

No. 28 of 1962.

An Ordinance to amend the *Licensing Ordinance* 1939-1961 as amended by the *Licensing Ordinance* 1962.

[Reserved 8th June, 1962.]
 [Assented to 24th July, 1962.]*

BE it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act* 1910-1961, as follows:—

1.—(1.) This Ordinance may be cited as the *Licensing Ordinance* (No. 2) 1962. short title and citation.

(2.) The *Licensing Ordinance* 1962 is amended by omitting sub-section (3.).

(3.) The *Licensing Ordinance* 1939-1961, as amended by the *Licensing Ordinance* 1962 and this Ordinance, may be cited as the *Licensing Ordinance* 1939-1962.

2 Section one hundred and forty-one of the *Licensing Ordinance* 1939-1961, as amended by the *Licensing Ordinance* 1962, is repealed and the following section inserted in its stead:—

“ 141.—(1.) A person shall not sell, give or supply liquor, or permit liquor to be sold, given or supplied, to a person who is a ward within the meaning of the *Welfare Ordinance* 1953-1961. Prohibition of supply of liquor to wards.

Penalty: Where the offence is a first offence against this section, imprisonment for one year; in any other case, imprisonment for two years.

“ (2.) Proceedings for an offence against this section shall be heard and determined in a summary way by a Special Magistrate under the provisions of the *Justices Ordinance* 1928-1961.

“ (3.) It shall be a defence in proceedings for an offence against this section if the defendant proves—

(a) that the liquor was urgently required for medical purposes; or

(b) that he had no reason to believe and did not believe that the person to whom the liquor was supplied was a ward.

“(4.) Notwithstanding the provisions of this Ordinance or of any other law in force in the Territory, where the Special Magistrate who convicts a person of an offence against this section finds that the offence was committed with the intent to derive monetary profit or other gain therefrom or with the intent of procurement for sexual purposes—

(a) the Special Magistrate shall—

- (i) where the offence is a first offence against this section—pass on the person a sentence of imprisonment for a term of not less than six months; or
- (ii) in any other case—pass on the person a sentence of imprisonment for a term of not less than one year; and

(b) on an appeal to the Supreme Court against the conviction, the sentence or the finding, the Supreme Court shall not reduce or mitigate the sentence except as permitted by sub-section (5.) or (6.) of this section.

“(5.) Where, on an appeal to which paragraph (b) of the last preceding sub-section applies, the Supreme Court is satisfied that the offence was not committed with the intent to derive monetary profit or other gain therefrom or with the intent of procurement for sexual purposes, the Court may, in substitution for the sentence passed by the Special Magistrate on the person convicted of the offence, impose on the person such other penalty as could have been imposed by the Special Magistrate if he had not found that the offence was committed with any such intent.

“(6.) Where, on an appeal to which paragraph (b) of sub-section (4.) of this section applies, the Supreme Court is not satisfied that the offence was not committed with the intent to derive monetary profit or other gain therefrom or with the intent of procurement for sexual purposes, but—

- (a) the offence is a first offence against this section; and
- (b) the Court is satisfied that, by reason of the youth of the person convicted of the offence or other extenuating circumstances, the sentence passed on the person should be mitigated,

the Court may, in substitution for that sentence, pass on the person a term of imprisonment for a lesser term or impose on the person a fine of not less than Thirty pounds.”.