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Articles

A range of legal issues, practical barriers and business models makes it difficult for consumers to repair goods they own. Manufacturers play a significant role in preventing and obstructing repair including by designing products with short lives (planned obsolescence) and making them difficult to repair. In addition, manufacturers routinely fail to make spare parts available or make them available at exorbitant prices; prevent the release of information or tools necessary for repairs; and attempt to prevent unauthorised repairers from repairing goods. The issues related to developing a right to repair are broad and require more than simply strengthening consumer law. Reform of intellectual property laws and other measures, including a point-of-sale labelling regime providing information on durability and repairability are also required. Many jurisdictions, including the UK, France, Australia and some states in the US, have recognised action is necessary and are actively working toward or have passed right to repair legislation. In New Zealand, the Ministry of the Environment is formulating right to repair legislation, yet such legislation is unlikely to address the majority of the issues. This article makes the case for why a right to repair law is required in New Zealand, which includes being necessary for the move to a circular economy. The article identifies the barriers and gaps in existing laws in New Zealand, including consumer law, explores New Zealand and international developments on the right to repair and makes recommendations for an effective right to repair in New Zealand.

This article explores developments in consumer law and practice in Japan as an important area that has not seen much comparative scholarship in Western languages despite significant developments over the last 10–20 years. The article connects developments to broader debates about the nature of contemporary Japanese law and society, as well as the trajectory of consumer law more generally, by mainly comparing Australia although other jurisdictions are also discussed. The comparative analysis first explains the persistent problems around consumer redress. It then focuses on issues and reforms in consumer affairs administration, including the functions of reforming and enforcing consumer laws, the relationship with competition law concepts and regulators, and the relationship between consumer affairs regulators and other government agencies or stakeholders. The article then examines developments in consumer product safety law and contracts, including new challenges from e-commerce and digital technologies, before drawing conclusions reiterating the usefulness of socio-legal comparisons of consumer law.