

To ensure you comply with your legal obligations you must refer to the appropriate legislation. Information on the latest laws can be checked by visiting the NSW legislation website (www.legislation.nsw.gov.au).

This publication does not represent a comprehensive statement of the law as it applies to particular problems or to individuals or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.

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For the latest information go to
www.rta.nsw.gov.au/wov or call 13 22 13

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Transport
Roads & Traffic
Authority

Changes from 31 January 2011

Written-off vehicle reforms 2011



INFORMATION FOR VEHICLE REPAIRERS

All NSW vehicles recorded on the Written-off Vehicle Register (WOVR) on or after 31 January 2011 will be classified as statutory (non-repairable) write-offs.

Vehicles classified as statutory write-offs will not be able to be registered in Australia. They will only be able to be used for parts or scrap metal.

The laws will apply to NSW light vehicles including trailers, caravans and motor bikes. A light vehicle is a registrable vehicle 4.5 tonnes or less gross vehicle mass (GVM).

Why are the laws being changed?

The changes are being made to improve consumer protection and vehicle safety, and reduce vehicle theft and re-birthing, where stolen parts are used to illegally rebuild written-off vehicles.

For further information please visit the RTA website at www.rta.nsw.gov.au/wov

Will any written-off vehicles be able to be registered?

Most written-off vehicles will not be able to be repaired and re-registered from 31 January 2011. However in limited instances, the RTA will consider applications to repair and register vehicles on a case-by-case basis.

Which vehicles will be considered for repair and registration?

The registered vehicle operator (at the time the vehicle was assessed as a written-off vehicle) can apply to the RTA if the vehicle is:

- In an exempt vehicle category.
- Able to be repaired to legislated vehicle safety standards.

Exempt vehicle categories include:

- High market value.
- Hail damage.
- Low production run.
- First or last in production run or model range.
- Personally imported.
- Individually constructed.
- Inherited.
- Owned for five years or more by the registered operator.
- Registered operator is a member of a recognised enthusiasts' club for vehicles of that type.

What will the repair and registration process be?

- The insurer assesses the damaged vehicle and, if requested, gives a Declaration of Vehicle Damage to the registered operator or owner.
- The vehicle operator or owner sends an Application to Commence Repairs to the RTA.
- If the RTA issues an Authorisation to Repair:
 - The vehicle must be repaired according to manufacturer's guidelines** (or to recognised industry standards if there are no manufacturer's guidelines) as far as they are relevant to the structural integrity and safety of the vehicle, and
 - Before a vehicle can be registered, repairs must be certified as meeting the above standards.**
- The vehicle must pass two inspections – one for mechanical safety and one for identity validation.
- If the vehicle meets the above requirements, the RTA will change its status to a former written-off vehicle.
- The vehicle operator or owner can apply to the RTA to register the vehicle.

Who can certify repairs?

To certify repairs to a written-off vehicle, a person must hold a licence issued by NSW Fair Trading under the *Motor Vehicle Repairs Act 1980* in a class relevant to the repair being conducted.

To certify repairs to electronic control systems (such as airbags or Anti-lock Braking Systems), a person must be approved by the vehicle manufacturer or the RTA.

Certification of repairs – the role of licensed repairers

Only written-off vehicles that have been issued with an Authorisation to Repair are eligible for re-registration. Certificates must not be issued for written-off vehicles which do not have an Authorisation to Repair.

Only a licensed repairer can certify repairs being done for the purposes of registration in NSW. Certifications must be given using an RTA form – see 'What is a Certificate of Compliance?' (opposite).

The decision to provide the service of issuing Certificates of Compliance is a business decision for the repairer. If the decision is made to provide this service, please read the information for repairers and related legislation referenced at www.rta.nsw.gov.au/wov

Repairs do not have to be carried out by a licensed repairer. However the repair process still needs to be supervised and certified by a licensed repairer. Licensed repairers are encouraged to discuss their inspection requirements with the customer. These may include a repair diary, before and after repair photographs, and receipts for replacement parts.

Certificates of Compliance should only be issued if the vehicle has been inspected at appropriate times during the repair process and the repairs comply with the relevant guidelines or standards.

If a licensed repairer conducts the repairs they are permitted to certify their own repairs. However they must still meet the requirements for certification listed below.

What is required to certify repairs?

