



New South Wales

Road Transport Amendment (Written-off Heavy Vehicles Register) Regulation 2018

under the

Road Transport Act 2013

The Administrator, with the advice of the Executive Council, has made the following Regulation under the *Road Transport Act 2013*.

MELINDA PAVEY, MP
Minister for Roads, Maritime and Freight

Explanatory note

The objects of this Regulation are:

- (a) to amend the *Road Transport (Vehicle Registration) Regulation 2017* concerning the NSW written-off heavy vehicles register and the NSW written-off light vehicles register, and
- (b) to amend the *Road Transport (General) Regulation 2013* for the purpose of prescribing penalty notice offences for matters relating to those registers.

This Regulation is made under the *Road Transport Act 2013*, including sections 23 (general statutory rule-making power), 25 (1), 26, 82, 83 (3), 85 (1) (b), 90 (1) (a), 91 (b), 92 (b), 93, 94 (1) (a), 97 (1), 98 (1) (b), 103, 104A, 104B, 104D (definition of *assessor*), 104G (1) (a), 104H (b), 104I (1) (b), 104J (1), (2) and (3), 104K (1) (a), 104N (1), 104O (1) (c) and 104T and Schedule 1 and clause 1 of Schedule 4.

Road Transport Amendment (Written-off Heavy Vehicles Register) Regulation 2018

under the

Road Transport Act 2013

1 Name of Regulation

This Regulation is the *Road Transport Amendment (Written-off Heavy Vehicles Register) Regulation 2018*.

2 Commencement

This Regulation commences on 3 December 2018 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Road Transport (Vehicle Registration) Regulation 2017

[1] Clause 9 Supporting evidence

Omit “vehicles register” from clause 9 (2).

Insert instead “light vehicles register or NSW written-off heavy vehicles register”.

[2] Clause 37 Obligations of registered operators

Omit clause 37 (2).

[3] Part 7, heading

Omit the heading. Insert instead:

Part 7 Written-off light vehicles

[4] Part 7

Omit each term or expression specified in Column 1 of the following Table wherever occurring (including definitions, headings and notes) and regardless of capitalisation.

Insert instead the term or expression specified in Column 2 opposite the term or expression specified in Column 1 with capitalisation that accords to that of the omitted term or expression and rearrange any altered definitions in appropriate order:

Table

Column 1	Column 2
Current term or expression	Replacement term or expression
written-off vehicles	written-off light vehicles
written-off vehicle	written-off light vehicle
vehicle damage details	light vehicle damage details
notifiable vehicle	notifiable light vehicle
vehicle damage assessment	light vehicle damage assessment
vehicle damage assessments	light vehicle damage assessments
certificate of compliance	light vehicle certificate of compliance
certificates of compliance	light vehicle certificates of compliance
prescribed returned vehicle	prescribed returned light vehicle
hail-damaged vehicle	hail-damaged light vehicle
hail-damaged vehicles	hail-damaged light vehicles

[5] Clauses 97, paragraph (a) of the definition of “identification details” and 99 (1)

Insert “light” after “motor bike or” wherever occurring.

[6] Clauses 97, 99, 102, 103, 105 (1) (b), 106, 114, 116, 117, 121 and 122 (1)

Omit “a vehicle” wherever occurring. Insert instead “a light vehicle”.

[7] Clause 99, heading

Insert “**light**” after “**motor bikes or**”.

- [8] **Clause 101 Non-repairable damage—light trailers**
Insert “light” after “in respect of a” in clause 101 (1).
- [9] **Clause 101 (1) (d) and (e)**
Insert “light” after “in relation to a” wherever occurring.
- [10] **Clauses 102 and 122, headings**
Omit “Vehicles” wherever occurring. Insert instead “Light vehicles”.
- [11] **Part 7, Division 4, heading**
Insert “light” after “of”.
- [12] **Clauses 105 (1) (c) (ii) and 121 (d)**
Omit “in the Gazette by the Authority” wherever occurring.
Insert instead “on the Authority’s website”.
- [13] **Clauses 108, 109 and 110, headings**
Insert “light” after “about” wherever occurring.
- [14] **Clause 111, heading**
Insert “light” after “dismantled”.
- [15] **Part 7, Division 6, heading**
Insert “light” after “other”.
- [16] **Clause 112 and Division 9 of Part 7, headings**
Insert “light” after “certain” wherever occurring.
- [17] **Clause 113 Obligation to attach written-off light vehicle warning labels**
Omit “any vehicle”. Insert instead “any light vehicle”.
- [18] **Clause 113, note**
Omit “certain vehicles”. Insert instead “certain light vehicles”.
- [19] **Clause 118 Light vehicle certificates of compliance in relation to electronic control systems**
Insert “light” before “vehicle” in clause 118 (a).
- [20] **Clause 119 Issue of light vehicle certificates of compliance**
Omit “in the Gazette by the Authority that are in force” from clause 119 (b).
Insert instead “on the Authority’s website”.
- [21] **Clause 119 (2) and (3)**
Insert at the end of clause 119:
- (2) An authorised officer may give a written direction to a licensed repairer to produce a light vehicle certificate of compliance or copy of the certificate.
 - (3) A licensed repairer must comply with such a direction within the time specified in the direction.
Maximum penalty: 20 penalty units.

