



29 January 2021

**Attention:** Market Conduct Division

The Treasury  
Langton Crescent  
PARKES ACT 2600

By email only: [repairinfo@treasury.gov.au](mailto:repairinfo@treasury.gov.au)

Dear Market Conduct Division

### **Bapcor Submission - Draft Motor Vehicle Service and Repair Information Sharing Scheme**

Bapcor Limited (**Bapcor, we**) is a leading distributor and retailer of automotive aftermarket parts, accessories and equipment, and provider of independent automotive aftermarket services, in Australia. We operate in the automotive aftermarket parts wholesale, automotive aftermarket parts retail and, relevantly for this submission, automotive aftermarket services industries through 1,100 locations and via our brands such as Burson, Autobarn, Autopro, Midas and Truckline.

We appreciate the opportunity to provide comment regarding the Draft Motor Vehicle Service and Repair Information Sharing Scheme (the **Draft Scheme**) issued by Treasury in December 2020, and commend the Australian Government for efforts made to promote a genuinely competitive market for motor vehicle service and repair services.

We believe the Draft Scheme to be a positive step in the aims of providing accessible repair information to motor vehicle repairers, which will ultimately benefit consumers through improved access to repairers of choice on reasonable commercial terms.

Notwithstanding, we consider there is scope to further refine the proposed legislation to better meet the objectives as detailed in the Explanatory Memorandum to the Draft Scheme. These improvements are each addressed in turn below.

#### **1 Excluded information**

Currently, the Draft Scheme provides an exclusion to data providers from having obligations to share various forms of information. This includes information relating to:

- i) *electronic propulsion systems;*
- ii) *automated driving systems; and*
- iii) *telemetry.*

In the proposed form of the legislation, *electronic propulsion system* is not defined. This inevitably leads to questions of where does a *electronic propulsion system* begin and/or end – is a high voltage battery part of this system, and are data providers therefore afforded allowances to refuse to provide such information? Similarly, while the proposed legislation includes a definition of '*automated driving system*', the definition remains ambiguous as to what constitutes part of the '*system*'. For example, sensors will clearly be part of the autonomous '*system*', but are other associated vehicle components that require calibration to the sensors also part of the '*system*' – tyres, bumpers, windscreen? Finally, telemetry information is increasingly being used to transmit diagnostic information in real-time. Where this transmission includes information relating to a vehicle failure, this will be fundamental to the assessment and repair process.

We believe that the proposed legislation must not just cover historical data requirements but should also cover the future evolution of vehicles, which will clearly include automated driving systems and already includes telematics.

We believe that any rights to withhold information under the above headings may therefore provide data providers with an ability to restrict access to all information necessary to assess and complete best practice diagnostic, repair and servicing of vehicles. For this reason, we would suggest that these exclusions are removed, or to the extent that the exclusions remain, definitions are refined to place further structure and limits upon the specific information that data providers may withhold, and under what circumstances.

## **2 Provision of terms for sharing information ‘within two business days’**

The Draft Scheme imposes obligations on data providers to supply information within 2 business days of a repairer having paid an agreed price for the information.

In our experience, the vehicle servicing and repair most regularly occurs on very little, if any, prior notice – customers expect that their vehicle will be serviced on the same day it is brought into a workshop. We anticipate that customers will be unwilling to engage with a process which requires them to present their vehicle, and then wait 2 days for the repairer to be provided with the necessary vehicle information to be made available before the service can be undertaken.

We expect that the vast majority of information required to be shared with repairers will be of a common nature, and readily available in a form and on conditions that could be provided instantaneously upon request and payment occurring. We recognise that there may be unique instances which may necessitate delays in the provision of certain information, but a general right for data providers to delay the provision of information for 2 business days is unworkable.

## **3 Access to software**

Conducting servicing or repairs will not only require access to information, but to an increasing degree, the software systems of data providers. This may include logging into an online portal of a data provider to conduct software updates, or use a universal scan tool to run diagnostics.

In its current form, the Draft Scheme does not specifically provide for rights of access to ‘*software*’ that may be required to complete servicing and repair of vehicles. Failure to include such a reference may result in data providers imposing a strict reading of ‘*repair and service information*’ and refuse to grant access to software necessary to complete repairs or servicing.

## **Summary**

It is our belief that any of the above factors, either in isolation or in cumulative effect, have the ability to frustrate the purpose of the Draft Scheme. We therefore submit these suggested revisions in attempts to improve the proposed legislation and ensure that the objectives of the Draft Scheme are met. We would encourage Treasury to view our suggested revisions in light of Bapcor’s significant history and experience in the automotive aftermarket, most relevantly in areas of service and vehicle repair.

We thank Treasury for their engagement on this issue, and welcome future developments in this area.

Yours faithfully

A handwritten signature in black ink that reads "Darryl Abotomey".

Darryl Abotomey  
Chief Executive Officer & Managing Director  
**Bapcor Limited**