Brisbane Tool Library Inc.

Right to Repair submission to the Productivity Commission
January 2021

Organisation's Background

The Brisbane Tool Library Inc. is a not-for-profit organisation that encourages people to borrow hand tools, power tools, camping gear, sports gear, party appliances and other equipment. Started in 2017, the Brisbane Tool Library is Queensland's first tool library, or "library of things", and the first and only one in Australia to be located within a public library - State Library of Queensland.

Our main activities are:

1) Collecting items, such as power tools and other electrical appliances, from Brisbane Waste Resource Collection Centres, and accepting donations of a wide range of other goods from the general community, and

2) Lending of these items, after we have catalogued and electrically tested them, to the members of the Brisbane Tool Library.

Right to Repair: challenges and proposed solutions

1. Access to spare parts

The supply of 'original' parts is largely restricted by manufacturers to their authorised repair networks, preventing individuals, community groups (e.g. tool libraries, men sheds, repair cafes) and independent firms and repairers from accessing this market and also restricting consumer choice. The current situation is making repairs more difficult or too costly compared to the purchase of brand-new items. While this is of benefit to the Original Equipment Manufacturers (OEMs), a potential middle ground could be the **expansion of the spare parts supply network to independent third-party repairers and community groups.**

To address the Productivity Commission's question about the practices by OEMs that create barriers to competition in repair markets, we would like to present an example of the challenges faced in repairing one of our laptops. In 2019, we had to substitute the battery of an Apple Macbook (laptop), but it was not possible to use independent repairers because in recent years Apple Inc., the technology company, started to glue the battery to the keyboard and to all the other individual parts contained inside their laptops, meaning that working components along with the battery had to be replaced. Unable to use independent repairers to change the battery, we had to get it serviced by Apple inc., that substituted every part, including the perfectly functioning keyboard.

The fact that all the parts are glued together does not allow other repairer to work on their items and forces the replacement of all the other functioning parts.

Furthermore, we face the challenge of accessing parts for discontinued models, which makes it difficult to keep the older models in circulation. **Manufacturers could be forced to produce and leave in circulation spare parts for a number of years, after the end of the production of the items themselves.** The terms 'reasonable' amount of time must be clarified under the Australian Consumer Law (ACL), with different type frames for different class of products. After the well-defined 'reasonable' lengths of time, **OEMs could provide open access design of parts that could be 3D printed or produced locally.**

2. Access to use and repair manuals

Often the items that we rescue are perfectly functioning, however they lack the original manual and technical information. In order to stimulate a reuse economy and to keep these items in circulation, such as by borrowing them from tool libraries, it would be **beneficial to be able to have free access to the manuals of the items online**. Access to the manual encourages consumers to use the product properly and in a safe way (e.g. power tools), protecting consumers, keeping the products in a good working order for longer, and facilitating repair when needed.

Introducing exceptions to IP laws for repairs would be the best solution. We understand the protection that OEMs put in place, however **other possible solutions could include paying a small fee to purchase the manual online or to enable free access for repair by individuals and non-commercial repairers (e.g. hobbyists).** This would not be the best solution, but it would be a step in the right direction.

3. Provision of product information at the point of sale

To overcome information asymmetry between the supplier and the buyer**, consumers should be informed about additional product information at the point of sale (e.g. displayed on packaging),** such as the length of availability of spare parts, the potential life-span of the item (that OEMs should declare), the repairability of the product by third-party repairers or the exclusion of third-party access to parts, availability of the manual online, and other product reparability information. This information could be simply summarised with a grading system, in which consumers are simply presented with an icon with a number, similar to the labels that defines the origin food production (with the bar chart that denotes products that contains Australian ingredients)[1].

[1] https://www.business.gov.au/products-and-services/product-labelling/country-of-origin-food-labelling-resources

4. Planned obsolescence

Planned obsolescence is often linked to post-consumer problems, such as the production of e-waste, however we would like to draw the attention of the Commission that this phenomenon uses an increasing amount of natural resources. We observe that, occasionally, also some supermarkets chains sell cheap and 'disposable' power tools (e.g. Aldi). Producing and selling products that are made to be disposed after a limited number of uses is inherently wasteful and exacerbates the ecological problems that we are facing, such as the depletion of natural resources. **Holding companies found engaging in this practice accountable and discouraging them from engaging in this practice through regulation may be a first step to encouraging production of long-term usable items.** A further step would be to implement design requirements to enable products to be repaired, as happens in the European Union. The European Union Commission has planned to make updates to its eco-design law (EU EcoDesign Directive), putting forward "the right to repair" and establishing a baseline for companies to be more conscious in their product design and make their products easier to repair and reuse (or face legal obligations)[2]. Australia should introduce similar regulation that obliges companies to design their products more carefully to facilitate easier repairs.

5. The act of repairing

One third of the electrical appliances[3] that we receive and collect could be potentially repaired, but several obstacles do not allow us to repair them. Therefore, we send our e-waste to other organisations which upcycle and recycle the parts of the items with different purposes. While better than sending these items to landfill, 'recycle' is of lower environmental value than 'avoid and reduce' and '(repair and) reuse' according to the waste pyramid[4]

Current Queensland's legislation requires a certified electrician to be able to conduct even simple repairs which hinder our organisation from carrying out 'easy' repairs - **potentially a new qualification could be developed that allows for very simple, low risk repairs to encourage less e-waste.** As per the *Australian Standard AS/NZS 3760 In-service safety inspection and testing of electrical equipment* a new 'repair' framework could describe the competencies required and eventual accessible courses to complete in order to be able to gain a limited 'repair' certification for minimal repairing of electrical equipment (e.g. power tools, household appliances).

Conclusion

While OEMs might profit from the current situation, communities, local economies, consumers and ecosystems do not. Enabling the right to repair, by having access to parts, manuals and tools to undertake repair, would allow a re-localisation of the economy**,** which is particularly important in these times of crisis. Therefore, the tension

[2] https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/640158/EPRS_BRI(2019)640158_EN.pdf
[3] If required, we have specific data about tonnes of power tools, brands and types of tools.
[4] https://www.epa.nsw.gov.au/your-environment/recycling-and-reuse/warr-strategy/the-waste-hierarchy

presented in the Right to Repair issues paper (December 2020, p.1) would need to clarify if the government will continue to prioritise increased profit for manufacturers companies and related businesses, or a more redistributed wealth, enhanced, in this case, by accessing the repair market. The paper of the Productivity Commission (page 9) presents a decrease in the number of people employed in the repair and maintenance industry in Australia between 2019 and 2020. Therefore, we invite the government to prioritise the creation of jobs in Australia and the global protection of the natural capital (ecosystems and ecosystems services).

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