

AUSTRALIAN CAPITAL TERRITORY

Motor Traffic (Amendment) Ordinance (No. 5) 1988

No. 16 of 1988

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 13 April 1988.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

GARY PUNCH
Minister of State for the Arts
and Territories

An Ordinance to amend the *Motor Traffic Ordinance 1936*

Short title

1. This Ordinance may be cited as the *Motor Traffic (Amendment) Ordinance (No. 5) 1988*.¹

Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Motor Traffic Ordinance 1936*.²

Interpretation

3. Section 4 of the Principal Ordinance is amended—

(Ord. 16/88)—Cat. No.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

- (a) by omitting from subsection (1) the definition of “registration number”;
- (b) by inserting in subsection (1) each of the following definitions in its appropriate alphabetical position:

“ ‘historic vehicle’ means a motor vehicle, other than a veteran vehicle or a vintage vehicle, manufactured not less than 30 years before—

- (a) the day on which it was last registered; or
- (b) if it is unregistered and is to be registered—the date of registration;

‘registration number’, in relation to a vehicle, means the number displayed in accordance with section 17A on a number-plate issued by the Registrar in respect of the vehicle;

‘special number’ means a number that is, in accordance with a determination in force under section 17A, a special number that may be allocated as the registration number of a vehicle other than a taxi, motor omnibus, private hire car, motor vehicle of a member of the diplomatic corps, veteran vehicle, vintage vehicle or historic vehicle;

‘veteran vehicle’ means a motor vehicle manufactured before 1 January 1919;

‘vintage vehicle’ means a motor vehicle manufactured in the period that commenced on 1 January 1919 and ended at the expiration of 31 December 1930;”;

- (c) by adding at the end the following subsection:

“(9) A reference in this Ordinance to the allocation of a number as the registration number of a vehicle shall be read as a reference to the allocation of a sequence of not more than 6 characters consisting of—

- (a) digits;
- (b) capital letters; or
- (c) a combination of digits and capital letters.”.

Substitution

4. Section 17A of the Principal Ordinance is repealed and the following sections are substituted:

Design of number-plates

“17A. (1) The Registrar may determine in writing—

- (a) the dimensions and layout of number-plates issued under or by virtue of this Ordinance;
- (b) the material from which such number-plates shall be made; and
- (c) the numbers that may be allocated as registration numbers of vehicles.

“(2) A number-plate issued in respect of a registered vehicle shall display the number allocated by the Registrar as the registration number of the vehicle.

Issue of number-plates upon registration

“17B. (1) Upon registering a motor vehicle other than a motor cycle, the Registrar shall, subject to section 26R, issue 2 number-plates in respect of the vehicle to its owner.

“(2) Upon registering a motor cycle or trailer, the Registrar shall issue one number-plate in respect of the cycle or trailer to its owner.”.

Affixing number-plates

5. Section 18 of the Principal Ordinance is amended—

- (a) by omitting from subsection (1) “in pursuance of section 17A” and substituting “in respect of the vehicle”;
- (b) by omitting from subsection (1A) “in pursuance of section 17A” and substituting “in respect of the motor cycle”;
- (c) by omitting from subsection (2) “in pursuance of section 17A” and substituting “in respect of the trailer”; and
- (d) by omitting subsection (4) and substituting the following subsection:

“(3) A reference in this section to the issue of a number-plate or number-plates shall be read as a reference to the issue of that plate or those plates under or by virtue of this Ordinance.”.

Replacement of number-plates

6. Section 19 of the Principal Ordinance is amended—

(a) by omitting subsection (1) and substituting the following subsection:

“(1) Where—

- (a) the Registrar is satisfied that a number-plate issued in respect of a registered vehicle has become so damaged or defaced that any of the particulars on it are not clearly visible; or
- (b) the owner of a registered vehicle requests the Registrar in writing to replace a number-plate issued in respect of the vehicle;

the Registrar shall—

- (c) if the number-plate is in respect of a motor vehicle other than a motor cycle—upon the return to the Registrar of the number-plates issued in respect of the vehicle, issue 2 other number-plates in respect of the vehicle to its owner; or
- (d) if the number-plate is in respect of a motor cycle or trailer—upon the return to the Registrar of the number-plate issued in respect of the vehicle, issue another number-plate in respect of the vehicle to its owner.”; and

(b) by omitting subsection (3).

