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4 ABC Landline 17 May 2020 retrieved from <https://www.abc.net.au/landline/right-to-repair:-farmers-demand-the-right-to/12256266>

There is no evidence to suggest that farm machinery supplied by manufacturers or dealers must be serviced at a licensed dealer to maintain the owner's consumer guarantee rights. Advice to the contrary is incorrect. It should be made clear by the ACCC that should a farmer or independent repairer cause a defect when repairing a vehicle, then that defect is unlikely to be covered by the manufacturer's warranty. It is up to the consumer to seek a remedy from the independent repairer<sup>5</sup> at their own cost.

#### Recommendation 1

*VACC recommends the Australian Competition and Consumer Commission (ACCC) clearly highlights standalone guidance that if an independent repairer causes a defect when repairing a vehicle, and that defect is not covered by the manufacturer's warranty, the consumer will need to seek a remedy from the independent repairer.*

VACC advised the ACCC in 2017 that access to diagnostic information, including fault codes and testing procedures, has been a critical element of repairing a vehicle since the late 80s to early 90s. Vehicles are becoming more complex due to improvements in electronic systems such as navigation, infotainment, and safety and security monitoring systems. This increase in complexity is also evident in the farm machinery sector.

For instance, today's cars, trucks and farm machinery contain more than 50 separate Electronic Control Units (ECUs), connected through a Controller Area Network (CAN) or other networks such as Local Interconnect Networks or Flex Ray. A modern vehicle has over 100 million lines of software code and this number is set to increase to between 200-300 million over the coming years<sup>6</sup>.

It is VACC's view that the easiest and most effective method of information delivery to the aftermarket would be via a manufacturer portal, whereby the site is accessible 24 hours. Such a system is commonplace in overseas markets<sup>7</sup>.

5 ACCC Motor vehicle sales and repairs. An industry guide to the Australian Consumer Law. Retrieved 15 May 2020 from [https://www.accc.gov.au/system/files/1449\\_ACL%20Motor%20vehicle%20sales%20and%20repairs\\_FA\\_WEB.pdf](https://www.accc.gov.au/system/files/1449_ACL%20Motor%20vehicle%20sales%20and%20repairs_FA_WEB.pdf)

6 VACC February 2017 Response to the ACCC's request for further information on the type and scope of barriers to accessing repair and ACCC. Consumers Rights and Obligations. Retrieved 14 May 2020 from <https://www.accc.gov.au/business/treating-customers-fairly/consumers-rights-obligations>

7 VACC February 2017 Response to the ACCC's request for further information on the type and scope of barriers to accessing repair and service information and car parts, and the impacts of those barriers pg.2



## Recommendation 2

***VACC supports a mandatory scheme for manufacturers to provide independent farm machinery repairers with access to the same technical information, parts and diagnostic tools which they make available to dealers and preferred repairer networks. The technical information and equipment should not be supplied free of charge but be available to the independent aftermarket on commercially fair and reasonable terms.***

### 2. Farmers may lack recourse in the event of a problem with their machinery

Despite the fact that agricultural machinery typically costs over \$40,000 per unit<sup>8</sup> and is rarely used for personal use, it is unlikely to be covered by ACL consumer guarantees. There is a false presumption that in the event of a product fault, purchasers believe they are limited to the manufacturer warranty or they must pay for repairs themselves.

It is VACC's view that the current consumer guarantee threshold of \$40,000 should be indexed to 2020 prices with annual indexation thereafter tied to movements in the Consumer Price Index (CPI). This would help ensure that the real value of consumer guarantees on goods and services covered within the ACL is not eroded over time and remains relevant to prevailing economic and business conditions.

VACC research shows that in over 80 per cent of cases<sup>9</sup>, FIMDA dealers are supported by their manufacturer in the event of an ACL warranty claim by a consumer. FIMDA dealers report that it is very rare for consumers to not be able to obtain recourse in the event of a problem with their machinery. In the event of any such occurrence, FIMDA dealers advise that they will almost always make good on such issues. In such small rural communities, acts of goodwill and business reputation are of paramount importance. From this perspective, FIMDA members follow the requirements contained within the ACL consumer guarantees. It is FIMDA's view that farmers do not lack recourse in an event of a problem with their machinery.

