



Mandatory scheme for the sharing of motor vehicle service and repair information

Consultation paper
February 2019

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Contents

- Contentsiii**
- Consultation Process1**
 - Request for feedback and comments1
- Mandatory scheme for the sharing of motor vehicle service and repair information2**
 - 1. Purpose.....2**
 - 2. Background2**
 - 3. Principles and features of a mandatory code3**
 - Code scope3
 - Sharing of diagnostic, repair and servicing information4
 - Scope4
 - Timing of access to information.....5
 - Restrictions for safety, security or environmental (SSE) information.....5
 - Scope of SSE information5
 - Eligibility to access SSE information.....6
 - Access to information.....6
 - Mechanism6
 - Terms of access7
 - Obligation to act in good faith.....7
 - Dispute resolution and mediation.....7
 - Enforcement.....8
 - Review9
- 4. Service and Repair Information Sharing Advisory Committee.....9**
 - Membership9
 - Terms of reference10
- 5. Questions for consultation.....11**

- Appendix – Information lists.....12**
- Diagnostic, repair and service information12
 - AAAA12
 - FCAI12
 - MTAA.....13
- Safety, security or environmental (SSE) information14
 - AAAA14
 - MTAA.....15

Consultation Process

Request for feedback and comments

This consultation process is designed to allow interested parties to provide views on the general principles of a possible model for the sharing of motor vehicle service and repair information and the establishment of a Service and Repair Information Sharing Advisory Committee. The consultation process will run for a period of two weeks. If you would like to make a written submission, please provide it before the closing date. At this point, you are encouraged to focus on the suitability of the general principles in the paper rather than the detail of any potential provisions within them.

The earlier you provide a submission, the more time Treasury has to consider your views. Treasury is particularly interested in hearing from stakeholders that manufacture relevant motor vehicles or utilise motor vehicle information for their own business purposes. Stakeholders can access details of the consultation process via the consultations page of the Australian Treasury website – <https://treasury.gov.au/consultation>.

Closing date for submissions: 11 March 2019

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The principles outlined in this paper have not received Government approval and are not yet law. As a consequence, this paper is merely a guide as to how the principles might operate.

All information (including name and address details) contained in submissions will be made available to the public on the Treasury website, unless it is indicated that you would like all or part of your submission to remain confidential. Automatically generated confidentiality statements in emails do not suffice for this purpose. Respondents who would like part of their submissions to remain confidential should provide this information marked as such in a separate document.

A request made under the *Freedom of Information Act 1982* (Commonwealth) for a submission marked 'confidential' to be made available will be determined in accordance with that Act.

Mandatory scheme for the sharing of motor vehicle service and repair information

1. Purpose

- 1.1. This paper sets out possible key elements of a mandatory scheme for the sharing of motor vehicle service and repair information and the establishment of a Service and Repair Information Sharing Advisory Committee (the Committee). It incorporates feedback the Government has received from previous consultations with stakeholders including vehicle manufacturers, repairers and consumer groups.
- 1.2. Subject to the outcome of consultation on these elements, the Government intends to implement a scheme in 2019. This implementation would include a further period of public consultation on the full detail of provisions to be included in the scheme.

2. Background

- 2.1. A genuinely competitive market for motor vehicle service and repair services relies on all repairers having fair access to the information they require to safely repair their customers' vehicles. This benefits consumers through both increased choice and price competition.
- 2.2. However, as motor vehicles become increasingly technologically advanced, the information required to safely repair a vehicle increases. Manufacturers of vehicles generally distribute the majority of this information exclusively to their dealership networks, unless they make it available to independent repairers. Safe vehicle service and repair requires sufficient information regarding the vehicle and the expertise to use that information appropriately.
- 2.3. To help address this issue, the peak industry associations representing manufacturers and independent repairers signed the *Agreement on Access to Service and Repair Information for Motor Vehicles* (Heads of Agreement) in 2014. The Heads of Agreement sets out several principles designed to ensure fair access to repair information and safe and professional repair of vehicles.
- 2.4. The Australian Competition and Consumer Commission (ACCC) published a *New Car Retailing Industry Market Study* (market study) in December 2017.¹ It found that the Heads of Agreement was ineffective, creating competition barriers and affecting consumers' choice of repairer.
- 2.5. The market study recommended a mandatory scheme be introduced for car manufacturers to share technical information with independent repairers, on commercially fair and reasonable terms. The ACCC highlighted that a mandatory scheme should provide independent repairers with access to the same technical information that car manufacturers make available to their own authorised dealers and preferred repairer networks (including environment, safety and security-related information).
- 2.6. The Government has committed to supporting appropriate commercial dealing and competition in the new car retail supply chain for the benefit of both small businesses and consumers. This includes considering the design of a mandatory scheme for access to motor vehicle service and

