

Road Transport (General) Exclusion of Road Transport Legislation (Summernats) Declaration 2014 (No 1)

Disallowable instrument DI2013—318

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 relating to third party insurance, one relating to vehicle registration and vehicle standards and the other relating to driver licensing.

The Summernats 28 Car Festival 2015 is to be held at Exhibition Park in Canberra (EPIC) from 1 January 2015 to 4 January 2015 (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 clauses in the instrument commence. This clause provides for a split commencement, so that the clauses that exclude the application of laws relating to compulsory third party insurance, vehicle registration and vehicle standards, and driver licence conditions commence on 31 December 2014 and ends at midday on 5 January 2015. Although the event officially begins on 1 January 2015, the declarations commence on 31 December 2014 when some entrants arrive. The remaining provisions commence on the day after notification.

Clause 3 contains the first declaration, which removes the 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 (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.

Clause 4 contains the second declaration, which removes the application of 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 2015 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, 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 participate lawfully in the event within EPIC, 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 removes the application of Section 60 of the *Road Transport (Driver Licensing) Regulation 2000*. This clause is necessary because some interstate drivers participating in Summernats 2015 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, 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, for high powered vehicle restrictions on a person's driver licence from another jurisdiction.

Clause 6 contains definitions of terms used in the instrument.

Clause 7 provides for the expiry of the instrument. Clause 7 (1) explains that clauses 3, 4 and 5 which contain the three declarations, expire at midday on 5 January 2015. The remainder of the instrument expires at midnight on 5 January 2015. Although the Summernats event officially ends on 4 January 2015, clause 7 (1) allows for the declarations to expire at midday on 5 January 2015 to allow sufficient time for the departure of entrants' vehicles after the formal end of the event.

The Schedule is a map that defines the area within which the instrument has effect.