

Road Transport (General) Application of Road Transport Legislation Declaration 2011 (No 3)

Disallowable instrument DI2011—56

made under the

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

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.

Clauses 1 and 2 are formal provisions dealing with the name and commencement of the instrument.

Clause 3 of the instrument disapplies the road transport legislation to a road or road related area where a ‘special stage’ of the Kowen Rallysprint on 16 April 2011 is being conducted. 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.

Clause 4 provides that the declaration has effect in relation to a special stage for the event for any period beginning when an event official declares that a special stage is ‘active’ and ending when the event official declares the stage is ‘inactive’. In practice an event official may ‘declare’ an event stage to be active in a variety of ways, for example by waving a flag, or making a hand signal, or using signal lights. The intention of clause 4 is that the declaration under clause 3 has the effect of disapplying the operation of the road transport legislation while vehicles are participating in the special stages of the event. The purpose of this clause is to enable the CAMS liability insurance to take over responsibility for any resulting motor accident injury claims that

may arise during the special stages of the event, but not at any other time. All competing vehicles are required to be road registered or operating under a valid permit and to have CTP insurance.

Clause 5 contains definitions for the instrument.

Clause 6 explains that the declaration expires on 17 April 2011.