

THE NORTHERN TERRITORY OF AUSTRALIA

LICENSING ORDINANCE (No. 2) 1964

No. 1 of 1965

An Ordinance to amend the *Licensing Ordinance* 1939-1963, as amended by the *Licensing Ordinance* 1964

[Assented to 14th January, 1965.]

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* 1910-1962, as follows:—

1.—(1.) This Ordinance may be cited as the *Licensing Ordinance* (No. 2) 1964. Short title and citation.

(2.) The *Licensing Ordinance* 1939-1963, as amended by the *Licensing Ordinance* 1964, is in this Ordinance referred to as the Principal Ordinance.

(3.) Section one of the *Licensing Ordinance* 1964 is amended by omitting sub-section (3.).

(4.) 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 a date to be fixed by the Administrator by notice in the *Gazette*.* Commencement.

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 Section one hundred and forty c of the Principal Ordinance is repealed and the following section inserted in its stead:—

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

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

“ (2.) In this section—

‘ mission lease ’ means a lease granted under the *Special Purposes Leases Ordinance* 1953-1963 which contains a reservation in favour of the aboriginal inhabitants of the Northern Territory;

* The date fixed was 3rd March, 1965 (see *Government Gazette* No. 9 of 3rd March, 1965, p. 37).
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‘municipality’ means a municipality constituted and in existence under the *Local Government Ordinance 1954-1964*;

‘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 or mission lease means a place within that reserve or mission lease in respect of which the person in charge of that place has not given his prior approval, which is in force, for the consumption of liquor;

‘reserve’ means a reserve within the meaning of the *Social Welfare Ordinance 1964*;

‘town’ means a town constituted and defined in accordance with the provisions of the *Crown Lands Ordinance 1931-1964* 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*.”

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 Section one hundred and forty E of the Principal Ordinance is repealed and the following section inserted in its stead:—

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

Penalty: One hundred pounds or imprisonment for six months.

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

Penalty: One hundred pounds or imprisonment for six months.

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

Penalty: One hundred pounds or imprisonment for six months.

“ (4.) An approval under this section to take liquor on to any land included in a reserve or mission lease or to have liquor in possession on any such land may be given or made orally or in writing.

“ (5.) In this section ‘mission lease’ and ‘reserve’ have the same meanings as in section one hundred and forty c of this Ordinance.”

5. Section one hundred and forty-one of the Principal Ordinance is amended by omitting sub-section (1.) and inserting in its stead the following sub-section:—

Restricted areas on pastoral and pastoral homestead leases.

“ (1.) A lessee under—

(a) a pastoral lease granted under the *Crown Lands Ordinance* 1931-1964; or

(b) a pastoral homestead lease or an agricultural lease granted under that Ordinance which contains a reservation in favour of the aboriginal inhabitants of the Northern Territory,

or a person authorized by such lessee 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.”