

# Passenger Transport (Ferry Services) Regulation 2000

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New South Wales

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Does not include amendments by**  
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### Authorisation

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# Passenger Transport (Ferry Services) Regulation 2000



New South Wales

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# Passenger Transport (Ferry Services) Regulation 2000



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Passenger Transport (Ferry Services) Regulation 2000*.

### 2 Commencement

This Regulation commences on 1 September 2000.

#### Note—

This Regulation replaces the *Passenger Transport (Ferry Services) Regulation 1995* which is repealed on 1 September 2000 under section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Application

This Regulation applies to the conduct of all ferry services except road-ferries operated by a roads authority under the *Roads Act 1993*.

### 4 Definitions

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.

**restricted area of a ferry wharf** means all parts of the ferry wharf between the place

where ferries dock and the ticket barrier.

**Note—**

A ferry wharf that does not have a ticket barrier will not have a restricted area.

**smoke** includes be in possession of a lighted cigarette, cigar, pipe or similar article.

**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**—see clause 11.

## 5 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

## Part 2 Operation of ferry services

### Division 1 Ferry operators

#### 6 Condition of ferries

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.

#### 7 Records in relation to operation of ferry

(1) A person who is or has been a ferry operator:

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

Maximum penalty: 10 penalty units.

(2) Subclause (1) (a) does not prevent a person from keeping a record referred to in that paragraph in a language other than English if the record is also kept in the English language.

## **Division 2 Ferry masters**

### **8 Ferry master to observe timetable**

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.

### **9 Ferry master not to smoke on ferry**

The ferry master must not smoke on the ferry.

Maximum penalty: 5 penalty units.

### **10 Ferry master not to damage ferry**

The ferry master must not maliciously damage any part of the ferry or its fittings or equipment.

Maximum penalty: 5 penalty units.

## **Part 3 Tickets**

### **11 Validity of tickets**

- (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 12 is not a valid ticket.

### **12 Tickets not transferable**

- (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.

### **13 Alteration or defacement of tickets prohibited**

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.

#### **14 Valid ticket required for travel**

- (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.

- (3) In this clause, **hold** a ticket means be able to produce the ticket on request.

#### **15 Concession tickets**

- (1) A person must not travel on a ferry on the authority of a concession ticket unless the person is, because 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 16, or
- (c) who offers a concession ticket for collection or processing under clause 17,

to produce to the ferry master or authorised officer evidence (for example, the person's pensioner or student concession card) that the person is entitled to the concession ticket.

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

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,

knowingly 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.



## **16 Inspection of tickets**

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.

## **17 Ticket to be offered for collection or processing on entry to restricted area of ferry wharf**

- (1) A person must not, without reasonable excuse, enter a restricted area of a ferry wharf (otherwise than by getting off a ferry) 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.

## **18 Ticket to be offered for collection or processing on leaving restricted area of ferry wharf**

- (1) A person must not, without reasonable excuse, leave a restricted area of a ferry wharf (otherwise than by getting on a ferry) 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.

## **Part 4 Conduct of passengers**

### **19 Conduct generally**

- (1) A passenger or intending passenger 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 passenger or intending passenger who does any of the following interferes with the comfort or safety of other persons:

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

### **20 Drinking of alcohol generally prohibited**

- (1) A passenger or intending passenger 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.

- (3) In this clause, **drink** includes be in possession of an opened container of intoxicating liquor.

### **21 Smoking, eating and drinking on ferries**

- (1) A passenger must not smoke on any ferry.

Maximum penalty: 5 penalty units.

- (2) A passenger 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) However, nothing in this clause prohibits a passenger from drinking water, or eating or drinking for medical reasons, on a ferry.

## **22 No unauthorised commercial activities**

- (1) A passenger or intending passenger 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).

## **23 Entry to and exit from ferry wharf**

- (1) A passenger or intending passenger 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.

## **24 Entry to and exit from ferries**

- (1) A passenger 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 passengers 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.

## **25 Limited stop ferries**

- (1) A passenger 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 passenger 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.

## **26 Throwing objects**

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

Maximum penalty: 5 penalty units.

## **27 No entry to crew compartment of ferry**

- (1) A passenger 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 the master of the ferry or 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.

## **28 Travel not allowed on certain parts of ferry**

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

Maximum penalty: 5 penalty units.

