

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 10)**

DISALLOWABLE INSTRUMENT DI2004–223

EXPLANATORY STATEMENT

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Jon Stanhope MLA
Acting Minister for Urban Services

AUSTRALIAN CAPITAL TERRITORY

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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.

This instrument declares that the road transport legislation does not apply to the ACT roads and road related areas used when vehicles are competing in the ACT timed special (competitive) stages of the Brindabella Motor Sport Club 2004 Caltex Airport Starmart Rally on 18 September 2004. The roads used for two of the special stages are forest roads in the Kowen Forest (the remaining five stages are in the Tallaganda State Forest in NSW). All competing vehicles are road registered and have compulsory third party (CTP) insurance.

The event is 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, this Policy does not operate where CTP insurance is in force, except where specifically excluded by law.

The declaration removes the CTP provisions from applying during the special stages of the event. This enables the CAMS liability insurance to take over responsibility for motor accident injury claims arising from the event.

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

The declaration also has the effect of suspending the road rules during the special stages of the event.

The declaration expires on 20 September 2004.