

DRAFT FOR CONSULTATION

Consumer Guarantees (Agricultural Equipment Repair Information) Amendment Bill

Member's Bill

Explanatory note

General policy statement

Agricultural machinery is increasingly advanced, but manufacturers often restrict access to essential repair tools and software, forcing consumers to use authorised dealers. This leads to higher costs, delays, and inefficiencies, particularly during critical farming periods. This Bill seeks to provide the right to access diagnostic codes, software, and repair information, allowing consumers of these goods to fix their own equipment or use independent technicians.

In the United States, restrictions imposed by manufacturers like John Deere have sparked a major right to repair movement. Farmers and independent mechanics have pushed for legislation, leading to proposals like the Agricultural Right to Repair Act and Federal Trade Commission actions against monopolistic practices in agricultural equipment repair. Other jurisdictions are also adopting similar reforms to promote competition and consumer rights in the agricultural sector.

Labour believes in restoring farmers' autonomy, reducing their repair costs, minimising downtime, and ensuring fair competition and greater efficiency in the industry. By aligning New Zealand with global efforts to uphold the right to repair, it will empower farmers, strengthen rural economies, and promote sustainable farming.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause and provides for this Bill to come into force on the day after Royal assent.

Clause 3 states that the Bill amends the Consumer Guarantees Act 1993.

Clause 4 and the *Schedule* provide for transitional matters.

Clause 5 inserts *new section 12A* that sets out an additional guarantee that applies to manufacturers of agricultural equipment. The new guarantee requires that these manufacturers ensure that consumers have reasonable access to equipment repair services for repair of agricultural equipment by requiring that certain information and parts be made available to persons providing equipment repair services.

Clause 6 amends section 14 of the Act to ensure that an express guarantee provided by a manufacturer cannot require a consumer to use only a person authorised by the manufacturer to provide equipment repair services.

Clause 7 amends section 25 of the Act to include non-compliance with the guarantee set out in *new section 12A* in the list of circumstances that gives a consumer a right of redress against a manufacturer.

Clause 8 inserts a *new Schedule 1*, which provides for transitional matters.

Hon Jo Luxton

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Consumer Guarantees (Agricultural Equipment Repair Information) Amendment Act **2025**.

2 Commencement

This Act comes into force on the day after Royal assent.

3 Principal Act

This Act amends the Consumer Guarantees Act 1993.

4 New section 2A inserted (Transitional, savings, and related provisions)

After section 2, insert:

2A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in **Schedule 1** have effect according to their terms.

5 New section 12A inserted (Guarantee as to availability of agricultural equipment repair information)

After section 12, insert:

12A Guarantee as to availability of agricultural equipment repair information

- (1) Where agricultural equipment is first supplied to a consumer in New Zealand (whether or not that supply is the first-ever supply of the equipment), there is a guarantee that the manufacturer will, for a reasonable period after the equipment is supplied, take reasonable action to ensure—
 - (a) that consumers have reasonable access to repair services for repair of the equipment by providing, upon request, the most recent version of any information, software, and other tools that the manufacturer uses for diagnosing, maintaining, or repairing that equipment to persons who provide equipment repair services to consumers; and
 - (b) supplies of parts for the equipment are reasonably available to persons who provide equipment repair services to consumers.
- (2) For the purpose of **subsection (1)**, it does not matter whether the person providing equipment repair services does so in trade or otherwise.
- (3) A manufacturer may charge the person providing equipment repair services a reasonable fee to recover the costs of providing information, parts, software or other tools under this guarantee.
- (4) The provision of information, parts, software, and other tools under this section does not limit or affect any intellectual property rights in the information, parts, software, and other tools.
- (5) Part 3 gives the consumer a right of redress against the manufacturer where the agricultural equipment fails to comply with the guarantee in this section.
- (6) In this section, **agricultural equipment**—

- (a) means equipment that is designed primarily for use in the cultivation of the soil for the production of food products or other useful products of the soil; and
- (b) includes equipment that is used for horticultural or pastoral purposes, including the keeping of livestock, bees, or poultry.

6 Section 14 amended (Provisions relating to manufacturers' express guarantees)

After section 14(3), insert:

- (4) Any provision in an express guarantee to which this section applies has no effect to the extent that it purports to require a consumer to use only a person who provides equipment repair services authorised by the manufacturer (*see section 12A*).

7 Section 25 amended (Circumstances where consumers have right of redress against manufacturers)

After section 25(c), insert:

- (ca) the goods are agricultural equipment and the manufacturer fails to comply with the guarantee as to availability of equipment repair information set out in **section 12A**:

8 New Schedule 1 inserted

Insert the **Schedule 1** set out in the **Schedule** of this Act as the first schedule to appear after the last section of the principal Act.

Schedule
New Schedule 1 inserted

s 8

Schedule 1
Transitional, savings, and related provisions

s 2A

Part 1
Provisions relating to Consumer Guarantees (Agricultural
Equipment Repair Information) Amendment Act 2025

1 Transitional matters

- (1) This Act, as amended by the amendment Act, applies in relation to goods supplied after the commencement date.
- (2) This Act, as in force before the commencement date, continues to apply in relation to any goods supplied before the commencement date.
- (3) In this clause,—

amendment Act means the Consumer Guarantees (Agricultural Equipment Repair Information) Amendment Act **2025**

commencement date means that date on which the amendment Act comes into force.