

## No. 35 of 1964.

An Ordinance to amend the *Licensing Ordinance* 1939-1963 and the *Licensing Ordinance (No. 3)* 1962.

[Reserved 5th August, 1964.]

[Assented to 3rd September, 1964.]\*

**B**E it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act* 1910-1962, as follows:—

1.—(1.) This Ordinance may be cited as the *Licensing Ordinance* 1964. Short title and citation.

(2.) The *Licensing Ordinance* 1939-1963 is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Licensing Ordinance* 1939-1964.

2. This Ordinance shall come into operation on the date on which the *Social Welfare Ordinance* 1964 comes into operation. Commencement.

3. Section sixteen of the Principal Ordinance is amended— Storekeeper's licence.

(a) by omitting from paragraph (c) of the first proviso to sub-section (1.) the words "liquor shall not be drunk" and inserting in their stead the words "subject to sub-section (3.) of this section liquor shall not be drunk"; and

(b) by adding after sub-section (2.) the following sub-section:—

"(3.) Where a storekeeper's licence is in force with respect to premises which are situated on a reserve within the meaning of the *Social Welfare Ordinance* 1964, liquor purchased on the premises may be consumed in a part of the premises set aside by the licensee for that purpose."

Licences not to be granted to certain persons.

4 Section twenty-four of the Principal Ordinance is amended by omitting the words " or to a person who is declared to be a ward under the *Welfare Ordinance* 1953-1961 ".

5. Section one hundred and forty c of the Principal Ordinance is repealed and the following section inserted in its stead:—

Prohibition on drinking liquor in public place.

" 140c.—(1.) Subject to this Ordinance a person who is found drinking liquor in a public place within the boundaries of a municipality, town or reserve shall be guilty of an offence.

Penalty: Twenty-five pounds or imprisonment for one month.

" (2.) In this section—

' public place ' means a road, lane, street, thoroughfare or footpath and—

(a) in relation to a place within the boundaries of a municipality or town, means a place within the boundaries of any land—

- (i) on which a public building is situated;
- (ii) prescribed by the regulations to be a public place for the purposes of this section; or
- (iii) which is reserved for the recreation or amusement of the public and in respect of which the trustees or other authority controlling the land have not given their prior written approval, which is in force, for the consumption of liquor on the occasion on which the person is found drinking liquor; and

(b) in relation to a place within a reserve, means a place within a reserve within the meaning of the *Social Welfare Ordinance* 1964, in respect of which the person in charge of that place has not given his prior written approval, which is in force, for the consumption of liquor;

' municipality ' means a municipality constituted and in existence under the *Local Government Ordinance* 1954-1963;

'town' means a town constituted and defined in accordance with the provisions of the *Crown Lands Ordinance* 1931-1963 or in accordance with the provisions of any other law in force in the Territory prior to the commencement of the *Crown Lands Ordinance* 1931."

6. After section one hundred and forty D of the Principal Ordinance the following section is inserted:—

"140E.—(1.) A person shall not take liquor on to a reserve without the prior approval, which is in force, of the person in charge of the reserve.

Prohibition on taking or having possession of liquor on certain reserves.

Penalty: One hundred pounds or imprisonment for six months.

"(2.) Where the person in charge of a reserve has given his prior approval, which is in force, for the consumption of liquor on a specified part of the reserve but not on any other part of the reserve, a person shall not have liquor in his possession on any other part of the reserve without the prior approval, which is in force, of the person in charge of the reserve for that possession.

Penalty: One hundred pounds or imprisonment for six months.

"(3.) Where the person in charge of a reserve has not given his prior approval, which is in force, for the consumption of liquor on any part of a reserve, a person shall not have liquor in his possession on the reserve without the prior approval, which is in force, of the person in charge of the reserve for that possession.

Penalty: One hundred pounds or imprisonment for six months.

"(4.) An approval under this section to take liquor on a reserve or to have liquor in possession on a reserve or part of a reserve may be given or made orally or in writing.

"(5.) In this section 'reserve' means a reserve within the meaning of the *Social Welfare Ordinance* 1964."

7. Sections one hundred and forty-one and one hundred and forty-two of the Principal Ordinance are repealed and the following section is inserted in their stead:—

Repeal of sections 141 and 142.

"141.—(1.) A lessee under a pastoral or pastoral homestead lease granted under the *Crown Lands Ordinance* 1931-1963 or a person authorized by him to do so may in writing request the Administrator to declare that a specified part of the land comprised in the lease is a restricted area.

Restricted areas on pastoral and pastoral homestead leases.

“(2.) Where the Administrator has received such a request the Administrator in Council may, by notice in the *Gazette* and in a newspaper circulating in the area in which the land comprised in the lease is situated, declare that land, being land comprised in the lease, is a restricted area.

“(3.) The land so declared to be a restricted area may be—

- (a) the land in respect of which the request is made; or
- (b) any land comprised in the lease that in area is equal to, greater than or less than the land in respect of which the request is made, provided it includes at least some of the last mentioned land.

“(4.) A declaration under sub-section (2.) of this section has effect from—

- (a) the date on which it is published in the *Gazette*;
- (b) the date on which it is published in a newspaper in accordance with that sub-section; or
- (c) a date, being later than each of the dates referred to in the last preceding paragraph, that is specified in the declaration as the date from which the declaration shall have effect,

whichever is the latest.

“(5.) Where a road within the meaning of the *Control of Roads Ordinance 1953-1964* enters a restricted area, the lessee of the lease that includes the restricted area shall cause to be posted and to be kept posted at the place where the road enters the restricted area a notice stating that it is an offence to bring intoxicating liquor into the area or to be in possession of intoxicating liquor within the area.

Penalty: One hundred pounds.

“(6.) A person shall not—

- (a) bring intoxicating liquor into a restricted area; or
- (b) be in possession of intoxicating liquor within a restricted area,

except with the permission of the lessee of the lease that includes the restricted area or a person authorized by him to give permission under this section.

Penalty: One hundred pounds or imprisonment for six months.

“(7.) A lessee of a lease that includes a restricted area or a person authorized by such a lessee to do so may, by notice in writing, declare that, for a period not exceeding three months and ending on a date specified in the notice, the provisions of the last preceding sub-section do not apply in respect of the restricted area situated on the lessee's leased land and specified in the notice.

“(8.) A notice under the last preceding sub-section shall, on being published in a newspaper circulating in the area, have effect to suspend the operation of sub-section (6.) of this section for the period commencing seven days after the date of its publication or such date, being more than seven days after the date of its publication, as is specified in the notice as the commencement of the period, whichever is the later, and ending on the date specified in the notice as the end of the period.

“(9.) In this section, ‘restricted area’ means land declared under sub-section (2.) of this section to be a restricted area.”.

8.—(1.) The *Licensing Ordinance (No. 3) 1962* is amended by omitting from section five the words “First Schedule” and inserting in their stead the words “Second Schedule”.

Amendments  
of *Licensing  
Ordinance  
(No. 3) 1962.*

(2.) The amendment effected by the last preceding sub-section shall be deemed to have come into operation on the date of commencement of the *Licensing Ordinance (No. 3) 1962*.

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