



Road Transport (Vehicle Registration) Amendment (Written-off Vehicles) 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 as follows:

- (a) to make certain types of vehicle eligible for the issue of an authorisation to repair,
- (b) to update references to the Vocational Education Training Accreditation Board to reflect its replacement by the Australian Skills Quality Authority as the relevant accreditation authority,
- (c) to extend the date by which a superficially-damaged motor bike is exempt from certain requirements to 1 November 2012 so that motor bikes assessed as a total loss up until that date may be eligible for an authorisation to repair and an exemption from the obligation to be the subject of a certificate of compliance,
- (d) to ensure that the Authority will not be required to cancel the registration of a vehicle that is written-off solely due to hail damage and that is subsequently retained by a registered operator of the vehicle,
- (e) to extend the period within which an assessor who carries out the vehicle damage assessment with respect to such a hail-damaged vehicle must notify the Authority that the vehicle has been written-off.

This Regulation is made under the *Road Transport (Vehicle Registration) Act 1997*, including sections 14 (the general regulation-making power), 16D, 16L and 16V.

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Clause 1

Road Transport (Vehicle Registration) Amendment (Written-off Vehicles)
Regulation 2012

**Road Transport (Vehicle Registration) Amendment
(Written-off Vehicles) Regulation 2012**

under the

Road Transport (Vehicle Registration) Act 1997

1 Name of Regulation

This Regulation is the *Road Transport (Vehicle Registration) Amendment (Written-off Vehicles) Regulation 2012*.

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 2007

[1] Clause 83D

Omit the clause. Insert instead:

83D Vehicles that are not eligible for the issue of authorisation to repair

For the purposes of section 16D (1) (b) of the Act, every notifiable vehicle other than the following is prescribed as a non-eligible vehicle:

- (a) a hail-damaged vehicle,
- (b) a vehicle that was inherited by the person seeking an authorisation to repair the vehicle,
- (c) a vehicle in respect of which the applicant for an authorisation to repair the vehicle was a registered operator of the vehicle for more than 28 days before the date on which the vehicle sustained the damage that resulted in it being presented for a vehicle damage assessment.

[2] Clause 83G Prescribed qualifications to carry out vehicle damage assessments

Omit “Vocational Education Training Accreditation Board” from paragraph (a) of the definition of *approved course* in clause 83G (2).

Insert instead “Australian Skills Quality Authority”.

[3] Clause 83X Superficially-damaged motor bikes

Omit “1 August 2011” from clause 83X (1) (d).

Insert instead “1 November 2012”.

[4] Clause 83YA

Insert after clause 83Y:

83YA Hail-damaged vehicles

- (1) A *relevant written-off hail-damaged vehicle* means a notifiable vehicle:
 - (a) that is assessed by an assessor as being a total loss solely due to hail damage, and
 - (b) that is retained by the person who was a registered operator of the vehicle for more than 28 days before the date on

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which the vehicle sustained the hail damage that resulted in it being presented for a vehicle damage assessment.

- (2) A relevant written-off hail-damaged vehicle is taken to be a former written-off vehicle for the purposes of Part 2AA of the Act and is to be recorded in the register of written-off vehicles as such.
- (3) For the purposes of section 16L (1) (b) of the Act, the prescribed time within which an assessor must ensure that the Authority is provided with the information required to be provided under that paragraph in relation to a relevant written-off hail-damaged vehicle is the last day of the month in which the vehicle damage assessment was completed.

[5] Clauses 83ZB and 83ZC

Insert after clause 83ZA:

83ZB Vehicles eligible for authorisation to repair before substitution of clause 83D

- (1) Clause 83D, as in force immediately before its substitution by the *Road Transport (Vehicle Registration) Amendment (Written-off Vehicles) Regulation 2012*, continues to apply to an application for an authorisation to repair that was made but not determined before that substitution.
- (2) A vehicle does not become a non-eligible vehicle for the purposes of Part 2AA of the Act because of the substitution of clause 83D by the *Road Transport (Vehicle Registration) Amendment (Written-off Vehicles) Regulation 2012* if:
 - (a) an authorisation to repair was issued in respect of the vehicle before that substitution, or
 - (b) an authorisation to repair is issued in respect of the vehicle in relation to an application to which subclause (1) applies.

83ZC Relevant written-off hail-damaged vehicles taken to be former written-off vehicles

Any vehicle that would have been a relevant written-off hail-damaged vehicle (within the meaning of clause 83YA) had that clause been in force when the vehicle was assessed as a total loss is taken at the time of that assessment to have been a former written-off vehicle and the register of written-off vehicles is to be updated accordingly.