

NORTHERN TERRITORY OF AUSTRALIA
AMENDMENTS OF MOTOR VEHICLES REGULATIONS

Regulations 2002, No. 39

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NORTHERN TERRITORY OF AUSTRALIA

Regulations 2002, No. 39*

Regulations under the *Motor Vehicles Act*

I, JOHN CHRISTOPHER ANICTOMATIS, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Motor Vehicles Act*.

Dated 1 October 2002.

J. C. ANICTOMATIS
Administrator

By His Honour's Command

K. VATSKALIS
Minister for Transport and Infrastructure

* Notified in the *Northern Territory Government Gazette* on 9 October 2002.

AMENDMENTS OF MOTOR VEHICLES REGULATIONS

1. Definitions

Regulation 4A of the Motor Vehicles Regulations is amended –

- (a) by omitting "For the purposes of these Regulations –" and substituting "(1) In these Regulations, unless the contrary intention appears –";
- (b) by omitting "cycle." from paragraph (b) of the definition of "motor cycle" and substituting "cycle;"; and
- (c) by adding at the end the following:

"'repairable write-off' means a vehicle that is assessed as a total loss but is not a statutory write-off;

'road' has the same meaning as in the Australian Road Rules;

'road-related area' has the same meaning as in the Australian Road Rules;

'statutory write-off' means a vehicle that is assessed as a total loss and is any of the following:

- (a) a motor vehicle (other than a motor bike) that has been –
 - (i) immersed in salt water above the doorsill level for any period; or
 - (ii) immersed in fresh water up to the dashboard or steering wheel for more than 48 hours;
- (b) a motor bike that has been –
 - (i) fully immersed in salt water for any period; or
 - (ii) fully immersed in fresh water for more than 48 hours;
- (c) a motor vehicle or trailer that is burnt to such an extent that it is fit only for wrecking or scrap;
- (d) a motor vehicle or trailer that is stripped of all, or a combination of most, interior and exterior body parts, panels and components (for example, the engine, wheels, bonnet, guards, doors or boot lid);
- (e) a motor vehicle (other than a motor bike) that is damaged by at least 3 of the following impact damage indicators:

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- (i) damage to an area of the roof equal to or exceeding 300 mm by 300 mm in size;
 - (ii) damage to an area of the cabin floor pan equal to or exceeding 300 mm by 300 mm in size;
 - (iii) damage to an area of the firewell equal to or exceeding 300 mm by 300 mm in size;
 - (iv) any damage to the suspension;
 - (v) damage (in the form of cracks or breaks) to major mechanical components (for example, the engine block or transmission casings);
- (f) a motor bike that has impact damage (excluding scratching) to the suspension and at least 2 areas of structural frame damage;

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

"(2) For the purposes of these Regulations, a vehicle is destroyed if it is a total loss, including if the vehicle is a statutory write-off or a repairable write-off."

2. New regulations

The Motor Vehicles Regulations are amended by adding at the end the following:

"17. Notices of destruction

- "(1) A notice of destruction referred to in section 19A of the Act –
- (a) is to contain the following information in respect of the vehicle:
 - (i) the name and address of the registered owner;
 - (ii) the registration number;
 - (iii) the make and model;
 - (iv) whether it is a motor car, motor cycle, goods vehicle, motor omnibus, motor tractor or trailer;
 - (v) the vehicle identification or chassis number;

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- (vi) the date of manufacture as shown on its certification plate;
 - (vii) whether it was destroyed by hail, water, impact, fire or stripping;
 - (viii) the name and address of the person making the statutory declaration referred to in paragraph (b);
 - (ix) if the person making the statutory declaration is a trader – the trader's motor vehicle trader's licence number;
 - (x) if the person making the statutory declaration is an approved person under paragraph (b)(iv) – the person's approval number;
 - (xi) if the person making the statutory declaration is a person referred to in paragraph (b)(v) – details of the person's qualification or accreditation to assess damaged vehicles; and
- (b) is to be accompanied by a statutory declaration made by one of the following persons to the effect that the vehicle is destroyed:
- (i) the registered owner;
 - (ii) the insurer that declared the vehicle to be a total loss under a contract of insurance;
 - (iii) a trader;
 - (iv) a person approved by the Registrar to assess damaged vehicles and, if appropriate, declare them to be total losses;
 - (v) a person who is qualified or accredited to assess damaged vehicles.

"(2) A notice of destruction may be delivered to the Registrar on behalf of the owner by a person referred to in subregulation (1)(b)(ii), (iii), (iv) or (v).

"18. Register of Written-off Vehicles

"(1) The Registrar must keep a Register of Written-off Vehicles.

"(2) The Register may be kept in any form, including an electronic form.

"(3) The Register is to contain the information specified in regulation 17(1)(a) obtained from a notice of destruction referred to in section 19A of the Act in respect of a vehicle (other than a trailer) where the date of manufacture

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shown on the certification plate is not earlier than 15 years before the date on which the notice is delivered to the Registrar.

"(4) On payment of the fee (if any) prescribed in the Motor Vehicles (Fees and Charges) Regulations, a person is to be provided with the information contained in the Register in respect of a vehicle."