¹ <https://www.accc.gov.au/focus-areas/market-studies/new-car-retailing-industry-market-study>.

repair information. This scheme would provide a level playing field in the sector and ensure consumers can have their vehicles safely repaired by the repairer of their choice. In developing this scheme, the Government will also carefully consider data access eligibility requirements, such as appropriate skills, training and equipment, to ensure that repairers are able to repair cars safely and securely using this information.

3. Principles and features of a mandatory code

3.1. The Government is considering establishing a mandatory code of conduct under the *Competition and Consumer Act 2010 (CCA)* to specify minimum standards of conduct for parties sharing and accessing vehicle service and repair information. Implementing the scheme through a code provides a more flexible alternative to primary legislation as it can be more easily updated to reflect changes in industry practices and technology. Industry participants, consumers and the general public would have the opportunity to contribute to the development of the Code and any subsequent amendments to it.

3.2. The objectives of the Code would be to:

- a. enable consumers to have their vehicle repaired by the repairer of their choice who can provide professional and safe service and repair services;
- b. mandate access to service and repair information on fair and reasonable commercial terms to allow all repairers to compete on a fair playing field;
- c. protect vehicle security, environmental and safety information and ensure the safety of consumers and the general public;
- d. ensure fair and reasonable dealings between all parties in the motor vehicle service and repair industry including facilitating adequate dispute resolution and protecting intellectual property; and
- e. provide a fair and transparent mechanism for industry to contribute to the development and implementation of service and repair information sharing rules and mechanisms.

3.3. The Code would include provisions to expressly address these objectives including standards of conduct, requirements on parties and definitions. It would incorporate industry specific clauses as well as features common to other industry codes to improve transparency and certainty, set minimum standards of conduct, and provide for dispute resolution procedures, as discussed in *Treasury's Industry Codes of Conduct Policy Framework 2017*.

Code scope

3.4. The Code would apply to new passenger and light goods vehicles, as defined in the *Vehicle Standard (Australian Design Rule - Definitions and Vehicle Categories) 2005*.² This definition captures passenger cars and off-road passenger vehicles (such as four wheel drive vehicles), as well as vehicles designed for transport of goods with a gross vehicle mass of up to 3.5 tonnes. It would cover most vehicles manufactured primarily for use on public roads including four wheel drive passenger vehicles, vans and utility vehicles.

² <https://www.legislation.gov.au/Details/F2016C00487>; the Code would cover vehicles in categories described by clauses 4.3 or 4.5.5 only.

- 3.5. The Government is considering whether the Code could apply only to new vehicles made available for sale after the Code has come into effect, or could apply a different criterion including vehicles sold before that date. The Government would engage closely with industry on this issue prior to implementing a Code.
- 3.6. This approach would not initially include two or three-wheeled vehicles; farm, construction or heavy vehicles; motorhomes or buses. The ACCC market study only considered passenger vehicles, four wheel drive vehicles and vans. The Government has not yet consulted with manufacturers of other types of vehicles. Further work would be required to consider their inclusion in the Code, and this would delay potential implementation of a scheme. Consideration could be given to extending the scope of vehicles included in the future.

Sharing of diagnostic, repair and servicing information

Scope

- 3.7. The Code would require manufacturers to make the diagnostic, repair and servicing information and tools that it makes available to its dealers available for purchase by suitable purchasers, who may include businesses (e.g. repairers or data aggregators), individuals and vehicle owners.
- 3.8. The Code would provide a principled definition of the information manufacturers must make available. This would require sharing of information:
- a. necessary or useful for the safe and efficient conduct of service and repair activities; or
 - b. reasonably available to the owner of a vehicle being serviced or repaired by the person seeking the information
- and that is not:
- c. a trade secret;
 - d. intellectual property of the manufacturer;
 - e. commercially sensitive; or
 - f. prohibited from being shared by any relevant privacy legislation.
- 3.9. Upon commencement, the core provisions of the Code would at a minimum specify that this definition of diagnostic, repair and servicing information includes:
- a. manuals and procedures such as repair manuals/updates, wiring diagrams, technical specifications for components and lubricants and testing procedures;
 - b. on-board information and telemetry, and codes for computerised systems (where necessary and appropriate for safe repair or service of the vehicle);
 - c. access to electronic log books/data for a particular vehicle where this information is needed to repair the vehicle or there is a need to update them; and
 - d. diagnostic, service and repair tools made available to dealerships.
- 3.10. The Code would also include a more detailed list of included and excluded information which would be reviewed regularly to ensure it remains fit for purpose and takes into account changes in technology and other industry developments.
- 3.11. To ensure that the code remains fit-for-purpose, the Minister will consult with relevant stakeholders on whether the list of diagnostic, repair and servicing information should be amended to reflect any necessary changes, and consult publicly prior to making any changes to the Code.

