

NORTHERN TERRITORY OF AUSTRALIA

MARINE (PASSENGER) REGULATIONS

As in force at 1 January 1984

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 January 1984

MARINE (PASSENGER) REGULATIONS

Regulations under the *Marine Act*

Part I Introductory

1 Citation

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

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.

Code means the Uniform Code and includes appendices thereto.

section and clause mean section and clause of the Code.

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

vessel means a vessel other than a vessel that is:

- (a) an air-cushioned vehicle;
- (b) a pleasure craft;
- (c) a commercial vessel that is proceeding on an interstate or overseas voyage;

- (d) a fishing vessel that is proceeding on an overseas voyage;
- (e) an off-shore industry mobile unit; or
- (f) an off-shore industry vessel in respect of which a declaration under section 8A(5) of the Navigation Act is in force.

Part II Requirements for carriage of passengers

4 Construction of Code

In construing section 5E:

- (a) the definitions in section 1 shall be read subject to the Act and these Regulations; and
- (b) references to *the Authority* shall be read as references to the Director.

5 Application of Code to vessels

Subject to these Regulations, section 5E shall apply to all vessels, whether Class 1 vessels or not, carrying a passenger or passengers.

6 Passengers not to exceed number on certificate of survey

The owner or master of a vessel shall not carry on that vessel a number of passengers exceeding the number endorsed on the certificate of survey of that vessel.

Penalty: \$1,000.

7 Restrictions on carriage of passengers

- (1) Notwithstanding regulation 6, the Director may, after having regard to:
 - (a) the nature of a particular voyage;
 - (b) the weather conditions;
 - (c) the cargo carried on the vessel; or
 - (d) any other matter including, in particular, the considerations set out in clause 5E 2.4 of the Code,

require in writing that, in respect of a particular voyage, a lesser number of passengers than the number endorsed on the certificate of survey be carried in the vessel.

- (2) The owner or master of a vessel in respect of which a requirement has been issued by the Director under subregulation (1) shall not carry on that vessel a number of passengers exceeding that specified in the requirement.

Penalty: \$1,000.

Part III Offences

8 Use of vessel by passengers

The master of a vessel shall not permit passengers to be carried on or in a part of a vessel which has not been designated by the Director as a space for the accommodation of and use by passengers.

Penalty: \$250 plus \$25 in respect of each passenger so carried.

9 Offences by passengers

A passenger on a vessel shall not:

- (a) having been lawfully refused admission to the vessel, attempt to board the vessel;
- (b) being drunk, under the influence of drugs or disorderly, having been requested to leave the vessel at any port or place at which he can conveniently do so, refuse to leave the vessel;
- (c) after having been warned by the master of the vessel or by a person authorized by the master, molest any other person on the vessel;
- (d) having gone on board a vessel at any place and having been requested by the owner or by the master or by a person authorized by the master or by a shipping officer or shipping inspector to leave the vessel because there is insufficient room in the vessel, fail to do so; or
- (e) be found in or on a part of the vessel other than a space designated as a space for the accommodation and use of passengers;
- (f) fail to immediately move to some other part of the vessel when requested to leave a part of the vessel prohibited to passengers by the master or by a surveyor or shipping officer.

Penalty: \$250.

10 Regulatory offences

An offence of contravening or failing to comply with regulation 6, 7(2) or 9(f) is a regulatory offence.

ENDNOTES

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KEY

Key to abbreviations

amd = amended

app = appendix

bl = by-law

ch = Chapter

cl = clause

div = Division

exp = expires/expired

f = forms

Gaz = Gazette

hdg = heading

ins = inserted

lt = long title

nc = not commenced

od = order

om = omitted

pt = Part

r = regulation/rule

rem = remainder

renum = renumbered

rep = repealed

s = section

sch = Schedule

sdiv = Subdivision

SL = Subordinate Legislation

sub = substituted

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LIST OF LEGISLATION

Marine (Passenger) Regulations (SL No. 13, 1982)

Notified 12 March 1982

Commenced 31 March 1982 (*Gaz G12*, 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 *Criminal Code Act 1983* (Act No. 47, 1983) and *Gaz G46*, 18 November 1983, p 11 and *Gaz G8*, 26 February 1986, p 5)

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LIST OF AMENDMENTS

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ins Act No. 68, 1983, s 80