
14 October 2016

SUBMISSION:

***PRODUCTIVITY COMMISSION, MARINE FISHERIES AND AQUACULTURE, DRAFT REPORT.
AUGUST 2016***

On behalf of the Institute for Marine and Antarctic Studies (University of Tasmania), the following submissions are made to the draft recommendations, findings and statements in the Commission's draft report.

SUPPORT the following Draft Recommendations:

2.1, 3.2, 3.3, 4.3-4.5, 5.1-5.3, 6.1, 7.1-7.4, 10.1-10.4

SUPPORT the following Draft Findings:

2.1, 8.1, 8.2

DO NOT SUPPORT Draft Recommendation 2.2 and the associated Draft Finding 2.2:

- This recommendation assumes that ownership of the catch has been transferred from public to private (commercial operators). i.e If this transfer in ownership has not occurred, then there is no need for a system of trading between recreational and commercial harvesters. In countries where the natural fisheries resources are not privatised, indigenous and recreational catch are typically considered to better represent benefit to the community than rent payments to investors in ITQ shares. In which case, priority is given to indigenous and recreational harvesting so no trading system is required.
- It's possible that greater privatisation of fisheries, and formal processes for shifting of catch between recreational and commercial fishers could increase utility from our fisheries. But a prerequisite that's not even discussed is the introduction of a system for ensuring the Australian community actually benefits from commercial fishery harvests – this can't be assumed! The issue here is who benefits from rents. Employment isn't a measure of community benefit because we try to minimise this with ITQs, and there's often no consumption benefit because so much is exported. If rent from fisheries benefited Australians through royalty payments, as we have in forestry and mining, then it would make sense to discuss sectoral shares that maximise societal utility.
- Recommend that: management of recreational catch be changed to harvest strategy approaches with targets that place greater emphasis on maximising recreational utility in the same way that commercial fisheries target economic yield. This means

moving beyond expenditure based measures of recreational activity. The recreational utility of the resource is affected by number of participants and their success or strike rate so targets for the stock need to consider this.

DO NOT SUPPORT Draft Recommendation 3.1 regarding the introduction of ITQs:

- This fails to recognise the complexity and variation across Australian fisheries, and that State fisheries are managed for the benefit of the jurisdictions (which has implications for rent capture).
- The current recommendation is not consistent with the legislative obligation to manage fisheries to the benefit to the community (see Table 1, end of report), in the same way that reducing employment in the mining industry would not necessarily benefit Australia unless there was a system to capture the increased profit through royalties or taxes.
- ITQs have led to a separation in ownership which doesn't seem to be recognised (ie ITQs are leading to large rent payments to quota owners who increasingly live distant from the fishery including overseas). Employment in the fishing sector is reduced by ITQs. For example, following introduction of ITEs and then conversion to ITQs the West Australian Rock Lobster fleet declined by approximately two thirds¹. Consequently, costs are decreased and rent payments to quota investors increase which clearly benefits the quota owner but benefits to Australia are uncertain (we know from ATO releases that corporate tax is often not being collected to compensate for loss of gross state product).
- Recommend that: the recommendation be for the establishment of quota management systems, more broadly (i.e inclusive of, but not constrained to, ITQs) for fisheries where currently not in place. These need to avoid "gifting" public assets to private companies as has occurred in the past, and need to ensuring appropriate resource rent capture mechanisms are implemented, thereby maximising public benefits. This would be consistent with legislation. An example would be the government auctioning ITQs that expire after a limited term (e.g. ten years)².

DO NOT SUPPORT Draft Finding 3.1 concerning the PC report's approach to efficiency:

- We agree that costs can be reduced in fisheries through use of quota systems including ITQ and ITE systems. However this change is not always to the benefit of the Australian community. For example, where ITQs have led to reduced employment and where quota units are largely foreign owned. An example of a

¹ <http://icesjms.oxfordjournals.org/content/early/2015/04/12/icesjms.fsv057.full>

A review of lobster fishery management: the Western Australian fishery for *Panulirus cygnus*, a case study in the development and implementation of input and output-based management systems
J. W. Penn*, N. Caputi and S. de Lestang, *ICES J. Mar. Sci.* (2015)

² http://www.uhero.hawaii.edu/assets/WP_2013-8.pdf

How Have Catch Shares Been Allocated?

John Lynham, UHERO Working Paper No. 2013-8

range of impacts arising from the introduction of ITQs has been undertaken by NOAA³.