- 3.12. The Code would require manufacturers to make the specified information and tools available for purchase on commercially fair and reasonable terms. To mitigate any public or personal safety or security risks, access to safety, security and environmental (SSE) information would be restricted as outlined below.

Timing of access to information

- 3.13. The Code would mandate fair and equal real time access to information for all repairers. It would adopt the principle that information should be available to all those who purchase it or are provided with it in the same form and manner, to the same extent and at the same time. This would mean that information covered by the Code and provided to dealerships would have to be concurrently made generally available.
- 3.14. Manufacturers may need to work closely with authorised repairers and dealers to resolve an emerging technical issue prior to updating formal repair information such as service manuals. Delaying access to this information while a solution is being developed allows the manufacturer to ensure the effectiveness of information provided. However, it also creates an uneven playing field as independent repairs are not able to attempt repairs during this period until service manual updates are available.
- 3.15. The Government is considering requiring access to this information in real time but would seek advice on the timing of access to information from industry. For example, where delaying broader access to certain information is necessary to protect the safety of users, repairers or the general public. Where appropriate, a manufacturer may advise that the information that they are providing is not final and is still under development, noting that further updates may be available in the future (for example, finalised guidance on a known repair issue).

Restrictions for safety, security or environmental (SSE) information

Scope of SSE information

- 3.16. The safety of repairers, users and the general public is of the utmost importance to Government. The Code would allow manufacturers to restrict access to SSE information. Restricting access to this information is essential in order to mitigate any public or personal safety or security risks and ensure repairs maintain environmental standards.
- 3.17. The Code would provide a principled definition of SSE information to which manufacturers would be able to restrict access. This would allow restriction of access to information where unrestricted access would have negative implications for the safety, security or environmental performance of a vehicle disproportionate to the usefulness of the information in the safe and responsible service or repair of the vehicle. This requirement would mean that manufacturers would not be required to provide access to SSE information to individuals or businesses lacking the appropriate skills to use it safely.
- 3.18. Upon commencement, the core provisions of the Code would, at a minimum, specify that this definition of SSE information includes:
- a. diagnostic service and repair information necessary to reset an immobiliser system or security related electronic modules, where it was made available through a secure information sharing system/requirements agreed to by the Minister; and
 - b. information that may result in non-compliance with relevant safety or environmental regulations or legislation.

- 3.19. The Code would also include a more detailed list of information covered by the definition, which would be reviewed regularly to ensure it remains fit-for-purpose and takes into account changes in technology and other industry developments.
- 3.20. Similar to changes to the list of diagnostic, repair and servicing information, the Minister will consult with stakeholders on whether the list of SSE information should be amended to reflect any necessary changes, and consult publicly prior to making any changes to the Code.

Eligibility to access SSE information

- 3.21. Ensuring that repairers have the appropriate skill, training and equipment in order to access restricted information is critical to ensure the safety and security of vehicles. Access to SSE information would be restricted so that only those with a genuine reason and/or appropriate skills could access it, to help ensure vehicles remain secure, are repaired safely and environmental standards are maintained.
- 3.22. The Code would require manufacturers to allow those who meet certain criteria to purchase access to SSE information. This is challenging as licensing requirements for mechanics can vary by state and the type of work performed.
- 3.23. The Code would not require manufacturers to provide information if a repairer's skill, training or equipment did not meet criteria defined in the Code. Repairers and consumers would be able to access dispute resolution or mediation if they consider SSE data is unduly withheld.
- 3.24. The Government is considering criteria for accessing this information including having a genuine reason for accessing the information and:
- a. being a person, licensed workshop or business with an appropriate vocational tertiary or professional qualification; or
 - b. having demonstrable knowledge, experience and/or skills.
- 3.25. The Government is also considering whether different levels or skills and training are required for different types of SSE information. For example, some information may be accessible if the repairer has the appropriate tools, whereas other SSE information may require a certain level of training as it presents a high safety risk due to the technicality of repair required.
- 3.26. As with the definitions of diagnostic, repair and service information and SSE information, the Government would review this definition regularly to ensure it remains fit-for-purpose and consult with stakeholders and the public in doing so. This could also include considering whether access to certain information requires demonstrated investment in and maintenance of tools and equipment and/or training sufficient to allow vehicles to be repaired safely.

