

**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**

---

AMERICAN BAR ASSOCIATION  
SECTION ON PROFESSIONAL ETHICS

TABLE OF CONTENTS

SECTION 1. INTRODUCTION  
SECTION 2. THE AMERICAN BAR ASSOCIATION  
SECTION 3. THE SECTION ON PROFESSIONAL ETHICS  
SECTION 4. THE CODE OF PROFESSIONAL ETHICS  
SECTION 5. THE MODEL RULES OF PROFESSIONAL CONDUCT  
SECTION 6. THE MODEL CODE OF JUDICIAL ETHICS  
SECTION 7. THE MODEL CANON OF JUDICIAL ETHICS  
SECTION 8. THE MODEL RULES OF SUPPLEMENTARY AND DISCIPLINARY ETHICS  
SECTION 9. THE MODEL RULES OF SUPPLEMENTARY AND DISCIPLINARY ETHICS  
SECTION 10. THE MODEL RULES OF SUPPLEMENTARY AND DISCIPLINARY ETHICS

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

NEW SOUTH WALES



**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*]

Faint, illegible text, possibly bleed-through from the reverse side of the page. The text is too light to transcribe accurately.







FIRST PRINT

**FISHERIES AND OYSTER FARMS (OYSTER LEASES)  
AMENDMENT BILL 1990**

NEW SOUTH WALES



**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

This Bill is cognate with the Real Property (Oyster Leases) Amendment Bill 1990.

The objects of this Bill are:

- (a) to regulate the creation of mortgages and charges over oyster leases; and
- (b) to require dealings concerning certain leaseholds that have been brought under the provisions of the Real Property Act 1900 to be carried out in accordance with that Act.

---

**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a proclaimed day or days.

**Clause 3** is a formal provision that gives effect to the Schedule of amendments.

---

**SCHEDULE 1 - AMENDMENTS**

**Mortgages and charges over oyster leases: Minister's consent required**

Schedule 1 (1) inserts a new section 70 into the Principal Act, requiring the consent of the Minister to be obtained before a mortgage or charge is created over an oyster lease and before the exercise of any right of entry into possession, leasing or foreclosure by a mortgagee or chargee.

*Fisheries and Oyster Farms (Oyster Leases) Amendment 1990*

---

**Real Property Act dealings**

Schedule 1 (4) inserts a new section 89 into the Principal Act, for the purpose of requiring dealings with oyster leases to be effected in accordance with the Real Property Act 1900 if the land comprised in the oyster lease has been brought under the provisions of that Act.

Schedule 1 (2) and (3) amend sections 74 and 83 of the Principal Act so as to provide that the notification of certain rights of way over oyster reserves, and any declaration of a public oyster reserve (or the revocation of such a declaration) only have effect in relation to Torrens title land when an appropriate entry is made in the Register of Land Titles.

---

**FISHERIES AND OYSTER FARMS (OYSTER LEASES)  
AMENDMENT BILL 1990**

NEW SOUTH WALES



No. , 1990

---

---

**A BILL FOR**

**An Act to amend the Fisheries and Oyster Farms Act 1935 with respect  
to mortgages and other dealings with oyster leases.**

---

---

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.

---



FIRST PRINT

**FISHERIES AND OYSTER FARMS (OYSTER LEASES)  
AMENDMENT BILL 1990**

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

---

