

**House of Representatives**

**Amendment Paper**

**Consumer Guarantees (Right to Repair) Amendment Bill**

*Proposed amendments*

Hon Marama Davidson, in Committee, to move the following amendments:

*Clause 5*

In *clause 5*, before *new section 12* (page 2, before line 10), insert:

**12AAA Guarantee as to repairs and spare parts: non-specified goods**

- (1) Subject to section 41, where goods other than specified goods are first supplied to a consumer in New Zealand (whether or not that supply is the first-ever supply of the goods), there is a guarantee that the manufacturer will take reasonable action to ensure that facilities for repair of the goods and supply of parts for the goods are reasonably available for a reasonable period after the goods are so supplied.
- (2) Part 3 gives the consumer a right of redress against the manufacturer where the goods (other than specified goods) fail to comply with the guarantee in this section.
- (3) In this section, **specified goods** has the meaning given in **section 12(8)**.

In *clause 5*, heading to *new section 12*, after “**spare parts**” (page 2, line 10), insert “: **specified goods**”

In *clause 5*, *new section 12(1)*, replace “Where goods are” (page 2, line 11) with “Where specified goods are”.

In *clause 5*, *new section 12(2)*, before “goods” (page 2, line 23), insert “specified”.

In *clause 5*, *new section 12(7)*, before “goods” (page 3, line 7), insert “specified”.

In *clause 5*, after *new section 12(7)* (page 3, after line 7), insert:

- (8) In this section,—

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**specified goods—**

- (a) means any good that uses, or is designed or intended to use, electricity (whether or not it also uses, or is designed or intended to use, any other form of energy); but
- (b) does not include goods that—
  - (i) cost less than \$100 (including GST); or
  - (ii) are designed for use on 1 occasion only; or
  - (iii) are ships, aircraft, or vehicles (other than wheelchairs, mobility scooters, or other mobility devices); or
  - (iv) are goods or are of a class of goods declared not to be specified goods by regulations made under **section 47A**.

*New clause 9A*

After *clause 9* (page 3, after line 34), insert:

**9A New section 47A and cross-heading inserted**

After section 47, insert:

*Regulations*

**47A Regulations**

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations declaring any goods or classes of goods not to be specified goods.
- (2) The Minister may recommend the making of regulations under this section only if the Minister is satisfied that it is unduly onerous or burdensome or unworkable for the goods or class of goods to be treated as specified goods.
- (3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (4) In this section,—

**Minister** means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

**specified goods** has the meaning given in **section 12(8)**.

**Explanatory note**

This Amendment Paper amends the Consumer Guarantees (Right to Repair) Amendment Bill to limit the expanded right to repair to electronic devices that are worth less than \$100, are not single use, are not ships, aircraft, or vehicles (other than wheel-

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chairs and mobility scooters), and are not any other good that the Minister has determined should be excluded by regulation.