Access to information

Mechanism

- 3.27. Manufacturers would be responsible for setting up systems to allow access to information covered by the Code. These systems should ensure information is provided in the same form and manner, to the same extent and at the same time to all who purchase or are provided with it.
- 3.28. The Code would not mandate how manufacturers provide access to the information but the Government is considering mandating access principles to ensure there are no undue barriers to access. Manufacturers could elect to use existing mechanisms or develop their own systems. Alternatively industry could opt to work together on a unified access approach (such as an

information portal similar to the secure data release mechanism administered by the National Automotive Service Task Force in the United States of America).

Terms of access

- 3.29. The Code would ensure manufacturers are fairly compensated for the provision of information and sale of tools. It would aim to ensure that purchasing access to information or tools occurred in a consistent manner and on fair and reasonable commercial terms. The Code would not specify fees and charges but manufacturers would need to justify their costs as being fair and reasonable.
- 3.30. The Code would specify factors relevant when considering whether fees and charges are fair and reasonable, including:
 - a. the cost to manufacturers of providing the information (which may vary by distribution method);
 - b. the cost of similar information charged to manufacturer-affiliated or franchised dealerships and repairers in other countries;
 - c. the expected use by the information purchaser (number of users, frequency, duration and volume); and
 - d. the extent to which pricing may prevent or limit purchase unfairly or unreasonably.

Obligation to act in good faith

- 3.31. The Code would incorporate an obligation for all parties to act in good faith – to behave reasonably and not arbitrarily or for some irrelevant purpose, and to have regard to the legitimate interests of other parties.
- 3.32. The Government is considering a provision similar to the obligation to act in good faith in the Franchising Code of Conduct. This requires parties and prospective parties to act in good faith in respect of an agreement or other dealing in relation to the Code. Considerations relevant to good faith include acting honestly and cooperatively for the purposes of any agreement between the parties. The obligation to act in good faith regarding the Code cannot be limited by other agreements between the parties.
- 3.33. The Government is also considering that for the purposes of the Code this would require all parties to make consumers aware of information regarding the service and repair of their vehicle, including whether a part to be used in repair or maintenance is recommended by the vehicle manufacturer.

Dispute resolution and mediation

- 3.34. The Government is considering a potential mechanism for independently resolving disputes relating to the potential Code. Independent dispute resolution is a critical component of any mandatory scheme as it assists those in a dispute to resolve the issues between them in a cost-effective, impartial and flexible manner.
- 3.35. The Code would specify that any party to a dispute is able to request assistance from the Mediation Advisor, who would facilitate a process for negotiating an outcome agreeable to all parties and ensure fair and reasonable dealings between the parties.

- 3.36. This would be achieved by providing the Mediation Adviser with the flexibility to determine how each dispute could be resolved on a case by case basis. For example, the Government is considering allowing the Mediation Adviser to:
- a. recommend a strategy to the parties involved as to how to resolve the dispute, depending on the particular circumstances of the case;
 - b. appoint a recognised Mediator with the appropriate skills and experience to resolve the dispute but who may also have extensive knowledge of a particular motor vehicle issue; or
 - c. appoint a technical expert to assess the factual circumstances due to the technical nature of the dispute and make a recommendation as to what the appropriate outcome should be.
- 3.37. The Code would mandate all parties attend and participate in mediation in good faith. Similar models are used in other mandatory codes, such as the Franchising Code of Conduct and the Oil Code of Conduct.
- 3.38. The Mediation Adviser would be an independent appointment, made by the relevant Minister. They would assist the parties in negotiating an outcome that is agreeable to all parties. However, they would not provide legal advice or make binding decisions.
- 3.39. The dispute resolution process and Mediation Adviser under consideration would allow for appropriate dispute resolution and handling of complaints for parties, such as repairers, experiencing difficulties when accessing technical information in a timely and accessible way. However, it would be expected that parties would first attempt to resolve any dispute amongst themselves. Only if the parties cannot reach an agreement within a specified period would either party then have the option of elevating the dispute to the Mediation Adviser. Each party to the dispute would bear its own costs and share equally in any common costs such as those of a mediator suggested by the Mediation Advisor.

