

VEHICLE AND TRAFFIC AMENDMENT (WRITTEN-OFF VEHICLES) BILL
2013

CLAUSE NOTES

Clause 1 Short title and citation.

Clause 2 The Act is to commence on a day to be proclaimed.

Clause 3 The Principal Act is the *Vehicle and Traffic Act 1999*.

Clause 4(a) Omits the definition of ‘statutory write-off’ from subsection (1) and substitutes a new definition that provides that a statutory write-off means a vehicle that

(i) under paragraph (a) has been assessed by a prescribed person as a total loss. A prescribed person is defined in Regulation 76 of the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2010* as an insurer, a loss assessor, a dealer, an auto-parts dismantler or an auction house.

(ii) under paragraph (b) has been assessed by a prescribed person as only suitable for dismantling and processing as scrap. This goes further than (a) because vehicles assessed as total losses can be either repairable or statutory write-offs. The assessment as only suitable for dismantling and processing as scrap clarifies and confirms that the vehicle cannot be repaired.

(iii) under paragraph (c) has been assessed in accordance with the Technical Guide.

The Technical Guide is the Damage Assessment Criteria for the Classification of Statutory Write-Offs approved by Austroads. It applies engineering principles to consistently identify and appropriately classify those Written-Off Vehicles that should not be repaired on safety grounds .

Clause 4(b) Omits the words “or a statutory write-off” from subsection (2) as the new Technical Guide is the sole basis for determining whether a vehicle is a statutory write-off.

Clause 4(c) Inserts a new subsection (3) which provides that if a vehicle is assessed as a repairable write-off before this legislation commences, that classification shall continue after the commencement of the legislation. This will ensure that persons purchasing repairable written-off vehicles prior to the legislation commencing will not suffer any loss if, for any reason, the vehicle is assessed again post introduction of the legislation and it is determined that it is a statutory write-off under the Technical Guide.

Clause 5

Repeals this amending Act one year from the date of its commencement. Note that the contents of this amending Act will have been incorporated into the *Vehicle and Traffic Act 1999*.