

Australian Capital Territory

Road Transport (General) Application of Road Transport Legislation Declaration 2016 (No 1)

Disallowable instrument DI2016—6

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 Brindabella Motor Sport Test Day to be held on 13 February 2016 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 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 declaration also provides for an extension of the time for the test to be held should the scheduled day be postponed due to weather conditions. The extension is subject to notification by the Brindabella Motorsport Club to the Territory and Municipal Services - Park and Territory Services.

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 4 contains definitions for the instrument.

Clause 5 explains that the declaration expires on 15 February 2016.