[22] Clause 121 Records of light vehicle certificates of compliance

Insert “light” after “each”.

[23] Clause 121

Insert “for a period of 7 years” after “keep a record”.

[24] Clause 121 (2) and (3)

Insert at the end of clause 121:

- (2) An authorised officer may, for the purposes of determining whether this clause has been complied with, give a written direction to any person to produce any records required to be kept under this clause.
- (3) A person must comply with such a direction within the time specified in the direction.
Maximum penalty: 20 penalty units.

[25] Part 7A

Insert after Part 7:

Part 7A Written-off heavy vehicles

Division 1 Preliminary

123A Definitions

In this Part:

bus has the same meaning as in the *Heavy Vehicle National Law (NSW)*.

heavy trailer has the same meaning as in the *Heavy Vehicle National Law (NSW)*.

heavy vehicle damage details, in relation to a heavy vehicle, means the following:

- (a) whether the damage to the vehicle was caused by water, impact, fire or stripping,
- (b) the location and severity of the damage to the vehicle described by reference to the codes or terms that are approved by the Authority from time to time.

identification details, in relation to a heavy vehicle, means the following:

- (a) whether the vehicle is a truck, prime mover, heavy trailer or bus,
- (b) the registration number of the vehicle (if issued),
- (c) the vehicle identifier of the vehicle,
- (d) the make and model of the vehicle,
- (e) the shape of the vehicle,
- (f) the colour of the vehicle,
- (g) the variant of the vehicle,
- (h) the build date or compliance date of the vehicle,
- (i) the engine capacity of the vehicle,
- (j) the number of cylinders of the vehicle’s engine,
- (k) the motive power of the vehicle,

- (l) the tare weight of the vehicle,
- (m) the GVM (gross vehicle mass) of the vehicle.

personal details of a person means all of the following:

- (a) the name, address and email address (if any) of the person,
- (b) the telephone number (if any) of the person (unless the information is provided to the Authority electronically),
- (c) if the Authority has issued a customer number to the person—the customer number of the person,
- (d) if the person is notifying the information on behalf of someone else and does not have a customer number—the driver licence number (if any) of the person.

prime mover has the same meaning as in the *Heavy Vehicle National Law (NSW)*.

registration number of a heavy vehicle includes, in the case of a heavy vehicle the registration of which has expired or been suspended or cancelled, the registration number of the vehicle immediately before its registration expired or was suspended or cancelled.

relevant technical specifications in relation to a heavy vehicle, means the standards and methods of repair required to be met by a law of this State for vehicles of that type and:

- (a) the standards and methods of repair documented by the manufacturer of vehicles of that type, to the extent that they are relevant to ensuring the structural integrity and safety of the vehicle, or
- (b) where the manufacturer's documentation is unavailable, the standards and methods of repair recognised in the industry for vehicles of that type.

truck has the same meaning as in the *Heavy Vehicle National Law (NSW)*.

123B Meaning of “non-repairable damage”

For the purposes of the definition of **non-repairable damage** in section 104A of the Act, the following are prescribed (being either damage of a class or damage caused in circumstances, or both):

- (a) for a truck or prime mover:
 - (i) Category 1—truck or prime mover damage as specified in Part 1 of Schedule 5 to this Regulation, or
 - (ii) Category 2—truck or prime mover damage as specified in Part 1 of Schedule 5 to this Regulation,
- (b) for a heavy trailer:
 - (i) Category 1—heavy trailer damage as specified in Part 2 of Schedule 5 to this Regulation, or
 - (ii) Category 2—heavy trailer damage as specified in Part 2 of Schedule 5 to this Regulation,
- (c) for a bus:
 - (i) Category 1—bus damage as specified in Part 3 of Schedule 5 to this Regulation, or
 - (ii) Category 2—bus damage as specified in Part 3 of Schedule 5 to this Regulation.

123C Meaning of “self-insurer”

For the purposes of the definition of *self-insurer* in section 104A of the Act, the prescribed number of notifiable heavy vehicles in respect of each of which there is no insurance policy with an insurer covering loss or damage is one.

Division 2 Application of Part 4.5A of the Act

123D Exempt—certain heavy vehicles

The following heavy vehicles are exempt from the provisions of Part 4.5A of the Act:

- (a) special purpose vehicles,
- (b) heavy vehicles registered conditionally under clause 13.

123E Exempt—heavy vehicles damaged before commencement of NSW written-off heavy vehicles register

Any heavy vehicle to which Part 4.5A of the Act would otherwise have applied as a result of damage sustained by the vehicle before the commencement of the Part is exempt from the provisions of the Part.

