

*VACC Submission*

# VACC response to Australian Automotive Code of Practice – Control of Refrigerant Gases

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**VACC**  
You're in good hands

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## About VACC

The Victorian Automotive Chamber of Commerce (VACC) serves as Victoria's leading automotive industry association, advocating on behalf of more than 5,000 members across over 20 retail automotive sectors. Collectively, these businesses employ upwards of 50,000 Victorians. VACC's diverse membership includes new and used vehicle dealers (covering passenger vehicles, trucks, commercials, motorcycles, recreational and farm machinery), mechanical and electrical repairers, body and repair specialists (such as radiator and engine experts), service stations, vehicle washing operations, car rental companies, windscreen fitters, as well as businesses involved in the wholesale, retail, distribution, and aftermarket manufacture of automotive parts and components. Tyre dealers, automotive dismantlers, and recyclers also form part of this extensive network. Additionally, VACC is a prominent member of the Motor Trades Association of Australia (MTAA), contributing actively to national policy discussions through Australia's peak automotive body.



## 1. Introduction

The Victorian Automotive Chamber of Commerce (VACC) welcomes the opportunity to provide comment on the public consultation draft of the Australian Automotive Code of Practice – Control of refrigerant gases during manufacture, installation, services or de-commissioning of motor vehicle air conditioners 2026 (the draft Code).

VACC represents a broad cross-section of Australia's automotive repair and service industry, including motor vehicle air-conditioning specialists, mechanical repairers, and businesses increasingly engaged in the servicing of hybrid and electric vehicles.

Following detailed analysis, supported by industry consultation and independent technical review, VACC has identified serious concerns regarding the scope, authority, structure, and enforceability of the draft Code. These concerns extend to:

- overreach beyond its legislative authority;
- inclusion of provisions inconsistent with the Ozone Protection and Synthetic Greenhouse Gas Management Act 1989 (OPSGGM Act);
- prescriptive language creating implied legal obligations where none exist;
- incorporation of safety, engineering and flammability requirements outside its scope and purpose;
- failure to adequately address high-voltage (HV) system risks; and
- misalignment between proposed obligations and nationally recognised training frameworks.

## 2. Summary of VACC position

VACC submits that the draft Code, as currently written:

1. Exceeds its legal scope by including non-scheduled refrigerants.
2. Attempts to regulate safety, engineering and flammability matters outside its mandate.
3. Uses mandatory language (“must”) without legislative foundation.
4. References external standards and guidance without authority.
5. Fails to adequately address HV system risks despite expanding scope to EVs and hybrids.
6. Introduces flammable refrigerant provisions without alignment to national training and competency frameworks.

## 3. Legislative scope and jurisdictional limits

### 3.1 inclusion of non-scheduled refrigerants

The OPSGGM Act derives its authority primarily from Australia's international obligations under the Montreal Protocol. Refrigerants such as R744 (CO<sub>2</sub>) and R1234yf (HFO) are not scheduled substances under that framework.

Their inclusion in the draft Code is therefore:

- outside the legal jurisdiction of the Code;
- inconsistent with the stated purpose of managing scheduled refrigerants; and
- unsupported by enabling legislation.

**Recommendation:**

*All references to non-scheduled refrigerants should be removed from the draft Code.*

## 4. Inappropriate inclusion of safety, engineering and flammability provisions

The draft Code explicitly states that it is not a technical design or safety document, yet includes extensive provisions dealing with:

- refrigerant flammability classifications;
- equipment suitability for flammable gases;
- safety engineering concepts; and
- third-party safety guidance documents.

These matters fall properly within WHS legislation, Australian Standards, Original Equipment Manufacturer (OEM) requirements, and engineering governance, not within an environmental refrigerant control Code.

**Recommendation:**

*All safety, engineering and flammability provisions beyond scheduled refrigerant management should be deleted.*

## 5. Excessive and unlawful use of “must”

The draft Code exhibits widespread and inappropriate use of the word “must”, implying mandatory legal obligations where no such obligations exist.

This drafting approach:

- blurs the distinction between guidance and law;
- exposes technicians and businesses to regulatory uncertainty;
- creates unenforceable expectations; and
- risks legal challenge to the Code’s status.

A Code of Practice cannot, of itself, create new legal duties.

## 6. Attempted use of external standards without authority

The draft Code attempts to mandate compliance with Society of Automobile Engineers (SAE) standards, Air-Conditioning, Heating and Refrigeration Institute (AHRI) specifications, and third-party guidance documents that have not been incorporated into legislation.