## **29 Use of certain equipment on ferries not allowed**

A passenger 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.

## **30 Passengers not to hinder use of ferry facilities by others**

- (1) A passenger or intending passenger must not, without reasonable excuse, hinder

(whether by obstruction or by other means) another person's use of any ferry facilities.

Maximum penalty: 5 penalty units.

(2) Without limiting subclause (1):

(a) **ferry facilities** include the following:

(i) the entrance to a ferry wharf,

(ii) the exit from a ferry wharf,

(iii) stairways and escalators on, or leading to, a ferry wharf,

(iv) the gangplank between a ferry and a ferry wharf, and

(b) a passenger or intending passenger who sits on a stairway on a ferry, or on a stairway on or leading to a ferry wharf, is taken to hinder another person's use of ferry facilities.

### **31 Property not to be removed or damaged**

(1) A passenger or intending passenger must not remove any property of the ferry operator from any ferry or ferry wharf.

Maximum penalty: 5 penalty units.

(2) A passenger or intending passenger must not maliciously damage any part of a ferry or its fittings or equipment.

Maximum penalty: 5 penalty units.

(3) Subclause (1) does not apply to an authorised officer in the execution of his or her duty.

### **32 No littering**

A passenger or intending passenger must not on any ferry or ferry wharf:

(a) deposit any litter otherwise than in a receptacle provided for that purpose, or

(b) deposit any thing that may endanger any person or property.

Maximum penalty: 5 penalty units.

### **33 Animals**

(1) A passenger or intending passenger 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) an assistance animal accompanying a person with a disability, or
- (b) an assistance animal in training.

(3) In this clause:

**assistance animal** means an animal referred to in section 9 (Disability discrimination—guide dogs, hearing assistance dogs and trained animals) of the [Disability Discrimination Act 1992](#) of the Commonwealth, and

**disability** has the same meaning as it has in that Act.

### **34 Sitting on side rails of ferries**

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

Maximum penalty: 5 penalty units.

### **35 Luggage and soiled clothing**

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

- (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 passenger (or the intending passenger) to leave (or not to enter) the ferry or ferry wharf.

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

Maximum penalty: 5 penalty units.

### **36 Passengers who are intoxicated**

(1) If, in the opinion of the ferry master or an authorised officer, a passenger or intending passenger:

- (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 concerned to leave, or not

to enter, any ferry or ferry wharf.

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

Maximum penalty: 5 penalty units.

### **37 Leaving ferry or ferry wharf when directed**

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

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

Maximum penalty: 5 penalty units.

### **38 Lost property**

- (1) A passenger who finds any article in or on a ferry or ferry wharf must:

- (a) return it to its owner, or
- (b) 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.
- (3) Those directions may, if the Director-General considers it appropriate, be directions for the disposal of the article.

## **Part 5 Penalty notice offences**

### **39 Penalty notice offences**

- (1) 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 4 of Schedule 1.

- (2) If the reference to a provision in Column 1 of Schedule 1 is qualified by words that restrict its operation to specified kinds of offences or to offences committed in specified circumstances, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or is committed in the circumstances so specified.

#### 40 Short descriptions

- (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 consists of the IPB Code set out in relation to the offence in Column 2 of Schedule 1 together with:
  - (a) the expression specified in Column 3 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, and any such document continues to have effect as if that expression had not been amended or repealed.
- (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.
- (5) In this clause and Schedule 1:
  - (a) **Infringement Processing Bureau** means the Infringement Processing Bureau within the Police Service.
  - (b) **IPB Code**, in relation to an offence, means the code allocated to the offence by the Infringement Processing Bureau.

### Part 6 Miscellaneous

#### 41 Fees

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

#### 42 Saving

Any act, matter or thing that had effect under the *Passenger Transport (Ferry Services) Regulation 1995* immediately before the repeal of that Regulation by the *Subordinate Legislation Act 1989* is taken to have effect under this Regulation.



