

South Australia

Motor Vehicles Variation Regulations 2012

under the *Motor Vehicles Act 1959*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Motor Vehicles Variation Regulations 2012*.

2—Commencement

These regulations will come into operation on 1 September 2012.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Motor Vehicles Regulations 2010*

4—Variation of regulation 71—Interpretation

- (1) Regulation 71(1), definition of *notifiable vehicle*, paragraph (a)(i)—after "tonnes" insert:

to which Australian Design Rules apply

- (2) Regulation 71(1), definition of *statutory write-off*—delete the definition and substitute:

statutory write-off means—

- (a) a motor vehicle referred to in paragraph (a)(i) of the definition of *notifiable vehicle* that meets the assessment criteria as a statutory write-off specified in the Technical Guide; or
- (b) a motor bike, caravan or trailer that—
 - (i) is burnt to such an extent that it is fit only for wrecking or scrap; or
 - (ii) is stripped of all, or a combination of most, interior and exterior body parts, panels and components (such as, for example, the engine and gearbox (if applicable), wheels, guards, body and chassis components or assemblies); or
- (c) a motor bike that—
 - (i) has been fully immersed in salt water for any period; or
 - (ii) has been fully immersed in fresh water for more than 48 hours; or
 - (iii) has impact damage (excluding scratching) to the suspension and at least 2 areas of structural frame damage;

Technical Guide means the document entitled *Damage Assessment Criteria for the Classification of Statutory Write-Offs* published by Austroads Ltd in July 2011, as in force from time to time;

5—Substitution of regulation 73

Regulation 73—delete the regulation and substitute:

73—Application of Part

This Part applies to a motor vehicle if the vehicle would be required to be registered under the Act in order to be driven on a road, whether or not the vehicle is in fact registered.

Part 3—Transitional provision

6—Transitional provision

- (1) A notice given to the Registrar under regulation 74 of the principal regulations on or after the commencement of these regulations will be taken to comply with the principal regulations, as varied by these regulations, if—
- (a) the motor vehicle to which the notice relates was assessed as a statutory or repairable write-off before the commencement of these regulations in accordance with the principal regulations as in force immediately before that commencement; and
 - (b) the notice was given to the Registrar within 7 days after the assessment was made.

(2) In this section—

principal regulations means the *Motor Vehicles Regulations 2010*.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 2 August 2012

No 182 of 2012

MTR/12/010