

2002

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

ROAD TRANSPORT (GENERAL) ACT 1999

**ROAD TRANSPORT (GENERAL) - DECLARATION THAT THE ROAD
TRANSPORT LEGISLATION DOES NOT APPLY TO CERTAIN ROADS
AND ROAD RELATED AREAS 2002 (No 3)**

DISALLOWABLE INSTRUMENT DI2002-39

EXPLANATORY STATEMENT

Circulated by authority of

Bill Wood MLA
Minister for Urban Services

AUSTRALIAN CAPITAL TERRITORY

DISALLOWABLE INSTRUMENT DI 2002-39

EXPLANATORY STATEMENT

Subsection 12(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 road or road related area. Subsection 12(3) of the Act makes such a declaration a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

This instrument declares that the road transport legislation does not apply to the roads and road related areas used when vehicles are taking part in the timed special stages of the Subaru Rally of Canberra from 3 May to 5 May 2002, inclusive, and in supplementary pre-event activities, namely competitor test sessions, from 27 April 2002 to 1 May 2002, inclusive, and the pre-rally shakedown on 2 May 2002. The timed special stages and supplementary pre-event activities take place on roads in ACT forest areas. All competing vehicles are road registered and have compulsory third party (CTP) insurance.

The Subaru Rally of Canberra is being held under the auspices of the Confederation of Australian Motor Sport (CAMS). The CAMS Motor Sport Policy provides up to \$100 million of general liability cover for any one occurrence, subject to the terms, conditions and limitations of the Policy. In particular, the CAMS Policy excludes participant to participant claims for drivers, entrants or crew in competing vehicles. However, the CAMS Policy does not operate where CTP insurance is in force, except where specifically excluded by law.

The declaration does not affect the right of an injured person to claim against the CTP insurer of a vehicle causing injury. It cannot override the contract between the insured (ie the owner or driver of the vehicle) and the ACT CTP insurer (ie NRMA Insurance Limited). It does, however, operate to remove an element of cross-subsidisation of motor sport participants by the general motoring community by shifting any injury claim costs from the NRMA (and ultimately ACT motorists) to the CAMS insurer.

The declaration will suspend the CTP provisions during the timed special stages of the event and supplementary pre-event activities, thereby enabling the CAMS liability insurance to indemnify NRMA Insurance Limited and the Nominal Defendant for motor accident injury claims arising from the event and supplementary pre-event activities.

The declaration also has the effect of suspending the road rules during the timed competitive stages of the event and during supplementary pre-event activities.