

METHYLATED SPIRIT ORDINANCE 1936-1938.*†

Amended 2/16 ✓
Repeated 2/16 ✓

An Ordinance relating to Methylated Spirit.

Short title.
Short title
amended:
N. 17, 1938,
s. 4.

1. This Ordinance may be cited as the *Methylated Spirit Ordinance* 1936-1938.*†

Definitions.

2. In this Ordinance, unless the contrary intention appears—

“aboriginal” means any person who is an aboriginal within the meaning of the definition of “aboriginal” contained in the *Aboriginals Ordinance* 1918-1936 or in any Ordinance amending that Ordinance or in substitution therefor;

“methylated spirit” includes—

- (a) any spirit which has been methylated under the provisions of the *Spirits Act* 1906-1935 of the Commonwealth (including any amendment thereof for the time being in force) or the regulations thereunder or has been denatured;
- (b) methyl alcohol and wood spirit;
- (c) any other spirit to which any methylating substance has been added; and
- (d) any potable liquid with which methylated spirit is mixed.

3. No person shall drink methylated spirit.

4. No person shall sell or dispose of methylated spirit to any other person if he has reasonable cause to believe that such other person intends—

- (a) to use such spirit for drinking purposes; or
- (b) to give or supply the same to any other person for drinking purposes.

Drinking methylated spirit prohibited.

Sale of methylated spirit to certain persons prohibited.

* The *Methylated Spirit Ordinance* 1936-1938 comprises the *Methylated Spirit Ordinance* 1936 as amended. Particulars of the Principal Ordinance and of the amending Ordinance are set out in the following table:—

Ordinance.	Number and Year.	Date notified in Commonwealth Gazette.	Date of Commencement.
<i>Methylated Spirit Ordinance</i> 1936 ..	No. 15, 1936	29th October, 1936	29th October, 1936
<i>Methylated Spirit Ordinance</i> 1938 ..	No. 7, 1938	2nd June, 1938 ..	2nd June, 1938

† See also *Methylated Spirit Ordinance* 1952 printed at page 1462.

AMENDED.
+2-164

5. No person shall sell, give or supply, or permit to be sold, given or supplied, any methylated spirit to any aboriginal.

Prohibition of supply of methylated spirit to aboriginals.

5A. No aboriginal shall be in possession of any methylated spirit.

Aboriginal not to be in possession of methylated spirit.

Inserted by No. 7, 1938, s. 2.

6.—(1.) In any prosecution for an offence against any of the provisions of this Ordinance, the averments of the prosecutor contained in the information shall be *prima facie* evidence of the matter or matters averred.

Effect of averment of prosecutor.

(2.) The last preceding sub-section shall apply to any matters so averred although—

(a) evidence in support or rebuttal of the matter averred or of any other matter is given by witnesses; or

(b) the matter averred is a mixed question of law and fact, but in that case the averment shall be *prima facie* evidence of the fact only.

(3.) Any evidence given by witnesses in support or rebuttal of a matter so averred shall be considered on its merits and the credibility and probative value of such evidence shall be neither increased nor diminished by reason of this section.

(4.) This section shall not lessen or affect any onus of proof otherwise falling on the defendant.

7. Any person who acts in contravention of or fails to comply with any of the provisions of this Ordinance shall be guilty of an offence and shall be liable to a penalty not exceeding Twenty-five pounds or to imprisonment for a term not exceeding six months.

Penalty.

8. The Administrator may make regulations, not inconsistent with this Ordinance, prescribing all matters which, by this Ordinance, are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance, and, in particular, prescribing—

Regulations.

(a) the requirements to be complied with by persons selling or disposing of methylated spirit; and

(b) penalties not exceeding Twenty pounds for any offence against the regulations.