

1995—No. 421

TRANSPORT ADMINISTRATION ACT 1988—REGULATION

(Transport Administration (Ferry Offences) Regulation 1995)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Transport Administration Act 1988, has been pleased to make the Regulation set forth hereunder.

BRIAN LANGTON, M.P.,
Minister for Transport.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Transport Administration (Ferry Offences) Regulation 1995.

Commencement

2. This Regulation commences on 1 September 1995.

Application

3. (1) This Regulation applies to ferry services conducted by the STA and to ferry wharves vested in or under the control or management of the STA.

(2) This Regulation does not apply to ferry wharves vested in or under the control or management of the Minister for Ports, a Port Corporation or the Waterways Authority, within the meaning of the Ports Corporatisation and Waterways Management Act 1995.

Definitions

4. In this Regulation:

“authorised officer” means:

- (a) a police officer;
- (b) a member of the transit police service;
- (c) an officer or employee of the STA;
- (d) any other person or member of a class of persons appointed in writing by the Chief Executive of the STA;

“concession ticket” means a ticket issued free or at a reduced fare;

“fare” means a charge determined by the STA under section 85 of the Act for the use of a ferry service;

“ferry wharf” includes any structure used by the STA for the berthing or mooring of ferries, and includes any adjacent land vested in, or under the control of, the STA;

“STA” means the State Transit Authority;

“the Act” means the Transport Administration Act 1988;

“ticket” includes anything issued by the STA for the purpose of authorising a person to travel on a ferry belonging to a ferry service conducted by the STA;

“valid ticket” is defined in clause 5.

PART 2—TICKETS**Validity of tickets**

5. (1) A ticket is valid for travel only for the journey or journeys for which it is issued.

(2) A ticket transferred in contravention of clause 6 is not a valid ticket.

(3) The conditions to which a ticket is subject may be notified to the purchaser of the ticket by means of a notice:

- (a) that is displayed on the ticket, or at or in the immediate vicinity of the place where the ticket is issued; and
- (b) that sets out those conditions or indicates where information as to those conditions is obtainable.

Tickets not transferable

6. (1) A person who is issued with a ticket must not transfer (or offer to transfer) the ticket, or a portion of the ticket, to another person.

Maximum penalty: 5 penalty units.

(2) This clause does not apply if

- (a) the ticket was bought on behalf of that other person; or
- (b) the transfer is authorised by the STA.

Alteration or defacement of tickets prohibited

7. A person must not, with intent to deceive, alter or deface a ticket or make a ticket illegible (or, in the case of a ticket with a magnetic strip, inoperative).

Maximum penalty: 5 penalty units.

Valid ticket required for travel

8. (1) A person must not travel or attempt to travel on a ferry without holding a valid ticket for the travel concerned.

Maximum penalty: 5 penalty units.

(2) This clause does not apply to a person who boards a ferry at a ferry wharf where, at all relevant times before the person boarded the ferry, there were no facilities available for the issue of tickets.

Concession tickets

9. (1) A person must not travel on a ferry on the authority of a concession ticket unless the person is, by reason of his or her age, occupation or status, entitled to the concession ticket.

Maximum penalty: 5 penalty units.

(2) An authorised officer may direct a person:

- (a) who is travelling on a ferry on the authority of a concession ticket;
or
- (b) who makes a concession ticket available for inspection under clause 10; or
- (c) who offers a concession ticket for collection or processing under clause 11,

to produce evidence satisfactory to the authorised officer, within 24 hours of the direction, that the person is entitled to the concession ticket.

(3) A person to whom such a direction is given must comply with it.

Maximum penalty: 5 penalty units.

(4) A person may not be prosecuted for offences under both subclause (1) and subclause (3) in relation to the same travel.

(5) A person must not:

- (a) in, or in connection with an application for a concession ticket; or
- (b) in purported compliance with a direction under this clause,

give any information or tender any document that contains a false or misleading particular with respect to the age, occupation or status of the person to whom the application or direction relates.

Maximum penalty: 5 penalty units.

Inspection of tickets

10. A person who is on a ferry or ferry wharf must make his or her ticket available for inspection or processing by an authorised officer on request. In the case of a return ticket, this requirement extends to making the return half of the ticket available on the forward journey, if an authorised officer so requests.

