

Australian Capital Territory

Road Transport (General) Application of Road Transport Legislation Declaration 2019 (No 5)

Disallowable instrument DI2019—25

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) empowers the Minister to declare that the road transport legislation does not apply to a vehicle, person or animal in a place or circumstance stated in the declaration. Section 13(3) of the Act makes such a declaration a disallowable instrument.

This instrument sets out declarations under section 13 to the effect that certain parts of the road transport legislation do not apply to an entrant vehicle or the driver of an entrant vehicle, while participating in the National Capital Rally (the rally) commencing on 21 March 2019.

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

Clause 3 is to the effect that the *Road Transport (Third-Party Insurance) Act 2008* does not apply to vehicles being used to participate in the rally.

The rally 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 CAMS liability insurance will take over responsibility for any motor accident injury claims that may arise during the special stages of the event. At any other time, the *Road Transport (Third-Party Insurance) Act 2008* applies.

Clause 4 disapplies several road transport acts, dealing with vehicle registration and standards, driver licensing and road rules, to an entrant vehicle or the driver of an entrant

vehicle while participating in a ‘special stage’ of the rally. The definition of entrant vehicle extends to official and promotional vehicles being used for official purposes during the rally.

The declaration has effect in relation to a special stage for the event commencing on 21 March 2019, beginning when an event official declares that a 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.

Clause 5 sets out the days the instrument has effect.

Clause 6 contains definitions for the instrument.

Clause 7 explains that the declaration expires on 11 May 2019.