

EXPLANATORY STATEMENT

Issued by authority of the Minister for the Environment and Water

Ozone Protection and Synthetic Greenhouse Gas Management Act 1989

Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995

Ozone Protection and Synthetic Greenhouse Gas Management (Refrigerant Handling Licences—Qualifications and Standards) Determination 2024

Ozone Protection and Synthetic Greenhouse Gas Management (Refrigerant Handling Licences—Qualifications and Standards) Amendment Determination 2025

Purpose

The purpose of the *Ozone Protection and Synthetic Greenhouse Gas Management (Refrigerant Handling Licences—Qualifications and Standards) Amendment Determination 2025* (the Amendment Determination) is to amend the *Ozone Protection and Synthetic Greenhouse Gas Management (Refrigerant Handling Licences—Qualifications and Standards) Determination 2024* (the Principal Determination). This amendment allows for the granting of a refrigerant handling licence to a person who has completed:

- AUR32721 Certificate III in Automotive Electric Vehicle Technology, provided that the elective unit of competency AURETU104 *Diagnose and repair air conditioning and HVAC components* was completed; or
- A range of standard qualifications in the automotive sector that provide the skills and knowledge to handle refrigerant in air conditioning systems, provided that the elective units of competency AURETU103 *Service air conditioning and HVAC systems* and AURETU104 *Diagnose and repair air conditioning and HVAC components* were completed.

This amendment also updates references to the standards that a person must comply with when carrying out work under a refrigerant handling licence. This ensures the most up-to-date standards apply, being the newly published Australia and New Zealand Refrigerant Handling Code of Practice, Part 1—Self-contained low charge systems and Part 2—Systems other than self-contained low charge systems, 2025 editions, both of which are published by the Australian Institute of Refrigeration, Air Conditioning and Heating (AIRAH).

Legislative authority

The Amendment Determination is made under subregulations 131(3) and 135(5) of the *Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995* (the Regulations).

Subregulation 131(3) of the Regulations provides that the Minister must, by legislative instrument, determine qualifications required for the different kinds of refrigerant handling licences mentioned in column 1 of accompanying Table 131. Relevantly, item 2 of that table mentions the automotive air conditioning licence.

Subregulation 135(5) of the Regulations provides that the Minister may, by legislative instrument, determine standards that apply in relation to work carried out under a refrigerant handling licence.

Background

The *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* (the Act) implements Australia's international obligations under the *Vienna Convention for the Protection of the Ozone Layer*, its *Montreal Protocol on Substances that Deplete the Ozone Layer* and the *United Nations Framework Convention on Climate Change* and the *Paris Agreement*. It does so through the control of the import, export, manufacture and use of substances covered by the Act.

Section 45A of the Act provides for the Regulations to make provision for the regulation of scheduled substances, including the sale, purchase and disposal of scheduled substances; storage, use and handling of scheduled substances; labelling requirements for scheduled substances and for equipment containing or using such substances; conferring certain functions on persons or bodies; and other incidental matters.

Under regulation 111 of the Regulations, a person or organisation must, except in very limited circumstances, hold a refrigerant handling licence to carry out work in relation to refrigeration and air conditioning equipment that uses a controlled refrigerant.

Regulation 131 has the effect that a relevant authority can only grant a refrigerant handling licence to a person if satisfied the person holds a qualification that:

- is mentioned for the licence in a determination made by the Minister under subregulation 131(3); and
- is entered on the National Register (within the meaning of the *National Vocational Education and Training Regulator Act 2011*) when the requirements of the qualification are first satisfied by the applicant.

Regulation 135 sets out the mandatory conditions to which a refrigerant handling licence is subject.

Paragraph 135(1)(a) has the effect that a refrigerant handling licence is subject to the condition that the licensee carries out the work to which the licence relates in accordance with any standard determined by the Minister under subregulation 135(5) that relates to the work.

Paragraph 135(1)(aa) has the effect that for licensees that are supervising a refrigeration and air conditioning trainee licensee – the licensee is subject to the condition that they must ensure any work carried out by the trainee licensee is in accordance with the standard determined by the Minister under subregulation 135(5) that relates to the work.

The Principal Determination determines:

- the qualifications a person must have to be granted a refrigerant handling licence; and
- the standards with which the holder of a refrigerated handling licence must comply (as a condition of the licence).

Impact and effect

The effect of the Amendment Determination is to:

- expand the list of qualifications, one of which a person must have to be granted a refrigerant handling licence; and
- update certain standards with which the holder of a refrigerant handling licence must comply (as a condition of the licence) to ensure that a licence holder must comply with the most up-to-date standards.

One of the substantive effects of expanding the list of qualifications is to mirror the growing number of electric vehicles in Australia and the development of a Certificate III qualification for automotive technicians to work on vehicles, in particular electric vehicles. As long as the specified elective units of competency are successfully completed, the training in these qualifications is considered sufficient to meet the requirements of granting a licence with respect to the handling of air conditioning and HVAC components in vehicles.