Loss, theft or destruction of number-plates

7. Section 20 of the Principal Ordinance is amended—

- (a) by omitting from subsections (1) and (2) “lost or destroyed” and substituting “lost, stolen or destroyed”;
- (b) by omitting from subsection (1) “loss or destruction” (wherever occurring) and substituting “loss, theft or destruction”; and
- (c) by omitting from subsection (3) all the words after “issued under” and substituting “subsection (2) in respect of a vehicle, the owner of the vehicle shall return to the Registrar any number-plate previously issued in respect of the vehicle and which has not been lost, stolen or destroyed.”.

Sale or disposal of vehicle

8. Section 22 of the Principal Ordinance is amended by omitting paragraph (2) (b) and substituting the following paragraph:

- “(b) where the new owner has been given the number-plate or number-plates issued in respect of the vehicle—
- (i) return the number-plate or number-plates to the Registrar and request the Registrar in writing to cancel the registration of the vehicle; or
 - (ii) apply in writing to the Registrar for the transfer of the registration in respect of the vehicle.”.

Interpretation

9. Section 26A of the Principal Ordinance is amended—

- (a) by omitting “the commencement date” (wherever occurring) from the definition of “application” in subsection (1) and substituting “27 July 1983”; and
- (b) by omitting the definitions of “approved number”, “commencement date”, “historic vehicle”, “number”, “veteran vehicle” and “vintage vehicle” and substituting the following definition:

“ ‘approved number’ means a number (other than a special number) that may, in accordance with a determination in force under section 17A, be allocated as the registration number of a motor vehicle other than a taxi, motor omnibus, private hire car, motor vehicle of a member of the diplomatic corps, motor cycle, veteran vehicle, vintage vehicle or historic vehicle.”.

Application for reservation of registration number

10. Section 26B of the Principal Ordinance is amended by omitting from subsection (2) “the commencement date” and substituting “27 July 1983”.

Issue of number-plates

11. Section 26D of the Principal Ordinance is amended by omitting subsection (2) and substituting the following subsection:

“(2) Upon the receipt of number-plates issued under this section in respect of a motor vehicle, the owner of the vehicle shall return to the Registrar any number-plates previously issued in respect of the vehicle.”.

Insertion

12. After Part IIA of the Principal Ordinance the following Part is inserted:

“PART IIB—SPECIAL REGISTRATION NUMBERS**Interpretation**

“26H. In this Part, unless the contrary intention appears—

‘owner’, in relation to a prescribed right, means—

- (a) the person who is entitled to that right for the time being; or
- (b) if 2 or more persons are so entitled, jointly or in common—all of those persons;

‘prescribed right’ means—

- (a) a right sold under section 26L; or
- (b) a reserved right;

‘reserved right’ means a right granted under section 26M;

‘right’, in relation to a special number, means an exclusive right to the allocation of that number as a registration number;

‘special number-plate’, in relation to a vehicle, means a number-plate that displays the special number allocated by the Registrar as the registration number of that vehicle.

Applications

“26J. An application to the Registrar under this Part shall be—

- (a) in accordance with a form made available by the Registrar for the purposes of the provision in respect of which the application is made;
- (b) executed by the applicant; and
- (c) lodged at the office of the Registrar.

Nature of rights

“26K. A prescribed right is personal property.

Rights sold by Commonwealth

“26L. (1) The Registrar may, on behalf of the Commonwealth, sell rights to special numbers.

“(2) Subsection (1) does not apply in relation to—

- (a) a special number that is the registered number of a vehicle; or

- (b) any other special number in respect of which an application under section 26M is pending.

“(3) The Registrar shall determine in writing the terms on which rights shall be sold.

“(4) Without limiting the generality of subsection (3), a right may be sold on terms which allow the Registrar, on behalf of the Commonwealth, to extend the term of that right upon—

- (a) application by the owner of the right; and
- (b) payment of the determined fee.

Rights granted in respect of certain numbers

“26M. (1) The owner of a registered vehicle which has a special number as its registration number may apply to the Registrar for—

- (a) the withdrawal of the allocation of that special number as a registration number; and
- (b) the grant of the right to that special number.

“(2) Where—

- (a) the Registrar receives an application;
- (b) the special number-plates last issued in respect of the vehicle to which the application relates have been given to the Registrar; and
- (c) the determined fee has been paid to the Commonwealth;

the Registrar shall—

- (d) if the registration of the vehicle has not ceased—withdraw the allocation of that special number as the registration number of that vehicle; and
- (e) on behalf of the Commonwealth, grant the right to that special number to the applicant.

“(3) A right under this section shall be granted to a person by giving written notice of the grant to the person.