## Schedule 1 Penalty notice offences

(Clauses 39 and 40)

### Part 1 Offences under the [Passenger Transport Act 1990](#)

Column 1	Column 2	Column 3	Column 4
Provision	IPB Code	Short description	Penalty
Section 11 (1)	1718, 5497	drive ferry without appropriate authority	\$200

### Part 2 Offences under the [Passenger Transport \(Ferry Services\) Regulation 2000](#)

Column 1	Column 2	Column 3	Column 4
Provision	IPB Code	Short description	Penalty
Clause 6	2138, 5038	allow use unclean/untidy ferry	\$100
Clause 7 (1) (a)	0244, 4364	not keep ferry record in English	\$200
Clause 7 (1) (b)	2139, 5039	not retain ferry record	\$200
Clause 7 (1) (c)	2140, 5040	not produce ferry record to authorised officer	\$200
Clause 7 (1) (d)	2141, 5041	not deliver ferry record to Director-General	\$200
Clause 8	2142, 5042	master not follow ferry timetable/route	\$100
Clause 9	0245, 4365	master smoke on ferry	\$200
Clause 10	0246, 4366	master damage ferry/fittings/equipment	\$200
Clause 12 (1)	1719, 4153	transfer/offer to transfer ferry ticket	\$100
Clause 13	1720, 4154	alter/deface ferry ticket/make ferry ticket illegible/inoperative	\$100
Clause 14 (1)	1721, 4155	travel/attempt to travel on ferry while not in possession of ferry ticket	\$100
Clause 15 (1)	1722, 4156	use ferry concession ticket while not entitled	\$100
Clause 15 (3)	1723, 4157	fail to produce evidence of entitlement to ferry concession ticket	\$100
Clause 15 (5)	1724, 4158	supply false particulars for ferry concession	\$100
Clause 15 (5)	0247, 4367	supply false particulars in answer to direction (ferry)	\$100
Clause 16	1725, 4159	fail to make ferry ticket available for inspection	\$100

Clause 17 (1)	1726, 4160	enter restricted area of wharf without offering ferry ticket	\$100
Clause 18 (1)	0248, 4368	leave restricted area of wharf without offering ferry ticket	\$100
Clause 19 (1)	1727, 4161	wilfully interfere with comfort/safety of persons on ferry/wharf	\$200
Clause 20 (1)	1728, 4162	drink alcohol on ferry/wharf	\$200
Clause 21 (1)	1729, 4163	passenger smoke on ferry	\$200
Clause 21 (2)	1730, 4164	eat/drink in prohibited place on ferry	\$100
Clause 22 (1)	1731, 4165	carry on unauthorised commercial activity on ferry/wharf	\$100
Clause 23 (1)	1732, 4369	enter/leave wharf through unauthorised entrance/exit	\$100
Clause 24 (1) (a)	1733, 4166	enter/leave ferry in motion	\$200
Clause 24 (1) (b)	0249, 4370	enter/leave ferry through unauthorised entrance/exit	\$100
Clause 24 (1) (c)	0252, 4371	enter/leave ferry through window	\$200
Clause 25 (1)	1734, 4167	board ferry at unscheduled stop	\$100
Clause 25 (2)	1735, 4168	leave ferry at unscheduled stop	\$100
Clause 26	1736, 4169	throw object/thing in/from ferry	\$200
Clause 27 (1)	1737, 4170	enter/remain in crew compartment on ferry	\$200
Clause 28	1738, 4171	travel on portion of ferry not intended for passengers	\$200
Clause 29 (a)	0254, 4372	use communications system of ferry	\$200
Clause 29 (b)	1739, 4172	operate ferry equipment	\$200
Clause 30	1740, 4173	hinder use of ferry facility	\$100
Clause 31 (1)	1741, 4174	remove property of ferry operator from ferry/wharf	\$100
Clause 31 (2)	0260, 4373	damage ferry/fittings/equipment	\$100
Clause 32 (a)	1742, 4175	deposit litter on ferry/wharf	\$100
Clause 32 (b)	0262, 4374	deposit dangerous thing on ferry/wharf	\$100
Clause 33 (1)	1743, 4176	take animal on ferry/wharf without authority	\$100
Clause 34	1744, 4177	sit/stand on side rail of ferry	\$200

Clause 35 (2)	1745, 4178	fail to comply with direction not to enter/to leave ferry/wharf due to luggage/clothing	\$100
Clause 36 (2)	1746, 4179	fail to comply with direction not to enter/to leave ferry/wharf when intoxicated/causing a nuisance/causing annoyance	\$100
Clause 37 (2)	1747, 4180	fail to leave ferry/wharf due to alleged offence	\$100
Clause 38 (1)	1748, 4181	not deal properly with property found on ferry	\$100