

GRAINGROWERS IMPROVING AND EXPANDING AUSTRALIA'S RIGHT TO REPAIR LAW SUBMISSION



PREPARED BY GRAINGROWERS LTD

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INTRODUCTION

GrainGrowers welcomes the opportunity to provide a submission to The Treasury in response to the May 2026 Discussion Paper, *Improving and Expanding Australia's first Right to Repair law*.

GrainGrowers has been a key advocate for farmers' rights to repair agricultural machinery themselves, or through independent repairers, for several years. The organisation recognised the Australian Government's commitment to extend right to repair laws to agricultural machinery as a landmark reform for farmers' productivity and an improved competition measure for growers.

The Australian Competition and Consumer Commission (ACCC) *Agriculture machinery market study* (2021)¹ found that farmers face limited choice and high costs for machinery repairs. Current arrangements unfairly restrict competition because of manufacturers' control over repair systems and software components of agricultural machinery. These restrictions increase costs of parts and services, delay repairs during critical periods on-farm (such as seeding/planting and harvest), and ultimately reduce farm productivity and subsequent profitability. GrainGrowers has also received feedback from growers that there is increasingly limited access to parts with repairers and suppliers often needing to order stock in, which contributes to reduced productivity.

Extending right to repair to agricultural machinery is estimated by the Productivity Commission to be able to lift annual GDP by \$97 million through increased grain outputs resulting from reduced downtime during harvest². By supporting owners' ability to repair and maintain their agricultural machinery either themselves or through non-dealer enterprises, the Australian Government will support adoption of farm machinery technologies that drive ongoing productivity and maintain farmers' competitiveness in an international market.

Right to repair reforms are critical to enable farmers to maintain and repair their machinery, either themselves or through a competitive market for agricultural equipment service and maintenance products that provides them with a range of choice of service providers. This submission responds to the proposals in the discussion paper and raises the critical need to ensure that there are no inadvertent increases to the cost of agricultural machinery repairs and maintenance introduced through improvements and expansion to the right to repair law. This includes, for example, market distortion or market manipulation.

ABOUT GRAINGROWERS

With over 15,000 individual grower members across Australia, GrainGrowers is a national organisation working to enhance the profitability and sustainability of Australian grain growers. GrainGrowers achieves this through focus areas of policy and advocacy, grower engagement, thought leadership and active investment in future focused activities. Australian growers are at the heart of all that GrainGrowers does and the focus of its work.

Should you require any further information in relation to this submission, please contact GrainGrowers General Manager for Policy and Advocacy, Zachary Whale on (02) 9286 2000 or Zachary.Whale@graingrowers.com.au.

¹ Australian Competition and Consumer Commission, *Agriculture machinery market study*, (Study report, May 2021) p V.

² Productivity Commission, *National Competition Policy: modelling proposed reforms*, (Study report, 1 November 2024) p 23.

SUMMARY OF RECOMMENDATIONS

Part A: Agricultural Machinery and the right to repair

The scope of agricultural machinery

GrainGrowers supports the proposed scope of agricultural machinery and seeks that Treasury ensures the scope captures:

- Agricultural implements that attached to a vehicle, as well as autonomous machinery and connected precision agriculture equipment, manufactured from 1990 onwards with a pathway to include machinery manufactured earlier where feasible.
- Retrofitted digital systems installed on older machinery.
- Automated Driving System machines due to the use of this technology on critical agricultural machinery.
- All agricultural machinery that meets the proposed scope regardless of purchase price (i.e. no lower or upper purchase value) due to the criticality of this equipment to agricultural production.

GrainGrowers recommends:

- Automated Driving System information be included in the scheme.
- Treasury considers application of the *Australian Farm Data Code*³ or similar, to extend protections to machinery owners to ensure they maintain control of their data and that it is appropriately protected.

Access to scheme information

GrainGrowers supports the proposal for access to scheme information for independent repairers and appropriately qualified personnel, and recommends arrangements:

- Support and ensure competition in the maintenance and repair market for agricultural machinery, by enabling access to scheme information by suitable and qualified persons for purposes that support the maintenance and repair of agricultural machinery.
- Do not restrict practical access to support right to repair.
- Contain restrictions only as required to ensure a suitable person is able to conduct repairs and / or maintenance on agricultural machinery, and that scheme information is used only as intended and is appropriate.
- Support repairers and Registered Training Organisations to access and utilise scheme information with the objective of reducing maintenance and repair costs through increased competition and consumer choice
- Support consumers' knowledge and comprehension of arrangements in easy-to-understand formats that provide

³ National Farmers Federation, *Australian Farm Data Code*, (Edition 1, February 2020).

appropriate consumer protections related to the information captured and utilised in maintenance and repair of agricultural machinery.

