

Australian Capital Territory

Road Transport (General) Application of Road Transport Legislation Declaration 2015 (No 4)

Disallowable instrument DI2015—70

made under the

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

EXPLANATORY STATEMENT

Section 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 of the instrument are formal provisions dealing with the name and commencement of the instrument.

Clause 3 sets out the declaration which disapplies several road transport acts and regulations to a road or road related area where a ‘special stage’ of the National Capital Rally (the rally) is being conducted. The roads used for the rally are ACT forest roads.

The declaration has effect in relation to a special stage for the event for any period, between 12 May and 17 May 2015, 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 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.

Disapplying the *Road Transport(Third Party Insurance) Act 2008* enables the CAMS liability insurance to take over responsibility for any motor accident injury claims that may arise during the special stages of the event, but not at any other time.

Clause 3 also disappplies provisions of the road transport legislation about ticket parking areas, including requirements to pay for parking, in relation to parts of the carparks at the Acton Futsal slab between Commonwealth Avenue and Barrine Drive being used to service vehicles entered in the National Capital Rally from 15 May 2015 to 17 May 2015.

Clause 4 contains definitions for the instrument.

Clause 5 explains that the declaration expires on 18 May 2015.