

Australian Capital Territory

# Road Transport (General) (Application of Road Transport Legislation) Declaration 2009 (No 3)

Disallowable instrument DI2009—97

made under the

*Road Transport (General) Act 1999*, section 12 (Power to include or exclude areas in road transport legislation)

## EXPLANATORY STATEMENT

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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 a road or road related area that is a special stage of the 2009 Convergá Safari Rally to be held on 20 June 2009.

The roads used for these purposes are ACT Forest roads.

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 Compulsory Third Party (CTP) insurance is in force, except where specifically excluded by law.

The declaration has the effect that the *Road Transport (Third-Party Insurance) Act 2008* does not apply during the special stages of the event and the associated activities. The effect of this is to enable 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 a 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 other elements of the road transport legislation during the special stages of the event but not at any other time. All competing vehicles are required to be road registered and to have CTP insurance.

The declaration expires on 21 June 2009.