Using scheme information

GrainGrowers supports the proposed approach to the modification of agricultural machinery, in particular measures that prevent unsafe or unlawful modifications, and recommends:

- Legitimate repairs or interoperability modifications should not be restricted if they are not unlawful.
- Unauthorised modifications being limited only to those that compromise safety systems, emissions compliance, or cybersecurity protections.

Part B: The Motor Vehicle Information Sharing Scheme

Safety information

GrainGrowers supports the scheme reducing regulatory burden associated with the treatment of scheme information only when safety obligations are maintained and safeguards are implemented to uphold safety. This includes safety information being easily identifiable as required to support agricultural machinery repair and maintenance works.

Intermediaries

GrainGrowers:

1. Supports the proposal to enable greater access to scheme information for intermediaries, noting that the scheme should provide:

- Information that is accessible and in a format that supports efficient and effective use.
- Information being supplied in an efficient, timely and affordable manner.
- Appropriate safeguards for confidentiality protections and other cybersecurity measures.
- Transparent pricing arrangements that do not exceed fair market value.
- Explicit recognition of remote service providers and remote diagnostics.

2. Considers it may be necessary to set timeframes for information to be supplied to ensure appropriate behaviour supports provision of information to intermediaries.

Electronic logbooks

GrainGrowers supports:

- Expansion of the scheme's coverage to include a vehicle's repair and maintenance history in the definition of the scheme information.
- Imposition of an obligation on data providers to make available to Australian repairers the ability to update a vehicle's repair and maintenance history.

- Information remaining linked to individual agricultural machinery to provide an historic record of maintenance and repairs, as occurs for motor vehicles.

Scheme prices

GrainGrowers supports mandating the quoting of scheme information pricing in Australian dollars, and recommends Treasury considers further:

- Whether Proposal 8 does not inadvertently restrict transparent assessment for scheme information that may not exist overseas.
- Any requirements for appropriate measures being put in place to ensure that scheme prices are not influenced by demand pressures that may provide opportunity to unfairly increase or decrease scheme information prices.

Supply periods and timeframes

GrainGrowers supports a minimum period for information being made available, including when there is an accompanying supply of hardware, and that better balances the interests of repairers and agricultural machinery owners including through:

- Enabling appropriate timeframes for repairers to undertake required diagnostic and repair works.
- Retaining affordable scheme information being readily available.
- Adjusting for any operational constraints (including those related to location).

Access to security information

GrainGrowers supports timely access to security information, so long as safeguards are implemented to protect the integrity and security of data and the rights and privacy of agricultural machinery owners as is necessary to support works relating to the provision of security information.

Scheme governance

GrainGrowers supports governance arrangements for the scheme that:

- Enable monitoring of the scheme's operation and its efficacy.
- Reduce regulatory and administrative burden without compromising the integrity or function of the scheme.
- Effective administration of the scheme and its enforcement, including the ACCC having appropriate enforcement powers and capabilities.
- Support the inclusion of additional classes of vehicles that should be included under the scheme, and any other changes to the scheme to ensure it remains fit-for-purpose over the longer-term.
- Ensure transparency of price information and operation of the scheme's objectives to provide increased competition, reduced repair costs, and improved choice of repairers and accessibility to agricultural machinery maintenance and repair services.
- Provide appropriate safeguards to consumers and support their rights across all elements of the scheme.

Scheme enforcement

GrainGrowers supports enforcement of the scheme, including:

- Protection being provided to Australian repairers and scheme RTOs by prohibiting scheme offers containing prohibited terms and conditions and that restrict access to necessary repair information.
- Clarification being appropriate provided bundling is not used to force unnecessary purchases, increase information prices, or to restrict competition.

Other considerations

Expansion of Australia's right to repair law to agricultural machinery, and subsequent improvements to the scheme, must not inadvertently increase the cost of agricultural machinery repairs and maintenance (including through market distortion or similar effects).