**Recommendation:**

*All such references must be advisory only, or removed.*

## 7. Unworkable and excessively prescriptive labelling requirements

The draft Code proposes labelling requirements that exceed OEM practice and duplicate information already captured through invoices and service records.

These requirements are not legislated and impose unnecessary red tape.

**Recommendation:**

*Revert to simple service labels covering refrigerant type, quantity, oil type, oil quantity and date.*

## 8. Critical omission: High-Voltage (HV) system risks

Despite expanding scope to hybrid and electric vehicles, the draft Code fails to adequately address HV-specific risks, including:

- isolation and verification procedures;
- dielectric oil compatibility;
- shock hazards;
- contamination risks; and
- technician competency requirements.
- This omission represents a serious safety gap.

**Recommendation:**

*Insert comprehensive HV system guidance aligned with Australian Standards and OEM requirements.*

## 9. Flammable refrigerants and alignment with national training frameworks

Notwithstanding VACC's position that flammable refrigerant provisions sit outside the Code's authority, any such provisions must align with nationally recognised training frameworks.

VACC notes that Mining and Automotive Skills Alliance (AUSMASA) is currently developing new training products to address:

- new automotive refrigerant gases;
- flammable refrigerants; and
- emerging risks in modern HVAC and thermal systems.

The draft Code must not impose prescriptive requirements that pre-empt or exceed nationally endorsed competencies.

**Recommendation:**

*Any reference to flammable refrigerants must be explicitly contingent on the availability and adoption of AUSMASA-developed training products, and must remain advisory until such time.*

## 10. Governance, independence and oversight of a national code

VACC submits that the development and review of a national Code of Practice must be undertaken under the direct leadership, control and oversight of the Department, rather than delegated to, or led by, external industry bodies.

A Code of Practice operating under Commonwealth legislation must:

- be demonstrably independent;
- be free from perceived or actual conflicts of interest;
- reflect whole-of-industry perspectives;
- be legally robust and defensible; and
- maintain a clear separation between policy development, commercial interests, and advocacy.

While industry consultation is both appropriate and necessary, ultimate responsibility for the drafting, scope determination, and final content of a national Code must rest with the Department as the accountable authority under the enabling legislation.

Where external organisations are involved in consultation or technical input, their role should be clearly defined as advisory only, with no delegated authority over:

- scope expansion;
- regulatory interpretation;
- inclusion of technical or safety provisions; or
- drafting of mandatory obligations.

VACC notes that delegating effective control of a national Code to non-government entities risks:

- unintended regulatory overreach;
- incorporation of provisions beyond legislative authority;
- inconsistent treatment of competing technologies or practices;
- erosion of industry confidence in the neutrality of the process; and
- increased likelihood of legal and operational challenge.

Given its national significance – and its interaction with Commonwealth law, training frameworks, workplace safety, and rapidly evolving vehicle technologies – direct departmental leadership is essential to ensure the draft Code is:

- legally valid;
- policy-consistent;
- technology-neutral; and
- trusted by all stakeholders.

**Recommendation:**

*VACC strongly recommends that the Department of Climate Change, Energy, the Environment and Water (DCCEEW) retain full ownership of the draft Code, supported by transparent, inclusive consultation with industry, regulators, training bodies, and technical experts.*

## 11. Mandatory language review – “must” vs “should”

### 11.1 requirement for a clause-by-clause audit

VACC submits that DCCEEW should require a systematic clause-by-clause review of every instance where the word “must” is used in the draft Code.

Each instance should be tested against the following question:

Does this clause reflect an existing, enforceable legal obligation under Commonwealth or State legislation?

If the answer is no, the term “must” must be replaced with “should” or “may”, as applicable.

### **11.2 criteria for retaining “must”**

“Must” should only be retained where:

- the obligation is explicitly required under the OPSGGM Act or Regulations;
- the requirement is enforceable and measurable; and
- the obligation falls squarely within the draft Code’s jurisdiction.

Typical examples include prohibitions on deliberate venting of scheduled refrigerants.

### **11.3 criteria for replacing with “should”**

“Should” is appropriate where a clause:

- reflects best practice rather than law;
- mirrors OEM guidance;
- involves engineering or professional judgement;
- assumes competencies not yet embedded in training frameworks; or
- overlaps with WHS or standards-based obligations outside the draft Code.

