

Australian Capital Territory

Road Transport (General) Exclusion of Road Transport Legislation (Queen's Baton Relay) Declaration 2018 (No 1)

Disallowable instrument DI2018–4

made under the

Road Transport (General) Act 1999, s 13 (Power to exclude vehicles, persons or animals from road transport legislation)

EXPLANATORY STATEMENT

Section 13 (1) of the *Road Transport (General) Act 1999* (the Act) allows the Minister to declare that the road transport legislation, or a provision of the road transport legislation, does not apply to a vehicle, person or animal in a place or circumstance stated in the declaration. Under section 13 (3) of the Act, a declaration under section 13 (1) is a disallowable instrument. This instrument contains two declarations under section 13 (1):

- disapplying Australian Road Rule 265, wearing of seatbelts by passengers 16 years old or older; and
- disapplying Australian Road Rule 268, how persons must travel in or on a motor vehicle.

The Queen's Baton Relay is being held on roads and road related areas in all Australian States and Territories as part of the lead up to the 2018 Commonwealth Games held at the Gold Coast, Queensland from 4 April to 15 April 2018. The Queen's Baton Relay is to be held in the ACT on 25 and 26 January 2018.

A vehicle has been modified (and certified) under Queensland road transport law. The vehicle is a motorhome with the rear cut out to allow for filming of baton bearers participating in the Queen's Baton Relay. While filming, some camera operators will be unrestrained and, at times, standing. Some seating positions have been attached to the outside of the rear of the vehicle. It is expected that some filming may also be undertaken from these seats. When a person sits in one of these seats the seatbelt will need to be worn. The convoy speed will be 15km/h or less at these times.

The standing camera operators are protected from falling from the vehicle as a suitable barrier has been installed. Once the baton bearer segments are complete, camera operators will return to their seats and wear seatbelts.

The Queen's Baton Relay convoy will be under the control of ACT Policing at all times with roads blocked to allow the convoy to proceed safely and without interruption from other vehicles.

Clause 1 is a formal provision that provides for the name of the instrument.

Clause 2 explains when the instrument commences.

Clause 3 contains the first declaration, which disapplies *Australian Road Rule 265, Wearing of seatbelts by passengers 16 years old or older*, and provides for standing camera operators to be unrestrained by seatbelts while filming the Queen's Baton Relay.

Clause 4 contains the second declaration, which disapplies *Australian Road Rule 268, How persons must travel in or on a motor vehicle*, and provides for camera operators to stand instead of being seated while filming the Queen's Baton Relay.

Clause 5 provides that when a person sits in one of the seats outside the body of the vehicle a seatbelt must be worn. The vehicle is not to be driven at more than 15km/h or reverse when a person is sitting in one of these seats.

Clause 6 contains definitions of terms used in the instrument.

Clause 7 provides for the expiry of the instrument.