Division 3 NSW written-off heavy vehicles register

123F Written-off heavy vehicle

For the purposes of section 104B (3) (e) of the Act, a notifiable heavy vehicle that has been assessed, in a heavy vehicle damage assessment, as not being a total loss and as having non-repairable damage is prescribed.

123G Statutory written-off heavy vehicles

For the purposes of section 104B (1) (a) of the Act, written-off heavy vehicles of the following kinds are excluded from being registered regardless of whether they can be repaired:

- (a) written-off heavy vehicles that have been assessed, in a heavy vehicle damage assessment, as being a total loss or not a total loss, and as having non-repairable damage,
- (b) written-off heavy vehicles that have been disposed of to a motor vehicle recycler by a self-insurer,
- (c) written-off heavy vehicles that have been or are intended to be dismantled or demolished.

123H Repairable written-off heavy vehicles

For the purposes of section 104B (1) (b) of the Act, written-off heavy vehicles are of a kind that can be registered if they are repaired in the circumstances where they have been assessed, in a heavy vehicle damage assessment, as being a total loss and as not having non-repairable damage.

Division 4 Assessment of damaged heavy vehicles

123I Assessors include interstate motor dealers and motor vehicle recyclers

- (1) For the purposes of the definition of *motor dealer* in section 4 (1) of the Act, a person in another jurisdiction within Australia who is permitted in that jurisdiction to be a motor dealer within the meaning of the *Motor Dealers and*

Repairers Act 2013 is declared to be a motor dealer for the purposes of Division 3 of Part 4.5A of the Act (*an interstate motor dealer*).

- (2) For the purposes of the definition of *motor vehicle recycler* in section 4 (1) of the Act, a person in another jurisdiction within Australia who is permitted in that jurisdiction to be a motor vehicle recycler within the meaning of the *Motor Dealers and Repairers Act 2013* is declared to be a motor vehicle recycler for the purposes of Division 3 of Part 4.5A of the Act (*an interstate motor vehicle recycler*).
- (3) For the purposes of the definition of *assessor* in section 104D of the Act, the following other persons are prescribed:
 - (a) an interstate motor dealer,
 - (b) an interstate motor vehicle recycler.

123J Prescribed qualifications to carry out heavy vehicle damage assessments

- (1) For the purposes of section 104G (1) (a) of the Act, the prescribed training, qualifications and experience are all of the following:
 - (a) the successful completion of an approved course,
 - (b) the demonstrated ability to determine whether or not a heavy vehicle has suffered non-repairable damage,
 - (c) the demonstrated ability to apply each of the following:
 - (i) the relevant technical specifications,
 - (ii) the written-off heavy vehicle policies and procedures published on the Authority's website.
- (2) In this clause:

approved course means:

 - (a) a training course in vehicle repair assessment provided by a training provider accredited by the Australian Skills Quality Authority, or
 - (b) a course that includes instruction on all of the following:
 - (i) the sourcing and interpretation of the standards and methods of repair documented by the manufacturers of vehicles or recognised in the industry for vehicles,
 - (ii) the use of those standards and methods in the calculation of repair costs,
 - (iii) the conduct of assessments of repairs in compliance with those standards and methods,
 - (iv) the assessment of vehicle damage having regard to the types of non-repairable damage that are prescribed by clause 123B.

123K Standard of repairs and repair methods

For the purposes of section 104H (b) of the Act, the standard of repairs, and the repair methods, prescribed in relation to a heavy vehicle are the relevant technical specifications for the vehicle.

123L Records about heavy vehicle damage assessments

- (1) For the purposes of section 104K (1) (a) of the Act, the records that an assessor must keep in relation to each heavy vehicle damage assessment made by or on behalf of the assessor are the following:
 - (a) the identification details of the vehicle,

- (b) the heavy vehicle damage details relevant to the vehicle,
 - (c) details of the determination as to whether or not the vehicle has suffered non-repairable damage, including the date on which the determination was made,
 - (d) the name of the person who carried out the assessment,
 - (e) the reasons why the person who carried out the assessment was competent to do so,
 - (f) the sum for which the vehicle was insured,
 - (g) the market value of the vehicle and the basis for determining that value,
 - (h) the assessed cost of repairs and details of how the cost of repairs was determined, applying the relevant technical specifications,
 - (i) the assessed salvage value of the vehicle and the basis for determining that value.
- (2) The Authority may, by notice in writing, exempt an assessor from any requirement to keep records that are specified in the notice.

Division 5 Information about written-off and demolished heavy vehicles

123M Provision of results of heavy vehicle damage assessments

- (1) The following information is prescribed as the information that an assessor must under section 104I (1) (b) of the Act, if requested to do so, set out in a written record of any heavy vehicle damage assessment made by or on behalf of the assessor:
- (a) the identification details of the vehicle,
 - (b) the heavy vehicle damage details relevant to the vehicle,
 - (c) details of the determination as to whether or not the vehicle has suffered non-repairable damage, including the date on which the determination was made,
 - (d) the name of the person who carried out the assessment,
 - (e) the reasons why the person who carried out the assessment was competent to do so,
 - (f) the sum for which the vehicle was insured,
 - (g) the market value of the vehicle and the basis for determining that value,
 - (h) the assessed cost of repairs and details of how the cost of repairs was determined, applying the relevant technical specifications,
 - (i) the assessed salvage value of the vehicle and the basis for determining that value.
- (2) The Authority may, by notice in writing, exempt an assessor from any requirement to set out the information under subclause (1) in a written record of any heavy vehicle damage assessment made by or on behalf of the assessor.

