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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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.
(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,
(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.