In the light of such evidence, VACC would dispute any notion that farmers lack recourse when encountering problems with their machinery. Farm machinery dealers articulate many options with their customers at the point of sale concerning warranty and repair work, customer rights and obligations, and often going beyond these requirements as a gesture of goodwill or maintaining a loyal customer base within their local community. The lack of recourse has greater prevalence on the relationship between dealer and manufacturer. Many dealers do not have the will or resource to take action Under s274 of the ACL, Schedule 2 of the Competition and Consumer Act 2010, where it is mandated that if a consumer asks a supplier to deal with a problem under the Consumer Guarantees, (i.e. a manufacturing defect), then the manufacturer must reimburse the supplier for any such costs (where the problem is not the supplier's fault)<sup>10</sup>.

There are many benefits for a consumer not being required to pursue a manufacturer with whom they have had no direct dealings nor a relationship. However, it would be unfair to the retailer if they were not provided with recourse by the manufacturer. For this reason, the ACL provides a right of indemnity to the supplier against the manufacturer if the manufacturer is or would be liable under the ACL for the breach of the consumer guarantee<sup>11</sup>.

Furthermore, VACC has also interviewed a prominent multi-franchised member of FIMDA, who has received breach notices for retailing farm machinery parts to an aftermarket repairer<sup>12</sup>.

8 NSW DPI (2020). Guide to tractor and implement costs (242HP and 395HP). Retrieved 15 May 2020 from <https://farmtable.com.au/build/guide-to-tractor-and-implement-costs-242hp-and-395hp/>

9 VACC FIMDA ACL survey

10 Moss, Edith (2019). Question: As a supplier do, I have to cover the cost of undertaking repairs? Retrieved 15 May 2020 from <https://legalvision.com.au/q-and-a/as-a-supplier-do-i-have-to-cover-the-cost-of-undertaking-repairs/>

11 Sise, Peter (2012). Consumer guarantees for the supply of goods: the manufacturer's or supplier's problem? Retrieved 15 May 2020 from <https://www.claytonutz.com/knowledge/2012/october/consumer-guarantees-for-the-supply-of-goods-the-manufacturer-s-or-supplier-s-problem>

12 FIMDA member interview. Available for ACCC interview.



### Recommendation 3

*VACC recommends that the ACCC pursue manufacturers who do not comply with their obligations and compensate their respective dealer networks who repair warranty or product defect issues as mandated under Section 274 Schedule 2 of the Australian Consumer Law.*

### 3. Agreements between manufacturers and dealers limit access to repairs

VACC survey data indicates that 63 per cent<sup>13</sup> of FIMDA members have experienced a scenario whereby they have repaired a consumer warranty claim and were not reimbursed by the manufacturer. This shortfall is often related to the payment of labour time, where it is reported that manufacturers do not always compensate the dealer with the actual costed labour time spent rectifying an issue in the event of a warranty claim.

In these circumstances, affected farm machinery dealers claim that they would personally cover the cost of this labour time shortfall as a gesture of goodwill toward the customer, thereby not financially disadvantaging the customer.

On average, such events are reported to occur once a year for 63 per cent of FIMDA members. In addition, it is reported that it is not usual practice for a manufacturer to reject any customer warranty claim completely. If a warranty claim is rejected it is usually based on several factors, of which customer misuse or attempts by the consumer to rectify the issue themselves has led to the consumer voiding their warranty<sup>14</sup>.

Furthermore, VACC has received no reports of farm machinery dealers refusing to deal with customers located outside their designated area or refusing to provide warranty support if they purchased machinery from another dealer. The very nature of the agricultural industry, its size and lack of mobility of the equipment, results in many farm machinery dealers conducting warranty repairs or services on-site at no cost to the end user.

