

**EXPLANATORY STATEMENT**  
**AUSTRALIAN CAPITAL TERRITORY**  
**MOTOR TRAFFIC (AMENDMENT) ORDINANCE (NO. 5) 1988**  
**ORDINANCE NO. 16 OF 1988**

The Motor Traffic Ordinance 1936 ("the Principal Ordinance") provides for the control of motor vehicles and motor traffic in the Territory.

The Motor Traffic (Amendment) Ordinance (No. 5) 1988 amends the Principal Ordinance enabling personalised number-plates to be issued in the Territory. This is achieved by providing that the Registrar of Motor Vehicles may sell or hire the right to use such plates. The amendments simplify procedures relating to the manufacture and issue of number-plates and enable the Registrar to grant motor traffic licences for a period not exceeding six years. A number of consequential amendments have also been made.

The effect of each of the provisions is set out in the Attachment.

**ISSUED BY AUTHORITY OF THE MINISTER  
OF STATE FOR THE ARTS AND TERRITORIES**

MOTOR TRAFFIC (AMENDMENT) ORDINANCE (NO. 5) 1988

Section 1 cites the title of the Ordinance as the Motor Traffic (Amendment) Ordinance (No. 5) 1988.

Section 2 identifies the 'Principal Ordinance' as the Motor Traffic Ordinance 1936.

Section 3 deals with interpretation.

Section 4 repeals section 17A of the Principal Ordinance and inserts sections 17A and 17B.

Subsection 17A(1) provides that the Registrar may issue a written instrument to determine:

- the dimensions and layout of number-plates;
- the material number-plates will be made from; and
- the numbers that may be allocated as registration numbers of vehicles.

Subsection 17A(2) provides that 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.

Subsection 17B(1) provides that the Registrar shall issue two number-plates upon registering a motor vehicle other than a motorcycle.

Subsection 17B(2) provides that the Registrar shall issue one number-plate when registering a motorcycle or trailer.

Section 5 amends section 18 of the Principal Ordinance by:

- deleting from subsection 18(1) the words "in pursuance of section 17A" and inserting the words "in respect of the vehicle";
- deleting from subsection 18(1A) the words "in pursuance of section 17A" and inserting the words "in respect of the motor cycle";
- deleting from subsection 18(2) the words "in pursuance of section 17A" and inserting the words "in respect of the trailer";
- deleting subsection 18(4); and

- inserting subsection 18(3) to provide that a reference in section 18 to the issue of number-plates shall be read as a reference to the issue of such number-plates under or by virtue of the Principal Ordinance.

Section 6 amends section 19 of the Principal Ordinance by repealing subsections 19(1) and (3) and inserting subsection 19(1).

Subsection 19(1) provides that number-plates of registered motor vehicles may be returned to the Registrar where the issued number-plate, or plates, has become so damaged or defaced that any of the particulars on the number-plate are not clearly visible or the owner of the registered vehicle submits a written request to the Registrar to replace the number-plate or number-plates and the Registrar shall issue a number-plate or plates.

Section 7 amends section 20 of the Principal Ordinance by:

- deleting from subsections 20(1) and (2) the words "lost or destroyed" and, inserting the words "lost, stolen or destroyed";
- deleting from subsection 20(1) the words "loss or destruction" and inserting the words "loss, theft or destruction"; and
- amending subsection 20(3) to provide that where the Registrar has issued a number-plate in respect of a motor vehicle because a number-plate has been lost, stolen or destroyed the owner of that vehicle shall return to the Registrar any number-plate previously issued in respect of that vehicle which has not been lost, stolen or destroyed.

Section 8 amends the Principal Ordinance by deleting paragraph 22(2)(b) and inserting a new paragraph. Paragraph 22(2)(b) provides that following the sale of a motor vehicle where the new owner has been given the number-plate or plates, the new owner shall within 14 days of the sale either return the number-plate or plates to the Registrar and request cancellation of the registration or apply to the Registrar in writing for the transfer of the registration.

Section 9 amends section 26A of the Principal Ordinance by deleting the words "the commencement date" and inserting "27 July 1983" and by deleting certain definitions that are included in section 4 of the Principal Ordinance.

Section 10 amends subsection 26B(2) of the Principal Ordinance by deleting the words "the commencement date" and inserting "2 Jul 1983".

Section 11 deletes subsection 26D(2) of the Principal Ordinance and inserts a new subsection. Subsection 26D(2) provides that upon the issue of number-plates that had been reserved under section 26C of the Principal Ordinance the owner of the registered vehicle is to return to the Registrar any number-plates previously issued for that vehicle.

Section 12 amends the Principal Ordinance by inserting Part IIB - Special Registration Numbers.., Part IIB consists of sections 26H to 26S inclusive.

