

Passenger Transport (Ferry Services) Regulation 2000

[2000-532]



New South Wales

Status Information

Currency of version

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Provisions in force

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

Notes—

- **See also**
[Statute Law \(Miscellaneous Provisions\) Bill 2004](#)

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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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This Regulation replaces the *Passenger Transport (Ferry Services) Regulation 1995* which is repealed on 1 September 2000 under section 10 (2) of the *Subordinate Legislation Act 1989*.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 service means a public passenger service provided by ferry.

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

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.

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

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

The operator of a regular ferry service 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 the operator of a regular ferry service:

- (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 issued for travel on a regular ferry service 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 for travel on a regular ferry service 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 issued for travel on a regular ferry service or make such 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 regular ferry service 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 regular ferry service 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 regular ferry service 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

(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:

- (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.

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 used for the purposes of, or in connection with, a regular ferry service (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 used for the purposes of, or in connection with, a regular ferry service (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 used for a regular ferry service or a long-distance ferry service 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 used for a regular ferry service or a long-distance ferry service 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 (Repealed)

Part 6 Miscellaneous

41 (Repealed)

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 (Ferry Services) Regulation 2000**

Column 1 Provision	Column 4 Penalty
Clause 6	\$100
Clause 7 (1) (a)	\$200

Clause 7 (1) (b)	\$200
Clause 7 (1) (c)	\$200
Clause 7 (1) (d)	\$200
Clause 8	\$100
Clause 9	\$200
Clause 10	\$200
Clause 12 (1)	\$100
Clause 13	\$100
Clause 14 (1)	\$100
Clause 15 (1)	\$100
Clause 15 (3)	\$100
Clause 15 (5)	\$100
Clause 15 (5)	\$100
Clause 16	\$100
Clause 17 (1)	\$100
Clause 18 (1)	\$100
Clause 19 (1)	\$200
Clause 20 (1)	\$200
Clause 21 (1)	\$200
Clause 21 (2)	\$100
Clause 22 (1)	\$100
Clause 23 (1)	\$100
Clause 24 (1) (a)	\$200
Clause 24 (1) (b)	\$100
Clause 24 (1) (c)	\$200
Clause 25 (1)	\$100
Clause 25 (2)	\$100
Clause 26	\$200
Clause 27 (1)	\$200
Clause 28	\$200
Clause 29 (a)	\$200

Clause 29 (b)	\$200
Clause 30	\$100
Clause 31 (1)	\$100
Clause 31 (2)	\$100
Clause 32 (a)	\$100
Clause 32 (b)	\$100
Clause 33 (1)	\$100
Clause 34	\$200
Clause 35 (2)	\$100
Clause 36 (2)	\$100
Clause 37 (2)	\$100
Clause 38 (1)	\$100

Part 2

(Renumbered as Part 1)