Maximum penalty: 5 penalty units.

Tickets to be offered for collection or processing

18. (1) A person must not, without reasonable excuse, leave the restricted area of a ferry wharf without offering the person's ticket for collection or processing in accordance with this clause.

Maximum penalty: 5 penalty units.

(2) For the purposes of this clause, a person offers a ticket for collection or processing:

- (a) by putting it into an automatic gate or other equipment provided to accept the ticket (or part of the ticket) or to read or record any details on the ticket; or
- (b) by giving (or, in the case of a ticket of continuing validity, showing) the ticket to an authorised officer on request.

(3) A person must offer his or her ticket for collection or processing in the manner specified in subclause (2) (a), unless:

- (a) the person's ticket is not designed for insertion in automatic equipment; or
- (b) the ferry wharf concerned is not supplied with automatic equipment; or
- (c) the person has a reasonable excuse for not using the automatic equipment.

(4) In this clause, the “**restricted area of a ferry wharf**” means all parts of the ferry wharf between the place where ferries dock and the ticket barrier.

PART 3—CONDUCT OF PASSENGERS

Conduct generally

12. (1) A person must not, on any ferry or ferry wharf, wilfully interfere with the comfort or safety of other persons.

Maximum penalty: 5 penalty units.

(2) Without limiting subclause (1), a person who does any of the following interferes with the comfort or safety of other persons:

- (a) puts feet on seats;
- (b) spits;
- (c) uses offensive language;
- (d) behaves offensively;
- (e) uses roller skates, roller blades or a skateboard.

Drinking of alcohol generally prohibited

13. (1) A person must not drink any intoxicating liquor on any ferry or ferry wharf.

Maximum penalty: 5 penalty units.

(2) This clause does not apply if the liquor is supplied on the ferry or ferry wharf by, or with the permission of, the STA.

Smoking, eating and drinking on ferries

14. (1) A person must not smoke on any ferry or part of a ferry on which smoking is prohibited by signs displayed on the ferry or part, except with the written permission of an authorised officer.

Maximum penalty: 5 penalty units.

(2) A person must not eat or drink on any ferry or part of a ferry on which eating and drinking is prohibited by signs displayed on the ferry or part, except with the written permission of an authorised officer.

Maximum penalty: 5 penalty units.

(3) Nothing in this clause prohibits a person from eating or drinking on a ferry for medical reasons.

No unauthorised commercial activities

15. (1) A person must not carry on a commercial activity on any ferry or ferry wharf, except with the written permission of the STA.

Maximum penalty: 5 penalty units.

(2) For the purposes of this clause, a “commercial activity” means any one or more of the following:

- (a) the sale or hire (or the offer of sale or hire) of any thing;
- (b) the touting or soliciting for custom, hire or employment;
- (c) the distribution of handbills to any person;
- (d) the soliciting of money from any person (whether by way of busking or otherwise).

Entry to and exit from ferries

16. (1) A person must not, without reasonable excuse, enter or leave a ferry:

- (a) while the ferry is in motion; or
- (b) except at the side of the ferry adjoining the ferry wharf or other place designated by the STA for persons to enter or leave the ferry; or
- (c) by getting through a window.

Maximum penalty: 5 penalty units.

(2) This clause does not apply to an authorised officer in the execution of his or her duty.

Limited stop ferries

19. (1) A person must not board a ferry at a ferry wharf at which the ferry is not scheduled to pick up passengers, except with the permission of an authorised officer.

Maximum penalty: 5 penalty units.

(2) A person must not leave a ferry at a ferry wharf at which the ferry is not scheduled to set down passengers, except with the permission of an authorised officer.

Maximum penalty: 5 penalty units.

Throwing objects

18. A person must not throw any object or thing in or from a ferry.

Maximum penalty: 5 penalty units.

No entry to crew compartment of ferry

19. (1) A person must not:

- (a) enter the crew compartment of a ferry without the 'permission of an authorised officer; or
- (b) remain in the crew compartment of a ferry after having been requested to leave the compartment by an authorised officer.

Maximum penalty: 5 penalty units.

(2) This clause does not apply to an authorised officer in the execution of his or her duty.

Travel not allowed on certain parts of ferry

20. A person must not, without reasonable excuse, travel on any portion of a ferry not intended for the conveyance of passengers.