123N Provision of information to the Authority by an assessor

The following information is prescribed as the information that must be provided under section 104J (1) of the Act to the Authority in respect of each notifiable heavy vehicle that is assessed as being a total loss in the course of a heavy vehicle damage assessment conducted by or on behalf of an assessor:

- (a) the identification details of the vehicle,

- (b) the heavy vehicle damage details relevant to the vehicle,
- (c) the date on which the vehicle was determined to be a total loss by the assessor,
- (d) the personal details of the assessor and, if the information is notified by an agent of the assessor on behalf of the assessor, the personal details of the notifier,
- (e) the date on which the information is provided.

123O Provision of information to the Authority by a self-insurer

The following information is prescribed as the information that must be provided under section 104J (2) of the Act to the Authority in respect of each notifiable heavy vehicle that is disposed of to a motor vehicle recycler by a self-insurer:

- (a) the identification details of the vehicle,
- (b) the heavy vehicle damage details relevant to the vehicle,
- (c) the date on which the vehicle was disposed of to the motor vehicle recycler,
- (d) the personal details of the self-insurer and, if the information is provided to the Authority by another person, the personal details of that person,
- (e) the date on which the information is provided.

123P Provision of information to the Authority by a motor vehicle recycler

The following information is prescribed as the information that must be provided under section 104J (3) of the Act to the Authority in respect of each notifiable heavy vehicle that a motor vehicle recycler intends to demolish or dismantle:

- (a) the identification details of the vehicle,
- (b) the heavy vehicle damage details relevant to the vehicle,
- (c) the date on which the motor vehicle recycler commenced, or intends to commence, work in the course of the motor vehicle recycler's business for the purpose of demolishing or dismantling the vehicle,
- (d) the personal details of the motor vehicle recycler and, if the information is provided to the Authority by another person, the personal details of that person,
- (e) the date on which the information is provided.

123Q Provision of information to the Authority by assessor about vehicles not assessed as a total loss

- (1) This clause applies to a notifiable heavy vehicle that has been assessed, in a heavy vehicle damage assessment, as not being a total loss and as having non-repairable damage.
- (2) An assessor must ensure that the Authority is provided with the following information concerning each notifiable heavy vehicle to which this clause applies within 7 days after the decision is made not to repair the vehicle and before it is sold or disposed of:
 - (a) the identification details of the vehicle,
 - (b) the heavy vehicle damage details relevant to the vehicle,
 - (c) the date on which the vehicle was determined not to be a total loss by the assessor,

(d) the personal details of the assessor and, if the information is notified by an agent of the assessor on behalf of the assessor, the personal details of the notifier,

(e) the date on which the information is provided.

Maximum penalty: 20 penalty units.

Division 6 Records about other heavy vehicles

123R Records required to be kept by insurers of information about certain heavy vehicles assessed as not being total losses

(1) An assessor who is an insurer is required to keep a register containing the following information in relation to each prescribed returned heavy vehicle insured:

(a) the identification details of the vehicle,

(b) the heavy vehicle damage details relevant to the vehicle,

(c) the date on which the vehicle was determined not to be a total loss by the assessor,

(d) the personal details of the person who carried out the assessment.

Maximum penalty: 20 penalty units.

(2) That register must be kept by the assessor for at least 7 years from the time of each entry.

Maximum penalty: 20 penalty units.

(3) In this clause:

prescribed returned heavy vehicle means a notifiable heavy vehicle:

(a) that was the subject of a heavy vehicle damage assessment, and

(b) that was assessed by its insurer as not being a total loss, and

(c) that the insurer has elected not to repair, and

(d) that is intended to be returned, or has been returned, by the insurer to the person who was its registered operator at the time the vehicle sustained the damage that resulted in it being presented for a heavy vehicle damage assessment.

Division 7 Written-off heavy vehicle warning labels

123S Obligation to attach written-off heavy vehicle warning label

An assessor must ensure that a written-off warning label that complies with this Division is attached at all times to any vehicle in the assessor's possession or control that is prescribed as a written-off heavy vehicle by clause 123F:

(a) to the part of the vehicle to which the vehicle identifier is attached (in the case of a dismantled vehicle), or

(b) to the vehicle (in any other case).

Maximum penalty: 20 penalty units.

Note. Section 104N of the Act requires a written-off warning label to be attached to certain heavy vehicles that have been assessed to be a total loss. Not all written-off heavy vehicles have been assessed as a total loss. This clause creates the same obligation in relation to written-off heavy vehicles not assessed as a total loss.

