

Making planned obsolescence obsolete – the role of law in challenging overconsumption

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Abstract

A recent study published in the Journal of Industrial Ecology concluded that household consumption is responsible for up to 60% of global greenhouse emissions and between 50-80% of total land, material and water use.ⁱ Despite the plethora of scientific and social studies condemning unsustainable consumption as a cause of the current ecological crisis, industrialised societies continue to promote increased consumption as a vital element of economic growth.

A critical element of overconsumption is ‘planned obsolescence’ – a deliberate economic and industrial design strategy that shortens the functional lifespan of products, to ensure consumers need to keep buying more goods. In this paper I will provide an overview of the concept of planned obsolescence and the environmental impacts of this industrial policy. I will then provide an overview of how regulatory strategies are being used in Europe to reduce planned obsolescence and foster greater responsibility for long life products, by supporting the circular economy. I will then provide an update on how consumer law legislation in Australia provides some opportunity for consumers to demand durable products, but how, overall, Australian regulatory frameworks do not yet effectively address planned obsolescence.

In the final part of my paper, I will propose how planned obsolescence can be addressed in Australia by adopting an interdisciplinary framework; regulating the design and manufacture of products as well as the sale of products and situating the issue within the broader context of Earth jurisprudence, or Earth centred governance.

BIOGRAPHY

Annabelle is passionate about exploring how the law can influence our global community to live within its planetary boundaries.

Annabelle practices as a solicitor advising traditional owners of Cape York Peninsula, Queensland about the management of environmentally protected areas and indigenous freehold tenure. Her previous work includes:

- litigating and negotiating matters involving:
 - native title in the Torres Strait and Cape York Peninsula;
 - traditional land claims in Belize;
 - planning and environmental law; and
- researching the impacts of:
 - carbon farming legislation on native title holders;
 - the United Nations' REDD+ program on Indigenous Peoples.

ⁱ Ivanova, D., Stadler, K., Steen-Olsen, K., Wood, R., Vita, G., Tukker, A. and Hertwich, E. G. (2015), Environmental Impact Assessment of Household Consumption. Journal of Industrial Ecology. doi: 10.1111/jiec.12371