

Australian Capital Territory

Road Transport (General) Application of Road Transport Legislation Declaration 2012 (No 7)

Disallowable instrument DI2012—260

made under the

***Road Transport (General) Act 1999*, section 13 (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 exclude vehicles, persons or animals from the road transport legislation. Subsection 13(3) of the Act provides that such a declaration is a disallowable instrument.

Clause 1 and 2 are formal provisions to provide for the name and commencement of the instrument.

Clause 3 is a declaration to exempt a designated vehicle from certain provisions of the road transport legislation. The purpose of the exemption is to allow the motor vehicle, which is a rally vehicle, to attend and participate in the lighting of the Christmas tree in Civic Square on 7 December 2012.

The provisions from which the vehicle is exempted are section 21 (3) of the *Road Transport (Vehicle Registration) Act 1999* and section 33 (7) of the *Road Transport (Vehicle Registration) Regulations 2000*. These provisions make it an offence for the registered operator (in the case of section 21 (3) of the Act), or a person other than the registered operator, to use a vehicle in a way that is contrary to a condition of the vehicle's registration. Rally vehicles are usually registered subject to the condition that they can only be used on a road or road related area when they are being driven to and from a motor vehicle rally or driven to a place where they can be repaired. The effect of this declaration is to temporarily disapply that condition, so that the designated rally vehicle may be used on Territory roads and road related areas in connection with the lighting of the Christmas tree on 7 December 2012. The event is not a rally in itself, and would not ordinarily come within the terms of the registration conditions applying to these vehicles.

Clause 4 explains when the declaration has effect.

Clause 5 contains definitions of key terms used in the instrument.

Clause 6 provides for the expiry of the instrument.