22 July 2021

Port Phillip EcoCentre Submission
RE: Australian Productivity Commission *Right to Repair Inquiry Draft Report*

Scope of the inquiry

The term *right to repair* describes a consumer's ability to repair faulty goods, or access repair services, at a competitive price; and the inquiry examines the barriers and enablers of competition in repair markets and the costs and benefits of a regulated 'right to repair', including facilitating access to embedded software in consumer and other goods. The inquiry also considers arrangements for preventing premature or planned product obsolescence and the proliferation of e-waste, and means of reducing e-waste through improved access to repairs.

Dear Commissioners,

The Port Phillip EcoCentre ('the EcoCentre') writes to commend and provide feedback on the Australian Right to Repair Inquiry Draft Report ('the Draft Report') published June 2021

The Port Phillip EcoCentre is a community-led environmental hub, Repair Café host and leader in microplastic pollution research.

The EcoCentre is a leading community-managed organisation with a dedicated team of scientists, educators and 3000+ volunteers who design and implement innovative environmental programs. We envision a healthy, thriving, and resilient planet where humans live in balance with the natural world.

Our programs bring together people of all ages and backgrounds to spark solutions and inspire environmental leadership. Each year we collaborate with over 25 Affiliate organisations, 150 schools and 250 partners from business, government, philanthropy, education and research institutions. Together, we hatch and nurture solutions, deliver original research, and conduct hands-on projects with a focus on collaboration and community connectedness.

Since 2013, the EcoCentre has been conducting research into plastic pollution in Port Phillip Bay and its catchments, including coasts, rivers and six land use types. Our *Clean Bay Blueprint* study[1] published in 2020 demonstrated rapidly increasing litter polluting Melbourne's urban waterways, hitting 2.5 billion items flowing to Port Phillip Bay annually on the surface of two rivers. Of more than 53,000 items analysed from trawl samples, 85% were microplastics, or plastic pieces smaller than 5mm. With most microplastic pollution originating from larger, often 'single-use' items, there is opportunity to avoid devastating pollution through shifting to reusable, repairable products.

Once a month, the EcoCentre hosts the St Kilda Repair Cafe[2] coordinated by the Jewish Ecological Coalition. Since November 2017, the repair volunteer team has repaired and resuscitated two out of three items brought in, totaling over 500 items and 1415kg diverted from landfill.

The EcoCentre recognises that our climate and ecology are in crisis, and we must act together now. Part of protecting waterways, wildlife, our climate and community wellbeing, is to reduce waste and curtail overconsumption – repair is a key enabler.

[1] ecocentre.com/cleanbayblueprint

[2] https://www.stkildarepaircafe.org.au

Repairing goods provides a viable and distributed approach to reducing waste.

There is a rising grassroots movement to prioritise the practice of repair. Repair is a widely relevant and practicable option to maximise the value of materials without unnecessary resource extraction. Maintenance and basic repair of household items can extend the useful life of beloved belongings and save consumers money.

Repair Cafés and similar models provide the opportunity for upskilling, social connection and intergenerational volunteering at sessions to repair items that don't require proprietary knowledge or tools.

The Draft Report likely underestimates the extent of community-based voluntary repair initiatives, noting 'now over 40 repair cafes across Australia.' (Box 2.1, p47) However as of May 2019, Victoria alone had 28 such repair groups, as listed on this postcard published by the City of Greater Geelong:

Find a repair cafe or fix-it place in Victoria:

MELBOURNE METRO

- Melbourne Repair Cafe (Yarraville)
- St Kilda Repair Cafe
- Ringwood Repair Cafe
- Darebin Repair Cafe (Preston/Thornbury)
- North Balwyn Repair Cafe
- Moonee Valley Repair Cafe (Moonee Ponds)
- Richmond Repair Corner
- Watsonia Repair Cafe
- Brunswick Tool Library Fix It Cafe

Details for these and more repair cafes across Australia are at http://www.melbournerepaircafe.org/fixit-aus.html or https://repaircafe.org/en/visit/

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REGIONAL & RURAL VICTORIA

- Repair Cafe Albury-Wodonga
- Castlemaine Repair Cafe
- Bendigo Repair Cafe
- Seymour Repair Cafe
- Repair Cafe Surf Coast (Anglesea+)
- Repair Cafe Latrobe Valley (Morwell)
- Geelong Repair Cafe (Highton)
- Geelong West Repair Cafe
- Wang Repair Cafe (Wangaratta)
- Southern Peninsula Repair Cafe (Rye)
- Repair Cafe Bellarine (Ocean Grove)
- Repair Cafe Beechworth
- Woodend Repair Cafe
- Alexandra Repair Cafe
- Daylesford Repair Cafe
- Mornington Repair Cafe
- Knox Repair Cafe (Upper Ferntree Valley)
- Dandenong Ranges Repair Cafe (Emerald)
- Upper Yarra Remakery Group (Warburton)