123T Content and form of written-off heavy vehicle warning label

For the purposes of section 104N (1) of the Act, a written-off warning label on the following types of heavy vehicles must include the following content:

- (a) for a statutory written-off heavy vehicle—“Statutory written-off heavy vehicle available for parts or scrap only. This vehicle cannot be re-registered”,
- (b) for a repairable written-off heavy vehicle—“Repairable written-off heavy vehicle. This vehicle may be re-registered subject to repair and certification by a suitably licensed repairer”.

123U Positioning of written-off heavy vehicle warning label

For the purposes of section 104N (1) of the Act, a written-off warning label must be attached securely and in a conspicuous position where any person looking at the heavy vehicle might be expected to see it, but not in a position that obscures the vehicle identifier.

123V Offence to alter, damage, destroy, remove or interfere with written-off heavy vehicle warning label

A person must not, without reasonable excuse, alter, damage, destroy, remove or otherwise interfere with a written-off warning label that has been attached to a heavy vehicle under section 104N (1) of the Act or clause 123S.

Maximum penalty: 20 penalty units.

Division 8 Heavy vehicle certificates of compliance

123W Standard of repairs and repair methods

For the purposes of section 104O (1) (c) of the Act, the standard of repairs, and the repair methods, prescribed in relation to a heavy vehicle are the relevant technical specifications for the heavy vehicle.

123X Heavy vehicle certificates of compliance in relation to electronic control systems

A licensed repairer is not authorised to issue a heavy vehicle certificate of compliance in relation to electronic control systems (such as airbags or Anti-lock Braking Systems) unless the licensed repairer is approved by:

- (a) the manufacturer of the vehicle, or
- (b) the Authority.

123Y Issue of heavy vehicle certificates of compliance

- (1) For the purposes of section 104O (1) (c) of the Act, a licensed repairer must not issue a heavy vehicle certificate of compliance unless the repairs have been conducted in accordance with:

- (a) the relevant technical specifications, and
- (b) any written-off heavy vehicle policies and procedures published on the Authority’s website.

Maximum penalty: 20 penalty units.

- (2) An authorised officer may give a written direction to a licensed repairer to produce a heavy vehicle certificate of compliance or a copy of the certificate.

- (3) A licensed repairer must comply with such a direction within the time specified in the direction.
Maximum penalty: 20 penalty units.

123Z Term of heavy vehicle certificates of compliance

A heavy vehicle certificate of compliance remains in force for 3 months after its issue, or for any other period approved by the Authority in a particular case.

124ZA Records of heavy vehicle certificates of compliance

- (1) A licensed repairer who issues a heavy vehicle certificate of compliance, or who examines a heavy vehicle for the purpose of determining whether or not to issue a heavy vehicle certificate of compliance, must keep a record for a period of 7 years of the following in relation to each heavy vehicle certified or examined:
- (a) the identification details of the vehicle,
 - (b) details of the assessment conducted by the licensed repairer for the purpose of determining whether or not to issue a certificate of compliance in relation to the vehicle,
 - (c) details of the application in the assessment process of the relevant technical specifications and the written-off heavy vehicle policies and procedures published on the Authority's website,
 - (d) if the repair involved structural damage—the test report attesting to the structural integrity of the repaired vehicle,
 - (e) the basis on which the licensed repairer formed an opinion that the vehicle should be issued with a heavy vehicle certificate of compliance,
 - (f) the date the certificate was issued.
- Maximum penalty: 20 penalty units.

- (2) An authorised officer may, for the purposes of determining whether this clause has been complied with, give a written direction to any person to produce any records required to be kept under this clause.
- (3) A person must comply with such a direction within the time specified in the direction.
Maximum penalty: 20 penalty units.

124ZB Definition of “licensed repairer”: section 4 (1)

For the purposes of the definition of *licensed repairer* in section 4 (1) of the Act, a person in another jurisdiction who holds, or employs a person who holds, a qualification of a kind referred to in clause 36 (1) of the *Motor Dealers and Repairers Regulation 2014* for a class of repair work is declared to be a licensed repairer in respect of that class of work for the purposes of Division 4 of Part 4.5A of the Act.

[26] Clause 137 Release of information for searches

Insert “heavy vehicle or light” after “written-off” in paragraph (o) of the definition of *vehicle information* in clause 137 (2) (o).