Section 26H deals with interpretations affecting Part IIB.

Section 26J provides that any application to the Registrar in respect of any matter under Part IIB shall be in accordance with a form made available by the Registrar, executed by the applicant and lodged at the Office of the Registrar.

Section 26K provides that a prescribed right under Part IIB is personal property.

Section 26L provides that the right to the allocation of a special number-plate may be sold by the Registrar on such terms as may be determined in writing by the Registrar. The section also provides that the purchaser may extend the term to the right acquired:

- subsection 26L(1) provides that the Registrar may sell the right to the allocation of a special number;
- subsection 26L(2) prevents the Registrar from selling the right to the allocation of any special number that is the registered number of a vehicle or a special number-plate in respect of which an application is pending under section 26M;
- subsection 26L(3) allows the Registrar to determine, in writing, the terms under which the right to the allocation of a special number-plate will be sold; and
- subsection 26L(4) provides that the Registrar may, upon application by the owner of the right and payment of the determined fee, extend the term of the right to the allocation of the special number.

Section 26M provides that the Registrar may grant a right to the allocation of a special number where the motor vehicle bearing the special number-plate has been previously sold or that number has been assigned:

- subsection 26M(1) provides that the owner of a registered vehicle which has a special number may apply to the Registrar for the withdrawal of the special number as a registration number and for the grant of the right to the allocation of the special number;
- subsection 26M(2) provides that the Registrar shall upon receipt of an application, together with the particular special number-plates and the determined fee, withdraw the special number as the registration number of the vehicle and grant the right;
- subsection 26M(3) provides that a right to the allocation of a special number granted under new section 26M shall be in writing; and

- subsection 26M(4) provides that the Registrar shall allocate a registration number other than a special number and issue number-plates where the Registrar has withdrawn the allocation of a special number as the registration number of a vehicle and the owner of the vehicle has not applied for cancellation of the registration of the vehicle.

Section 26N deals with the duration of a reserved right to the allocation of a special number:

- subsection 26N(1) provides that a reserved right to the allocation of a special number shall not exceed 12 months;
- subsection 26N(2) provides that where the owner of a reserved right applies before the expiration of the right, the Registrar shall extend the term of a right granted under section 26M for a period not exceeding 12 months upon payment of the determined fee; and
- subsection 26N(3) provides that a reserved right to the allocation of a special number shall not exceed 5 years from the date on which the right is granted.

Section 26P provides for the review of a decision by the Registrar in respect of an application to extend or further extend the term of a reserved right:

- subsection 26P(1) provides for an appeal 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; and
- subsection 26P(2) provides that where the Registrar has extended or further extended the term of the reserved right for a period less than that sought the notice of extension shall include a statement informing the applicant that an appeal may be made to Administrative Appeals Tribunal for a review of the decision and that a person whose interests are affected by the decision may request a statement of reasons;
- subsection 26P(3) provides that the validity of a decision by the Registrar to extend or further extend the term of a reserved right for a period less than that sought shall not be affected by a failure to provide the statements required under subsection 26P(2).

Section 26Q provides that the right to the allocation of a special number granted under new section 26M may be assigned:

- subsection 26Q(1) provides that the right to allocation of a special number shall not be assigned unless the Registrar approves the assignment to the proposed assignee; and

- subsection 26Q(2) requires the Registrar to approve the assignment to the proposed assignee where the Registrar receives an application from the owner of the right and the determined fee is paid. The Registrar will also be required to advise the applicant by notice in writing of the approval.

Section 26R provides for the exercise of a right to the allocation of a special number:

- subsection 26R(1) provides that the owner of a right to the allocation of a special number shall apply to the Registrar for the allocation of that special number as a registration number and the Registrar shall, by notice in writing to the applicant, approve the allocation where the vehicle is owned by the applicant and 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;
- subsection 26R(2) provided that the Registrar shall, on registering a vehicle to which the application for the allocation of a special number relates, allocate the special number and issue number-plates; and
- subsection 26R(3) provides that where the vehicle to which the application for the allocation of a special number relates is already registered the number-plates already issued must be returned before the special number is allocated and the number plates issued.

Section 26S provides that the Registrar may, on such terms as may be determined in writing by the Registrar, hire out number-plates that display special numbers.

Section 13 amends section 105 of the Principal Ordinance by deleting subsection 105(1A) and inserting subsection (1A) that provides that a licence to drive a motor vehicle shall remain in force for such period, not exceeding 6 years, as is specified in the licence.

Section 14 provides that any determination made before the commencement of the Ordinance in respect of the types of number-plates to be issued in respect of vehicles shall remain in force as if the determination had been made by under section 17A.