

Road Transport (General) Application of Road Transport Legislation (IEG Test Day) Declaration 2026

Disallowable instrument DI2026–203

made under the

Road Transport (General) Act 1999, s 12 (Power to include or exclude areas in road transport legislation) and s 13 (Power to exclude vehicles, persons or animals from road transport legislation)

EXPLANATORY STATEMENT

This explanatory statement relates to the Road Transport (General) Application of Road Transport Legislation (IEG Test Day) Declaration 2026 (the *instrument*) as presented to the Legislative Assembly (the *Assembly*). It has been prepared to assist the reader of the instrument. It does not form part of the instrument and has not been endorsed by the Assembly.

Overview

Section 12 (1) (b) of the *Road Transport (General) Act 1999* (the *Act*) provides that the Minister may declare that the road transport legislation, or a provision of the road transport legislation, does not apply to a road or road related area. Section 12 (3) of the Act makes such a declaration a disallowable instrument.

Section 13 (1) of the Act provides that the Minister may 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. Section 13 (3) of the Act makes such a declaration a disallowable instrument.

This declaration has been prepared to accommodate the IEG Test Day September 2026 (the *event*). The event has been scheduled to take place on 15 September 2026 but may need to be rescheduled due to unforeseen circumstances, such as weather. Accordingly, the instrument expires at 5:00pm on 30 September 2026, which allows organisers to reschedule the event if required.

This instrument provides that certain parts of the road transport legislation do not apply to a designated vehicle or the driver of a designated vehicle while participating in a ‘special stage’ of the event while a special stage is ‘active’. These special stages are conducted in a controlled environment that is closed to non-entrants.

The declaration is a disallowable instrument and must be presented to the Assembly not later than 6 sitting days after its notification, pursuant to section 64 of the *Legislation Act 2001* (the **Legislation Act**).

Human rights implications

The Standing Committee on Legal Affairs (Legislative Scrutiny Role) (the **Scrutiny Committee**) terms of reference require consideration of human rights impacts of subordinate legislation, among other matters, to be assessed for its compatibility with the *Human Rights Act 2004* (the **HRA**).

During the development of this instrument, due regard was given to its effect and the operation of the event in relation to the compatibility with the rights of individuals, as set out in the HRA.

Section 28 of the HRA provides that human rights may be subject only to reasonable limits set by laws that can be demonstrably justified in a free and democratic society.

Section 28 (2) of the HRA provides that in deciding whether a limit on a human right is reasonable, all relevant factors must be considered, including:

- a) the nature of the right affected
- b) the importance of the limitation
- c) the nature and extent of the limitation
- d) the relationship between the limitation and its purpose
- e) any less restrictive means reasonably available to achieve the purpose the limitation seeks to achieve.

Section 13 of the HRA provides a right for people to move freely within the ACT.

The declarations in this instrument do not of themselves restrict a person’s freedom of movement within the Territory; however, the operation of the event in closing parts of the forest in which the event will be conducted to members of the public will restrict the free movement of people in that area during the event. As parts of the road transport legislation are being disapplied for the event to operate as intended, vehicles will be travelling in parts of the forest in excess of the usual speed limits and in a manner not consistent with the road rules. As such, the restriction on the free movement of people in those parts of the forest at those times is considered reasonable and proportionate to ensure safety of non-participants and represents the least restrictive approach that enables the event to proceed.

Section 27C of the HRA recognises the right to a clean, healthy and sustainable environment.

The event may have temporary impacts on the environment, including increased noise, dust, vehicle emissions and litter associated with participants, officials and support personnel and their vehicles. However, these impacts are of limited duration and are confined to designated formed roads and road-related areas. Appropriate event management measures, including location, waste management, access controls and compliance with relevant approvals and land management conditions, assist in minimising environmental impacts. Accordingly, any limitation on the right to a healthy environment is proportionate and no more than is reasonably necessary to facilitate the event.

Climate change implications

This instrument, and the event it supports, has no material impact on climate change adaptation, greenhouse gas emissions production or abatement in the ACT.

Regulatory Impact Statement (RIS)

Section 34 of Legislation Act provides that if a proposed subordinate law or disallowable instrument (the *proposed law*) is likely to impose appreciable costs on the community, or a part of the community, then, before the proposed law is made, the Minister administering the authorising law must arrange for a RIS to be prepared for the proposed law.

As this instrument is not likely to impose appreciable costs on the community, or part of the community, a RIS is not required under section 34 (1) of the Legislation Act.

Scrutiny Committee Principles

This instrument has been developed in accordance with the Scrutiny Committee terms of reference, principles and technical and stylistic standards expected by the Assembly.

Clause notes

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

Clause 3 provides that the *Motor Accident Injuries Act 2019* does not apply to a designated vehicle, or a motor vehicle involved in a motor accident with a designated vehicle, while being used to participate in a ‘special stage’ of the event for any period

beginning on an event official declaring the special stage ‘active’ for a testing session, media event, corporate event day or rally competition and ending on an event official declaring the ‘special stage’ ‘inactive’.

The event is held under the auspices of Motorsport Australia. A certificate reflecting currency of the policy up to 30 September 2026 provides up to \$100 million of public liability cover for any one occurrence, subject to the terms, conditions and limitations of the insurance policy.

Clause 4 provides that various road transport legislation dealing with vehicle registration and vehicle standards, driver licensing and road rules do not apply to a designated vehicle or the driver of a designated vehicle while participating in a ‘special stage’ of the event beginning on an event official declaring that a special stage is ‘active’ and ending on an event official declaring the stage ‘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 definition of designated vehicle extends to official or promotional vehicles being used for official purposes during the event.

Clause 5 contains definitions for terms used in the instrument.

Clause 6 explains that the declaration expires at 5:00pm on 30 September 2026. This provides for an additional period following the scheduled event date to cover circumstances where the event needs to be changed due to unforeseen circumstances, such as inclement weather.

The Schedule provides a map of part of the district of Kowen that defines the road or road related areas where the instrument has effect.