<sup>13</sup> VACC FIMDA ACL survey

<sup>14</sup> VACC -FIMDA meeting forum



In dealership or franchise agreements<sup>15</sup> viewed by VACC it is stated that for any warranty work to be completed, the dealer must obtain permission from the manufacturer before starting any work. This type of agreement is a painstaking and unreasonable encumbrance enforced upon both dealer and consumer. Other agreements allow for dealers to appoint sub-agents within their Primary Marketing Area that will allow for consumers in remote areas to be serviced by an independent repairer<sup>16</sup>. However, in this example all responsibility for the independent repairer work is borne by the dealer.

VACC research also shows that the majority of FIMDA and MID members offer an extended warranty to their customers, and such extended warranties are prevalent across most manufacturer brands and machinery types. Extended warranties are generally offered to customers in writing by dealers.

Typically, an extended warranty includes:

- Years of operation (up to five years beyond original manufacturer warranty)
- Hours of operation
- Cost of extended warranty (if any). This is usually a small percentage of the retail value.

In some cases, FIMDA members have reported providing free extended warranties for certain equipment, either as a marketing initiative or gesture of goodwill toward their customers. Extended warranties are essentially a private contract between a dealer and a consumer that is offered at the point of sale<sup>17</sup>. In some cases, FIMDA members have taken a decision not to sell an extended warranty to consumers, as they believe the manufacturer's warranty and statutory obligations on the dealer under the ACL provide adequate consumer protection.

The survey results also show that at the point of sale, 63.16 per cent of members advise consumers of the warranty period and the process involved for making a claim.

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15 Goldacre Dealer Agreement 2015

16 Kubota Dealer Agreement 2019

17 AADA submission the ACC ACL Review 2016

#### 4. Data ownership and management may raise privacy and competition issues

It is the case that agricultural machinery is becoming increasingly complex in its use of computer systems and data, and most modern machinery now has extensive data collection capabilities. One of the consequences of this is uncertainty in the market around data ownership and control, and rights to data in certain circumstances.

A key development in this space however is the Consumer Data Right (CDR). Whilst the CDR is initially being implemented in the banking sector<sup>18</sup>, with the energy sector to follow, VACC believes that, in future, the agricultural machinery sector may be considered for a roll out of the CDR.

The CDR represents a significant reform that provides consumers with greater choice and control over how their data is used and disclosed. It also aims to allow consumers to safely access their own data in a useable form and to direct a business to securely transfer that data to an accredited, trusted data recipient of their choice.

Modern machinery contains huge repositories of personal information, and it is paramount that consumers are aware of the array of data collected by their machinery and how that data may be accessed by manufacturers. To this extent, standardised machinery interfaces may be a necessary requirement in order to gain access to such data. Without the development of such interfaces, manufacturers will continue to have a monopoly on the data generated by their machinery, thereby making it largely inaccessible to consumers and third parties in general. Potentially, this may limit the level of competition, service offerings and innovation across the farm machinery sector, to the detriment of consumers.

VACC advises that under any future CDR infrastructure, farm machinery dealers and other related industry service providers will need to be an accredited data recipient in order to satisfy the obligations and provide access to data on the goods and services they have on offer under this law. This includes having appropriate systems in place to ensure that the privacy and security of information is in line with the technical standards outlined by the Data Standards Body. Businesses may be required to designate appropriate resources towards responsibility for data protection and compliance.

VACC is also advised by its FIMDA members that access to data generated by computerised systems embedded in modern agricultural machinery that informs the end user of productivity and other key farm production data, should not be restricted when farmers decide to change brands.

Purchasers of such agricultural machinery are advised pre-delivery on how to use the machinery, including how to download any data recorded prior to taking delivery of the product. The only barrier that a farmer may necessarily encounter is a lack of technical aptitude by the end user, something which the dealer cannot take responsibility for. It is also common practice within the industry to ensure the previous owner, who has traded the machinery, deletes any data stored within those computerised systems.

