

**FISHERIES AND OYSTER FARMS (OYSTER LEASES)
AMENDMENT ACT 1990 No. 42**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Fisheries and Oyster Farms Act 1935 No. 58

SCHEDULE 1 - AMENDMENTS

**FISHERIES AND OYSTER FARMS (OYSTER LEASES)
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Act No. 42, 1990

An Act to amend the Fisheries and Oyster Farms Act 1935 with respect to mortgages and other dealings with oyster leases. [Assented to 22 June 1990]

The Legislature of New South Wales enacts:

PART 1 - PRELIMINARY

Short title

1. This Act may be cited as the Fisheries and Oyster Farms (Oyster Leases) Amendment Act 1990.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Fisheries and Oyster Farms Act 1935 No. 58

3. The Fisheries and Oyster Farms Act 1935 is amended as set out in Schedule 1.

SCHEDULE 1 - AMENDMENTS

(Sec. 3)

(1) Section 70:

After section 69, insert:

Mortgages and charges

70. (1) A person may not give any mortgage or create any charge over a lease granted under this Part without the consent in writing of the Minister.

(2) A right of a mortgagee or chargee to assign any of the benefits of the lease, or to enter into possession of the land, is not exercisable without the consent in writing of the Minister.

(3) The giving of a consent under this section may be subject to the payment of such fee as may be prescribed.

(4) Subsections (2) and (3) apply to mortgages and charges given or created before or after the commencement of this section.

SCHEDULE 1 - AMENDMENTS - *continued*

(2) Section 74 (Way of access determined by Minister):

After section 74 (6), insert:

(7) A way of access determined under this section affects land brought under the provisions of the Real Property Act 1900 only when such recording has been made in the folio for the land as the Registrar-General considers appropriate.

(3) Section 83 (Portions of Crown land may be exempt from leasing or be declared public oyster reserves):

After section 83 (2), insert:

(3) If:

(a) land that has been brought under the provisions of the Real Property Act 1900 is leased under this Part; and

(b) a folio of the Register kept under that Act has been created in respect of the leasehold interest,

any declaration or cancellation under this section in respect of the whole or part of the land has effect only when such recording has been made in the folio for the land as the Registrar-General considers appropriate.

(4) Section 89:

After section 88, insert:

Lands under Real Property Act 1900

89. When the land comprised in a lease under this Part has been brought under the provisions of the Real Property Act 1900, any dealings with the lease must be effected in accordance with that Act.

*[Minister's second reading speech made in—
Legislative Assembly on 28 March 1990
Legislative Council on 23 May 1990]*