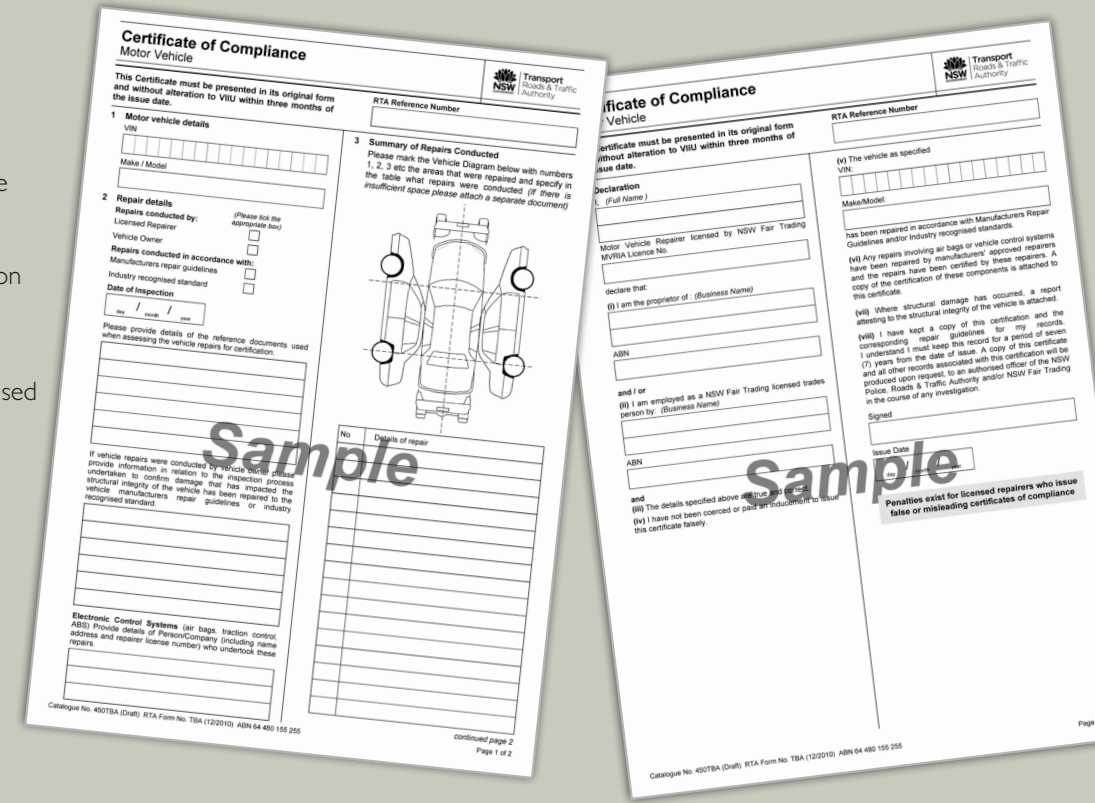
To issue a Certificate of Compliance, a licensed repairer must:

- Be licensed by NSW Fair Trading for the class of repairs being certified.
- Read and follow the RTA *Repair and certification – administrative procedures*.
- Only issue a Certificate of Compliance if you are satisfied that repairs were conducted according to the standards set out in the RTA *Repair and certification – administrative procedures*.
- Where structural damage has occurred, arrange a report on the repaired vehicle's structural integrity.
- Use the RTA Certificate of Compliance form.
- Keep records to support the certification decision for at least seven years.

What is a Certificate of Compliance?

The Certificate of Compliance is an RTA form.

The form contains a declaration that the repairs were done according to manufacturer's repair guidelines or to recognised industry standards.



Written-off vehicle repair and registration requirements from 31 January 2011

From 31.1.2011, to register a written-off vehicle in NSW:	Vehicles written-off from 31.1.2011	Repairable write-offs recorded on WOCR before 31.1.2011		
		Register before 31.7.2011	Register 31.7.2011 to 30.1.2013	Register from 31.1.2013
The vehicle operator applies to the RTA and receives authorisation to repair the written-off vehicle.	✓	n/a	n/a	✓
A repairer with an appropriate class of licence from NSW Fair Trading certifies the vehicle repairs.	✓	n/a	✓	✓
The repaired vehicle must pass safety, design and identity inspections.	✓	✓	✓	✓