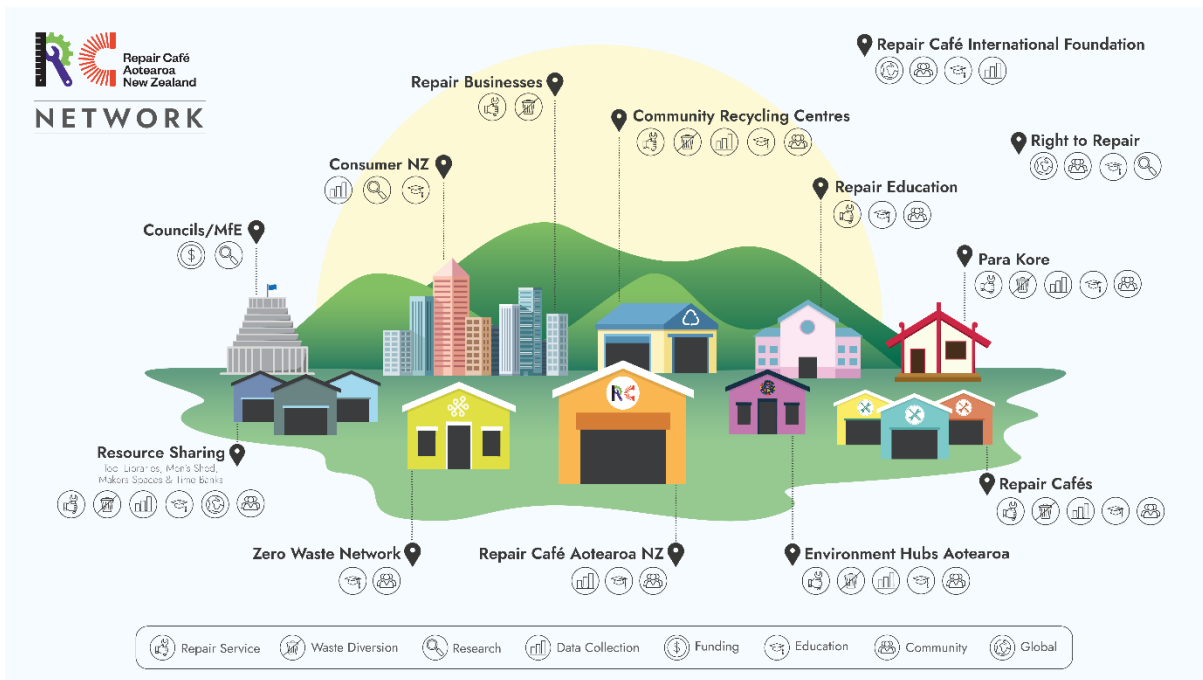




**Repair Café Aotearoa New Zealand submission on *Te kawae i haepapa para: Taking responsibility for our waste* consultation document**

**About Repair Café Aotearoa NZ (RCANZ):** The international repair café movement was started by Martine Postma in 2009 in the Netherlands. The first New Zealand repair café is believed to have been held by Project Lyttelton in Diamond Harbour in 2013. However, they only gained traction in New Zealand from 2016 with many regular events being held in Auckland. RCANZ grew out of Repair Café Auckland (2017/19) and comprises members from different parts of New Zealand with various backgrounds. RCANZ launched officially on International Repair Day on 16th October 2021. There are currently about 34 [repair cafés in Aotearoa](#), with more in the set-up stage, including repair cafes at marae and Māori organisations. RCANZ is part of the Zero Waste Network and is working with Para Kore to develop a Te Tiriti framework. RCANZ is embedded in a network of not only Zero Waste community organisations, but also the industry sector, Consumer NZ, educational institutions, local councils and government agencies. RCANZ'S main purpose is to grow a repair culture in Aotearoa and support local volunteer and business repair networks in running community repair events.