INDUSTRY SNAPSHOT



There are **24,000** grain farm businesses in Australia¹



>34,000 employed by Australian grain farms, with thousands more in the value chain & services²



Agricultural businesses manage **49%** of Australia's landmass, cropping **31 million hectares**³



57.3 million tonnes of grain, oilseeds and pulses are grown each year (in the 5 years to 2023-24)⁴



Grain farmers' estimated contribution to the Australian economy **\$23 billion** GVP each year (in the 5 years to 2023-24)⁵



Australian farms provide **88%** of our domestic food supply⁶



Grain growers contributed **\$225.3 million** to research, development and extension through industry levies in 2023-24⁷



\$19.8 billion in Australian grain, oilseed and pulse export earnings each year (in the 5 years to 2023-24)⁸



Only **2.3%** agricultural support given to Australian farmers as a share of gross farm receipts (compared to OCED average of 13.7%)⁹

PART A: AGRICULTURAL MACHINERY AND THE RIGHT TO REPAIR

The scope of agricultural machinery

GrainGrowers supports the proposed scope of agricultural machinery and considers it appropriately broad to capture modern agricultural machinery used in farm operations, and seeks that Treasury ensures the scope captures:

- Agricultural implements that attached to a vehicle, as well as autonomous machinery and connected precision agriculture equipment, manufactured from 1990 onwards with a pathway to include machinery manufactured earlier where feasible.
- Retrofitted digital systems installed on older machinery.
- Automated Driving System machines due to the use of this technology on critical agricultural machinery.
- All agricultural machinery that meets the proposed scope regardless of purchase price (i.e. no lower or upper purchase value) due to the criticality of this equipment to agricultural production.

Improved consumer outcomes from expanded scope will be derived from:

- Expanded scope to capture all relevant agricultural machinery utilised in farm operations.
- Improved competition among servicers and repairers, with:
 - o Reduced retail prices for spare parts and repair services, which the Productivity Commission reported to be approximately three to six times higher than those on original equipment sales for dealerships⁴.
 - o Easier access for independent repair businesses to the market, and flow-on employment opportunities and regional economy benefits.
- Productivity gains, through:
 - o Reduced machinery downtime with proportionate productivity increases during critical planting and harvesting periods.
 - o Support for higher farm incomes resulting from productivity gains and price effects realised from improved competition.
- Improved consumer outcomes.

GrainGrowers recommends that Automated Driving System (ADS) information be included in the scheme to support right to repair laws extending to the maintenance and repair of the machine that utilises the technology. GrainGrowers further recommends that Treasury considers application of the *Australian Farm Data Code*⁵ or similar, to extend protections to machinery owners to ensure they maintain control of their data and that it is appropriately protected.

⁴ Productivity Commission, *Right to Repair*, (Inquiry Report No 97, December 2021), 135

⁵ National Farmers Federation, *Australian Farm Data Code*, (Edition 1, February 2020).

Access to scheme information

GrainGrowers supports the proposal for access to scheme information for independent repairers and appropriately qualified personnel, and recommends arrangements:

- Support and ensure competition in the maintenance and repair market for agricultural machinery, by enabling access to scheme information by suitable and qualified persons for purposes that support the maintenance and repair of agricultural machinery.
- Do not restrict practical access to support right to repair.
- Contain restrictions only as required to ensure a suitable person is able to conduct repairs and/or maintenance on agricultural machinery, and that scheme information is used only as intended and is appropriate.
- Support repairers and Registered Training Organisations to access and utilise scheme information with the objective of reducing maintenance and repair costs through increased competition and consumer choice.
- Support consumers' knowledge and comprehension of arrangements in easy-to-understand formats that provide appropriate consumer protections related to the information captured and utilised in maintenance and repair of agricultural machinery.

Using scheme information

GrainGrowers supports the proposed approach to the modification of agricultural machinery, in particular measures that prevent unsafe or unlawful modifications, and recommends:

- Legitimate repairs or interoperability modifications should not be restricted if they are not unlawful.
- Unauthorised modifications being limited only to those that compromise safety systems, emissions compliance, or cybersecurity protections.

PART B: THE MOTOR VEHICLE INFORMATION SHARING SCHEME

Safety information

GrainGrowers supports the scheme reducing regulatory burden associated with the treatment of scheme information only when safety obligations are maintained and safeguards are implemented to uphold safety. This includes safety information being easily identifiable as required to support agricultural machinery repair and maintenance works.

Intermediaries

GrainGrowers supports the proposal to enable greater access to scheme information for intermediaries, noting that the scheme should provide:

- Information that is accessible and in a format that supports efficient and effective use.
- Information being supplied in an efficient, timely and affordable manner.
- Appropriate safeguards for confidentiality protections and other cybersecurity measures.
- Transparent pricing arrangements that do not exceed fair market value.
- Explicit recognition of remote service providers and remote diagnostics.

