

## LICENSING ORDINANCE 1965

No. 6 of 1965

An Ordinance to amend the *Licensing Ordinance*  
1939-1964

[Assented to 22nd February, 1965.]

**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:—

Short title  
and citation.

1.—(1.) This Ordinance may be cited as the *Licensing Ordinance* 1965.

(2.) The *Licensing Ordinance* 1939-1964 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* 1939-1965.

Commence-  
ment.

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

Classes of  
licences.

3. Section fourteen of the Principal Ordinance is amended by omitting paragraph (e) and inserting in its stead the following paragraph:—

“(e) Liquor Merchant’s licence, which shall be in accordance with Form 5 in the Second Schedule;”.

4.—(1.) Section nineteen of the Principal Ordinance is repealed and the following section inserted in its stead:—

Liquor  
merchant’s  
licence.

“19.—(1.) A liquor merchant’s licence shall authorize the merchant thereby licensed to sell and dispose of liquor on the premises therein specified in quantities of not less at one time than two gallons.

“(2.) A person shall not permit liquor to be drunk in or about the premises in respect of which a liquor merchant’s licence is in force.

Penalty: Fifty pounds.

“(3.) The annual fee for a liquor merchant’s licence shall be Twenty pounds and for a renewal of the licence a sum equal to Twenty pounds and in addition seven per centum of the sum paid or payable by purchasers who are not holders of a licence

\*The date fixed was 3rd March, 1965 (see *Government Gazette* No. 9A of 3rd March, 1965, p. 40A).

under this Ordinance for liquor (including duties thereon) sold to them during the twelve months immediately preceding the application for renewal.

“(4.) Where a liquor merchant sells liquor to a purchaser other than a licensee at a price that is a different price from the price at which the liquor merchant would have sold the same quantity of that liquor to a licensee, the price paid or payable by that purchaser shall, for the purposes of the last preceding sub-section, be deemed to have been the price that would have been paid or payable by a licensee for that liquor.

“(5.) A person holding a liquor merchant’s licence shall not hold a storekeeper’s licence or a wine licence.

“(6.) Any grant of either of such last-mentioned licences to a person holding a liquor merchant’s licence shall be void and of no effect.

“(7.) All the provisions of this Ordinance relating to a storekeeper’s licence shall apply to a liquor merchant’s licence, except where inconsistent with or inapplicable to such a licence.”.

(2.) A person who, immediately before the commencement of this Ordinance, holds a distiller’s storekeeper’s licence that is in force shall, for the remainder of the period in respect of which that distiller’s storekeeper’s licence was issued or renewed, be deemed to be the holder of a liquor merchant’s licence granted in respect of the premises specified in that distiller’s storekeeper’s licence.

5. Section thirty-six of the Principal Ordinance is amended— Objections to licences and renewals.

- (a) by omitting from sub-section (1.) the words “distiller’s storekeeper’s licence” and inserting in their stead the words “liquor merchant’s licence”; and
- (b) by omitting from sub-section (2.) the words “distiller’s storekeeper’s licence” and inserting in their stead the words “liquor merchant’s licence”.

6. Section thirty-six A of the Principal Ordinance is amended— Objections to liquor merchant’s licence and renewals.

- (a) by omitting from sub-section (1.) the words “distiller’s storekeeper’s licence” and inserting in their stead the words “liquor merchant’s licence”; and
- (b) by omitting from sub-section (2.) the words “distiller’s storekeeper’s licence” and inserting in their stead the words “liquor merchant’s licence”.

Penalty for evasion of provisions disallowing consumption of liquor on premises under certain classes of licences.

Penalty for drinking in the house or store of persons holding certain licences, or of vignérons.

Penalty for selling liquor otherwise than as authorized by licence.

Sale, &c., of liquor in certain clubs on an Anzac Day that falls on a Sunday.

7 Section one hundred and thirty-one of the Principal Ordinance is amended by omitting the words "distiller's storekeeper's licence" and inserting in their stead the words "liquor merchant's licence".