“(4) Where—

- (a) the Registrar withdraws the allocation of a special number as the registration number of a vehicle; and

- (b) the owner of the vehicle has not applied for the cancellation of the registration of the vehicle;

the Registrar shall—

- (c) allocate a number other than the special number as the registration number of the vehicle; and
- (d) issue 2 number-plates displaying that number to the owner of the vehicle.

Duration of reserved rights

“26N. (1) Subject to subsection (2), a reserved right subsists for such period not exceeding 12 months as is specified in the notice of its grant.

“(2) Where, before the expiration of a reserved right—

- (a) its owner applies to the Registrar for an extension of the term of that right; and
- (b) the determined fee has been paid to the Commonwealth;

the Registrar shall—

- (c) on behalf of the Commonwealth; and
- (d) by notice in writing to the applicant;

extend, or further extend, the term of the right for such period not exceeding 12 months as is specified in the notice of the extension.

“(3) The Registrar shall not extend the term of a reserved right beyond the expiration of the period of 5 years commencing on the day on which the right is granted.

Extension of reserved rights—review

“26P. (1) An application may be made to the Administrative Appeals Tribunal for a review of a decision by the Registrar under subsection 26N (2) extending, or further extending, the term of a reserved right for a period less than that sought by the applicant for the extension under that subsection.

“(2) Where the Registrar makes a decision of a kind referred to in subsection (1), the notice of the extension shall—

- (a) include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, an application may be made to the Administrative Appeals Tribunal for a review of that decision; and

- (b) except where subsection 28 (4) of that Act applies—include a statement to the effect that a person whose interests are affected by the decision may request a statement pursuant to section 28 of that Act.

“(3) The validity of a decision referred to in subsection (1) shall not be taken to have been affected by a failure to comply with subsection (2).

Assignment of rights

“26Q. (1) A prescribed right is not assignable unless the Registrar approves the assignment of the right to the proposed assignee.

“(2) Where—

- (a) the owner of a prescribed right applies to the Registrar to approve a proposed assignment of the right to a person; and
- (b) the determined fee has been paid to the Commonwealth;

the Registrar shall, by notice in writing to the applicant, approve the assignment of the right to the proposed assignee.

Exercise of rights

“26R. (1) Where—

- (a) the owner of a prescribed right to a special number applies to the Registrar for the allocation of that number as the registration number of a vehicle;
- (b) the vehicle is owned by the owner of that right or, if that right has more than one owner, by all or any of those owners;
- (c) the vehicle is not a taxi, motor omnibus, private hire car, motor vehicle of a member of the diplomatic corps, veteran vehicle, vintage vehicle or historic vehicle; and
- (d) the determined fee has been paid to the Commonwealth;

the Registrar shall, by notice in writing to the applicant, approve the application.

“(2) Where the Registrar registers a vehicle to which an approved application relates, the Registrar shall—

- (a) allocate the special number to which the application relates as the registration number of the vehicle; and
- (b) issue 2 special number-plates in respect of the vehicle to its owner.

“(3) Where—

- (a) the vehicle to which an approved application relates is a registered vehicle; and
- (b) the number-plates last issued in respect of the vehicle have been returned to the Registrar;

the Registrar shall—

- (c) allocate the special number to which the application relates as the registration number of the vehicle; and
- (d) issue 2 special number-plates in respect of the vehicle to its owner.

Hire of special number-plates

“26S. (1) The Registrar may, on behalf of the Commonwealth, hire out number-plates that display special numbers.

“(2) The Registrar shall determine in writing the terms on which such number-plates shall be hired out.”.

Duration of registration and licences

13. Section 105 of the Principal Ordinance is amended by omitting subsection (1A) and substituting the following subsection:

“(1A) Subject to section 104 and subsection (3), a licence to drive a motor vehicle remains in force for such period not exceeding 6 years as is specified in the licence.”.

Savings

14. (1) In this section, “commencement date” means the date of commencement of this Ordinance.

(2) A determination of—

- (a) the types of number-plates to be issued in respect of vehicles, including a determination specifying the digits and letters to be displayed on number-plates; or
- (b) the material from which number-plates may be made;

made by the Minister in writing and in force immediately before the commencement date has effect on and after that date as if it were a determination made under section 17A of the Principal Ordinance, as amended by this Ordinance.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 14 April 1988.
2. No. 45, 1936 as amended to date. For previous amendments *see* Note 2 to No. 9, 1988 and *see also* Nos. 10, 11, and 15, 1988.