[27] **Schedule 5**

Insert after Schedule 4:

Schedule 5 Non-repairable damage to heavy vehicles

(Clause 123B)

Part 1 Trucks and prime movers

1 Category 1—truck or prime mover damage

Category 1—truck or prime mover damage is damage to a truck or prime mover of any of the following classes or occurring in any of the following circumstances (or both):

- (a) as a result of heat or fire, a truck or prime mover has blistered paint to:
 - (i) 15% or more of the area of one chassis rail, or
 - (ii) 10% or more of the total area of 2 chassis rails,
- (b) as a result of heat or fire, a truck or prime mover has noticeable heat damage to:
 - (i) 15% or more of the area of one chassis rail, or
 - (ii) 10% or more of the total area of 2 chassis rails,
- (c) any of the following parts of a truck or prime mover have been inundated in water (including brackish, salt or fresh water):
 - (i) the electronic safety system (including airbags system, airbag control modules, pre-tensioners, Electronic Stability Control module, Anti-lock Braking System control module and radar braking systems),
 - (ii) in relation to a hybrid or electrically powered truck or prime mover, the battery pack or the power electronics,
- (d) any of the following parts of a truck or prime mover have been stripped:
 - (i) the engine, drivetrain or associated components,
 - (ii) the axles or wheels or the suspension components,
 - (iii) the steering components,
 - (iv) the cabin or cabin interior,
 - (v) a major body panel (including a bonnet, bullbar, bumper bar and doors),
 - (vi) any tanks (including an air, hydraulic or fuel tank),
 - (vii) the towing points, fifth wheel or turntable,
 - (viii) any auxiliary equipment (including a crane, pump, agitator, container or body) fitted to the truck, truck frame, prime mover or prime mover frame.

2 Category 2—truck or prime mover damage

- (1) *Category 2—truck or prime mover damage* is damage to a truck or prime mover of any of the classes or occurring in any of the circumstances (or both) specified in Column 1 of the Table to this clause and where the sum of the corresponding points in Column 2 of the Table for that damage is as follows:
 - (a) for a truck—seven points or more,
 - (b) for a prime mover—eight points or more.

- (2) Damage to the following parts of a truck or prime mover are not to be considered for the purpose of Column 1 of the Table to this clause:
- (a) the auxiliary equipment (including a crane, pump, agitator, container or body) except in the case of stripping,
 - (b) the wheels and tyres,
 - (c) if the fixed mount is not damaged (including the exhaust mounts and air conditioners), the bolt-on or bolt-off parts that can be replaced,
 - (d) if the chassis mount is not damaged, the individual mechanical components, steering linkages or tie rods.

Table Category 2—truck or prime mover damage

Column 1	Column 2
Damage	Points
A cabin requires repair or replacement after any damage	1 point for each area of damage to the cabin for up to three areas; 2 points for the complete replacement of the cabin as an assembly
The deployment of the supplementary restraint systems (including airbags and pre-tensioners) after any damage	1 point
A chassis rail requires replacement after any damage (including damage causing any bending, cracking, fracturing or structural distortion to the chassis rail)	1 point for each chassis rail
A chassis rail requires repair (which may include the repair of any mounting points):	1 point for each repair on the chassis rail
<ul style="list-style-type: none"> (a) after any damage, or (b) after any fire damage: <ul style="list-style-type: none"> (i) to less than 15% of one chassis rail, or (ii) to less than 10% of 2 chassis rails 	
A chassis cross-member (including the front and rear underrun protection cross members and all cross-members along the length of the chassis) requires repair or replacement after any damage	1 point each for up to 2 cross members
An axle requires repair or replacement after any damage	1 point for each axle but no points if points are counted for the repair or replacement of the stub axle on the axle

Column 1	Column 2
Damage	Points
A stub axle requires repair or replacement after any damage	1 point for each stub axle but no points if points are counted for the repair or replacement of the axle of the stub axle
An engine block requires repair or replacement after damage:	1 point
(a) resulting from an induced load causing the engine block to be cracked, deformed or broken, or	
(b) causing the engine block to be fire damaged	
The transmission or drivetrain requires repair or replacement after any damage:	1 point for damage to either the transmission, drivetrain, or both
(a) resulting from an induced load causing the transmission case or differential case to be cracked, deformed or broken, or	
(b) causing the transmission case or differential case to be fire damaged	
The fifth wheel, turntable or tow coupling requires repair or replacement after any damage	1 point for either a fifth wheel, turntable, tow coupling, or any combination
The steering box or steering linkages requires repair or replacement after any damage	1 point for either the steering box, steering linkages, or both

Part 2 Heavy Trailers

3 Definitions

In this Part:

ADG Code means the *Australian Code for the Transport of Dangerous Goods by Road and Rail*, as published from time to time by the National Transport Commission.

dangerous goods has the same meaning as in the ADG Code.

dangerous goods trailer means a road tank vehicle used for the purposes of carrying dangerous goods.

road tank vehicle has the same meaning as in the ADG Code.

4 Category 1—heavy trailer damage

Category 1—heavy trailer damage is damage to a heavy trailer of any of the following classes or occurring in any of the following circumstances (or both):

- (a) as a result of heat or fire, a heavy trailer has blistered paint to:
 - (i) 15% or more of the area of one chassis rail, or
 - (ii) 10% or more of the total area of 2 chassis rails, or

- (iii) 10% or more of the total area of the longitudinal structural elements,
- (b) as a result of heat or fire, a heavy trailer has noticeable heat damage to:
 - (i) 15% or more of the area of one chassis rail, or
 - (ii) 10% or more of the total area of 2 chassis rails, or
 - (iii) 10% or more of the total area of the longitudinal structural elements,
- (c) any electronic safety system (including the Electronic Stability Control module and the Anti-lock Braking System control module) of a heavy trailer has been inundated in water (including brackish, salt or fresh water),
- (d) any of the following parts of a heavy trailer have been stripped or have been damaged as a result of stripping:
 - (i) the trailer body and associated components,
 - (ii) the axles or wheels or the suspension components,
 - (iii) the kingpin, drawbar or other towing attachments,
 - (iv) the tanks (including an air, hydraulic or fuel tank),
 - (v) auxiliary equipment (including crane and hydraulic auxiliary equipment),
- (e) in relation to a dangerous goods trailer, damage in respect of which a heavy vehicle damage assessment is carried out.

