

South Australia

# Motor Vehicles (Written-off Vehicles) Amendment Regulations 2023

under the *Motor Vehicles Act 1959*

---

## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Commencement

### Part 2—Amendment of *Motor Vehicles Regulations 2010*

- 3 Substitution of regulation 71
    - 71 Interpretation
  - 4 Amendment of regulation 74—Registrar to be given notice of, and notices to be affixed to, written-off vehicles
  - 5 Amendment of regulation 75—Offence to drive written-off vehicle on road
- 

## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Motor Vehicles (Written-off Vehicles) Amendment Regulations 2023*.

### 2—Commencement

These regulations come into operation on 1 June 2023.

## Part 2—Amendment of *Motor Vehicles Regulations 2010*

### 3—Substitution of regulation 71

Regulation 71—delete the regulation and substitute:

#### 71—Interpretation

- (1) In this Part—

*bus* means a motor vehicle, built mainly to carry people, that seats more than 9 adults (including the driver);

*category 1 vehicle* means—

- (a) a bus with a GVM greater than 3.5 tonnes; or
- (b) a prime mover with a GVM greater than 4.5 tonnes; or
- (c) a trailer with a GVM greater than 4.5 tonnes; or

- (d) a truck with a GVM greater than 3.5 tonnes;

**category 1 vehicle technical guide** means the document entitled *Damage Assessment Criteria for the Classification of Heavy Vehicle Statutory Write-Offs* published by Austroads Ltd in December 2019, as in force from time to time;

**category 2 vehicle** means any motor vehicle with a GVM not exceeding 4.5 tonnes that is not—

- (a) a category 1 vehicle; or  
(b) a trailer;

**category 2 vehicle technical guide** means the document entitled *Damage Assessment Criteria for the Classification of Light Vehicle Statutory Write-Offs* published by Austroads Ltd in December 2019, as in force from time to time

**corresponding law** means a law of another State or a Territory of the Commonwealth that corresponds to the provisions of this Part;

**hail damage** to a motor vehicle means damage sustained to the vehicle by the direct impact of hail stones;

**interstate written-off vehicle** means a motor vehicle that, for the purposes of a corresponding law, is recorded in a register maintained by the vehicle registration authority of another State or a Territory of the Commonwealth as a written-off vehicle, statutory write-off, repairable write-off or wrecked vehicle (as defined in that corresponding law);

**notifiable vehicle** means—

- (a) a category 1 vehicle that is a written-off vehicle; or  
(b) a category 2 vehicle that—  
(i) is less than 15 years of age; and  
(ii) is 1 of the following:  
(A) a motor vehicle (other than a motor bike or trailer) to which the Australian Design Rules apply;  
(B) a motor bike;  
(C) a caravan; and  
(iii) is a written-off vehicle;  
(c) an interstate written-off vehicle; or  
(d) if a motor vehicle referred to in a preceding paragraph is wrecked or wholly or partly disassembled—any part of the vehicle that bears a vehicle identification plate or vehicle identification number;

***repairable write-off*** means—

- (a) a category 1 vehicle that has been substantially stripped (within the meaning of the category 1 vehicle technical guide) and returned to the insured person as part of a settlement of the insurance claim that resulted in the vehicle being determined to be a total loss; or
- (b) a motor vehicle that is written-off but is not a statutory write-off;

***sell*** means sell whether by treaty or auction and whether on one's own behalf or on behalf of others;

***statutory write-off*** means—

- (a) a category 1 vehicle that meets the assessment criteria as a statutory write-off specified in the category 1 vehicle technical guide; or
- (b) a category 2 vehicle to which the Australian Design Rules apply (other than a motor bike, caravan or trailer) that meets the assessment criteria as a statutory write-off specified in the category 2 vehicle technical guide; or
- (c) a motor bike or caravan that—
  - (i) has been burned to such an extent that it is fit only for wrecking or scrap; or
  - (ii) has been 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
- (d) 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;

***total loss*** means a motor vehicle damaged by accident, collision, demolition, dismantling, fire, flood, trespass or other event to the extent that its fair salvage value, when added to the cost of repairing it for use on a road or road related area, would be more than its fair market value immediately before the event that caused the damage;

***truck*** means a rigid motor vehicle that is built mainly as a load carrying vehicle;

***vehicle dealer*** means person who carries on the business of selling motor vehicles;

**vehicle registration authority** in relation to another State or a Territory of the Commonwealth, means the person or body responsible for registering motor vehicles in that State or Territory;

**vehicle wrecker** means a person who carries on the business of wrecking motor vehicles or disassembling motor vehicles for salvage;

**written-off**—see subregulation (2);

**written-off vehicle** means a motor vehicle that is a repairable write-off or a statutory write-off;

**written-off vehicle notices** means notices (including labels) issued by the Registrar for the purpose of being affixed to written-off vehicles or vehicle parts in accordance with regulation 74.

- (2) For the purposes of this Part—
- (a) hail damage to a motor vehicle is of a *cosmetic nature* if there is no evidence of—
    - (i) structural damage to the vehicle; or
    - (ii) water damage to the interior of the vehicle;
  - (b) a motor vehicle is *written-off* if the vehicle—
    - (i) is a total loss; or
    - (ii) is to be, or has been, wrecked or wholly or partly disassembled for salvage; or
    - (iii) is to be, or has been, sold or acquired for wrecking or disassembling for salvage.
- (3) For the purposes of this Part, the age of a motor vehicle is to be determined from the date of its manufacture.

#### **4—Amendment of regulation 74—Registrar to be given notice of, and notices to be affixed to, written-off vehicles**

Regulation 74(2)—after paragraph (b) insert:

or

- (c) the vehicle is a notifiable vehicle only because it has hail damage of a cosmetic nature.

#### **5—Amendment of regulation 75—Offence to drive written-off vehicle on road**

Regulation 75—after subregulation (1) insert:

- (1a) Subregulation (1) does not apply in relation to a motor vehicle that is a notified written-off vehicle only because the vehicle has sustained hail damage of a cosmetic nature.

#### **Editorial note—**

As required by section 10AA(2) of the *Legislative Instruments 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 4 May 2023

No 28 of 2023