



New South Wales

Road Transport (Vehicle Registration) Amendment (Written-off Vehicles) Regulation 2022

under the

Road Transport Act 2013

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

NATALIE WARD, MLC
Minister for Metropolitan Roads

Explanatory note

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

- (a) clarify the requirements in relation to written-off light vehicles, in particular for the following—
 - (i) light truck self-insurers,
 - (ii) write-off assessment criteria for light trucks,
 - (iii) light trucks as notifiable light vehicles,
 - (iv) the qualifications of assessors conducting total loss assessments of light vehicles,
 - (v) light vehicle compliance certificates, and
- (b) clarify the extent to which industry-recognised standards and methods of repair may be taken to be the relevant technical specifications in relation to—
 - (i) light vehicles under the Regulation, Part 7, and
 - (ii) heavy vehicles under the Regulation, Part 7A, and
- (c) remove redundant clauses—
 - (i) relating to records required to be kept by insurers about light vehicles and heavy vehicles assessed as not being total losses where the subject matter is already covered by the *Road Transport Act 2013* (the *Act*) or the Regulation, and
 - (ii) as a consequence of amendments made to the Act by the *Road Transport Amendment (Miscellaneous) Act 2019*.

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1 Name of Regulation

This Regulation is the *Road Transport (Vehicle Registration) Amendment (Written-off Vehicles) Regulation 2022*.

2 Commencement

This Regulation commences on 15 August 2022.

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

[1] Clause 97 Definitions

Insert in alphabetical order—

ADR (Definitions and Vehicle Categories) means the *Vehicle Standard (Australian Design Rule – Definitions and Vehicle Categories) 2005* made under the *Road Vehicle Standards Act 2018* of the Commonwealth, section 12.

chassis-cab NC category vehicle means a vehicle that—

- (a) has the vehicle category of heavy goods vehicle specified in the ADR (Definitions and Vehicle Categories), clause 4.5.7, and
- (b) with a chassis-cab within the meaning of the ADR (Definitions and Vehicle Categories), clause 3.

light truck means a NB1 category vehicle—

- (a) built on a rolling chassis, and
- (b) from which the cabin may be removed, and
- (c) with the design and construction of a chassis-cab NC category vehicle.

NB1 category vehicle means a vehicle that has the vehicle category of medium goods vehicle specified in the ADR (Definitions and Vehicle Categories), clauses 4.5.6 or 5.7.

[2] Clauses 97 and 123A

Omit the definition of *relevant technical specifications*, paragraph (b) wherever occurring.

Insert instead—

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

[3] Clause 98

Insert after clause 97—

98 Light truck self-insurers

For the Act, section 82, definition of *self-insurer*, if the notifiable light vehicle is a light truck—1 notifiable light vehicle is prescribed.

[4] Clause 99, heading

Insert “light trucks,” before “motor bikes”.

[5] Clause 99

Insert “light truck,” before “motor bike”.

[6] Clause 99A

Insert after clause 99—

99A Statutory write-off assessment criteria—light trucks

For the Act, section 82, definition of *statutory write-off assessment criteria*, damage of a type or caused in circumstances specified in the *Damage Assessment Criteria for the Classification of Heavy Vehicle Statutory*

Write-Offs published by Austroads, as in force from time to time, is prescribed in relation to a light truck, except to the extent that the document provides an exemption for substantially stripped vehicles.

[7] Clause 104A

Insert before clause 105—

104A Notifiable light vehicles

For the Act, section 88(2), a light truck is prescribed as a notifiable light vehicle.

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

Omit clause 105(1)(c)(ii). Insert instead—

- (ii) the written-off light vehicle policies and procedures published on TfNSW’s website.

[9] Clause 109 Notification of information about light vehicles not assessed as a total loss

Omit the clause.

[10] Part 7, Division 6 Records about other light vehicles

Omit the Division.

[11] Clause 119 Issue of light vehicle certificates of compliance

Omit clause 119(1)(b). Insert instead—

- (b) the written-off light vehicle policies and procedures published on TfNSW’s website.

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

Insert “under the Act, section 98(1)” after “issues a light vehicle certificate of compliance” in clause 121(1).

[13] Clause 121(1)(d)

Omit “any written-off light vehicle repair guidelines”.

Insert instead “the written-off light vehicle policies and procedures published on TfNSW’s website”.

[14] Clause 121A

Insert after clause 121—

121A Definition of “licensed repairer”—the Act, s 4

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

[15] Clause 123Q Provision of information to TfNSW by assessor about vehicles not assessed as a total loss

Omit the clause.

[16] Part 7A, Division 6 Records about other heavy vehicles

Omit the Division.

[17] Clause 123ZB

Omit the clause. Insert instead—

123ZB Definition of “licensed repairer”—the Act, s 4

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