5 Category 2—heavy trailer damage

- (1) **Category 2—heavy trailer damage** is damage to a heavy trailer of any of the classes or occurring in any of the circumstances (or both) specified in Column 1 of the Table to this clause and where the sum of the corresponding points in Column 2 of the Table for that damage is a total of six points or more.
- (2) Damage to the following parts of a heavy trailer are not to be considered for the purpose of Column 1 of the Table to this clause:
 - (a) the auxiliary equipment (including crane and hydraulic auxiliary equipment) except in the case of stripping,
 - (b) wheels and tyres,
 - (c) if the fixed mount is not damaged, bolt-on or bolt-off parts that can be replaced.

Table Category 2—heavy trailer damage

Column 1	Column 2
Damage	Points
A chassis rail requires replacement after any damage (including any bending, cracking, fracturing or structural distortion) to it	1 point for each chassis rail
A longitudinal structural element requires replacement after any damage to it	2 points for each longitudinal structural element
All or part of the floor, walls or roof of a Pantech heavy trailer require replacement after any damage to any chassis rail or any longitudinal structural element of the trailer	2 points

Column 1	Column 2
Damage	Points
A chassis rail requires repair (which may include the repair of any mounting points): (a) after any damage, or (b) after any fire damage: (i) to less than 15% of one chassis rail, or (ii) to less than 10% of 2 chassis rails	1 point for each repair on the chassis rail
A longitudinal structural element requires repair: (a) after any damage, or (b) after any fire damage to less than 10% of it	1 point for each repair on the longitudinal structural element
A chassis cross-member (including the front and rear underrun protection cross members and all cross-members along the length of the chassis) requires repair or replacement after any damage	1 point each for up to 2 cross members
An axle requires repair or replacement after any damage	1 point for each axle but no points if points are counted for the repair or replacement of the stub axle on the axle
A stub axle requires repair or replacement after any damage	1 point for each stub axle but no points if points are counted for the repair or replacement of the axle of the stub axle
The king pin requires repair or replacement after any damage	1 point
The drawbar (including the lunette ring) requires repair or replacement after any damage	1 point for the drawbar (including the lunette ring)
A tow hook, eyelet or coupling requires repair or replacement after any damage	1 point for either a tow hook, eyelet, coupling, or any combination
A structural component of a unibody heavy trailer requires repair or replacement after any damage (including any bending, cracking, fracturing or structural distortion)	1 point for each area of damage to the structural component

Part 3 Buses

6 Definitions

In this Part:

body framing means the upper structural elements, except structural hoops, of a bus that are above the floor level of the bus.

chassis rail:

- (a) includes the extensions welded or bolted to the chassis between the front and rear wheels of a bus, and
- (b) in relation to a low floor bus, does not include the structure forward of the front axle that may be bolted to the chassis.

floor and sub structure means the lower structural elements, except structural hoops, of a bus that are below the floor level of the bus.

structural hoop includes 2 structural hoops that are adjacent to one another with adjacent faces that are 150 mm or less from one another.

7 Category 1—bus damage

- (1) **Category 1—bus damage** is damage to a bus of any of the following classes or occurring in any of the following circumstances (or both):
 - (a) as a result of heat or fire, a bus has blistered paint to:
 - (i) 15% or more of the area of one chassis rail, or
 - (ii) 10% or more of the total area of 2 chassis rails, or
 - (iii) 4 or more structural hoops of the rollover protective structure and as a result of the damage the hoops require replacement,
 - (b) as a result of heat or fire, a bus has noticeable heat damage to:
 - (i) 15% or more of the area of one chassis rail, or
 - (ii) 10% or more of the total area of 2 chassis rails, or
 - (iii) 4 or more structural hoops of the rollover protective structure and as a result of the damage the hoops require replacement,
 - (c) any of the following parts of a bus have been inundated in water (including brackish, salt or fresh water):
 - (i) the electronic safety system (including airbags, airbag control modules, pre-tensioners, Electronic Stability Control module, Anti-lock Braking System control module and radar braking systems),
 - (ii) in relation to a hybrid or electrically powered bus, the battery pack or the power electronics,
 - (iii) the seatbelts (if any fitted).
 - (d) any of the following parts of a bus that require replacement after any impact damage:
 - (i) 4 or more structural hoops,
 - (ii) the body framing around 4 or more structural hoops,
 - (iii) the floor and sub structure that is 25% or more of the floor area,
 - (e) any of the following parts of the bus that have been stripped or have been damaged as a result of stripping:
 - (i) the engine, drivetrain or associated components,
 - (ii) the axles or wheels or the suspension components,

- (iii) the steering components,
- (iv) the tanks (including an air, hydraulic or fuel tank),
- (v) the interior,
- (vi) the glazing,
- (vii) the towing points,
- (viii) the auxiliary equipment (including air-conditioning, cargo or storage devices).

