



New South Wales

Road Transport (Vehicle Registration) Amendment (Non-repairable Damage) Regulation 2012

under the

Road Transport (Vehicle Registration) Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Vehicle Registration) Act 1997*.

DUNCAN GAY, MLC
Minister for Roads and Ports

Explanatory note

The objects of this Regulation are:

- (a) to clarify that a provision about the general procedure for cancelling the registration of a vehicle does not apply where the cancellation of the vehicle's registration is required by section 16C of the *Road Transport (Vehicle Registration) Act 1997* (that is, because the vehicle identifier of the vehicle is the same as the vehicle identifier of a statutory written-off vehicle or an interstate written-off vehicle), and
- (b) to update the prescription of damage that is defined as ***non-repairable damage***, so as to give effect to the Damage Assessment Criteria for the Classification of Statutory Write-Offs developed by the National Motor Vehicle Theft Reduction Council and Austroads.

This Regulation is made under the *Road Transport (Vehicle Registration) Act 1997*, including the definition of ***non-repairable damage*** in section 16A and section 14 (the general regulation-making power).

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Clause 1 Road Transport (Vehicle Registration) Amendment (Non-repairable
Damage) Regulation 2012

**Road Transport (Vehicle Registration) Amendment
(Non-repairable Damage) Regulation 2012**

under the

Road Transport (Vehicle Registration) Act 1997

1 Name of Regulation

This Regulation is the *Road Transport (Vehicle Registration) Amendment (Non-repairable Damage) Regulation 2012*.

2 Commencement

This Regulation commences on 3 September 2012 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Road Transport (Vehicle Registration) Regulation 2007

[1] Clause 42 Procedures for suspension and cancellation of registration

Insert at the end of clause 42 (3) (b):

, or

- (c) if the Authority is required to cancel the registration by virtue of section 16C of the *Road Transport (Vehicle Registration) Act 1997*.

[2] Clauses 83C–83CB

Omit clause 83C. Insert instead:

83C Non-repairable damage—vehicles other than motor bikes or trailers

- (1) For the purposes of the definition of *non-repairable damage* in section 16A of the Act, the following are prescribed in respect of a vehicle (other than a motor bike or trailer):
 - (a) as a result of a fire, the vehicle has sustained a combination of damage to the exterior parts and interior parts of the vehicle,
 - (b) as a result of a fire, the paint on the vehicle has blistered on 3 or more of the primary structural features,
 - (c) the vehicle's occupant cabin has been inundated with water (whether fresh or salt water) to a level exceeding the level of the inner door sill,
 - (d) the vehicle has been stripped of interior or exterior parts, panels or components or of a combination of interior and exterior parts, panels and components,
 - (e) the vehicle has damage to both longitudinal structural rails such that they require original equipment manufacture replacement, that is a replacement part that is:
 - (i) manufactured by the manufacturer of the vehicle to which it is being fitted, or
 - (ii) manufactured for the manufacturer of the vehicle to which it is being fitted, or
 - (iii) endorsed for use by the manufacturer of the vehicle to which it is being fitted,
 - (f) the vehicle has excessive structural damage.

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- (2) For the purposes of this clause, a vehicle has ***excessive structural damage*** if 3 or more of the following damage indicators are present in the vehicle:
- (a) any of the primary structural features of the vehicle has been fractured or cut or has buckled or folded over onto itself (where damage to each primary structural feature constitutes a separate damage indicator),
 - (b) due to a collision, damage has been sustained in respect of a suspension mount to the chassis or body of the vehicle, with each of the following constituting a separate damage indicator:
 - (i) if an independent suspension unit is damaged, damage to each station,
 - (ii) if a live axle is damaged, damage to the suspension on that axle,
 - (c) due to a collision, any or all of the following mechanical components is cracked, deformed or broken:
 - (i) the engine block,
 - (ii) the transmission case,
 - (iii) the differential case,
 - (iv) the axle housing,
 - (d) the deployment or activation of any or all of the supplementary restraints (that is, airbags or seatbelt pretensioners).
- (3) For the purposes of calculating the number of damage indicators present in a vehicle:
- (a) each incidence of damage to a pillar or longitudinal structural rail or chassis is to be counted as a separate indicator, and
 - (b) each different and separate area of damage to the floor pan or firewall is to be counted as a separate indicator, and
 - (c) each incidence of structural damage to a suspension station is to be counted as a separate indicator except in the case of live axles, which are to be counted as a single indicator, and
 - (d) damage to any part of the roof is to be counted as a single indicator, and
 - (e) damage to any or all of the mechanical components is to be counted as a single indicator, and

- (f) deployment or activation of any or all of the supplementary restraints (that is, airbags or seatbelt pretensioners) is to be counted as a single indicator.
- (4) In this clause:
- primary structural feature* of a vehicle means any of the following:
- (a) the roof,
 - (b) a pillar,
 - (c) the floor pan,
 - (d) a firewall,
 - (e) longitudinal structural rails or the chassis.

83CA Non-repairable damage—motor bikes

For the purposes of the definition of *non-repairable damage* in section 16A of the Act, the following are prescribed in respect of a motor bike:

- (a) the motor bike has been burnt to such an extent that it is fit only for wrecking or scrap,
- (b) the motor bike has been stripped of all, or a combination of most, exterior body parts, panels and components (examples of which are the engine, wheels, and guards),
- (c) the motor bike has impact damage (excluding scratching) to the suspension and 2 or more areas of structural frame damage,
- (d) the motor bike has been fully immersed in salt water for any period,
- (e) the motor bike has been fully immersed in fresh water for more than 48 hours.

83CB Non-repairable damage—trailers

- (1) For the purposes of the definition of *non-repairable damage* in section 16A of the Act, the following are prescribed in respect of a trailer:
- (a) the trailer has been burnt to such an extent that it is fit only for wrecking or scrap,
 - (b) the trailer has been stripped of all, or a combination of most, interior and exterior body parts, panels and components,

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- (c) the trailer has impact damage (excluding scratching) to the suspension and 1 or more areas of structural frame damage,
 - (d) in relation to a trailer that is not a skeleton-type trailer or box trailer—the trailer has been fully immersed in salt water for any period,
 - (e) in relation to a trailer that is not a skeleton-type trailer or box trailer—the trailer has been fully immersed in fresh water for more than 48 hours.
- (2) In this clause:
skeleton-type trailer means a frame trailer that does not have a bottom or sides.

[3] Clause 83ZD

Insert after clause 83ZC:

83ZD Transitional provision: non-repairable damage

The amendment made by the *Road Transport (Vehicle Registration) Amendment (Non-repairable Damage) Regulation 2012* concerning the prescription of matter for the purposes of the definition of *non-repairable damage* in section 16A of the Act does not apply to a vehicle damage assessment completed before 3 September 2012.