



## FISHERIES

No. 114 of 1977

### ANALYSIS

1. Short title and citation.
2. Granting, &c., of right to take eels.
3. Expiry of Act.

AN ACT to amend the Fisheries Act 1959.

[14 December 1977]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Fisheries Act 1977*.

Short title and  
citation.

(2) The *Fisheries Act 1959*\*, as subsequently amended, is in this Act referred to as the Principal Act.

\* No. 16 of 1959. For this Act as amended to 1968, see Appendix C to Part I of the Annual Volume of the Statutes for 1968. Subsequently amended by Nos. 37 and 47 of 1970, No. 102 of 1973, (affected by S.R. 1973, No. 132), and Nos. 77 and 105 of 1974.

**2** After section 35A of the Principal Act the following section is inserted:—

Granting, &c.,  
of right to  
take eels.

“35B—(1) Subject to this section, the Commission may, for valuable consideration, grant a right to take eels in specified inland waters during a specified period.

“(2) A grant under this section shall specify the extent of the right to which it relates and may specify the manner in which and restrictions subject to which it may be exercised.

“(3) A grant under this section may specify the circumstances in which the right to which it relates may be terminated, and, notwithstanding anything in this section, the right may be terminated in accordance with the terms of the grant.

“(4) The holder of a right granted under this section may, with the approval of the Commission, transfer that right by instrument in writing.

“(5) The holder of a right granted under this section may by instrument in writing surrender the right to the Commission and thereupon it ceases to have effect.

“(6) The Commission may, with the approval of the Governor, make regulations—

- (a) regulating the grant of rights under this section;
- (b) prescribing the manner in which the consideration for the granting of that right shall be determined;
- (c) prohibiting or restricting the taking of eels in inland waters in respect of which a right is subsisting under this section otherwise than in the exercise of that right; and
- (d) imposing penalties, with the powers contained in paragraph (p) of section 36 (1).

“(7) The Governor may rescind or amend regulations made under this section.”.

Expiry of Act.

**3** This Act expires at the expiration of the period of 24 months after the date of the commencement thereof and thereafter the Principal Act has effect as if this Act had not been enacted.