

2004

**THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY**

ROAD TRANSPORT (GENERAL) ACT 1999

**ROAD TRANSPORT (GENERAL) (APPLICATION OF ROAD
TRANSPORT LEGISLATION) DECLARATION 2004 (No 15)**

DISALLOWABLE INSTRUMENT DI2004–266

EXPLANATORY STATEMENT

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John Hargreaves MLA
Minister for Urban Services

AUSTRALIAN CAPITAL TERRITORY

ROAD TRANSPORT (GENERAL) (APPLICATION OF ROAD TRANSPORT LEGISLATION) DECLARATION 2004 (No 15)

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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 18th Summernats Car Festival is to be held at Exhibition Park in Canberra (EPIC) from 6 January 2005 to 9 January 2005, 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.

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 the registered operators or drivers of these vehicles to lawfully participate in Summernats' activities within EPIC, this declaration seeks to remove offence provisions for using an unregistered vehicle (subsection 18(1) of the *Road Transport (Vehicle Registration) Act 1999*) or driving a non-complying modified vehicle (sections 108, 109, 110 and 111 of the *Road Transport (Vehicle Registration) Regulation 2000*).

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 6 January 2005 and concludes on 9 January 2005, the declaration commences on 5 January 2005. This extended period, which is covered by the indemnity under the public liability policy obtained by promoters of the event, allows early arrivals to use participating vehicles within the grounds of EPIC on that day.