Maximum penalty: 5 penalty units.

Use of certain equipment on ferries not allowed

21. A person must not, without reasonable excuse:

- (a) use the public address or other communications system of a ferry; or
- (b) operate any equipment attached to or forming part of a ferry.

Maximum penalty: 5 penalty units.

Stairways not to be obstructed

22. A person must not, without reasonable excuse, sit on, or otherwise obstruct, a stairway on a ferry or ferry wharf.

Maximum penalty: 5 penalty units.

STA property not to be removed

23. (1) A person must not remove any STA property from any ferry or ferry wharf.

Maximum penalty: 5 penalty units.

(2) This clause does not apply to an authorised officer in the execution of his or her duty.

No littering

24. A person must not on any ferry or ferry wharf:

- (a) deposit any litter; or

(b) deposit any thing that may endanger any person or property, otherwise than in a receptacle provided for that purpose.

Maximum penalty: 5 penalty units.

Animals

25. (1) A person must not take into or on any ferry or ferry wharf any dog, cat, bird or other animal, except with the permission of an authorised officer.

Maximum penalty: 2 penalty units.

(2) Subclause (1) does not apply to:

- (a) a guide dog accompanying a person who is visually or aurally impaired; or
- (b) a guide dog in training.

Sitting on side rails of ferries

26. A person must not sit or stand on the side rails of a ferry.

Maximum penalty: 2 penalty units.

Luggage and soiled clothing

27. (1) If, in the opinion of the ferry master or an authorised officer, a person's clothing or luggage (or any other thing on or carried by the person):

- (a) may soil or damage a ferry or ferry wharf or the clothing or luggage of other passengers; or
- (b) is of such a size or has such dimensions that it cannot be accommodated in or on the ferry or ferry wharf without inconvenience to other passengers,

the ferry master or authorised officer may direct the person not to enter or to leave the ferry or ferry wharf.

(2) A person must not fail to comply with such a direction.

Maximum penalty: 5 penalty units.

Passengers who are intoxicated

28. (1) If, in the opinion of an authorised officer, a person:

- (a) is under the influence of alcohol or any drug; and

- (b) is causing, or is likely to cause, a nuisance or annoyance to other passengers,

the authorised officer may direct the person not to enter or to leave any ferry or ferry wharf.

- (2) A person must not fail to comply with such a direction.

Maximum penalty: 5 penalty units.

Leaving ferry or ferry wharf when directed

29. (1) If, in the opinion of an authorised officer, a person is committing an offence under this Part on a ferry or ferry wharf, the authorised officer may direct the person to leave the ferry or ferry wharf.

- (2) A person must not fail to comply with such a direction.

Maximum penalty: 5 penalty units.

Removal of persons from ferries

30. A person who fails to comply with a direction under this Part to leave a ferry or ferry wharf may be removed from the ferry or ferry wharf by a police officer.

Lost property

31. (1) A person who finds any article in or on a ferry or ferry wharf:

- (a) must return it to its owner; or
- (b) must give it to an authorised officer.

Maximum penalty: 2 penalty units.

(2) The Impounding Act 1993 applies to an article that is given to an authorised officer under this clause as if it had been impounded under that Act.

PART 4—FERRY WHARVES

Conduct of persons on ferry wharves

32. (1) The STA may regulate the conduct of persons on a ferry wharf by means of notices conspicuously displayed at or near the entrance to the wharf.

- (2) A person must not fail to comply with such a notice.

Maximum penalty: 5 penalty units.

Vessels berthing at ferry wharves

33. The master of a vessel (other than a ferry) must not, without reasonable excuse, berth the vessel at, or land any person or goods at, a ferry wharf.

Maximum penalty: 5 penalty units.

Obstruction of ferries

34. The master of a vessel (other than a ferry) must not, without reasonable excuse, cause or allow the vessel to obstruct the approaches to a ferry wharf or otherwise impede a ferry's approach to, or departure from, a ferry wharf.

Maximum penalty: 5 penalty units.

PART 5—MISCELLANEOUS**Authorised officer may demand name and address**

35. (1) An authorised officer who suspects that a person who is in or on a ferry or ferry wharf has contravened a provision of this Regulation may direct the person to provide his or her full name and residential address to the authorised officer.

(2) A person to whom such a direction is given must not fail to comply with the direction.

