

Road Transport (General) Application of Road Transport Legislation Declaration 2016 (No 11)

Disallowable instrument DI2016—273

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 entrant vehicle or the driver of an entrant vehicle, while participating in a special stage of the Southern Cross Golden Anniversary Rally (the rally) taking place on 11 November 2016.

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 (and regulations), 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 for 11 November 2016, beginning when an event official declares that a special 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 contains definitions for the instrument.

Clause 6 explains that the declaration expires on 12 November 2016.