

# OYSTER CULTURE LEASES ORDINANCE 1918.\*

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## An Ordinance to provide for Oyster Culture Leases.

**Short title.**           1. This Ordinance may be cited as the *Oyster Culture Leases Ordinance* 1918.\*

**Commence-  
ment.**                2. This Ordinance shall commence on the first day of April, One thousand nine hundred and eighteen.

**Definitions.**       3. In this Ordinance unless the contrary intention appears—

“Boat” means every vessel or punt of any description whatsoever:

“Crown Lands” means any foreshore as well as any land under the sea within the territorial limits, or under any tidal water in the Northern Territory, the property in which is by law vested in the Crown:

“High Water Mark” means the mean line between high water at spring tide and at neap tide:

“Inspector” means Inspector under the *Fisheries Ordinance* 1911.

**Power to grant  
oyster leases.**

4.—(1.) The Administrator may lease Crown lands for oyster culture to any person who is the holder of a fishing licence under the *Fisheries Ordinance* 1911.

(2.) The outer boundaries of any such lease shall extend from an approximate high water mark into the water for a distance to be fixed by the Administrator.

(3.) The lease shall be granted on such conditions and at such yearly rental as is fixed by the Administrator.

**Term of leases.**

5. The term of such leases shall not exceed ten years; but on the application of the lessee during the last year but one of the currency of any such lease, the Administrator may renew the term for a further period not exceeding ten years at the same rental or on such other conditions as he thinks fit.

**Priority of  
discoverer of  
oyster area.**

6. Any person who proves to the satisfaction of the Administrator that he has been the first to discover a natural oyster bed shall have a prior right to a lease under this Ordinance.

7. Every lease issued under this Ordinance shall vest in the lessee his executors administrators and assigns all oysters within the area leased, and the exclusive right, during the currency of the lease or any renewal thereof, of laying and planting oysters on, and dredging and taking oysters from, the area leased, but subject always to the several provisions of this Ordinance and of any regulations thereunder.

Rights given by lease.

8. Occupation under any such lease shall not give any right to the lessee to occupy or to use any portion of Crown lands abutting on but not included in his lease, except for such purposes and during such times and on such conditions as the Administrator in writing permits.

Limitation of rights.

9. Any leased area may be described in the lease by reference to posts stakes buoys marks connexions or natural features showing the limits of such leased area in a manner sufficient to allow of their identification.

Description of lease.

10. The Administrator may accept a surrender of any such lease after the second year of its currency in any case where it appears to his satisfaction that oyster culture cannot be carried on on the leased area with any hope of success or where for any other reason it appears to him that such surrender should be allowed.

Surrender of lease.

11. Any lessee who is in arrear with rent for such time as is prescribed shall forfeit his lease.

Lessee in arrears with rent.

12.—(1.) It shall not be lawful for any person to use in connexion with the working of any lease granted under this Ordinance a vessel in respect of which a fishing licence for vessels has not been issued under the *Fisheries Ordinance* 1911, and any person who uses such a vessel in connexion with the working of any lease granted under this Ordinance shall be guilty of an offence.

Licensing of boats.

Penalty: Twenty pounds.

(2.) In addition to the penalty prescribed in sub-section (1.) of this section any vessel used in contravention of this section shall be liable to forfeiture under the provisions of the *Fisheries Ordinance* 1911.

13. A lessee shall strictly carry out any regulations prescribed or provisions specified in the lease as to conditions of cultivation of the area leased, the size of oysters that may be dredged or taken from the area, the payment of rent and any other regulations in force from time to time, and on his failing to comply with any such regulations or provisions he shall be liable to have his lease forfeited forthwith.

Compliance with regulations, &c.

Powers of  
inspectors.

14. Any inspector may at all reasonable times enter upon any leased area for the purpose of ascertaining whether the conditions of the lease are being complied with, or whether any offence has been or is likely to be committed against this Ordinance or the *Fisheries Ordinance* 1911 in relation to the use of any vessel in connexion with the working of any lease granted under this Ordinance, and the lessee shall render all reasonable assistance to such inspector in the fulfilment of his duties.

Penalty for  
obstructing  
inspectors.

15. Any person who in any way hinders or obstructs any inspector in the discharge of his duties under this Ordinance shall be liable to a penalty not exceeding Twenty pounds.

Common law  
rights  
preserved.

16. Nothing in this Ordinance contained or in the regulations thereunder shall in any way be taken to interfere with the common law rights of any person with regard to the area leased.

Right of  
pearl and  
trepang fishing  
not included.

17. Nothing in this Ordinance contained shall be taken as conferring any right on any lessee under this Ordinance to take pearl shell unless he has for himself and his boats pearl-fishing licences under the *Fisheries Ordinance* 1911 or trepang unless he has for himself and his boats trepang licences under the *Fisheries Ordinance* 1911.

Regulations.

18.—(1.) The Administrator may make regulations not inconsistent with this Ordinance prescribing all matters which by this Ordinance are required or permitted to be prescribed or which are necessary or convenient to be prescribed for the carrying out or giving effect to this Ordinance.

(2.) All regulations made by the Administrator in pursuance of this section shall be notified in the *Gazette* and copies thereof shall be forwarded to the Minister.

(3.) The Minister may by notice in the *Gazette* disallow any regulation and the regulation shall thereupon cease to have effect.