**Introduction to submission:**

RCANZ would like to tautoko the submissions of Para Kore (especially with regard to a Te Tiriti approach to waste), the Zero Waste Network, and those of the WasteMINZ' Behaviour Change and Product Stewardship Sector Groups.

This submission focuses on those questions relevant to the Right to Repair and product stewardship.

**Questions 1-7: Approach, vision, stages, timings and priorities**

We agree that changes to how we manage waste in Aotearoa are well overdue. We wouldn't need to advocate for right to repair measures if our economic model rewarded those businesses who ensure their products are durable, reusable, repairable, recyclable and made from recycled content. RCANZ supports calls by other submitters for the need to draw on the founding document of Aotearoa – Te Tiriti o Waitangi - to provide direction for how to recognise and honour the indigenous knowledge of Aotearoa. RCANZ endorses the Collective Māori Voice Waste Submission by Para Kore to the Ministry for the Environment. It is paramount that all decisions regarding models to underpin Aotearoa's zero-waste, net zero carbon transformation are made through a Crown-Māori partnership.

RCANZ also believes regulatory levers such as mandatory product stewardship and right to repair are needed urgently to reverse New Zealand's track record in waste generation. These tools will move Aotearoa from an economy where durable, repairable items are rare and sold at a premium, and where repair services are difficult to find and expensive, to an economy where repair is the default over replacement and durable and repairable items are available to everyone, regardless of where they live or their income.

RCANZ believes action is needed urgently and therefore the regulatory levers that will transform the way we manage waste to a system where we prevent the creation of waste needs to be completed in stage 1.

As a priority, the government needs to shift the responsibility for reducing waste from consumers to the producers. This is most effectively achieved through regulated mandatory product stewardship and Right to Repair measures that require products to meet durability and repairability criteria in order to be sold in NZ. This scheme would require a clear repairability index such as the one recently introduced in France.<sup>1</sup>

In addition, we believe there needs to be more ongoing central or local government financial support for repair cafés and other community groups and initiatives to ensure:

- repair and maintenance skills are not lost;
- repairable items are kept out of landfill; and
- free access to repair services.

Repair cafés are run by volunteers who can experience volunteer burnout. We have received feedback from a number of repair café organisers who are passionate about their community contributions, but would like to receive some financial compensation to cover costs such as venue hire, tools, utilities etc.

Some councils are proactive at funding repair cafés (such as Nelson City Council's new fund specifically for repair cafés or repair activities)<sup>2</sup>, but this is rare.

One of the goals of RCANZ is to develop regional repair service networks and directories, which can include repair cafés, repair businesses, educational and council services, as well as Resource Recovery Centres and more. This will allow for easy access of repair for the community and assist in preventing stuff going to landfill.

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<sup>1</sup> <https://www.ecr-community.org/implementing-the-reparability-index-in-france/>

<sup>2</sup> <http://www.nelson.govt.nz/services/rethink-waste/waste-minimisation-grants/grants-for-repair-cafes-and-other-repair-activities/>

Central and local government agencies proactively supported repair café activities, such as via Kāinga Ora, schools, prisons, community hubs, to truly transform our economy from a linear toward a circular and regenerative model.

### Questions 26- 28: Improving legislative support for product stewardship schemes

RCANZ supports mandatory, regulated product stewardship schemes rather than voluntary schemes which are not as effective and enable free-loaders to take no responsibility for the waste they create. We believe regulated product stewardship schemes and Right to Repair measures are complementary and Right to Repair can be built into product stewardship schemes through this regulation.

