



Independent Pricing and Regulatory Tribunal

Stockton Ferry Service

Transport — Draft Determination
October 2013



Independent Pricing and Regulatory Tribunal

Stockton Ferry Service

Draft Determination No. 8, 2013

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Preliminary

1 Background

- (a) The Newcastle Buses and Ferries Services division of the State Transit Authority (**STA**) provides a ferry service in Newcastle (**Stockton Ferry Service**).
- (b) Section 11 of the *Independent Pricing and Regulatory Tribunal Act 1992* (**IPART Act**) provides IPART with a standing reference to conduct investigations and make reports to the Minister on the determination of the pricing of a government monopoly service supplied by a government agency specified in Schedule 1 of the IPART Act.
- (c) The STA (but excluding any bus services provided by the STA under a service contract to which section 28J of the *Passenger Transport Act 1990* applies) is listed as a government agency for the purposes of Schedule 1 of the IPART Act. The services of the STA declared as monopoly services (**Monopoly Services**) under the *Independent Pricing and Regulatory Tribunal (Passenger Transport Services) Order 1998* (NSW) are the regular passenger services (within the meaning of the *Passenger Transport Act 1990*) supplied by the STA but excluding the following:
 - (1) services supplied in accordance with the ticket known as the “Sydney Pass”; and
 - (2) the bus service known as the “Airport Express”; and
 - (3) the bus service known as the “Sydney Explorer”, the bus service known as the “Bondi & Bay Explorer” and any other similar bus services operating in any other areas.
- (d) The Monopoly Services include the Stockton Ferry Service. Accordingly, IPART may determine maximum prices for the Stockton Ferry Service.
- (e) In accordance with section 13A of the IPART Act, IPART has fixed the maximum price for the Stockton Ferry Service.
- (f) In investigating and reporting on the pricing of the Stockton Ferry Service, IPART has had regard to a broad range of matters, including the matters set out in section 15(1) of the IPART Act.
- (g) By section 18(2) of the IPART Act, the STA may not fix a price below that determined by IPART for the Stockton Ferry Service without the approval of the Treasurer.

2 Application of this determination

This determination:

- (a) fixes the maximum price that the STA may charge for the Stockton Ferry Service;
- (b) commences on the later of:
 - (1) 5 January 2014; and
 - (2) the date that it is published in the NSW Government Gazette, **(Commencement Date)**; and
- (c) applies from the Commencement Date to the date on which this determination is replaced.

3 Replacement of Determination No. 8, 2012

This determination replaces Determination No. 8, 2012 from the Commencement Date. The replacement does not affect anything done or omitted to be done, or rights or obligations accrued, under Determination No. 8, 2012 prior to its replacement.

4 Schedules

- (a) The maximum price that the STA may charge for the Stockton Ferry Service is set out in Table 1 in Schedule 1.
- (b) Definitions and interpretation provisions used in this determination are set out in Schedule 2.

5 Monitoring

IPART may monitor the performance of the STA for the purposes of:

- (a) establishing and reporting on the level of compliance by the STA with this determination; and
- (b) preparing a periodic review of pricing policies in respect of the Stockton Ferry Service supplied by the STA.

Schedule 1 Maximum price

1 Application

This schedule sets out the maximum price that the STA may charge for the Stockton Ferry Service.

2 Maximum price for the Stockton Ferry Service

The maximum price that may be charged by the STA for the Stockton Ferry Service is set out in Table 1.

Table 1 Maximum price for the Stockton Ferry Service^a

Ticket	Maximum price (\$)
Stockton Ferry Service - Single Ticket	2.60

^a As at the date of this determination, the NSW Government sets the concession fare at 50% of the maximum fare and the fare for children under the age of 4 years at nil.

Schedule 2 Definitions and interpretation

1 Definitions

In this determination:

Commencement Date means the Commencement Date defined in clause 2(b) of the Preliminary section of this determination.

Determination No. 8, 2012 means IPART's Determination No. 8, 2012 entitled 'Stockton Ferry Service'.

GST has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

IPART means the Independent Pricing and Regulatory Tribunal of New South Wales established under the IPART Act.

IPART Act means the *Independent Pricing and Regulatory Tribunal Act 1992*.

Monopoly Services means the Monopoly Services defined in clause 1(c) of the Preliminary section of this determination.

Single Ticket means a ticket for a single ferry journey from either Newcastle to Stockton or Stockton to Newcastle. The journey must be completed on the day on which the ticket is validated on the ferry.

STA means the State Transit Authority constituted under the *Transport Administration Act 1988* and defined in clause 1(a) of the Preliminary section of this determination.

Stockton Ferry Service means the Stockton Ferry Service defined in clause 1(a) of the Preliminary section of this determination.

2 Interpretation

2.1 General provisions

In this determination:

- (a) headings are for convenience only and do not affect the interpretation of this determination;
- (b) a reference to a schedule, annexure, clause or table is a reference to a schedule or annexure to, clause of, or table in this determination unless otherwise indicated;

- (c) words importing the singular include the plural and vice versa;
- (d) a reference to a law or statute includes regulations, rules, codes and other instruments under it and consolidations, amendments, re-enactments or replacements of them;
- (e) where a word is defined, other grammatical forms of that word have a corresponding meaning;
- (f) a reference to a day is to a calendar day;
- (g) a reference to a person includes a reference to the person's executors, administrators, successors, substitutes (including, but not limited to, persons taking by novation), replacements and assigns;
- (h) a reference to an officer includes a reference to the officer which replaces it or which substantially succeeds to its powers or functions;
- (i) a reference to a body, whether statutory or not:
 - (1) which ceases to exist; or
 - (2) whose powers or functions are transferred to another body,is a reference to the body which replaces it or which substantially succeeds to its powers or functions.

2.2 Explanatory notes and clarification notice

- (a) Explanatory notes or footnotes do not form part of this determination, but in the case of uncertainty may be relied on for interpretation purposes.
- (b) IPART may publish a clarification notice in the NSW Government Gazette to correct any manifest error in this determination. Such a clarification notice is taken to form part of this determination.

2.3 Prices inclusive of GST

Prices specified in this determination include GST.

