

**NORTHERN TERRITORY OF AUSTRALIA**

**MARINE (PASSENGER) REGULATIONS 1982**

As in force at 1 August 2019

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# NORTHERN TERRITORY OF AUSTRALIA

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## MARINE (PASSENGER) REGULATIONS 1982

### Regulations under the *Marine Act 1981*

#### Part I                      Introductory

##### 1                      Citation

These Regulations may be cited as the *Marine (Passenger) Regulations 1982*.

##### 2                      Commencement

These Regulations shall come into operation on a date to be fixed by the Minister by notice in the *Gazette*.

##### 3                      Interpretation

In these Regulations, unless the contrary intention appears:

***acceptable*** means acceptable to the Director.

***berthed passenger*** means a passenger on a vessel for whose use acceptable enclosed accommodation is provided in the vessel.

***overseas voyage***, in relation to a vessel, means a voyage in the course of which the vessel travels between any of the following:

- (a) a port in the Territory and a port outside Australia;
- (b) a port in the Territory and a place in the waters above the continental shelf of a country other than Australia;
- (c) a port outside Australia and a place in the waters above the continental shelf of Australia adjacent to the Territory;
- (d) a place in the waters above the continental shelf of Australia adjacent to the Territory and a place in the waters above the continental shelf of a country other than Australia;
- (e) ports or places outside Australia; or

- (f) places beyond the continental shelf of Australia.

**unberthed passenger** means a passenger on a vessel other than a passenger who is a berthed passenger.

**vessel** means a vessel other than any of the following:

- (a) an air-cushioned vehicle;
- (b) a pleasure craft;
- (c) a domestic commercial vessel that is proceeding on an overseas voyage;
- (d) a fishing vessel that is proceeding on an overseas voyage;
- (e) an off-shore industry mobile unit;
- (f) an off-shore industry vessel that is a regulated Australian vessel as defined in section 6 of the *Navigation Act 2012* (Cth).

## **Part II Requirements for carriage of passengers**

### **7 Restriction on carriage of passengers**

- (1) The Director may, by written notice, determine that the maximum number of passengers that may be carried on a particular vessel for a particular voyage is fewer than the maximum number endorsed on the vessel's certificate of survey.
- (2) For subregulation (1), the Director must have regard to:
  - (a) the nature, destination and anticipated course of the particular voyage; and
  - (b) the weather conditions expected to be experienced during the voyage; and
  - (c) the cargo to be carried on the vessel for the voyage.
- (3) The owner of a vessel must ensure compliance with a determination made under subregulation (1).

Maximum penalty: 100 penalty units.

- (4) The master of a vessel must ensure compliance with a determination made under subregulation (1).

Maximum penalty: 100 penalty units.

- (5) An offence against subregulation (3) or (4) is an offence of strict liability.
- (6) If a person other than the owner of a vessel is chartering the vessel or is otherwise the operator of the vessel under an agreement with the owner, that other person is taken to be the owner for subregulation (3).

## **Part III                      Offences**

### **9                      Offences by passengers**

- (1) A person commits an offence if:
  - (a) the person has been refused admission to a vessel by one of the following persons:
    - (i) the owner of the vessel;
    - (ii) the master of the vessel;
    - (iii) a person authorised by the master of the vessel;
    - (iv) a shipping inspector; and
  - (b) the person attempts to board the vessel.

Maximum penalty:      50 penalty units.

- (2) A passenger on a vessel commits an offence if:
  - (a) the passenger has been required by the master of the vessel, or a person authorised by the master, to leave the vessel, at a place where the passenger can conveniently do so, because the passenger has behaved in a disorderly manner; and
  - (b) the passenger fails to leave the vessel.

Maximum penalty:      50 penalty units.

- (3) A passenger commits an offence if, after being warned by the master of a vessel or a person authorised by the master not to harass a person on the vessel, the passenger harasses a person on the vessel.

Maximum penalty:      50 penalty units.

- (4) A passenger commits an offence if:
- (a) the passenger has been required to leave the vessel, because there is insufficient room on the vessel, by any of the following persons:
    - (i) the owner of the vessel;
    - (ii) the master of the vessel;
    - (iii) a person authorised by the master of the vessel;
    - (iv) a shipping inspector; and
  - (b) the passenger fails to leave the vessel.