Enforcement

- 3.40. Mandatory codes of conduct are enforceable by the ACCC or by private action under the CCA. Remedies available include injunctions to prevent or require conduct, damages, community service orders and compensatory orders.
- 3.41. The Government is considering not attaching any penalties to the Code on commencement in order to provide a reasonable period to settle arrangements and ensure all industry participants are well informed of the new requirements of the mandatory Code. However, the need to amend the Code to introduce penalties could be considered as part of a broader review of the code within a set period of time from commencement.
- 3.42. The ACCC's role in enforcing the Code would form part of its existing enforcement activities for all CCA codes. It would initially focus on education and awareness, including engagement with relevant industry stakeholders to encourage compliance with the Code and educate businesses about their rights and obligations under the Code.

Review

- 3.43. The Government is considering requiring that the Code be reviewed 18 months from commencement. This timeframe is considered to be sufficient to provide an assessment of the Code's effectiveness in its initial form. The review would provide an opportunity to consider and seek industry and public feedback on issues such as:
- a. the scope of the Code (in terms of vehicles and information covered);
 - b. whether the principles guiding access to information are ensuring fair and equal access;
 - c. the extent to which the Code assists in ensuring consumer choice and competition for the provision of safe motor vehicle service and repair;
 - d. whether dispute resolution mechanisms are accessible, timely and reasonable; and
 - e. any updates necessary due to technological advancements.
- 3.44. The findings of the review would inform any Government considerations about the appropriate long term regulatory approach to motor vehicle service and repair information sharing. For example, it could demonstrate the Code was functioning effectively and resolving the issues currently being experienced under the Heads of Agreement. Alternatively, it could identify the need for penalties to be attached to the Code to ensure it is reasonably effective, or that a legislative scheme with stronger enforcement and determination powers is required.

4. Service and Repair Information Sharing Advisory Committee

- 4.1. Alongside the Code, the Government is considering establishing a Service and Repair Information Sharing Advisory Committee to provide a fair and transparent mechanism for industry to contribute to the development and implementation of service and repair information sharing rules and mechanisms. The Committee would be the primary body the Government would refer to for advice on motor vehicle repair and service information and related issues.

Membership

- 4.2. The Government is considering membership of the Committee would consist of a Chair (representing the responsible Minister) and representatives from at least the signatories to the current Heads of Agreement, which are the:
- a. Australian Automobile Association (AAA) representing motoring clubs;
 - b. Australian Automotive Aftermarket Association (AAAA) representing the automotive aftermarket industry;
 - c. Australian Automotive Dealer Association (AADA) representing new car dealers;
 - d. Federal Chamber of Automotive Industries (FCAI) representing manufacturers; and
 - e. Motor Trades Association of Australia (MTAA) representing the automotive retail, service and repair sector.
- 4.3. Members of the Committee would be responsible for their own costs.

Terms of reference

- 4.4. The Government would develop terms of reference for the Committee, including its objectives, membership and operation.
- 4.5. The Committee would meet on a regular basis to discuss developments in the automotive sector and provide advice to the responsible Minister on potential updates to the Code as needed. This would include advice on:
 - a. definitions (including information covered by the Code and SSE information);
 - b. access principles for information covered by the Code (including advice on the timing of access) and access criteria for SSE information (including advice on secure information sharing requirements);
 - c. any other relevant matters relating to the Code or its operation deemed by the Committee to be important to advise the responsible Minister about; and
 - d. responses to requests from the responsible Minister for advice relating to the Code or its operation.
- 4.6. The Government is considering having the Committee adopt a consensus approach to making recommendations to the responsible Minister. This is particularly important to ensure advice takes into account the needs of all parties including manufacturers, new car dealers, the aftermarket industry, independent repairers and consumers. For the purposes of the Committee, consensus could mean the majority of members agree, with the remainder content to give way, if necessary with a mention of any dissenting views in the advice to the Minister.
- 4.7. The Committee would be expected to consider specific requests from Committee members to provide advice to the Minister on updates to definitions or access principles within a specified timeframe, unless otherwise agreed by the Committee.
- 4.8. The Committee's terms of reference would include, as a minimum, that it would hold its first meeting within a specified period after the Code commencing and at least annually thereafter, unless agreed otherwise by the Committee and the responsible Minister.
- 4.9. While the Government would specify the terms of reference for the Committee, it is open for the Committee to perform other functions if agreed by members. For example, it could provide advice on and assist to design and implement mechanisms for providing access to information such as the secure data release mechanism administered by the National Automotive Service Task Force in the United States of America.

