

**2005**

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

**ROAD TRANSPORT (GENERAL) ACT 1999**

**ROAD TRANSPORT (GENERAL) (APPLICATION OF ROAD  
TRANSPORT LEGISLATION) DECLARATION 2005 (No 6)**

**DISALLOWABLE INSTRUMENT DI2005-45**

**EXPLANATORY STATEMENT**

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John Hargeaves MLA  
Minister for Urban Services

## AUSTRALIAN CAPITAL TERRITORY

### ROAD TRANSPORT (GENERAL) (APPLICATION OF ROAD TRANSPORT LEGISLATION) DECLARATION 2005 (No 6)

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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 Subaru Rally of Canberra on 23 and 24 April 2005 or taking part in associated activities from 13 to 22 April 2005 and on 25 April 2005, namely pre-rally vehicle testing, a media promotion day and a post-event Sponsor and VIP Drive Day. Apart from three special stages and the post-event Sponsor and VIP Drive Day on a specially engineered course at Fairbairn Park, the roads used are forest roads in the Pierces Creek forest. 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 and the associated activities. This enables the CAMS liability insurance to take over responsibility for any resulting motor accident injury claims.

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 and the associated activities.

The declaration commences on 12 April 2005 and expires on 26 April 2005.