

1995—No. 398

PASSENGER TRANSPORT ACT 1990—REGULATION

(Passenger Transport (Ferry Services) 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 Passenger Transport Act 1990, 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 Passenger Transport (Ferry Services) Regulation 1995.

Commencement

2. This Regulation commences on 1 September 1995.

Application

3. (1) This Regulation (Parts 3 and 4 excepted) applies to the conduct of all ferry services.

(2) Parts 3 and 4 apply only to ferry services conducted by persons other than the STA.

(3) This Regulation does not apply to road-ferries operated by roads authorities under the Roads Act 1993.

Definitions

4. In this Regulation:

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

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

“operator” means:

- (a) in relation to a ferry service, the person who is accredited under Division 1 of Part 2 of the Act to operate the service; and
- (b) in relation to a ferry, the person who is accredited under Division 1 of Part 2 of the Act to operate the ferry service to which the ferry belongs;

“STA” means the State Transit Authority;

“the Act” means the Passenger Transport Act 1990;

“ticket” means anything issued by or on behalf of the operator of a ferry service for the purpose of authorising a person to travel on a ferry belonging to the service;

“valid ticket” is defined in clause 8.

PART 2—OPERATION OF FERRY SERVICES

Division 1—Ferry operators

Condition of ferries

5. A ferry operator must not allow a ferry to be used in the service unless it is clean and tidy.

Maximum penalty: 5 penalty units.

Retention of books and records in relation to the operation of ferry

6. A person who is or has been a ferry operator:

- (a) must retain any record required to be kept by the person under the Act or this Regulation for a period of at least 2 years after the date of the last entry in it; and
- (b) must, on demand by an authorised officer, produce it for inspection; and
- (c) must, if required by the Director-General in writing to do so, deliver it to the Director-General when required.

Maximum penalty: 10 penalty units.

Division 2—Ferry masters**Ferry master to observe timetable**

7. The ferry master on a regular ferry service must operate the ferry in accordance with the timetable and the route for the service as identified and published, by the ferry operator.

Maximum penalty: 5 penalty units.

PART 3—TICKETS**Validity of tickets**

8. (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 9 is not a valid ticket.

Tickets not transferable

9. (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 ferry operator.

Alteration or defacement of tickets prohibited

10. 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 stripe, inoperative).

Maximum penalty: 5 penalty units.

Valid ticket required for travel

11. (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

12. (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)** The ferry master or 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 13; or
 - (c) who offers a concession ticket for collection or processing under clause 14,

to produce evidence satisfactory to the ferry master or 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

13. 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

14. (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 4—CONDUCT OF PASSENGERS**Conduct generally**

15. (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

16. (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 ferry operator.

Smoking, eating and drinking on ferries

17. (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 the ferry operator.

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 the ferry operator.

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

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

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 ferry wharf

19. (1) A person must not, without reasonable excuse, enter or leave a ferry wharf otherwise than by a place designated by the ferry operator for entry or exit.

Maximum penalty: 5 penalty units.

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

Entry to and exit from ferries

20. (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 ferry operator 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

21. (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

22. 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

23. (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

24. 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

25. 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

26. 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.

Property not to be removed

27. (1) A person must not remove any property of the ferry operator 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

28. 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

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

Maximum penalty: 5 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 the side rails of ferries

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

Maximum penalty: 5 penalty units.

Luggage and soiled clothing

31. (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

32. (1) If, in the opinion of the ferry master or 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 ferry master or 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

33. (1) If, in the opinion of the ferry master or an authorised officer, a person is committing an offence under this Part on a ferry or ferry wharf, the ferry master or 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

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

Lost property

35. (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 a ferry master or to an authorised officer.

Maximum penalty: 2 penalty units.

(2) Any article given to a ferry master or authorised officer under this clause is to be dealt with according to directions given by the Director-General and may, if the Director-General thinks fit, be disposed of in accordance with directions given in that behalf.

PART 5—MISCELLANEOUS**Fees**

36. For the purposes of section 15 of the Act, \$100 is the prescribed fee for an application for accreditation as a ferry operator.

