

**NORTHERN TERRITORY OF AUSTRALIA**

**MARINE (PASSENGER) REGULATIONS 1982**

As in force at 28 August 2013

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 28 August 2013

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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, after having regard to:
- (a) the nature of a particular voyage;
  - (b) the weather conditions; or
  - (c) the cargo carried on the vessel;

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.

Maximum penalty: 100 penalty units.

## **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.

Maximum penalty:            100 penalty units plus 5 penalty units 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 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.

Maximum penalty:            50 penalty units.

### **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)

**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
r 8	amd No. 10, 2001, r 3; Act No. 23, 2013, s 4
r 9	amd No. 10, 2001, r 4; Act No. 11, 2013, s 66; Act No. 23, 2013, s 4
r 10	ins Act No. 68, 1983, s 80; Act No. 11, 2013, s 66