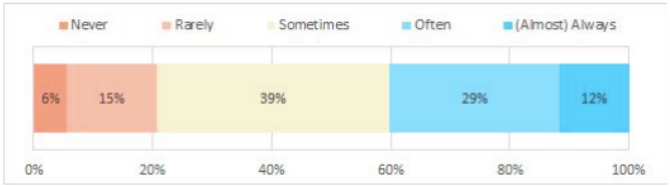
The summary of data cited from one submission may similarly under-characterise the Australian community's engagement in (and potential to increase) repairs. The following is from p46 of the Draft Report, emphasis ours:

"There is limited evidence of the rate of repair of consumer products in Australia, although one submission noted a moderate level of repair engagement:

'In our recent survey of the Australian population, when asked generally about repair in the last year, more than 20% of Australians reported that they have never or rarely repaired products. (BehaviourWorks Australia, sub. 95, p. 4)'

While this data is described as representing 'moderate level of repair engagement' the response implies that a majority repair products at least *sometimes*, and a significant 41% repair broken products *often* or *always*. Although this is one study, it is much better news interpreted correctly. This corresponding graphic is from the original submission posted on the Productivity Commission website:

In the last year (2019-20), how often have you repaired products when broken?



Sample: 1,528 Respondents

Build capacity for Australia's repair professionals.

More complex repairs and maintenance may require specific tools and details of product specifications in order to diagnose and repair items, as many modern devices have become less mechanical and more electronic, e.g. 'smart' appliances. As noted in the Draft Report, contemporary designs may not be as modular as in the past, and designed *"…in a way that prevents repair or upgrade (for example, using glue instead of screws or soldering components together to construct a device can make it more difficult to disassemble for repair). (Overview - Draft Report, p18)*

The EcoCentre supports changes proposed in the Draft Report that enable repairs that require professional servicing, including:

- Require warranties to inform consumers that consumer guarantees do not require use of authorised repair
- Introduce 'fair use' or 'fair dealing' in the Copyright Act to allow use of copyright repair information (e.g. manuals and schematics)
- Require manufacturers to provide access to repair supplies in particular product markets

The EcoCentre strongly supports a circular economic model, and the role repair plays.

In response to concerns about both waste accumulation and resource wastefulness, communities are promoting repair skills, and governments in Australia are evolving their systems-level strategies to reduce environmental harm and create more value from our resources.

In 2018, the Australian Government published its *National Waste Policy.*

"By working together to improve waste management, we can create opportunities for jobs, protect the environment and better manage valuable and finite resources."
– National Waste Policy (2018)

From July 2019, the Victorian Government banned e-waste from landfill, identifying five factors that contribute to mounting e-waste, including 'a decrease in built-in lifespan of electronic products' through design aspects and/or the interplay of hardware and software elements.[3]

Repair is an instrument that supports Australia's future *circular economy*, which aims to design waste out of the system and decouple growth from drawing on finite resources. In November 2020, Victorian launched the Circular Economy Business Innovation Centre for 'accelerating a circular and climate-resilient economy' and three days later Planet Ark launched the Australian Circular Economy Hub 'to facilitate the transition to the circular economy in Australia.'

[3] *Managing e-waste in Victoria – Policy Impact Assessment* (2017), p9-10

"Materials productivity is achieved when businesses use fewer resources to create more value. This means designing, making and having products that are reusable, durable, repairable and recyclable." - *Recycling Victoria: A new economy (2020)*

The EcoCentre supports right to repair changes proposed in the Draft Report that contribute to the goals of a circular economy, including the following:

- Regulator guidance of minimum expected length of product durability
- A product labelling scheme
- Enable product stewardship schemes to count repaired and reused products

Trusting Australia's landfill practices does not give the full picture of e-waste impacts – many manufactured goods are illegally dumped and littered and break into scattered pieces.

E-waste, or discarded electrical items with a battery or a plug, is recognised by the Draft Report as a health and environmental hazard. The Global E-Waste Monitor 2020 reported that e-waste increased by 21 per cent in the five years to 2019 and predicted that by 2030, it will be almost double the 2014 figure, fueled by higher consumption rates, shorter lifecycles and limited repair options.[4] Australians are high users of technology and e-waste is one of our fastest growing types of waste.[5] Manufacturing new electronics has considerable environmental impact.

As Australia's waste generation overall continues to rise[6] it increases pollution through materials 'leaked' from current waste management and resource recovery systems.[7] The EcoCentre's *Clean Bay Blueprint* study (2017-2020), Scouts Victoria's Street2Bay surveys (2018-2020) and Tangaroa Blue's plastic pellet monitoring (2017-present) have quantified how plastic fragments can cause accumulated environmental impact, currently uncontained despite extensive waste management systems.

