

No. 62 of 1974

An Ordinance to amend the *Licensing Ordinance 1939* as amended

[Assented to 15 October 1974]

BE it ordained by the Legislative Council for the Northern Territory of Australia as follows:

1. This Ordinance may be cited as the *Licensing Ordinance* Short title
(No. 3) 1974.

2. The *Licensing Ordinance 1939* as amended is in this Principal Ordinance
Ordinance referred to as the Principal Ordinance.

3. Section 17(1) of the Principal Ordinance is amended— Wine licences
(a) by omitting from paragraph (a) “and” (last occurring); and
(b) by inserting after paragraph (b) the following word and paragraph;
“; and (c) from 10 o’clock in the morning or 12 o’clock noon, as the case may be, on New Year’s Eve until midnight and thereafter on New Year’s Day until 2 o’clock in the morning.”.

4.(1) Section 118 of the Principal Ordinance is amended— Permitting drunkenness and riotous conduct on licensed premises
(a) by omitting from sub-section (1) “drunkenness, or”; and
(b) by omitting sub-section (2) and substituting the following sub-sections:

“(2) A licensee of licensed premises, or a person exercising an authority from the licensee to sell, supply or serve liquor in a bar room or beer garden on the licensed premises, shall take all reasonable steps to prevent a person whom he knows or ought reasonably to know to be drunk and to be in a bar room or beer garden of a licensed premises from remaining in the bar room or beer garden.

Penalty: 100 dollars.

“(3) Where a person exercising an authority from a licensee to sell, supply or serve liquor in a bar room or beer garden on the licensed premises in respect of which the licensee is licensed contravenes sub-section (2), the licensee is, whether or not he had knowledge of the contravention, also guilty of an offence and punishable upon conviction by a fine not exceeding 20 dollars.

“(4) Where in a prosecution under sub-section (2) or (3) it is alleged that the defendant or another person was, at the time of the alleged offence, exercising an authority from a licensee to sell, supply or serve liquor in a bar room or beer garden on licensed premises, it lies on the defendant to prove that he or that other person, as the case may be, did not have that authority.

“(5) In a prosecution under sub-section (2) or (3), if it is proved that a person was drunk and was in a bar room or beer garden on the licensed premises, it lies on the defendant to prove that he, and if the defendant is the licensee and charged with an offence against sub-section (3), that other person authorized by him to sell, supply or serve liquor in that bar room or beer garden—

- (a) did not know and could not reasonably have known that that person was drunk;
- (b) did not know and could not reasonably have known that the drunk person was in the bar room or beer garden; or
- (c) took all reasonable steps to prevent the drunk person from remaining in the bar room or beer garden.

“(6) Where a licensee is convicted of an offence against sub-section (2) or (3), the court recording the conviction may, in addition to imposing any other penalty, order that the bar room or beer garden or premises in respect of which the offence was committed be closed for such period, not exceeding 14 days, as is specified in the order.

“(7) An order made under sub-section (6) shall be deemed to be an order of the kind mentioned in section 163(1) of the *Justices Ordinance* in respect of which an appeal to the Supreme Court is allowed.

“(8) Time does not run for the purpose of calculating the period specified in an order made under sub-section (6) until the expiration of the period during which an appeal may be lodged against the order or, if such an appeal is lodged, until the day on which the Supreme Court makes its order on the appeal, as the case may be.”

5. Section 146 of the Principal Ordinance is amended by omitting "Any licensed person or any person in his employ who supplies, or permits to be supplied, any liquor to" and substituting "A person on licensed premises who sells or supplies any liquor to or for consumption by".

Prohibition
of supply
of liquor to
intoxicated
persons

