

Road Transport (General) (Application of Road Transport Legislation) (Summernats 2010) Declarations 2009 (No 1)

Disallowable instrument DI2009–255

EXPLANATORY STATEMENT

Subsection 13(1) of the *Road Transport (General) Act 1999* (the Act) empowers the Minister to declare that the road transport legislation does not apply to a person, vehicle or animal in a place or circumstance stated in the declaration. Under subsection 13(3) of the Act such a declaration is a disallowable instrument.

The Street Machine 23 Summernats Car Festival is to be held at Exhibition Park in Canberra (EPIC) from 7 January 2010 to 10 January 2010 (inclusive). The event consists of a number of competitive motor vehicle events, including burnouts, horsepower performance tests, speed tests and driving skills contests. The vehicles competing in these events may be highly modified registered or unregistered vehicles which, due to their modifications, may be unable to comply with Australian Vehicle Standards or Australian Design Rules.

Consistent with the responsibility of event promoters for accident claims arising from their events, the promoter of event has obtained public liability insurance to cover the risk of injury claims arising from this event. The insurance policy provides up to \$20 million of general liability cover for any one occurrence, subject to the terms, conditions and limitations of the policy.

The first declaration in the instrument removes application of the *Road Transport (Third-Party Insurance) Act 2008* to ACT registered entrant and promotional vehicles participating in the event and to unidentified or uninsured vehicles. However, vehicles involved in the event in any other capacity (eg service or trader vehicles) and participating interstate registered vehicles are unaffected by the declaration. Public liability insurance for the event will address motor accident injury claims in relation to vehicles to which the declaration applies while they are participating in Summernats activities within EPIC.

Although the event officially begins on 7 January 2010 and ends on 10 January 2010, the third-party insurance declaration also has effect on 6 January 2010. This extended period, which is covered by the public liability policy obtained by the promoter of the event, allows early arrivals to use participating vehicles within the grounds of EPIC on that day.

Some vehicles are unable to be registered because they cannot meet Australian Vehicle Standards or Australian Design Rules (eg motorised bathtubs and drag cars). Other competing vehicles, although registered, have been modified to the point where they no longer comply with the Australian Vehicle Standards or Australian Design Rules. It is an offence to operate these non-complying vehicles on a road or road related area.

To enable these vehicles to lawfully participate in the event within EPIC, the second declaration in the instrument exempts vehicles from the provisions of the *Road Transport (Vehicle Registration) Act 1999* and the *Road Transport (Vehicle Registration) Regulation 2000* which make it an offence to drive an unregistered or non-complying vehicle on a road or road related area.

All participating vehicles are subject to a vehicle safety inspection by Summernats officials prior to being permitted to enter the grounds of EPIC.

Although the Summernats event officially begins on 7 January 2010 and ends on 10 January 2010, the vehicle registration and standards declaration commences at 5.00 pm on 5 January 2010, when scrutineering of local entries will begin, and ends at 12.00 midday on 11 January to allow for the departure of entrant's vehicles after the end of the event.