

Road Transport (General) Exclusion of Road Transport Legislation (Summernats) Declaration 2017 (No 1)

Disallowable instrument DI2017—314

EXPLANATORY STATEMENT

Section 13 (1) of the *Road Transport (General) Act 1999* (the Act) allows the Minister to declare that the road transport legislation, or a provision of the road transport legislation, does not apply to a vehicle, person or animal in a place or circumstance stated in the declaration. Under subsection 13 (3) of the Act, a declaration under section 13 (1) is a disallowable instrument. This instrument contains three declarations under section 13 (1):

- one disapplying the *Road Transport (Third-Party Insurance) Act 2008*;
- one disapplying provisions of the *Road Transport (Vehicle Registration) Act 1999* and *Road Transport (Vehicle Registration) Regulation 2000*; and
- the other disapplying a provision of the *Road Transport (Driver Licensing) Regulation 2000*.

The Summernats 31 Car Festival 2018 is to be held at Exhibition Park in Canberra (EPIC) from 4 January 2018 to 7 January 2018 (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 the 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 public liability cover for any one occurrence, subject to the terms, conditions and limitations of the policy.

Clause 1 is a formal provision that provides for the name of the instrument.

Clause 2 explains when the instrument commences. Although the event officially begins on 4 January 2018, the instrument commences on 3 January 2018 when some entrants arrive.

Clause 3 contains the first declaration, which disapplies the *Road Transport (Third-Party Insurance) Act 2008* in respect of ACT registered entrant and promotional vehicles participating in the event and unidentified or uninsured vehicles. However, vehicles involved in the event in any other capacity (e.g. 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, whilst contained within the declared impound area adjacent to EPIC across Flemington Road and while being moved from EPIC to the impound area.

Clause 4 contains the second declaration, which disapplies specified provisions of the *Road Transport (Vehicle Registration) Act 1999* and the *Road Transport (Vehicle Registration) Regulation 2000*. This clause is necessary because some vehicles participating in Summernats 31 will not be registered as they cannot meet Australian Vehicle Standards or Australian Design Rules (e.g. motorised bathtubs and drag cars).

Other competing vehicles, although registered (having complied with registration requirements at the time of registration), have been subsequently 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 participate lawfully in the event within EPIC, whilst contained within the declared impound area adjacent to EPIC across Flemington Road and while being moved from EPIC to the impound area. The second declaration has the effect of excluding them from the application of provisions of the *Road Transport (Vehicle Registration) Act 1999* and the *Road Transport (Vehicle Registration) Regulation 2000* that 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.

Clause 5 contains the third declaration, which disapplies section 60 of the *Road Transport (Driver Licensing) Regulation 2000*. This is necessary because some interstate drivers participating in Summernats 31 have a high powered vehicle restriction on their driver licence. It is an offence for these drivers to operate a high powered vehicle on a road or road related area. To enable these drivers to participate lawfully in the event within EPIC and whilst contained within the declared impound area adjacent to EPIC across Flemington Road, the third declaration has the effect of excluding them from the application of provisions of the *Road Transport (Driver Licensing) Regulation 2000* that make it an offence to drive a high powered vehicle on a road or road related area. The prescribed driver licence conditions do not apply within the declared area of EPIC and whilst contained within the declared impound area adjacent to EPIC across Flemington Road, for high powered vehicle restrictions on a person's driver licence from another jurisdiction.

Clause 6 provides that the exemptions in clause 3 and 4 relating to the area between EPIC and the impound area only apply if the vehicle is not operating under its own power.

Clause 7 contains definitions of terms used in the instrument.

Clause 8 provides for the expiry of the instrument. Although the Summernats event officially ends on 7 January 2018, the instrument expires at midday on 8 January 2018 to allow sufficient time for the departure of entrants' vehicles after the formal end of the event.

The Schedule provides two maps that define the areas within which the instrument has effect.