

1991—No. 619

FISHERIES AND OYSTER FARMS ACT 1935—REGULATION

(Relating to the sale of Pacific oysters by lessees of oyster leases)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Fisheries and Oyster Farms Act 1935, has been pleased to make the Regulation set forth hereunder.

I. R. CAUSLEY
Minister for Natural Resources.

The Fisheries and Oyster Farms (Oyster and Fish Farming) Regulation 1987 is amended by inserting after clause 18 the following clauses:

Annual contributions to be paid by lessees of oyster farms who sell Pacific oysters

18A. (1) A lessee who sells Pacific oysters in any year specified in subclause (3) or (4) must pay to the Minister an annual contribution of an amount calculated on the basis of the area of the lessee's lease in accordance with this clause.

(2) Subclause (1) applies to a lessee who sells Pacific oysters whether the oysters are taken from the lessee's leased area or not.

(3) In the case of a leased area that is contiguous with the foreshore at some point, the lessee's annual contribution is:

- (a) for the year beginning 1 July 1991—\$22.13 for each hectare of the area; and
- (b) for the year beginning 1 July 1992—\$44.26 for each hectare of the area; and
- (c) for the year beginning 1 July 1993—\$66.40 for each hectare of the area.

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(4) In the case of a leased area that is not contiguous with the foreshore at some point, the lessee's annual contribution is:

- (a) for the year beginning 1 July 1991—\$50 for each hectare of the area; and
- (b) for the year beginning 1 July 1992—\$100 for each hectare of the area; and
- (c) for the year beginning 1 July 1993—\$150 for each hectare of the area.

(5) If a leased area consists of a part of a hectare or a number of hectares and a part of a hectare, then, for the purposes of this clause, the part of a hectare is to be treated as a hectare.

(6) The annual contribution must be paid within such period as may be arranged with the Minister or, if no such period is arranged, within 21 days after the first sale of Pacific oysters made during the year concerned.

(7) This clause applies only to lessees of leased areas located within Port Stephens and its tributaries.

Duty of Minister with respect to annual contributions under clause 18A

18B. The Minister must ensure that annual contributions paid or recovered under clause 18A are used:

- (a) to meet the costs of research undertaken at the direction of the Minister with respect to the purification of oysters; and
- (b) to provide a contribution towards the management of Pacific oysters in New South Wales waters.

EXPLANATORY NOTE

Section 59B of the Fisheries and Oyster Farms Act 1935 provides for lessees of oyster leases to pay annual contributions to the Minister for certain specified purposes if regulations under the Act so provide. The object of this Regulation is to require those lessees who sell Pacific oysters to pay annual contributions to the Minister based on the areas of their leases. Annual contributions paid by or recovered from those lessees are to be used for research into the purification of oysters and to provide a contribution towards the management of Pacific oysters in New South Wales waters. The requirement to pay such contributions will apply only to lessees whose oyster leases are located within Port Stephens or its tributaries.
