

### Parts Supply Issues Register

Dear member

TACC has recently received numerous enquiries detailing the difficulty in gaining access to, and purchase of, OEM parts. These parts have either been extremely difficult to obtain, rejected, or offered for purchase as a complete unit (i.e. complete differential assembly rather than individual internal components such as a bearing unique to the unit and not available from the aftermarket). To ascertain the severity of this issue, I am seeking your assistance.

Section 58 (1) of the *Australian Consumer Law (ACL)* provides a consumer with a guarantee that the manufacturer of the goods supplied will take reasonable action to ensure that spare parts for the goods are reasonably available for a reasonable period after supply.[\[1\]](#)

#### How much time is reasonable?

The supply of spare parts by an OEM for a reasonable amount of time is not defined in the ACL. The test for what is a reasonable period is objective, and is not to be applied from the perspective of the customer, but from the manufacturer. Whether spare parts are available for a reasonable period is a question of fact to be determined on a case-by-case basis. To determine whether spare parts are reasonably available for a period will depend on several factors, including the nature of the goods supplied. For example, it would be reasonable to expect that tyres for a new car will be available for many years after purchase.[\[2\]](#)

#### When the guarantee on spare parts does not apply

A manufacturer or importer does not have to meet the guarantee on spare parts if they advised the consumer in writing, at or before the time of purchase, that spare parts would not be available at all or after a specified time.[\[3\]](#)

#### How you can help?

If you have experienced any prolonged delays or difficulties obtaining spare parts, please provide specific details via the register below or contact me by phone 0412 510 018 or email at [jkhoury@vacc.com.au](mailto:jkhoury@vacc.com.au)

All information gathered will remain anonymous and assist TACC in identifying trends towards brands and parts, which may be communicated to the Australian Competition and Consumer Commission (ACCC).

[Click here to register issues](#)

[\[1\]](#) *Australian Consumer Law 2010 (Cth) s 58 (1)*.

[\[2\]](#) ACCC '*Consumer Guarantees – A Guide for Business and Legal Practitioners*' p.17.

[\[3\]](#) *Ibid.*