Another substantive effect of expanding the list of qualifications is to ensure that the range of standard qualifications used in the automotive sector are recognised as providing the skills and knowledge necessary to be granted a licence. The Australian Refrigeration Council (ARC) has assessed these qualifications as providing the relevant skills and knowledge to handle refrigerants when working on air conditioning systems, provided the specified elective units of competency are completed as part of, or in addition to, attaining the qualification.

Furthermore, the Amendment Determination updates the relevant references to the standards for refrigerant handling licences by referring to the Australia and New Zealand Refrigerant Handling Code of Practice 2025, Part 1—Self-contained low charge systems and Part 2—Systems other than self-contained low charge systems.

The new Code of Practice replaces the Australia and New Zealand Refrigerant Handling Code of Practice 2007, Part 1—Self-contained low charge systems and Part 2—Systems other than self-contained low charge systems.

The new Code of Practice was updated and published to reflect changes in regulation, standards, technology and best practice in the refrigeration, heating and air conditioning industry. It provides updated and modernised work practices which apply to working with refrigerants under refrigerant handling licences (other than an automotive air conditioning licence). The new Code of Practice is available for free and can be viewed or downloaded from the ARC's website at arctick.org and AIRAH's website at airah.org.au.

Consultation

The ARC, which operates the refrigeration and air conditioning permitting scheme on behalf of the Australian Government, assessed the units of competency and the additional qualifications for suitability in meeting requirements to be granted an automotive air conditioning refrigerant handling licence. No broader consultation was undertaken due to the administrative and minor nature of the Amendment Determination.

AIRAH was funded by the Department of Climate Change, Energy, the Environment and Water (the department) to review and update the Code of Practice. This included release of a draft on AIRAH's website allowing over three weeks of public review (which was announced in industry

publications), careful consideration of submissions, and discussion with the department's Air Conditioning and Refrigeration Permit Scheme Industry Advisory Group. The update was also informed by earlier review work completed by the ARC.

Details and operation

Details of the Amendment Determination are set out in [Attachment A](#).

The Amendment Determination is a legislative instrument for the purposes of the *Legislation Act 2003*.

The Amendment Determination is exempt from sunseting in accordance with item 1 under section 11 of the *Legislation (Exemptions and Other Matters) Regulation 2015* on the basis that the primary purpose of the Act, Regulations and Principal Determination is to give effect to an international obligation in force for Australia. This is an automatic exemption that applies by force of law for instruments that are in the class of legislative instruments as described. The Explanatory Statement to the *Legislation (Exemptions and Other Matters) Regulation 2015* explains that it is appropriate to exempt legislative instruments, whose sole or primary purpose is to give effect to an international obligation, from sunseting. This is because Australia's international obligations do not cease upon a unilateral sunseting process.

The Amendment Determination is not exempt from the disallowance process and, therefore, is still subject to parliamentary scrutiny.

The Amendment Determination commences the day after it is registered.

The Amendment Determination is compatible with the human rights and freedoms recognised or declared under section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. A full statement of compatibility is set out in [Attachment B](#).

Details of the *Ozone Protection and Synthetic Greenhouse Gas Management (Refrigerant Handling Licences—Qualifications and Standards) Amendment Determination 2025*

Section 1 – Name

1. This section provides that the title of the instrument is the *Ozone Protection and Synthetic Greenhouse Gas Management (Refrigerant Handling Licences—Qualifications and Standards) Amendment Determination 2025* (the Amendment Determination).

Section 2 – Commencement

2. This section provides for the Amendment Determination to commence the day after it is registered.

Section 3 – Authority

3. This section provides that the Amendment Determination is made under subregulations 131(3) and 135(5) of the *Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995*.

Section 4 – Schedules

4. This section provides that each instrument specified in the Schedule is amended as set out in the applicable terms of the Schedule.

Schedule 1 – Amendments

Item 1 - Section 5, (at the end of the cell at table item 2, column 2)

5. This item amends the table at section 5 to add to the list of qualifications, one of which a person must complete in order to be granted a refrigerant handling licence.
6. This item adds the qualification AUR32721 Certificate III in Automotive Electric Vehicle Technology to the list, if the person has successfully completed the elective unit of competency AURETU104 *Diagnose and repair air conditioning and HVAC components*. AURETU104 must have been completed as part of, or in addition to, obtaining that certification.
7. This item also adds the following qualifications to the list:
 - AUR32120 Certificate III in Automotive Body Repair Technology;
 - AUR20420 Certificate II in Automotive Electrical Technology;
 - AUR21416 Certificate II in Automotive Cooling System Technology;
 - AUR30320 Certificate III in Automotive Electrical Technology;
 - AUR30420 Certificate III in Agricultural Technology;
 - AUR30620 Certificate III in Light Vehicle Mechanical Technology;
 - AUR31120 Certificate III in Heavy Commercial Vehicle Mechanical Technology;
 - AUR31220 Certificate III in Mobile Plant Technology;
 - AUR31420 Certificate III in Automotive Diesel Fuel Technology; and
 - AUR31520 Certificate III in Automotive Diesel Engine Technology.