#### Personal imports and the consumer

VACC had previously argued in its May 2016 ACCC Australian Consumer Law Review submission, that a key contradiction with the Government's allowance for the personal import of motor vehicles is that it undermines the intentions and purpose of the ACL. That risk is also pronounced in the agricultural machinery area, where the personal importation or purchase at an auction of 'grey imports' leads to inevitable customer loss. Grey market imports<sup>19</sup> are machines sold into Australia as new, unused or low-hour machines for less than recommended retail prices.

The personal importation of motor vehicles by individuals that bypass established local dealer networks are effectively afforded no consumer protection. Whilst these imports may appear to be cheaper to purchase, any potential saving or gain for the end user is compromised, as the imported vehicle will not meet many of the Australian safety standards. Features like roll over protection systems, falling object

<sup>18</sup> Retrieved 12 May 2020 from <https://www.allens.com.au/insights-news/insights/hubs/consumer-data-right-hub>

<sup>19</sup> The risks of grey market importing. Retrieved 14 May 2020 from <https://www.jcbcea.com.au/2018/03/risks-grey-market-imports/>

protections structures, hose burst protection, state-of-the-art engines and hydraulic systems are standard on many dealers supplied machinery when manufactured for the Australian market.<sup>20</sup>

Essentially, it would be very difficult or impossible for consumers to be able to access the ACL to pursue claims against overseas sellers. As Government estimates show that approximately 30,000 vehicles per annum will be personally imported into Australia<sup>21</sup>, this has the potential to see a dramatic escalation in consumer grievances, with little course for legal redress.

Consumers must be encouraged by the Government to buy machinery via an authorised dealer. This will ensure that consumers will have peace of mind with access to warranties, finance, insurance, safety compliance certification and genuine parts and service.

Inadvertently, the burden of undertaking repairs to these vehicles will fall on local dealerships and repairers that may not be able to perform repairs and servicing on these vehicles as they are not models common to Australia. Thus, many of these vehicles, and the consumers who purchased them, will be affected by the lack of availability of parts and technical repair information. The likely consequence of this decision will be a refusal to work on or provide advice on these personally imported vehicles to consumers by dealers cognizant of spurious ACL claims.

Parts for some older tractors are often in short supply. Likewise, parts for some models imported in limited numbers and grey-imports or re-manufactured models that were never sold new in Australia can be difficult to source<sup>22</sup>.

Farm machinery dealerships are also unlikely to accept such vehicles as trade-ins due to the inherent risks involved with ACL, thereby causing further detriment amongst consumers. VACC has clearly articulated this position to government, including the notion that consumers should adopt a 'buyer beware' stance before purchasing a personally imported vehicle.<sup>23</sup>

#### **Recommendation 4**

***VACC recommends that ACCC create and distribute consumer facing information that will inform consumers of the risks from a consumer protections perspective when dealing with grey imports or purchasing from an auction house.***

#### **Other**

FIMDA and MID members remain frustrated that the Government's proposed draft regulations to introduce an automotive specific section to the Franchising Code of Conduct to ensure fairness and equity in new car retail franchising, does not include farm machinery, commercial vehicle or motorcycle dealers. VACC argues that many of the inequities in the current Franchise Code that are an enabler to consumer detriment could be alleviated if a stronger, more robust code was developed and included all automotive retail sectors.

#### **Recommendation 5**

***VACC recommends that the Australian Government extend reforms announced in the Competition and Consumer (Industry Codes—Franchising) Amendment (New Vehicle Dealership Agreements) Regulations 2020 to motorcycle, farm and industrial machinery before the first review period.***

FIMDA and MID members make themselves available to the ACCC for further consultation and in camera interviews.