Authorised officer may demand name and address

37. (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

38. For the purposes of section 59 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.

Short descriptions

39. (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

(CII. 38, 39)

Part 1—Offences under the Passenger Transport Act 1990

Column 1	Column 2	Column 3
Provision	Short description	Penalty
Section 11 (1)	Operate ferry without appropriate authority	\$200

Part 2—Offences under the Passenger Transport Ferry Services) Regulation 1995

Column 1	Column 2	Column 3
Provision	Short description	Penalty
Clause 9 (1)	transfer ticket.....	\$100
Clause 10	alter/deface ticket.....	\$100
Clause 11 (1)	travel/attempt to travel on ferry while not in possession of a ticket	\$100

1995—No. 398

Column 1	Column 2	Column 3
Provision	Short description	Penalty
Clause 12 (1)	use concession ticket while not entitled	\$100
Clause 12 (3)	fail to produce evidence of entitlement to concession	\$100
Clause 12 (5)	supply false particulars for concession purposes	\$100
Clause 13	fail to make ticket available for inspection.....	\$100
Clause 14 (1)	fail to offer ticket for processing.....	\$100
Clause 15 (1)	wilfully interfere with comfort/safety of persons on ferry/wharf.....	\$100
Clause 16 (1)	drink alcohol on ferry/wharf	\$100
Clause 17 (1)	smoke in prohibited place on ferry	\$100
Clause 17 (2)	eat/drink in prohibited place on ferry	\$100
Clause 18 (1)	carry out unauthorised commercial activity on ferry/wharf	\$100
Clause 19 (1)	enter/leave wharf through unauthorised entrance/exit	\$100
Clause 20 (1)	enter/leave ferry in motion/through unauthorised entrance/through unauthorised exit/through window .	\$100
Clause 21 (1)	board ferry at unscheduled stop	\$100
Clause 21 (2)	leave ferry at unscheduled stop	\$100
Clause 22	throw object/thing in/from ferry	\$100
Clause 23 (1)	enter/remain in crew compartment on ferry	\$100
Clause 24	travel on portion of ferry not intended for passengers	\$100
Clause 25	use/operate ferry equipment without authority	\$100
Clause 26	obstruct stairway on ferry/wharf.....	\$100
Clause 27 (1)	remove property of ferry operator from ferry/wharf	\$100
Clause 28	deposit litter/dangerous thing on ferry/wharf	\$100
Clause 29 (I)	take animal on ferry/wharf without authority	\$100
Clause 30	sit/stand on side rail of ferry.....	\$100
Clause 31 (2)	fail to comply with direction not to enter/to leave ferry due to luggage/clothing	\$100
Clause 32 (2)	fail to comply with direction not to enter/to leave ferry when intoxicated/causing a nuisance/causing annoyance	\$100
Clause 33 (2)	fail to leave ferry/wharf when directed	\$100
Clause 35 (1)	fail to return lost property/give lost property to authorised officer	\$100

NOTES**TABLE OF PROVISIONS****PART 1—PRELIMINARY**

1. Citation
2. Commencement
3. Application
4. Definitions

PART 2—OPERATION OF FERRY SERVICES**Division 1—Ferry operators**

5. Condition of ferries
6. Retention of books and records in relation to the operation of ferry

Division 2—Ferry masters

7. Ferry master to observe timetable

PART 3—TICKETS

8. Validity of tickets
9. Tickets not transferable
10. Alteration or defacement of ticket prohibited
11. Valid ticket required for travel
12. Concession tickets
13. Inspection of tickets
14. Tickets to be offered for collection or processing

PART 4—CONDUCT OF PASSENGERS

15. Conduct generally
16. Drinking of alcohol generally prohibited
17. Smoking, eating and drinking on ferries
18. No unauthorised commercial activities
19. Entry to and exit from ferry wharf
20. Entry to and exit from ferries
21. Limited stop ferries
22. Throwing objects
23. No entry to crew compartment of ferry
24. Travel not allowed on certain parts of ferry
25. Use of certain equipment on ferries not allowed
26. Stairways not to be obstructed
27. Property not to be removed
28. No littering
29. Animals
30. Sitting on side rails of ferries
31. Luggage and soiled clothing
32. Passengers who are intoxicated
33. Leaving ferry or ferry wharf when directed
34. Removal of persons from ferries
35. Lost property

PART 5—MISCELLANEOUS

- 36. Fees
- 37. Authorised officer may demand name and address
- 38. Penalty notice offences
- 39. Short descriptions

SCHEDULE 1—PENALTY NOTICE OFFENCES

EXPLANATORY NOTE

The object of this Regulation is to remake, with minor changes, the provisions of the Passenger Transport Regulation 1990 relating to ferry services. The new Regulation deals with the following matters:

- (a) the operation of Government and non-Government ferry services (Part 2), including provisions relating to:
 - (i) ferry operators (Division 1); and
 - (ii) ferry masters (Division 2);
- (b) the issue, validity and inspection of ferry tickets for non-Government ferry services (Part 3);
- (c) the conduct of passengers on ferries operated by non-Government ferry services (Part 4);
- (d) other matters of a minor, consequential or ancillary nature (Parts 1 and 5).

This Regulation is made under the Passenger Transport Act 1990, including section 63 (the general regulation making power) and sections 15 and 59.

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