### 32 Would you like to see more legal requirements to support products lasting longer and being able to be repaired?



The need for Right to Repair legislation is, sadly, urgent. The lifespan<sup>3</sup> and repairability of common household items has steadily declined over the past century. One study found that the share of large household appliances that had to be replaced within the first five years of use grew from 7% of total replacements in 2004 to 13% in 2013. A study from the Netherlands showed that the lifespan of electronic products declined over a 5-year period, sometimes by as much as 10%.<sup>4</sup>

There are a few reasons for this which all broadly fit under the term planned obsolescence. Some of these are directly related to manufacturing, such as:

<sup>3</sup> [www.theguardian.com/environment/2015/mar/03/lifespan-of-consumer-electronics-is-getting-shorter-study-finds](http://www.theguardian.com/environment/2015/mar/03/lifespan-of-consumer-electronics-is-getting-shorter-study-finds)

<sup>4</sup> [www.researchgate.net/publication/236838736\\_The\\_Dutch\\_WEEE\\_Flows/link/00b7d5194a0ad7332a000000/download](http://www.researchgate.net/publication/236838736_The_Dutch_WEEE_Flows/link/00b7d5194a0ad7332a000000/download)

- the incorporation of sophisticated technology that increases the cost and complexity of repairs<sup>5</sup> (meaning people may just replace items rather than getting them repaired);
- information that is required to diagnose a fault increasingly being digital, embedded into the product itself and held behind ‘digital locks’, requiring passwords or special tools to bypass;
- manufacturers being the main and sometimes only provider of repairs for their products. In countries such as New Zealand repair services may not be offered by the manufacturer; and
- brands not allowing older models to be updated with software, or, deliberately or not, software updates slowing down older models to the point where the owner gives up and “upgrades” to a newer and faster model.<sup>6</sup>

Planned obsolescence can also include psychological measures, such as:

- the frequent release of new models of a phone or a vacuum cleaner along with a lot of hype, that makes some people feel the need to upgrade to the next model; and
- the cost of consumables (such as printing ink) being more expensive than a new printer or the cost of a new screen being more expensive than the phone cost making repair not seem worth it.

There are arguments that planned obsolescence is not always a deliberate policy but is an attempt by manufacturers to produce what consumers want – ie cheaper products. However, it is the opinion of the RCANZ that any design that does not take into the durability and repairability of an item before they put it on the market is guilty of planned obsolescence, and this needs to be changed so that once again we have a repair culture in Aotearoa.

To quote from Ifixit (USA-based Right to Repair advocates):

- Repair is freedom
- Repair creates (local) jobs
- Repair is sustainable



The aim of Repair Café Aotearoa NZ is to provide skills and knowhow, access to repair services and build community resilience/ wellbeing. Repair cafés all over the world are doing a fantastic job at this. However, they are being stymied by badly designed products that are not made to be repaired. A recent article about repair cafés in Australia demonstrated this with the example of a repair café team managing to fix 77 of 127 items at eight events but being unable to fix the remaining items

<sup>5</sup> [www.pc.gov.au/inquiries/completed/repair/report](http://www.pc.gov.au/inquiries/completed/repair/report)

<sup>6</sup> <https://www.theguardian.com/technology/2020/mar/02/apple-iphone-slow-throttling-lawsuit-settlement>.

because they were of such poor quality. Another example is Auckland Council's on-property, booked inorganic collection service which is designed to maximise recovery of large household items that are no longer required through a two-pass system. The first pass allows collectors to recover anything that still has a value and is made available to community repairers, second-hand good traders, or for parts to be redistributed or recovered. Everything that can't be recovered is sent to landfill. Due to the low quality of products people discard, only around 19-22% of goods are currently recovered.<sup>7</sup>

Australia's Productivity Commission recently released a report on Right to Repair<sup>8</sup> that recommended changes to Australia's consumer and copyright laws. The report found there are "significant and unnecessary barriers" to repairing some products, and that repairs to consumer products were becoming increasingly difficult or even impossible resulting in "costly and wasteful outcomes" for the community (page 2). The report states that:

"Good product design, the reuse of materials that would otherwise end up in landfill, and greater awareness of consumer rights and responsibilities can all play a part in reducing harm to the environment caused by the needless disposal of products that are no longer desired," (page 3).