### **11.4 training alignment consideration**

Clauses dealing with flammable refrigerants, EV systems, or HV components frequently assume skills not yet universally defined or assessed.

Until AUSMASA’s work is completed and nationally adopted, mandatory language in these areas is inappropriate.

### **11.5 expectation of transparency**

VACC recommends that DCCEEW require the authoring body to publish a documented justification for each retained “must”, including the legislative source relied upon.

## **12. Conclusion**

The draft Code requires substantial revision to ensure it is lawful, practical, and fit for purpose.

VACC urges DCCEEW to:

- confine the draft Code to its proper legislative scope;
- remove unauthorised safety and engineering provisions;
- correct misuse of mandatory language;
- align obligations with training frameworks; and
- address genuine safety risks, particularly HV systems.

VACC remains committed to constructive engagement to achieve these outcomes.

## Appendix A – audit of “must/should” provisions – Australian Automotive Code of Practice (2026 draft)

### Purpose of this table

This table identifies clauses containing the term “must”, assesses whether mandatory language is justified, and provides a recommendation to retain or amend the wording to “should” where the provision represents best practice rather than a legal obligation.

### Clause-by-clause “must / should” review table

Clause	Current Wording (Extract)	Nature of Requirement	Issue Identified	Recommendation to DCCEEW	Rationale
1.2.3	Refrigerant recovery, system disassembly, repair, reassembly, service and refrigerant recharging of a system using refrigerant must only be performed by licensed service persons, or	Regulations 1995, reg 131 & 134	Legislative overreach to include referenced refrigerants in the scope 1.1	Retain “must”	Limit the licence requirements to Schedule 1 refrigerants of the Ozone Protection and Synthetic Greenhouse Gas Management Act 1989
1.2.4	Refrigerant must only be recovered by the holder of a licence, as per clause 1.2.3 above,	Regulations 1995, reg 131 & 134	Legislative overreach to include referenced refrigerants in the scope 1.1	Retain “must”	Limit the licence requirements to Schedule 1 refrigerants of the Ozone Protection and Synthetic Greenhouse Gas Management Act 1989
1.3.1	Owner/driver must be made aware of obligations	Procedural / advisory	Overly prescriptive	Change to “should”	Awareness is desirable but not enforceable
1.3.3	Circuit must be visually inspected	OEM Technical procedure	Prescriptive method	Change to “should”	Method choice relies on professional judgement.
1.3.4	Signs of ageing or wear of system subcomponents, especially pipework or hoses, must be assessed.	OEM Technical procedure	Prescriptive method	Change to “should”	Method choice relies on professional judgement.
1.3.5	Debris and obstructions, which may inhibit air flow to, or through, all heat exchangers must be assessed.	OEM Technical procedure	Prescriptive method	Change to “should”	Method choice relies on professional judgement.

Clause	Current Wording (Extract)	Nature of Requirement	Issue Identified	Recommendation to DCCEW	Rationale
1.3.6	Heat exchanger fans must be checked for proper function and correct direction of rotation.	OEM Technical procedure	Prescriptive method	Change to "should"	Method choice relies on professional judgement.
1.3.8	The HVAC or vehicle thermal management system must undergo performance testing, with mandatory recording of key parameters such as ambient temperature, operating pressures, and temperature control of critical areas, to verify efficient operation.	OEM Technical procedure	Prescriptive method	Change to "should"	Method choice relies on professional judgement.
1.5.1	Technician must have access to listed equipment	Regulations 1995, regs 141	Overly prescriptive	Retain "must"	Equipment list needs to reflect the regulations regs 141(d)
1.6.1	Recovery/ recharging equipment must be designed to minimise the length of hoses that require purging.	Design preference	Design prescription	Change to "should"	Design guidance only
1.6.8	Equipment must incorporate oil separator	OEM	Limits innovation	Change to "should"	Refer to OM guidance
1.9.1	Open lines must be capped	Workshop practice	Procedural	Change to "should"	Best practice rather than legal requirement
1.11.5	Components must not be flushed	Technical limitation	Manufacturer-dependent	Change to "should"	Manufacturer-dependent
1.12.1	Filter drier must be replaced	Maintenance prescription	Time-based rigidity	Change to "should"	Should reflect manufacturer advice
1.15.1	Worm-drive clamps must not be used	Design preference	Prescriptive	Change to "should"	Better framed as best practice
1.16.1	Bolts must be checked	Routine maintenance	Procedural	Change to "should"	Should reflect manufacturer advice