Maximum penalty: 2 penalty units.

(3) A person is not guilty of an offence under this clause unless the person was warned, when the direction was given, that failure to comply with the direction would constitute an offence.

Penalty notice offences

36. (1) For the purposes of section 117 of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 1 is declared to be a penalty notice offence; and
- (b) the prescribed penalty for such an offence is the amount specified in Column 3 of Schedule 1; and
- (c) each person referred to in subclause (2) is an authorised officer.

(2) The following persons are authorised officers for offences arising under this Regulation:

- (a) a police officer;

- (b) a member of the transit police service;
- (c) any other person or member of a class of persons appointed in writing by the Chief Executive of the STA.

Short descriptions

37. (1) For the purposes of section 145B of the Justices Act 1902, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 1 is:

- (a) the expression specified in Column 2 of that Schedule; or
- (b) if a choice of words is indicated in that expression, the words remaining after the omission of the words irrelevant to the offence.

(2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 1, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.

(3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.

(4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

SCHEDULE 1—PENALTY NOTICE OFFENCES

(Cll. 36, 37)

Column 1	Column 2	Column 3
Provision	Short description	Penalty
Clause 6 (1)	transfer ticket	\$100
Clause 7	alter/deface ticket	\$100
Clause 8 (1)	travel/attempt to travel on ferry while not in possession of a ticket	\$100
Clause 9 (1)	use concession ticket while not entitled	\$100

Column 1	Column 2	Column 3
Provision	Short description	Penalty
Clause 9 (3)	fail to produce evidence of entitlement to concession	\$100
Clause 9 (5)	supply false particulars for concession purposes	\$100
Clause 10	fail to make ticket available for inspection	\$100
Clause 11 (1)	fail to offer ticket for processing	\$100
Clause 12 (1)	wilfully interfere with comfort/safety of person on ferry/wharf	\$100
Clause 13 (1)	drink alcohol on ferry/wharf	\$100
Clause 14 (1)	smoke in prohibited place on ferry	\$100
Clause 14 (2)	eat/drink in prohibited place on ferry	\$100
Clause 14 (3)	carry out unauthorised commercial activity on ferry/wharf	\$100
Clause 16 (1)	enter/leave ferry in motion/through unauthorised entrance/through unauthorised exit/through window.	\$100
Clause 17 (1)	board ferry at unscheduled stop	\$100
Clause 17 (2)	leave ferry at unscheduled stop	\$100
Clause 18	throw object/thing in/from ferry	\$100
Clause 19	enter/remain in crew compartment on ferry	\$100
Clause 20	travel on portion of ferry not intended for passengers	\$100
Clause 21	use/operate ferry equipment without authority	\$100
Clause 22	obstruct stairway on ferry/wharf	\$100
Clause 23 (1)	remove State Transit Authority property from ferry/wharf	\$100
Clause 24	deposit litter/dangerous thing on ferry/wharf	\$100
Clause 25 (1)	take animal on ferry/wharf without authority	\$100
Clause 26	sit/stand on side rail of ferry	\$100
Clause 27 (2)	fail to comply with direction not to enter/to leave ferry due to luggage/clothing	\$100
Clause 28 (2)	fail to comply with direction not to enter/to leave ferry when intoxicated/on drugs/causing a nuisance/causing annoyance	\$100
Clause 29 (2)	fail to leave ferry/wharf when directed	\$100
Clause 31 (1)	fail to return lost property/give lost property to authorised officer	\$100

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SCHEDULE 1—PENALTY NOTICE OFFENCES

EXPLANATORY NOTE

The object of this Regulation is to remake, with minor changes, the provisions of the Transport Administration (Government Bus and Ferry Services) Regulation 1989 that relate to ferry offences. The new Regulation deals with the following matters:

- (a) the issue, validity and inspection of ferry tickets for ferry services conducted by the State Transit Authority (Part 2);
- (b) the conduct of passengers on ferries operated by the State Transit Authority (Part 3);
- (c) the conduct of persons on ferry wharves and the navigation of vessels in relation to ferries and ferry wharves (Part 4);
- (d) other matters of a minor, consequential or ancillary nature (Parts 1 and 5).

This Regulation is made under the Transport Administration Act 1988, including section 119 (the general regulation making power).

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