8. However, the person is only able to be granted a refrigerant handling licence for the qualifications listed in paragraph 7 if they have successfully completed the units of competency AURETU103 *Service and air conditioning and HVAC systems* and AURETU104 *Diagnose and repair air conditioning and HVAC components*. These units of competency must be completed as part of, or in addition to, completing their certification.

Item 2 – Subsection 6(2) (cell at table item 23, column dealing with Title of Standards)

9. This item amends the table at subsection 6(2) by repealing the cell at table item 23, column dealing with Title of Standards and substituting with the following text: Australia and New Zealand Refrigerant Handling Code of Practice, Part 1—Self-contained low charge systems, 2025 edition, published by the Australian Institute of Refrigeration, Air Conditioning and Heating, as in force on the day this item commences.
10. This amendment has the effect of updating the relevant Code of Practice to a new edition. The new Code of Practice was updated and published to reflect changes in regulation, standards, technology and best practice in the refrigeration and air conditioning industry. It provides updated and modernised work practices which apply to refrigerant handling licences. The new Code of Practice is available for free and can be viewed or downloaded from the ARC’s website at arctick.org and AIRAH’s website at airah.org.au.

Item 3 – Section 6 (cell at table item 23, column 3)

11. This item amends the table at subsection 6(2) by repealing the cell at table item 23, column dealing with Title of Standards and substituting with the following text: Australia and New Zealand Refrigerant Handling Code of Practice, Part 2—Systems other than self-contained low charge systems, 2025 edition, published by the Australian Institute of Refrigeration, Air Conditioning and Heating, as in force on the day this item commences.
12. This amendment has the effect of updating the relevant Code of Practice to a new edition. The new Code of Practice was updated and published to reflect changes in regulation, standards, technology and best practice in the refrigeration and air conditioning industry. It provides updated and modernised work practices which apply to refrigerant handling licences. The new Code of Practice is available for free and can be viewed or downloaded from the ARC’s website at arctick.org and AIRAH’s website at airah.org.au.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

Ozone Protection and Synthetic Greenhouse Gas Management (Refrigerant Handling Licences—Qualifications and Standards) Amendment Determination 2025

This Amendment Determination is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* (the Act) and the *Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995* (the Regulations) implement Australia's international obligations under the *Vienna Convention for the Protection of the Ozone Layer*, its *Montreal Protocol on Substances that Deplete the Ozone Layer* and the *United Nations Framework Convention on Climate Change* and the *Paris Agreement*. It does so through the control of the import, export, manufacture and use of substances covered by the Act.

Under regulation 111 of the Regulations, a person or organisation must, except in very limited circumstances, hold a refrigerant handling licence to carry out work in relation to refrigeration and air conditioning equipment that uses a controlled refrigerant.

Regulation 131 has the effect that a relevant authority can only grant a refrigerant handling licence to a person if satisfied the person holds a qualification that:

- is mentioned for the licence in a determination made by the Minister under subregulation 131(3); and
- is entered on the National Register (within the meaning of the *National Vocational Education and Training Regulator Act 2011*) when the requirements of the qualification are first satisfied by the applicant.

Regulation 135 has the effect that a refrigerant handling licence is subject to conditions prescribed by the Regulations or the relevant authority, and standards determined by the Minister in relation to the handling of air conditioning and HVAC components.

The *Ozone Protection and Synthetic Greenhouse Gas Management (Refrigerant Handling Licences—Qualifications and Standards) Amendment Determination 2025* (the Amendment Determination) would amend the *Ozone Protection and Synthetic Greenhouse Gas Management (Refrigerant Handling Licences—Qualifications and Standards) Determination 2024 (the Principal Determination)*. This amendment allows for the granting of a refrigerant handling licence to a person who has completed:

- AUR32721 Certificate III in Automotive Electric Vehicle Technology, provided that the elective unit of competency AURETU104 *Diagnose and repair air conditioning and HVAC components* was completed as part of, or in addition to, the qualification; or
- A range of standard qualifications in the automotive sector that provide the skills and knowledge to handle refrigerant in air conditioning systems, provided that the elective units of competency AURETU103 *Service air conditioning and HVAC systems* and AURETU104 *Diagnose and repair air conditioning and HVAC components* were completed as part of, or in addition to, the qualification.

This amendment also updates references to the standards that a person must comply with when carrying out work under a refrigerant handling licence. This ensures the most up-to-date standards apply, being the newly published Australia and New Zealand Refrigerant Handling Code of Practice, Part 1—Self-contained low charge systems and Part 2—Systems other than self-contained low charge systems, 2025 editions, both of which are published by the Australian Institute of Refrigeration, Air Conditioning and Heating (AIRAH).

Human rights implications

The Amendment Determination does not engage with any of the applicable rights or freedoms.

Conclusion

The Amendment Determination is compatible with human rights as it does not raise any human rights issues.