

**2002**

**THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY**

**ROAD TRANSPORT (GENERAL) ACT 1999**

**ROAD TRANSPORT (GENERAL) DECLARATION THAT THE ROAD  
TRANSPORT LEGISLATION DOES NOT APPLY TO CERTAIN ROADS  
AND ROAD RELATED AREAS 2002 (No.6)**

**DISALLOWABLE INSTRUMENT DI2002–172**

**EXPLANATORY STATEMENT**

Circulated by authority of

Bill Wood MLA  
Minister for Urban Services

## **AUSTRALIAN CAPITAL TERRITORY**

### **ROAD TRANSPORT (GENERAL) DECLARATION THAT THE ROAD TRANSPORT LEGISLATION DOES NOT APPLY TO CERTAIN ROADS AND ROAD RELATED AREAS 2002 (No.6)**

#### **DISALLOWABLE INSTRUMENT DI2002-172**

#### **EXPLANATORY STATEMENT**

Subsection 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 for the purposes of section 10 of the *Subordinate Laws Act 1989*.

This instrument declares that the road transport legislation does not apply to the ACT roads and road related areas used when vehicles are competing in two of the timed special (ie competitive) stages of the Brindabella Motor Sport Club 2002 Caltex Airport Starmart Rally on 14 September 2002. Both of these timed competitive stages (Special Stage 1 and Special Stage 7) are on roads in ACT forest areas. The other five timed competitive stages are in NSW, on roads in NSW State Forests. All competing vehicles are road registered and have compulsory third party (CTP) insurance.

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 CTP insurance is in force, except where specifically excluded by law.

The declaration removes the CTP provisions from applying during the timed competitive stages of the event in the ACT. This enables the CAMS liability insurance to take over responsibility for motor accident injury claims arising from the event.

The declaration does not affect the right of an injured person to claim against the CTP insurer of a vehicle causing injury or the Nominal Defendant. The declaration does not override the contract between the insured (ie the owner/driver of the vehicle) and the ACT CTP insurer (ie NRMA Insurance Limited). It does, however, remove an element of cross-subsidisation of motor sport participants by the general motoring community by shifting any injury claim costs from the NRMA and Nominal Defendant (and ultimately ACT motorists) to the CAMS insurer.

The declaration also has the effect of suspending the road rules during the timed competitive stages of the event in the ACT.