<sup>20</sup> The risks of grey market importing. Retrieved 14 May 2020 from <https://www.jcbcea.com.au/2018/03/risks-grey-market-imports/>

<sup>21</sup> ROAD VEHICLE STANDARDS BILL 2017 RAWS SUBMISSION TO THE RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE 17 APRIL 2018

<sup>22</sup> Fawcett, Tony (2016). Buying a new or used tractor. Retrieved 14 May 2020 from <https://www.weeklytimesnow.com.au/machine/crop-gear/buying-a-tractor-new-or-second-hand-machinery/news-story/6f369084c323cd2ccf238253e3e137e9>

<sup>23</sup> VACC Submission to the Australian Consumer Law Review May 2016

## **Dealers spend considerable time, resources and money on training and facilities for their technicians to use the above information and tooling etc.**

In its 2019 submission the Motor Trades Association of Australia (MTAA) Submission to Treasury Department Consultation Paper on Mandatory scheme for the sharing of motor vehicle service and repair information noted that ensuring technicians have the appropriate skills, training and equipment will in part require manufacturers and / or their suppliers to make available the same training material provided to their franchised networks. This would need to be provided on fair and reasonable commercial terms.

FIMDA advises on the need for appropriate training and skills to use the information once accessed appropriately, particularly for highly specialised repair requirements. A key element for consideration is for independent access to OEM education and training resource materials. Such materials could be provided directly by OEMs, by their franchised dealers, by dedicated and qualified automotive training providers or a combination of these avenues on fair and reasonable commercial terms.

FIMDA and MTAA has presumed that at a minimum, and for a prescribed regulatory instrument, consumers should expect that any person accessing service and repair information should be to undertake servicing and repair, and must be able to demonstrate appropriate qualifications, skills and experience. These elements are also consistent with ACL legislation.

Whilst some independents are concerned about the costs associated with OEM delivery of training it should not preclude them from undertaking the same investment in training that their franchise counterparts are contractually bound to do. Some suggested pricing of such training would be set at a level that made it prohibitive and thereby locked out access on a 'technicality<sup>24</sup>' or commercial restrictions rather than qualifications or capability. This is not an issue that should preclude the requirement for ongoing training.

However, if OEM administered training was considered too onerous, a standardised package could be developed as an end-to-end solution and provided by existing registered and government training providers.

### **Recommendation 6**

*A mandated undertaking to undertake training for independents provided directly by OEMs, by their franchised dealers, by dedicated and qualified automotive training providers or a combination of these avenues on fair and reasonable commercial terms.*

## **Independent repairers will not invest in the resources above which creates safety concerns for the AG Industry and allows concern to the ongoing efficiency of the machinery.**

All repair work must be carried out in a safe and efficient manner to ensure the safe and efficient ongoing operation of the machinery.

Many farmers are self-employed, have employees, or manage and control a farm. They all have legal health and safety duties such as:

- Ensure your farm is a safe working environment without risks to the health of your employees. Employees include contractors.
- Ensuring that farm activities don't expose anyone to health and safety risks. That includes your family, other workers, farm visitors and contractors<sup>25</sup>

It is in this on-site farm environment that FIMDA members harbour serious concerns with how a vehicle may be repaired.

<sup>24</sup> 2019 MTAA Submission to Treasury Department Consultation Paper on Mandatory scheme for the sharing of motor vehicle service and repair information

<sup>25</sup> Jan 2020 Farming: Safety basics Make your farm a safe and healthy workplace. Retrieved from <https://www.worksafe.vic.gov.au/farming-safety-basics>

### **Recommendation 7**

*That ACCC mandate that farmers and independent repairers invest in equipment and protocols that will ensure a safe working environment for employees, consumers and contractors when repairing or maintaining farm machinery on-site farming or remote location.*

### **Further OHS and hazard issues**

A consumer who will need to satisfy themselves that any business they choose to conduct repairs for them are suitably qualified, is a registered Australian business thereby required to abide by all relevant laws including OH&S laws.

FIMDA recommends that for an independent be mandated to use service and repair information consistent with manufacturer guidelines and continually seek appropriate education/training where required at their own expense. This is at a minimum to ensure that repairs are carried out correctly to assure the safety and protection of consumers.

### **Recommendation 8**

*FIMDA recommends that the independent use of service and repair information is consistent with manufacturer guidelines and that the independent continually seek appropriate education/training where required at their own expense.*



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