Maximum penalty: 50 penalty units.

- (5) A passenger commits an offence if:
- (a) the master of a vessel prohibits an area of the vessel for use by passengers; and
  - (b) the passenger enters the prohibited area; and
  - (c) the passenger is given a direction by the master or someone authorised by the master to leave the prohibited area without delay; and
  - (d) the passenger does not comply with the direction.

Maximum penalty: 50 penalty units.

- (6) An offence against any of subregulations (1) to (5) is an offence of strict liability.
- (7) It is a defence to a prosecution for an offence against subregulations (1) to (5) if the defendant has a reasonable excuse.

## **10 Regulatory offences**

An offence of contravening or failing to comply with regulation 7(2) or 9(f) is a regulatory offence.

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**ENDNOTES**
**1 KEY**

Key to abbreviations

<b>amd = amended</b>	<b>od = order</b>
<b>app = appendix</b>	<b>om = omitted</b>
<b>bl = by-law</b>	<b>pt = Part</b>
<b>ch = Chapter</b>	<b>r = regulation/rule</b>
<b>cl = clause</b>	<b>rem = remainder</b>
<b>div = Division</b>	<b>renum = renumbered</b>
<b>exp = expires/expired</b>	<b>rep = repealed</b>
<b>f = forms</b>	<b>s = section</b>
<b>Gaz = Gazette</b>	<b>sch = Schedule</b>
<b>hdg = heading</b>	<b>sdiv = Subdivision</b>
<b>ins = inserted</b>	<b>SL = Subordinate Legislation</b>
<b>lt = long title</b>	<b>sub = substituted</b>
<b>nc = not commenced</b>	

**2 LIST OF LEGISLATION*****Marine (Passenger) Regulations (SL No. 13, 1982)***

Notified	12 March 1982
Commenced	31 March 1982 ( <i>Gaz G12</i> , 26 March 1982, p 4)

***Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)***

Assent date	28 November 1983
Commenced	1 January 1984 (s 2, s 2 <i>Criminal Code Act 1983</i> (Act No. 47, 1983) and <i>Gaz G46</i> , 18 November 1983, p 11 and <i>Gaz G8</i> , 26 February 1986, p 5)

***Amendments of Marine (Passenger) Regulations (SL No. 10, 2001)***

Notified	2 April 2001
Commenced	2 April 2001

***Statute Law Revision Act (No. 2) 2003 (Act No. 44, 2003)***

Assent date	7 July 2003
Commenced	7 July 2003

***Marine Safety (Domestic Commercial Vessel) (National Uniform Legislation) Act 2013 (Act No. 11, 2013)***

Assent date	29 May 2013
Commenced	1 July 2013 ( <i>Gaz S24</i> , 25 June 2013)

***Penalties Amendment (Miscellaneous) Act 2013 (Act No. 23, 2013)***

Assent date	12 July 2013
Commenced	28 August 2013 ( <i>Gaz G35</i> , 28 August 2013, p 2)

***Transport Legislation Amendment Regulations 2019 (SL No. 11, 2019)***

Notified	1 July 2019
Commenced	1 August 2019 (r 2)

**3 GENERAL AMENDMENTS**

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: r 1.

**4 LIST OF AMENDMENTS**

- r 3 amd Act No. 11, 2013, s 66
- rr 4 – 5 rep Act No. 11, 2013, s 66
- r 6 amd No. 10, 2001, r 1  
rep Act No. 11, 2013, s 66
- r 7 amd No. 10, 2001, r 2; Act No. 44, 2003, s 6; Act No. 11, 2013, s 66; Act No. 23, 2013, s 4  
sub No. 11, 2019, r 16
- r 8 amd No. 10, 2001, r 3; Act No. 23, 2013, s 4  
rep No. 11, 2019, r 17
- r 9 amd No. 10, 2001, r 4; Act No. 11, 2013, s 66; Act No. 23, 2013, s 4  
sub No. 11, 2019, r 18
- r 10 ins Act No. 68, 1983, s 80; Act No. 11, 2013, s 66