Although Melbourne's 31 Councils spend more than $11m each year to manage illegal dumping[8], exposure to weather and vandals mean an item can be smashed up, or exposed to rain and leach chemicals. Private sector, land manager and community clean-ups tend to focus on visible items and amenity, and only occur at practical intervals.

Therefore any full assessment of the environmental risks of e-waste should consider illegal dumping data. However, this may require new research, as e-waste is not a distinct data field on widely-used datasheets like the Australian Marine Debris Initiative (which has catalogued more than 15 million pieces of litter cleaned up in Australia since 2004) or illegal dumping data captured by councils (e.f. City of Yarra[9]).

How does General Environmental Duty, where applicable, relate to the right to repair?

On 1 July 2021, Victoria's EPA Act 2018 came into effect, including a General Environmental Duty to reasonably prevent harm to environmental and human health. General Environmental Duty already applies in several other states and territories. How

[4] http://ewastemonitor.info/

[5] Australian Bureau of Statistics (2013) Electronic and electrical waste

[6] *National Waste Policy: Less waste, more resources* (2018)

[7] The EcoCentre's *Clean Bay Blueprint: Microplastics in Melbourne Report* (2020) and the Scouts Victoria Street2Bay litter study (2018-2020) quantified extensive and increasing microplastics pollution in urban rivers, as well as on coasts and six land use types

[8] Metropolitan Waste and Resource Recovery Group (2018)

[9] https://data.gov.au/data/dataset/yarra-dumped-waste

does it apply, if at all, to manufacturer responsibility for product stewardship and ensuring reasonable access to product repair?

Acknowledging the complex policy settings, the Draft Report has the opportunity to recommend working group between policymakers and knowledge brokers across interdependent areas of expertise such as consumer law, circular economic policies and waste management strategy.

> *"Implementing or amending policies in any of these areas requires careful consideration, balancing the (sometimes competing) interests of consumers, manufacturers, suppliers and repairers." (Overview - Draft Report, p3)*

In addition to the stakeholders named, we note significant statutory obligations and international commitments for environmental protection and waste management. These range from the National Waste Policy (mentioned in the Draft Report) to the UN Paris Agreement and Sustainable Development Goal 12: Responsible Consumption and Production (not mentioned in the Draft Report), and Environmental Protection laws under the various states and Territories.

While these may have been omitted for simplicity, the right to repair has significant current and potential intersection with many wider policy goals and we encourage a cross-remit workshop regarding the implications of the proposed regulatory changes.

Some levers for making repair accessible, addressing perceived barriers, and filling data gaps sit outside the scope of this Commission. How will the report be leveraged with complementary policymakers, researchers and communication designers?

The Draft Report suggests that planned obsolescence, while a widespread concern, is difficult to substantiate. Similarly, submissions outlining community concern about e-waste are grouped as a perception issue. Lastly, product standards '*are unlikely to have a net benefit for community' (p220)* however it is acknowledged there is little clear data on such schemes overseas.

If there is truly such a gap between anecdote and evidence, then tools of both research and communications will be essential in effective implementation of proposed regulations, the assessment of the regulations' impact, and addressing popular concern.

While we support the reparability label concept, such a regulation requires community leadership, communications champions and other non-regulatory tools for success.

We note concern that one month, during which significant COVID lockdowns occurred across Australia, may not allow for appropriate response to the Draft Report's information requests.

We note that requests for specific, detailed information such as Information Request 3.1 *"whether consumers have faced difficulties accessing spare parts or repair facilities under guarantees when their product breaks or develops a fault, including specific examples of the type and age of the product, and the costs incurred by the consumer"* needs to cast a very wide net for sufficiently informative responses, and/or allow time to document arising examples. (For example, surveying the wide network of Repair Cafes)

We suggest that absence of submissions on this specific information request is *not* equated to absence of need for spare parts and accessible repair facilities.

In conclusion

We commend the Productivity Commission for comprehensive review of global case studies, peer-reviewed research and stakeholder submissions. We support the proposed changes to provide greater access to tools and schematics for repair; to make clear reasonable periods for durability on different types of products; and to integrate repair into Product Stewardship. We believe there is a stronger grassroots repair movement than identified; as well as opportunity to leverage systemic change by joining this work into a working group for interrelated policymaking. It is important to identify key research investments that will fill data gaps, allowing more accurate assessment of the economic, social and environmental impacts of any regulatory changes.

We believe that the environmental concerns around e-waste cannot be fully represented by referring to Australian landfill practices, given how much litter and illegal dumping is documented; and that the relationship between General Environmental Duty laws, product standards and a manufacturer's accountability for reparable items, warrants further clarification.

We remain concerned by planned obsolescence and e-waste pollution.

Thank you for the opportunity to provide comment. We look forward to a more secure right to repair, and better protected environment.

Sincerely,
April Seymore
Executive Officer