

Australian Capital Territory

Road Transport (General) Application of Road Transport Legislation Declaration 2019 (No 2)

Disallowable instrument DI2019—17

made under the

Road Transport (General) Act 1999, section 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) 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. Subsection 13 (3) of the Act makes such a declaration a disallowable instrument.

This instrument provides that certain pieces of the road transport legislation do not apply to an designated vehicle vehicle or the driver of a designated vehicle, while participating in a special stage of the Rallye des Femmes (the rally) taking place on 23 February 2019.

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

Clause 3 provides that the *Road Transport (Third-Party Insurance) Act 2008* does not apply to designated 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 assume 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 provides that several road transport acts (and regulations) - dealing with vehicle registration and standards, driver licensing and road rules, to a designated vehicle or the driver of an designated vehicle while participating in a 'special stage' of the rally – do not apply. The definition of designated 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 on 23 February 2019, beginning on an event official declaring that a special stage '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.

Clause 5 contains definitions for the instrument.

Clause 6 explains that the declaration expires on 23 February 2019.

The Schedule provides two maps that define the road or road related areas which the instrument has effect.