5. Questions for consultation

5.1. Treasury is interested in stakeholders' views on whether the possible elements of a mandatory code of conduct and a Service and Repair Information Sharing Advisory Committee set out in this paper:

- a. are appropriate as a starting point for developing and consulting on detailed provisions;
- b. would provide significant improvement on the current voluntary scheme; and
- c. are a suitable alternative to a legislated scheme, which would enable the creation of an industry-funded body to advise on the scheme but would be slower to implement and update.

5.2. Treasury is also interested in feedback on the following possible elements of the Code in particular:

- a. whether vehicles made available for sale in Australia prior to the Code taking effect should be covered by the scheme, and if so, how;
- b. the principled definitions of:
 - i. information manufacturers must make available under the scheme; and
 - ii. SSE information;
- c. what information should be included in more detailed lists of information included in these definitions (the Appendix below provides alternative starting points previously suggested by stakeholders);
- d. the principles guiding access to SSE information;
- e. factors to be considered relevant to fair and reasonable prices for information; and
- f. the suitability of the dispute resolution and mediation process.

5.3. Treasury would also welcome feedback on the Committee, particularly on the suitability of the suggested membership and terms of reference.

Appendix – Information lists

This appendix provides definitions or lists of information considered to be service and repair information and SSE information in the FCAI's *Voluntary Code of Practice for Access to Service and Repair Information for Motor Vehicles* and the draft codes prepared by the AAAA and MTAA. Note that each of these does not necessarily provide definitions of the same terms or in the same format.

Diagnostic, repair and service information

AAAA

8 (1)

diagnostic, service and repair information means service, maintenance and repair information which is in the possession of an [Original Equipment Manufacturer (OEM)] and which has, for a period of at least six months, been made available to Authorised Dealers by an OEM. This includes:

- a) workshop repair manuals;
- b) body repair manuals;
- c) wiring diagrams;
- d) dimensions and tolerances for mechanical parts;
- e) initialisation and reset codes for computerised systems;
- f) specifications for oils and lubricants;
- g) diagrams of wiring looms;
- h) voltages for electronic components; and
- i) technical service bulletins;

but does not include a trade secret.

FCAI

2.1 h) Repair Information: means service, maintenance and repair information which is in the possession of an OEM and which has, for a period of at least six months, been made available to Authorised Dealers by an OEM. Service and Repair Information comprise workshop repair manuals, body repair manuals and wiring diagrams but does not include the following information:

- i. Information exchanged between the OEM and an Authorised Dealer or any other party for the purpose of resolving a technical issue (whether in general or related to a specific vehicle) for which there is no update of a service manual as yet published; information relating to warranties, service history, campaigns or other recalls;
- ii. Information generated by the Motor Vehicle or by or on behalf of an OEM on particular use of the vehicle by the driver/s;
- iii. OEM's direct information hotlines made available for Authorised Dealers;
- iv. Information that an OEM is prohibited from disclosing under any law including privacy laws or under the terms of any agreement;
- v. Repair history for a particular Motor Vehicle;
- vi. Any information that is not generally available to Authorised Dealers;

- vii. Any source code for software or full copies of any software programs;
- viii. Matters relating to franchise arrangements, including without limitation any confidential information;
- ix. Information relating to a specific repair on a specific Motor Vehicle;
- x. Diagnostic service and repair information necessary to reset an immobiliser system or security related electronic modules;
- xi. Any information (including vehicle computer updates) that may result in non-compliance with any relevant safety, emission or any other legislation affecting Motor Vehicles or OEM compliance with applicable Federal, state or territory laws;
- xii. Diagnostic Tools and information pertaining to those tools and related software updates;
- xiii. Parts catalogues published by an OEM;
- xiv. Any commercially sensitive information of an OEM;
- xv. Intellectual Property of an OEM (other than information that is produced specifically for repair and maintenance purposes) or any information that might disclose intellectual property, trade secrets or confidential information of an OEM; and
- xvi. does not have to include all information (whether repair and maintenance related or not) that is provided from time to time by an OEM to an Authorised Dealer.

