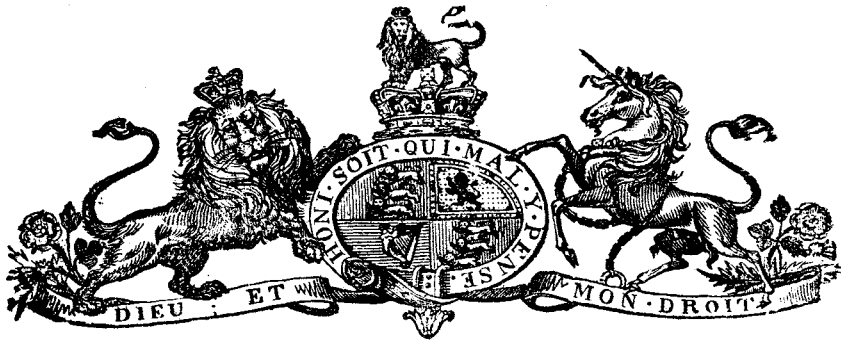


T A S M A N I A.



1 8 8 0.

ANNO QUADRAGESIMO-QUARTO

VICTORIÆ REGINÆ,

No. 22.



AN ACT to amend "The Oyster Fisheries Act." A.D 1880.
[1 November, 1880.]

WHEREAS it is expedient to amend "The Oyster Fisheries Act" in certain particulars: PREAMBLE.
32 Vict. No. 16.

Be it therefore 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 Notwithstanding anything to the contrary contained in "The Oyster Fisheries Act," it shall be lawful for the Governor in Council to lease on such terms and conditions as he sees fit, for a period not exceeding Thirty years, any portion of the shore and bed of the sea or of an estuary or tidal river, above or below, or partly above and partly below low-water mark, (which shore and bed are hereinafter referred to as the sea shore) where the public have heretofore exercised and enjoyed or do at present exercise and enjoy *bonâ fide* fishing for Oysters. Governor in Council may lease any portion of the sea shore where public enjoy fishing for Oysters.

Nothing herein contained shall be held to authorise the Governor in Council to grant any lease of any portion of the sea shore which is not the property of the Crown or whereby the rights of any person whose property may abut thereon shall be interfered with.

2 Notwithstanding anything to the contrary contained in the said Act, it shall be lawful for the Governor in Council to lease any natural Oyster bed to the discoverer thereof, upon such terms and conditions and for such period not exceeding Thirty years as the Governor in Council sees fit. Natural Oyster bed may be leased to discoverer thereof.

Oyster Fisheries.

A.D. 1880.

Power to lessee
to remove Oysters
from public beds
at all seasons.

3 The holder or holders of any lease granted under this Act or their assigns, their agents, servants, and workmen, may at any season dredge for and take Oysters from any unleased natural public Oyster bed for the purpose of supplying or replenishing therewith any Oyster bed held or made or in course of being made under any such lease, and may apply the Oysters so taken accordingly ; but if any person applies or uses, or if any lessee knowingly authorises or permits to be applied or used otherwise than in manner authorised by this Section, any Oysters so taken, such person or lessee shall be liable to all the like penalties and consequences to which he would have been liable if this Section had not been inserted in this Act.

Effect of lease of
Oyster fishery.

4 Every lessee under this Act shall have, by virtue of the lease granted to him, within the limits of the fishery, the exclusive right of depositing, propagating, dredging, fishing for and taking Oysters ; and in the exercise of that right may, within the limits of the fishery, proceed as follows ; namely,—make and maintain Oyster beds, and (notwithstanding anything in or done under any other Act) at any season collect Oysters, and remove the same from place to place, and deposit the same as and where he thinks fit, and do all other things which he may think proper for obtaining, storing, and disposing of the produce of the fishery.

Property in
Oysters in beds
held under lease.

5 All Oysters being in or on any Oyster bed held under any such lease shall be the absolute property of the lessee ; and in all Courts of Law and Equity and elsewhere, and for all purposes, civil, criminal, or other, shall be deemed to be in the actual possession of the lessee.

Limits of sea
shore leased to be
marked.

6 Every lessee shall mark out and keep marked by clear and distinct marks the limits of any portion of the sea shore comprised in any such lease ; and no person shall be liable to any proceedings for unlawfully taking any Oysters within such limits, unless the same have been marked and kept marked, as required by this Section.

Notice of
intention to grant
lease to be pub-
lished in *Gazette*.

7 No lease shall be granted under this Act until after notice of the intention to grant the same has been published in three consecutive numbers of the *Gazette*.

Acts to be read
together.

8 This Act and “The Oyster Fisheries Act” shall, as amended by this Act, be read and construed together as one Act.

Short title.

9 This Act may be cited as “The Oyster Fisheries Amendment Act.”