The report also states that inquiry participants raised concerns that product manufacturers are using their strong position in the repair markets for their products to impede access to repair supplies. Examples included:

- 82 per cent of submissions to the inquiry related to manufacturers refusing to provide repair supplies to anyone outside their authorised network; and
- less commonly, other inquiry participants noted that some manufacturers will sell repair supplies to any purchaser, but set their prices prohibitively high ('margin or price squeezing') or only sell the necessary repair supplies with other repair services or products ('tying' or 'bundling').

Right to Repair measures can help Aotearoa New Zealand move to an economy where natural resources are not exploited, items are made to last and to be repaired and then recycled when they can no longer be repaired. To fundamentally change from a throwaway culture to one where resources and products are valued and maintained we need:

- the right systems and infrastructure to ensure that everyone, regardless of their values and economic situation, can easily access repairable, durable items. Right to Repair legislation needs to ensure design for repairability, access to spare parts and manuals, use of common tools and repairs can be carried out by all repairers and (as long as safety is not compromised) by consumers;
- the skills and know-how so we can maintain and repair items, so they last longer. Starting with encouraging tinkering, these skills could be taught in educational settings and community initiatives such as funded repair cafés and makerspaces;
- a change in societal norms. Currently consumers have low expectations about the lifespan of appliances and even furniture. Experience has led them to believe that a kettle or toaster will only last 4 or 5 years. Experience has also dissuaded people from getting items repaired

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<sup>7</sup> Information from Auckland Council, as submitted in WasteMINZ' Product Stewardship Sector Group submission to the waste strategy consultation.

<sup>8</sup> <https://www.pc.gov.au/inquiries/completed/repair/report>

because they have been told too many times it cannot be fixed, or it is cheaper to replace.<sup>9</sup> These expectations and societal norms will change once the systems/infrastructure are in place and skills and know-how have been enhanced.

RCANZ is advocating (through the Make it our Right to Repair petition<sup>10</sup>, launched through Greenpeace and an Open Letter to Minister Parker) for the New Zealand Government to implement Right to Repair measures. The main points of the petition and open letter are included and expanded on here:

### **1. Pass laws that require products to last longer and be easier to repair**

Aotearoa New Zealand is behind many countries in the world when it comes to protecting the Right to Repair in law. We call on the government to look to the best overseas examples of Right to Repair laws and pass our own laws in a short space of time, to ensure that products put on the market in New Zealand meet basic standards of durability and repairability. Achieving good outcomes for repair requires changes to education, to consumer law, copyright law and waste minimisation law.

Right to Repair regulations will need to apply to specific products (for example, in the EU large appliances have requirements to be made to last for at least 10 years), be able to be repaired by all technicians (not just authorised ones) and have spare parts and manuals also available for 10 years. RCANZ believes that Right to Repair should apply to all electronic products that are in scope for the proposed regulated product stewardship scheme. Even for products such as batteries where repair is not possible (as far as we know), there could be durability requirements. As new regulated product stewardship schemes are developed for other products, Right to Repair measures could be applied to them. For example, textiles, mattresses, and furniture.

Laws need to ensure that spare parts are made available, and that independent repairers and consumers have access to the tools and information needed to fix broken items for a defined period of time. To make repair accessible to all brands must stop requiring their products to only be repaired by an authorised repairer, with proprietary tools. Technology protection measures (TPM) must also be addressed as these “digital locks” can prevent the repair of products.

We also ask that the government promote circular product design and repair across the education sector, to ensure students are learning skills and mindsets to create sustainable technologies.

