



Passenger Transport (Ferry Services) Amendment (Safety and Reliability) Regulation 2003

under the

Passenger Transport Act 1990

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Passenger Transport Act 1990*.

MICHAEL COSTA, M.L.C.,
Minister for Transport Services

Explanatory note

The object of this Regulation is to amend the *Passenger Transport (Ferry Services) Regulation 2000* to make amendments consequential on the commencement of the *Transport Legislation Amendment (Safety and Reliability) Act 2003*.

This Regulation also makes amendments in the nature of law revision and clarifies the application of the *Passenger Transport (Ferry Services) Regulation 2000* to public passenger services and to regular passenger services.

This Regulation is made under the *Passenger Transport Act 1990*, including section 63 (the general regulation-making power).

2003 No 984

Clause 1 Passenger Transport (Ferry Services) Amendment (Safety and Reliability)
Regulation 2003

**Passenger Transport (Ferry Services) Amendment
(Safety and Reliability) Regulation 2003**

under the

Passenger Transport Act 1990

1 Name of Regulation

This Regulation is the *Passenger Transport (Ferry Services) Amendment (Safety and Reliability) Regulation 2003*.

2 Commencement

This Regulation commences on 1 January 2004.

**3 Amendment of Passenger Transport (Ferry Services)
Regulation 2000**

The *Passenger Transport (Ferry Services) Regulation 2000* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 4 Definitions

Insert in alphabetical order:

ferry service means a public passenger service provided by ferry.

regular ferry service means a ferry service that is a regular passenger service.

[2] Clause 4

Omit the definition of *ferry wharf*. Insert instead:

ferry wharf means a public ferry wharf within the meaning of Division 5 of Part 8 of the *Marine Safety Act 1998*.

[3] Clause 4

Omit the definition of *operator*. Insert instead:

operator means:

- (a) in relation to a ferry service, the person who carries on the ferry service, and
- (b) in relation to a ferry, the person who carries on the ferry service for which the ferry is used.

[4] Clause 6 Condition of ferries

Omit "A ferry operator".

Insert instead "The operator of a regular ferry service".

[5] Clause 7 Records in relation to operation of ferry

Omit "a ferry operator" from clause 7 (1).

Insert instead "the operator of a regular ferry service".

[6] Clause 11 Validity of tickets

Insert "issued for travel on a regular ferry service" after "ticket" in clause 11 (1).

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Schedule 1 Amendments

[7] Clause 12 Tickets not transferable

Insert “for travel on a regular ferry service” after “ticket” where firstly occurring in clause 12 (1).

[8] Clause 13 Alteration or defacement of tickets prohibited

Omit “or make”.

Insert instead “issued for travel on a regular ferry service or make such”.

[9] Clause 14 Valid ticket required for travel

Omit “ferry” from clause 14 (1). Insert instead “regular ferry service”.

[10] Clause 15 Concession tickets

Omit “ferry” from clause 15 (1). Insert instead “regular ferry service”.

[11] Clause 15 (2)

Omit “ferry” from clause 15 (2) (a). Insert instead “regular ferry service”.

[12] Clause 16

Omit the clause. Insert instead:

16 Inspection of tickets

- (1) A person who:
 - (a) is on a ferry used for a regular ferry service, or
 - (b) is in the restricted area of a ferry wharf used for the purposes of, or in connection with, a regular ferry service, or
 - (c) has just left the restricted area of a ferry wharf used for the purposes of, or in connection with, a regular ferry service,

must make his or her ticket available for inspection or processing by an authorised officer on that officer’s request.

Maximum penalty: 5 penalty units.

- (2) A person who has just left the restricted area of a ferry wharf used for the purposes of, or in connection with, a regular ferry service does not commit an offence under subclause (1) if the person’s ticket has been:

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- (a) captured by an automatic gate or other equipment provided to read or record any details on the ticket, or
 - (b) given to an authorised officer.

[13] Clause 17 Ticket to be offered for collection or processing on entry to restricted area of ferry wharf

Insert “used for the purposes of, or in connection with, a regular ferry service” after “wharf” in clause 17 (1).

[14] Clause 18 Ticket to be offered for collection or processing on leaving restricted area of ferry wharf

Insert “used for the purposes of, or in connection with, a regular ferry service” after “wharf” in clause 18 (1).

[15] Clause 25 Limited stop ferries

Insert “used for a regular ferry service or a long-distance ferry service” after “ferry” where firstly occurring in clauses 25 (1) and (2).

[16] Clause 40 Short descriptions

Omit the clause.

[17] Clause 41 Fees

Omit the clause.

[18] Schedule 1 Penalty notice offences

Omit Part 1 and Columns 2 and 3 of Part 2.

[19] Schedule 1

Omit “**Part 2**” from the heading to Part 2. Insert instead “**Part 1**”.