

Road Transport (General) Application of Road Transport Legislation Declaration 2016 (No 9)

Disallowable instrument DI2016—236

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) 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. Subsection 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 official vehicle, the driver of an official vehicle or the passenger of an official vehicle, while participating in the Big Boys Toys (BBT) 2016 ‘Race your Mate’ driving experience taking place from 20 August 2016 to 21 August 2016 held at the Exhibition Park in Canberra.

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) Act 2008* does not apply to vehicles being used to participate in the event.

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 compulsory third party (CTP) insurance is in force, except where specifically excluded by law.

Disapplying the *Road Transport (Third-Party Insurance) Act 2008* enables the CAMS liability insurance to take over responsibility for any motor accident injury claims that may arise during the BBT 2016 ‘Race your Mate’ driving experience of the event, but not at any other time.

Clause 4 disapplies several road transport Acts, dealing with vehicle registration and standards, driver licensing and road rules, to an official vehicle, the driver of an official vehicle or passenger in an official vehicle while participating in the BBT 2016 'Race your Mate' driving experience. The definition of official vehicle extends to official and promotional vehicles being used for official purposes during the BBT 2016 'Race your Mate' driving experience.

The declaration has effect in relation to BBT 2016 'Race your Mate' driving experience for the event for any period, between 20 August 2016 and 21 August 2016, beginning when an event official declares that the event course is 'active' and ending when the event official declares the event course is 'inactive'. In practice an event official may 'declare' an event course 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 22 August 2016.