8. Section one hundred and thirty-two of the Principal Ordinance is amended—

(a) by omitting the words "distiller's storekeeper's licence" and inserting in their stead the words "liquor merchant's licence"; and

(b) by omitting the word "distiller" and inserting in its stead the words "liquor merchant".

9. Section one hundred and thirty-three of the Principal Ordinance is amended by omitting the words "distiller's storekeeper's licence" and inserting in their stead the words "liquor merchant's licence".

10. After section one hundred and fifty-three of the Principal Ordinance the following section is inserted:—

"153A.—(1.) If, during any year, the twenty-fifth day of April falls on a Sunday, a person deemed to be the person licensed in respect of the premises of a club may apply to the Administrator for permission—

(a) to keep the premises open for the sale and supply of liquor; and

(b) to permit liquor to be consumed on the premises, during a specified period of that twenty-fifth day of April, notwithstanding that it falls on a Sunday.

"(2.) The application—

(a) shall be in writing addressed to the Administrator;

(b) shall be served on the Administrator not earlier than three months and not later than one month before the twenty-fifth day of April in respect of which it is made;

(c) shall specify the time of commencement and the time of completion of the period in respect of which it is made; and

(d) shall set out reasons in support of the application.

"(3.) Notwithstanding section one hundred and eighty-nine of this Ordinance, the application shall be served by enclosing it in an envelope addressed to "The Administrator, Northern Territory Administration, Darwin" and—

(a) sending it by prepaid post to the Administrator at that address; or

- (b) handing it at an office of the Northern Territory Administration to a person who is apparently authorized to receive documents addressed to the Administrator.

“(4.) On receiving such an application, the Administrator may, if he thinks fit, by notice in the *Gazette* grant permission to the applicant—

(a) to keep the premises open for the sale and supply of liquor; and

(b) to permit liquor to be consumed on the premises, during such period as is specified in the notice, on the twenty-fifth day of April in respect of which the application is made.

“(5.) The period specified in such a notice shall not include any period before ten o'clock in the morning or after ten o'clock at night.

“(6.) The Administrator may determine conditions applicable to any permission granted under sub-section (4.) of this section and if he does so—

(a) the conditions shall be specified in the notice referred to in that sub-section; and

(b) the permission granted by that notice is subject to the conditions so specified.”

11. The Second Schedule to the Principal Ordinance is amended by omitting Form 5 and inserting in its stead the following form:—

Second  
Schedule.

“ FORM 5.

LIQUOR MERCHANT'S LICENCE.

*Licensing Ordinance 1939-1965.*

I, A.B., Clerk of the Licensing Court, do hereby certify that on the day of , 19 , a Liquor Merchant's Licence was granted to C.D., of , and that the above-named C.D. is hereby licensed to sell and dispose of liquor on the premises situated at , in the Northern Territory, in quantities of not less than two gallons; but so that no portion of such liquor shall be drunk in or about those premises, and no liquor shall be sold or disposed of earlier than ten o'clock in the morning or later than ten o'clock in the evening. This licence shall commence on the day of the issue hereof, and continue in force until fourteen days after the annual sittings of the Court now next ensuing, provided it be not forfeited in the meantime.

Given under my hand at this day of , 19 .

A.B., Clerk of the Licensing Court.”.

12. The Third Schedule to the Principal Ordinance is amended by omitting the form entitled “NOTICE OF APPLICATION FOR A DISTILLER'S STOREKEEPER'S LICENCE” and inserting in its stead the following form:—

Third  
Schedule.

**" NOTICE OF APPLICATION FOR A LIQUOR MERCHANT'S LICENCE.***Licensing Ordinance 1939-1965.*

To the Licensing Court:

I, A.B., of (*state residence*), hereby give notice that it is my intention to apply at the next sittings of the Licensing Court, to be held at \_\_\_\_\_, for a Liquor Merchant's Licence to sell and dispose of liquor in the premises situate (*describe situation of premises*).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 .

**A.B."**