



New South Wales

Road Transport (Vehicle Registration) Amendment Regulation 2020

under the

Road Transport Act 2013

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport Act 2013*.

ANDREW CONSTANCE, MP
Minister for Transport and Roads

Explanatory note

The object of this Regulation is to amend the *Road Transport (Vehicle Registration) Regulation 2017* as follows—

- (a) to make it clear that the provisions of the Regulation requiring Transport for NSW to do certain things before cancelling the registration of a heavy vehicle do not apply if the vehicle is a written-off heavy vehicle,
- (b) to prescribe the statutory write-off assessment criteria for both light and heavy vehicles, by reference to the national standards published by Austroads,
- (c) to ensure that hail damage is included in damage details recorded in the assessment of damage to heavy vehicles,
- (d) to make a minor amendment in the nature of statute law revision.

This Regulation is made under the *Road Transport Act 2013*, including sections 23 (the general statutory rule-making power), 82 (definition of *statutory write-off assessment criteria*) and 104A (definition of *statutory write-off assessment criteria*) and clause 2 of Schedule 1.

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1 Name of Regulation

This Regulation is the *Road Transport (Vehicle Registration) Amendment Regulation 2020*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

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

[1] Clause 47 Procedures for suspension and cancellation of registration

Insert “or 104C” after “section 84” in clause 47(3)(c).

[2] Clause 75 Definitions

Omit “motor vehicle” from paragraph (c) of the definition of *vehicle part*.

Insert instead “registrable vehicle”.

[3] Clause 99

Omit the clause. Insert instead—

99 Statutory write-off assessment criteria—vehicles other than motor bikes or light trailers

For the purposes of the definition of *statutory write-off assessment criteria* in section 82 of the Act, damage of a type or caused in circumstances specified in the document titled *Damage Assessment Criteria for the Classification of Light Vehicle Statutory Write-Offs*, published by Austroads (as in force from time to time), is prescribed in respect of a light vehicle (other than a motor bike or light trailer).

[4] Clause 105 Prescribed qualifications to carry out total loss assessments—light vehicles

Omit “the written-off light vehicle repair guidelines” from clause 105(1)(c)(ii).

Insert instead “any written-off light vehicle repair guidelines”.

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

Omit “the written-off light vehicle repair guidelines” from clause 121(1)(d).

Insert instead “any written-off light vehicle repair guidelines”.

[6] Clause 123 Hail-damaged light vehicles

Omit clause 123(1)(b). Insert instead—

- (b) that, at the time of the assessment, is retained by the person who was the registered operator of the vehicle immediately before the vehicle sustained the hail damage that resulted in it being presented for a total loss assessment.

[7] Clause 123(2)

Omit “a former written-off light vehicle”.

Insert instead “an inspected written-off light vehicle”.

[8] Clause 123(3)

Omit the subclause.

[9] Clause 123A Definitions

Insert “hail,” before “water” in paragraph (a) of the definition of *heavy vehicle damage details*.

[10] Clause 123B

Omit the clause. Insert instead—

123B Statutory write-off assessment criteria—heavy vehicles

For the purposes of the definition of *statutory write-off assessment criteria* in section 104A of the Act, damage of a type or caused in circumstances specified in the document titled *Damage Assessment Criteria for the Classification of Heavy Vehicle Statutory Write-Offs*, published by Austroads (as in force from time to time), is prescribed (except to the extent that the document provides an exemption for substantially stripped vehicles).

[11] Clause 123J Prescribed qualifications to carry out total loss assessments—heavy vehicles

Omit “the written-off heavy vehicle policies and procedures” from clause 123J(1)(c)(ii).
Insert instead “any written-off heavy vehicle policies and procedures”.

[12] Clauses 123ZA and 123ZB

Renumber clauses 124ZA and 124ZB as clauses 123ZA and 123ZB, respectively.

[13] Clause 123ZA Records of heavy vehicle certificates of compliance (as renumbered by this Schedule)

Omit “the written-off heavy vehicle policies and procedures” from clause 123ZA(1)(c).
Insert instead “any written-off heavy vehicle policies and procedures”.

[14] Part 7A, Division 9

Insert after Division 8—

Division 9 Special provision for hail-damaged heavy vehicles

123ZC Hail-damaged heavy vehicles

- (1) A *relevant written-off hail-damaged heavy vehicle* means a notifiable heavy vehicle—
 - (a) that is assessed by an assessor as being a total loss solely due to hail damage, and
 - (b) that, at the time of the assessment, is retained by the person who was the registered operator of the vehicle immediately before the vehicle sustained the hail damage that resulted in it being presented for a total loss assessment.
- (2) A relevant written-off hail-damaged heavy vehicle is taken to be an inspected written-off heavy vehicle for the purposes of Part 4.5A of the Act and is to be recorded in the NSW written-off heavy vehicles register.

[15] Schedule 5 Statutory write-off assessment criteria—heavy vehicles

Omit the Schedule.