

No. 29 of 1962.

An Ordinance to amend the *Methylated Spirit Ordinance 1936-1938* and repeal the *Methylated Spirit Ordinance 1952*.

[Reserved 8th June, 1962.]

[Assented to 25th 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 *Methylated Spirit Ordinance 1962*. Short title and citation.

(2.) The *Methylated Spirit Ordinance 1936-1938* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Methylated Spirit Ordinance 1936-1962*.

2 This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.† Commencement.

3. Section two of the Principal Ordinance is amended by omitting the definition of “aboriginal”. Definitions.

4 Section three of the Principal Ordinance is repealed and the following section inserted in its stead:—

“3. A person shall not drink methylated spirit. Persons not to drink methylated spirit.
Penalty: Imprisonment for three months.”

5 Section four of the Principal Ordinance is amended— Sale of methylated spirit for drinking purposes.
(a) by omitting the words “No person shall” and inserting in their stead the words “A person shall not”; and

(b) by adding at the end thereof the words “Penalty: Imprisonment for three months.”

Assent notified in the *Government Gazette* of the Northern Territory on 15th August, 1962 (see *Gazette* No. 38, 1962, p. 148).

† The date fixed was 15th May, 1963 (see *Government Gazette* No. 20 of 15th May, 1963, p. 101).

6. Section five of the Principal Ordinance is repealed and the following section inserted in its stead:—

Prohibition of supply of methylated spirit to wards.

“5.—(1.) A person shall not sell, give or supply, or permit to be sold, given or supplied, methylated spirit to a person who is a ward within the meaning of the *Welfare Ordinance 1953-1961*, unless the last-mentioned person has permission in writing, signed by a police officer, or a welfare officer within the meaning of that Ordinance, to have possession of methylated spirit.

Penalty: Where the offence is a first offence, imprisonment for not less than six months and not more than one year; in any other case, imprisonment for not less than one year and not more than two years.

“(2.) It shall be a defence in proceedings for an offence against this section if the defendant proves that he had no reason to believe and did not believe that the person to whom the methylated spirit was supplied was a ward or that he gave or supplied or permitted the giving or supplying of the methylated spirit for a medicinal purpose or in circumstances which a Court considers otherwise justify the giving, supplying or permitting.

“(3.) Notwithstanding the provisions of this Ordinance or of any other law in force in the Territory, a minimum penalty prescribed by this section shall not be reduced or mitigated except in accordance with sub-section (5.) of this section.

“(4.) The last preceding sub-section does not prevent a person convicted of an offence against this section from appealing to the Supreme Court of the Northern Territory, under Division 2 of Part VI. of the *Justices Ordinance 1928-1961*, against the sentence passed on the person for the offence.

“(5.) Where a person convicted of an offence against this section appeals to the Supreme Court of the Northern Territory against the conviction or against the sentence passed on the person for the offence, the Supreme Court may, in substitution for that sentence, pass on the person a sentence of imprisonment of a lesser term or impose a fine of not less than Thirty pounds.”

7. Section five A of the Principal Ordinance is repealed and the following section is inserted in its stead:—

Ward not to have possession of metholated spirit.

“5A. A person who is a ward within the meaning of the *Welfare Ordinance 1953-1961* shall not have possession of

methylated spirit, unless he has permission in writing, signed by a police officer, or a welfare officer within the meaning of that Ordinance, to have possession of methylated spirit.

Penalty: Imprisonment for one month.”

8. Section seven of the Principal Ordinance is repealed.

Repeal of
section 7.

9. The *Methylated Spirit Ordinance 1952* is repealed.

Repeal.
