

Australian Capital Territory

Road Transport (General) (Application of Road Transport Legislation) Declaration 2008 (No 11)

Disallowable instrument DI2008—293

made under the

Road Transport (General) Act 1999, s13 (Power to exclude vehicles, persons or animals from road transport legislation)

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 Magazine 22nd Summernats Car Festival is to be held at Exhibition Park in Canberra (EPIC) from 1 January 2009 to 4 January 2009, inclusive. The festival 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 Summernats has obtained public liability insurance to cover the risk of injury claims arising from this event. The insurance policy provides up to \$10 million of general liability cover for any one occurrence, subject to the terms, conditions and limitations of the policy.

The declaration removes application of the compulsory third party insurance (CTP) provisions of the ACT road transport legislation from certain unregistered and ACT registered vehicles participating in the event and their owners or drivers. 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 instrument. This means that the public liability insurance for the event will address motor accident injury claims arising from

unregistered and ACT registered vehicles participating in Summernats activities within EPIC, while the authorised ACT CTP insurer will cover claims arising from ACT registered vehicles not participating in event activities and the nominal defendant will cover any claims arising from unregistered vehicles that are not participating in event activities.

Although the 22nd Summernats officially begins on 1 January 2009 and concludes on 4 January 2009, the declaration commences on 31 December 2008. 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.