8 Category 2—bus damage

- (1) **Category 2—bus damage** is damage to a bus of any of the classes or occurring in any of the circumstances (or both) specified in Column 1 of the Table to this clause and where the sum of the corresponding points in Column 2 of the Table for that damage is a total of seven points or more.
- (2) Damage to the following parts of a bus are not to be considered for the purpose of Column 1 of the Table to this clause:
 - (a) any auxiliary equipment (including air-conditioning, cargo or storage devices) except in the case of stripping,
 - (b) the wheels and tyres,
 - (c) if the fixed mount is not damaged (including the exhaust mounts and air conditioners), the bolt-on or bolt-off parts that can be replaced,
 - (d) if the chassis mount is not damaged, the individual mechanical components, steering linkages or tie rods.

Table Category 2—bus damage

Column 1	Column 2
Damage	Points
The deployment of the supplementary restraint systems (including airbags and pre-tensioners) after any damage	1 point
A chassis rail requires replacement after any damage (including any bending, cracking, fracturing or structural distortion)	1 point for each chassis rail
A chassis rail requires repair (which may include the repair of any mounting points):	1 point for each repair on the chassis rail
(a) after any damage, or	
(b) after any fire damage:	
(i) to less than 15% of the area of one chassis rail, or	
(ii) to less than 10% of the total area of 2 chassis rails	
An articulation mechanism for a flexible bus (if any fitted) requires repair or replacement after any damage	1 point
3 structural hoops of the rollover protective structure of the bus require repair or replacement after any damage	1 point for each area of separate damage to the 3 structural hoops
A bus body framing requires repair or replacement after any damage	1 point each for up to three areas of separate damage to the bus body framing

Column 1	Column 2
Damage	Points
A bus floor and sub structure (including seat attachments) requires repair or replacement after any damage	1 point each for up to three areas of separate damage to the bus floor and sub structure
A door or door frame (including emergency door exits) requires repair or replacement after any damage	1 point for either a door or its door frame for up to 2 doors
A chassis cross-member (including the front and rear underrun protection cross members and all cross-members along the length of the chassis) requires repair or replacement	1 point each for up to 2 cross-members
An axle requires repair or replacement after any damage	1 point for each axle but no points if points are counted for the repair or replacement of the stub axle on the axle
A stub axle requires repair or replacement after any damage	1 point for each stub axle but no points if points are counted for the repair or replacement of the axle of the stub axle
An engine block requires repair or replacement after damage:	1 point
(a) resulting from an induced load causing the engine block to be cracked, deformed or broken, or	
(b) causing the engine block to be fire damaged	
The transmission or drivetrain requires repair or replacement after any damage:	1 point for either the transmission, drivetrain, or both
(a) resulting from an induced load causing the transmission case or differential case to be cracked, deformed or broken, or	
(b) causing the transmission case or differential case to be fire damaged	
A tow hook, eyelet or coupling requires repair or replacement after any damage	1 point for either the tow hook, eyelet, coupling, or any combination
A steering box or steering linkages requires repair or replacement after any damage	1 point for either the steering box, steering linkages, or both

Column 1	Column 2
Damage	Points
A seat, integrated seats or seatbelts requires repair or replacement after any damage	1 point if one-third or fewer of the seats require repair or replacement; 2 points if more than one-third and no greater than two-thirds of the seats require repair or replacement; 3 points if more than two-thirds of the seats require repair or replacement

Schedule 2 Amendment of Road Transport (General) Regulation 2013

[1] Schedule 5 Penalty notice offences

Insert “; Section 104G (1); Section 104I (1); Section 104M; Section 104N” after “Section 97” in the matter relating to *Road Transport Act 2013*.

[2] Schedule 5

Insert “; Section 104H; Section 104I (2); Section 104J; Section 104K; Section 104O (6)” after “Section 98 (6)” in the matter relating to *Road Transport Act 2013*.

[3] Schedule 5

Insert “(1); 123Q (2); Clause 123R (1) and (2); Clause 123S; Clause 123ZA (1)” after “Clause 121” in the matter relating to *Road Transport (Vehicle Registration) Regulation 2017*.

[4] Schedule 5

Insert “; Clause 123V” after “Clause 116” in the matter relating to *Road Transport (Vehicle Registration) Regulation 2017*.

[5] Schedule 5

Insert “(1) and (3); Clause 121 (3); Clause 123Y (1) and (3); Clause 123ZA (3)” after “Clause 119” in the matter relating to *Road Transport (Vehicle Registration) Regulation 2017*.