### **2. Take action to make repair services accessible and affordable for everyone**

We call on both central and local government to ensure equitable access and availability of repair services in communities across Aotearoa. In particular, actively supporting the growth of both for-profit and community-based repair services and introducing reliable funding mechanisms for these businesses and organisations. This will ensure that all communities have access to repair (and as noted above, public sector agencies could ensure harder to reach communities have access to them) and remove cost of repair as a barrier. Research has shown that consumers are more likely to replace an item than get it repaired if the cost of repairing it is more than 20% of the replacement cost.<sup>11</sup>

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<sup>9</sup> Jonathan Chapman (2021) *Meaningful Stuff*. MIT Press.

<sup>10</sup> <https://community.greenpeace.org.nz/petitions/make-it-our-right-to-repair>

<sup>11</sup> Stanzi Litjens, Ildiko Matrai & Dora Varga “Warranty and Repair: The Obstacles for the Repair and Refurbishment of Electronics - With a Focus on Warranty” in International Institute for Industrial Environmental Economics (2018) *Dare to Repair. Exploring open repair to keep critical materials in the loop* (Lund: IIIIEE), p.13.

Good tools for this job could include: targeted waste levy funding, subsidies for repair, providing free or low-cost physical spaces in cities and towns for repair hubs, and making sure that product stewardship schemes cover the costs of repair, as well as recycling. However, the price of repair should become more competitive once it is normalised and more services are available.

### **3. Ensure consumers have access to information on product repairability and durability**

When purchasing products in Aotearoa, it can be difficult to tell whether a product is good quality or easily repairable, due to a lack of information.

We call on the government to support Consumer NZ in developing a labelling or certification scheme to be displayed on key products, such as electronics, furniture and textiles, so consumers know how long a particular product is expected to last and producers start to design goods to meet new expectations regarding durability and repairability. Consumer NZ has already indicated it will now only recommend products that are built to last and can be repaired.<sup>12</sup>

We would like to see Aotearoa adopt a 'repairability index' (similar to the French one) so that people can see how easy it is to get an item repaired before they buy it. This could be turned into a Consumer NZ recommends sticker for products they do recommend.

### **4. Require producers to offer spare parts and repair services**

There is also the need for other government agencies to amend legislation to support Right to Repair. Under the Consumer Guarantees Act manufacturers need to provide spare parts and access to repair services for their products. However, if they let the consumer know at the point of sale that there are no spare parts or repair services then they can opt out of this provision. We urge the government to amend the Consumer Guarantees Act so that no manufacturer can opt out of this and encourage retailers and brands to foster a culture of repair first.

We also advocate for changes to the Copyright Act to ensure anyone that bypasses TPMs to make repairs cannot be sued for breach of copyright because ongoing challenges from brands have been repeatedly put up against right to repair legislation that claim intellectual property rights will be breached if right to repair measures proceed.

### **5. Compliance considerations**

If Right to Repair measures are implemented and products sold in NZ are required to be durable and repairable compliance measures will be needed and penalties imposed for breaches. We recommend that funding be provided for an organisation to undertake investigation of suspected incidences of planned obsolescence in, such as Consumer NZ as this fits in well with their existing work programme. In France producers who purposely built in obsolescence are investigated and face heavy fines or even imprisonment if found guilty.<sup>13</sup> This legislative framework enabled the French Government to prosecute Apple for deceitful practice for failing to inform consumers that updating iPhones may lead to older models slowing down.<sup>14</sup> The New Zealand government needs to ensure any Right to Repair measures are supported by pro-active monitoring and compliance and not left up to consumers to make a complaint to the Commerce Commission.

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<sup>12</sup> <https://www.rnz.co.nz/news/business/457548/consumer-nz-to-test-products-for-sustainability-and-repairability>

<sup>13</sup> <https://buymeonce.com/blogs/articles-tips/interview-france-fight-planned-obsolescence>

<sup>14</sup> <https://www.loc.gov/item/global-legal-monitor/2020-02-28/france-watchdog-agency-fines-apple-for-deceitful-practice/>

## **Next Steps**

RCANZ commends the government for including Right to Repair proposals in this consultation document. We fully support this inclusion and would like to be consulted on this as it is developed further.