MTAA

7. Service and Repair information means:

- a) all information required for diagnosis, servicing, inspection, periodic monitoring, repair, re-programming or re-initialising of the vehicle; and which the manufacturers provides access to for their franchised / authorised dealers and repairers; including all subsequent amendments and supplements to such information.
- b) The information referred to in (a) must include, but is not necessarily be restricted to:
 - i. verifiable vehicle identification;
 - ii. service, technical and owner's manuals including recommended manufacturers service schedules;
 - iii. access to electronic log books / data in order to update them;
 - iv. manufacturer technical service bulletins, and service campaigns relating to an identified risk or hazard impacting the performance of the motor vehicle or component that falls outside a recall or warranty defect, warranty repairs or manufacturer obligations to consumer guarantees and statutory warranties;
 - v. collision repair procedures, measurements, and necessary details to affect a body repair to Original Equipment Manufacturer Specifications;
 - vi. security related information (subject to separate access procedures outlined in this Code through the Vehicle Security Professional Program) including immobiliser / pin / key / security module codes;
 - vii. component and diagnosis information (such as minimum and maximum theoretical values for measurements);
 - viii. wiring diagrams, layouts and pin data values;
 - ix. diagnostic fault / trouble / security (where applicable and appropriate) codes and testing procedures (including manufacturer specific codes);

- x. engine performance, body control and other module application software and calibration software including pass-thru programming information;
 - xi. Manufacturer technical education resources needed by technicians or repair facilities through subscriptions; and by education providers through licencing. This does not include specific manufacturer training materials and / or resources, designed and provided specifically to franchise dealer employed technicians.
 - xii. Manufacturer published or provided service / procedure / repair times.
6. Exclusions mean the areas or specific matters that are permitted to be excluded under this Code:
- a) Information exchanged between the manufacturer, their distributor or agent, and an authorised dealer or any other party for the purpose of resolving a technical issue (whether in general or related to a specific vehicle) for which there is no update of a service manual as yet published;
 - b) Any information relating to warranties, warranty repairs, warranty defects, and / or voluntary or compulsory recalls;
 - c) Information generated by the motor vehicle or by or on behalf of a manufacturer on particular use of the vehicle by the driver/s; for the purposes of this exemption this does not include manufacturer held electronic log books or service history.
 - d) Manufacturers' direct information hotlines made available for franchised Dealers;
 - e) Information that a manufacturer is prohibited from disclosing under any law including privacy laws or under the terms of any agreement or contract (such as franchise or dealer agreements);
 - f) Any source code for software or full copies of any software programs;
 - g) Matters relating to franchise arrangements, including without limitation any confidential information;
 - h) Diagnostic service and repair information necessary to reset an immobiliser system or security related electronic module. If excluded under this subsection, the information necessary to reset an immobiliser system or security related electronic module must be obtained by a technician through the Vehicle Security Professional Program.
 - i) Any information (including vehicle computer updates) that may result in non-compliance with any relevant safety, emission or any other legislation affecting motor vehicles or manufacturer compliance with applicable Federal, State or Territory laws;
 - j) Intellectual Property of a manufacturer (other than information that is produced specifically for service, repair and maintenance purposes) or any information that might disclose intellectual property, trade secrets or confidential information of a manufacturer.

Safety, security or environmental (SSE) information

AAAA

21 (1) Manufacturers may exclude diagnostic, service and repair information provided to owners and independent repair facilities necessary to:

- a) reset an immobiliser system; or
- b) security-related electronic modules from information provided to owners and independent repair facilities.

(2) If excluded under this clause, the information necessary to reset an immobiliser system or security-related electronic modules may be obtained by owners and independent repair facilities

through a secure data release model system to be developed by the Council or other known, reliable and accepted systems.

MTAA

18. Vehicle Security Information

- a) Manufacturers of motor vehicles sold in Australia may exclude service and repair information necessary to reset an immobiliser system or security-related electronic modules from information provided to technicians. If excluded under this Clause, the information necessary to reset an immobiliser system or security-related electronic modules must be obtained by technicians through the Vehicle Security Professional Program to be developed and delivered by the Australian Automotive Council (AAC) detailed in part 3.
- b) The ACC will also provide the services, processes, methodology for identified, verified and registered technicians to access security information.