

**FISHERIES AND OYSTER FARMS ACT 1935—REGULATION**

(Relating to rentals and annual contributions payable in respect 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.

IAN CAUSLEY, M.P.,  
Minister for Agriculture and Fisheries,  
and Minister for Mines.

The Fisheries and Oyster Farms (Oyster and Fish Farming) Regulation 1987 is amended:

(a) by inserting after clause 17 the following clause:

**Minimum rental**

17A. (1) For the purposes of section 59 (10) of the Act:

- (a) a person who is liable to pay a rental under a lease of less than \$37.10 per hectare of the area leased is a prescribed person; and
- (b) the prescribed rental payable by such a person under the lease is \$37.10 per hectare of the area leased.

(2) The rental prescribed by this clause applies on and from 1 February 1994, whether the lease was granted or renewed before or after that date.

(b) by inserting after clause 18B the following clauses:

**Prescribed annual contribution—research**

18C. (1) For the purposes of section 59B of the Act, an annual contribution of \$20 per hectare of the area leased by a lessee for 1994 and each subsequent year is prescribed and payable by the

lessee towards the cost of research into the New South Wales oyster farming industry by the Fisheries Research and Development Corporation established under the Primary Industries and Energy Research and Development Act 1989 of the Commonwealth.

(2) The Minister may establish a committee to advise the Minister on the raising and disbursement of funds for research into the oyster farming industry.

**Payment of contributions**

18D. Contributions for a year under clause 18C are payable yearly in advance:

- (a) in the case of 1994—on or before 28 February 1994; or
- (b) in the case of any subsequent year—on or before 31 January in that year.

**Payment by instalments**

18E. (1) A lessee may pay the rental under a lease, and the prescribed annual contribution under clause 18C, by instalments (the amounts of which, or the manner of calculation of which, are to be as determined, and notified to the lessee, by the Director).

(2) If there is a failure to make a payment in accordance with the notification, the total unpaid balance may be treated by the Director as an overdue amount of rental and contributions even if payment by instalments had commenced.

(3) This clause has effect despite clause 18 (3).

**Calculation of rental and contribution where leased area is less than one hectare**

18F. For the purposes of clauses 17A and 18C, if the area leased by a person comprises less than one hectare, the rental and contribution payable are a proportionate part of the rental and contribution payable per hectare. However, if the area leased comprises less than 0.1 of a hectare, the area leased is to be treated as 0.1 of a hectare and a proportionate part of the rental and contribution payable per hectare is payable by the lessee.

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**EXPLANATORY NOTE**

The objects of this Regulation are:

- (a) to provide that the minimum rental payable, on and from 1 February 1994, under an oyster farming lease, whether granted or renewed before or after that date, is \$37.10 per hectare of the area leased by a lessee; and

- (b) to make provision for lessees under oyster farming leases to make annual contributions towards research by the Fisheries Research and Development Corporation of the Commonwealth; and
- (c) to provide that the Minister may establish a committee to advise the Minister concerning the raising and disbursement of funds for research into the oyster farming industry; and
- (d) to provide that rental and contributions under oyster farming leases are payable in advance or by instalments; and
- (e) to provide that rental and contributions payable on leased areas of less than one hectare are to be calculated as a proportion of the rental and contributions payable on a whole hectare; and
- (f) to provide that rental and contributions payable on leased areas of less than 1/10 of a hectare are to be calculated as if the leased area were 1/10 of a hectare.

**This** Regulation is made under the Fisheries and Oyster Farms Act 1935, including section 59, section 59B and section 120 (the general regulation making power).

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