Treasury should ensure that any proposal deters actions being undertaken that may not see information provided to intermediaries in a timely manner, although supply may meet timeframe requirements of the scheme. It may be necessary to consider setting timeframes for information to be supplied to overcome this potential risk.

Electronic logbooks

GrainGrowers supports expansion of the coverage of the scheme to include vehicle's repair and maintenance history in the definition of the scheme information, and imposition of an obligation on data providers to make available to Australian repairers the ability to update a vehicle's repair and maintenance history.

Benefits of expanding the scheme will be realised through the information remaining linked to individual agricultural machinery, so as to provide an historic record should the machine be sold on the second hand market. This will provide benefit to the scheme by ensuring flow-through of maintenance and repair records for the life of individual machines, as occurs for motor vehicles.

Scheme prices

GrainGrowers supports mandating the quoting of scheme information pricing in Australian dollars. This would provide stabilisation of prices without exchange rate fluctuations, and would also provide improved transparency with comparable overseas schemes.

Treasury should consider whether proposal 8: *Enable scheme information does not exceed fair market value by enabling consideration of the price of information supplied overseas only where that information is available under*

a similar scheme does not inadvertently restrict transparent assessment for scheme information that may not exist overseas. Further information on potential risks would be beneficial to determine what may be appropriate for Treasury to recommend implementing in Australia on this matter.

It should also be considered by the Treasury that there are appropriate measures in place to ensure that scheme prices are not influenced by demand pressures that may provide opportunity to unfairly increase or decrease scheme information prices. For example, the scheme prices should not increase during harvesting when there may be a spike in service requirements. Similarly, scheme prices should not increase during periods of lower agricultural machinery use, for example, during poor seasonal conditions where planting may be reduced in parts of Australia. Regional accessibility should also be equitable in terms of scheme pricing.

Supply periods and timeframes

GrainGrowers supports a minimum period for information being made available, including when there is an accompanying supply of hardware, and that better balances the interests of repairers and agricultural machinery owners including through:

- Enabling appropriate timeframes for repairers to undertake required diagnostic and repair works.
- Retaining affordable scheme information being readily available.
- Adjusting for any operational constraints, for example: geographical service-based provisions that may need to be accounted for; extended delivery delays due to remote locations; or variations in regional public holidays when accounting business days for time periods.

Access to security information

GrainGrowers supports timely access to security information, so long as safeguards are implemented to protect the integrity and security of data and the rights and privacy of agricultural machinery owners as is necessary to support works relating to the provision of security information.

The benefits from these settings for access to security information will likely include faster response times to support maintenance and repairs being undertaken in a timely manner, which will reduce downtime subsequently increasing productivity, and lower repair costs. Systems that support access to security information should support remote operations and consumers' access to repairs in areas where there is limited presence of agricultural machinery repairers.

Scheme governance

GrainGrowers supports governance arrangements for the scheme that:

- Enable monitoring of the scheme's operation and its efficacy.
- Reduce regulatory and administrative burden without compromising the integrity or function of the scheme.
- Effective administration of the scheme and its enforcement, including the ACCC having appropriate enforcement powers and capabilities.
- Support the inclusion of additional classes of vehicles that should be included under the scheme, and any other changes to the scheme to ensure it remains fit-for-purpose over the longer-term.
- Ensure transparency of price information and operation of the scheme's objectives to provide increased competition, reduced repair costs, and improved choice of repairers and accessibility to agricultural machinery maintenance and repair services.
- Provide appropriate safeguards to consumers and support their rights across all elements of the scheme.

Scheme enforcement

GrainGrowers supports enforcement of the scheme, including:

- Protection being provided to Australian repairers and scheme RTOs by prohibiting scheme offers containing prohibited terms and conditions and that restrict access to necessary repair information.
- Clarification being appropriate provided bundling is not used to force unnecessary purchases, increase information prices, or to restrict competition.

Other considerations


GrainGrowers acknowledges the comprehensive considerations undertaken by the Australian Government to develop this discussion paper, and to implement Australia's first right to repair laws. It is essential for the success of these laws and the expanded elements of the scheme, that Government and industry closely monitor implementation to analyse realisation of right to repair objectives.


Expansion of Australia's right to repair law to agricultural machinery, and subsequent improvements to the scheme, must not inadvertently increase the cost of agricultural machinery repairs and maintenance (including through market distortion or similar effects).



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