

Australian Capital Territory

Road Transport (General) (Application of Road Transport Legislation) Declaration 2008 (No 12)

Disallowable instrument DI2008—294

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.

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 exempts vehicles and their drivers from certain provisions of the *Road Transport (Vehicle Registration) Act 1999* and the *Road Transport (Vehicle Registration) Regulation 2000*, which make it an offence to drive unregistered or non-complying vehicles.

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 1 January 2009 and concludes on 4 January 2009, the declaration commences on 31 December 2008. 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.