- Maximising efficiency for Australian fisheries does not deliver benefits to Australian consumers and public as occurs with other primary industries (eg cheaper milk from dairy). Greater efficiency in catch-controlled (ie TAC) fishery only affects the rent payment to quota owners. Sometimes public benefit may be greater through maintaining regional employment. This has been examined in detail in some of the largest fisheries globally such as the Alaskan salmon industry, where employment has been maintained by shunning the use of ITQs. So the problem with this finding is that it's simplistic and hasn't considered the broader literature / implications of ITQs.
- Recommend that: a nuanced view is needed of what types of benefits/gains are sought and to whom they are distributed, and what constitutes the optimisation of these benefits may be fishery/jurisdiction dependent. Recommend that a caveat is included in this recommendation that greater use of output controls needs to occur parallel with systems to ensure a net gain to the community.
- Recommend that: a royalty or royalty lease system applied to fisheries (as per mining or forestry) to ensure that efficiency gains through ITQs provide community benefit, consistent with fisheries legislation in most jurisdictions.

DO NOT SUPPORT Draft Recommendation 4.1 regarding the need for recreational licensing:

- The need for licensing is not adequately justified. There are multiple possible reasons for licensing but it's not clear here why it's being suggested.
- Possible supported reasons include the following:
 - Licensing assists with collection of revenue for management of recreational fisheries and allows a user-pay approach, which is reasonable, because most Australians do not fish recreationally.
 - Licensing can assist with data collection on recreational catch but is not a pre-requisite. Many effective recreational catch assessment programs are run without licences, such as by creel survey. It would need to be clear that the extra cost and inefficiency of a recreational licensing system is not greater than gains in catch estimation (noting that it's not clear now).
- The Commission's main intent with this recommendation seems to be to facilitate trading between sectors. This involves an implicit assumption that the recreational or traditional catch is not prioritised above commercial catch. That is, it further privatises the commercial fishery (which was previously a public resource) and deems that part of it is no longer public. If the public wants to increase their access

³http://www.nmfs.noaa.gov/sfa/CMS_DEV/Councils/Training/2014/R_H6_Impacts_Privatization.pdf
Understanding and contextualizing social impacts from the privatization of fisheries: An overview. Julia Olson
Ocean & Coastal Management 54 (2011) 353e363

by fishing recreationally, it must be purchased back from a select group who have been gifted ITQ shares through commercial allocations. Many countries retain public ownership of fisheries so that any commercial TAC is only allocated after recreational or indigenous catch is accounted for. So what's being proposed seems to be a significant change and requires more consideration than the PC has given it.

- Recommend that: 4.1 be clarified or deleted.

DO NOT SUPPORT Draft Recommendation 4.2 regarding the need for tagging of at-risk species:

- The statement that conventional management controls are ineffective isn't correct. At the extreme, conventional management has been applied to completely shut the catch of recreational fish species (eg grey nurse shark, blue groper) and has led to their recovery. Tagging has been applied to some species (eg Dhufish in WA) but is expensive and inefficient. The issue here is not that catch can't be controlled but that there is often unwillingness of government to apply conventional management. The same problem of the willingness of government to implement large reductions when required exists with tags.
- Tagging is used in wildlife (ie hunting) and fishery management for a separate issue, which is equity of harvesting. That is, it distributes catch and prevents some individuals taking an excessive share to the detriment of other users. For example, king salmon catches are limited in Alaska to two per person per year using stamps, not tags. Tags are one way of doing this but there are other, cheaper more efficient methods.
- Recommend that: the problem of controlling catch be managed with harvest strategies that include recreational catch. This is a change to the status quo because harvest strategies rarely deal with recreational catch. This deals with the real problem of political willingness to take action – not the tool.
- Recommend that: 4.2 be adjusted to a recommendation to focus on the need for management systems to distribute recreational catch amongst fishers to prevent the problem of inequity. Tags may be a possible tool but there are others such as stamps and daily limits.

DO NOT SUPPORT Draft Recommendation 6.2 regarding allocating a recreational SBT TAC:

- As noted for 4.1, there is a bigger issue here that relates to private versus public ownership of fisheries resources. Allocating defined catches to the recreational and commercial fishers treats the two types of catch as equal and tradeable. It's a significant step to even greater privatisation of the resource. At one point the resource was considered to be a public resource and this is reflected in legislation of most jurisdictions that discuss community benefit from fisheries. Allocating a TAC to recreational fishers means that their access is no longer a higher priority than rents to owners of ITQ shares. It opens the door for trading so that recreational access can be removed and catch shifted to commercial (which is increasingly to the benefit of overseas quota investors).

- The Commission's report doesn't justify the problem by explaining what's wrong with usual approach, which is that recreational and indigenous fishers get priority access to harvests, their catch is measured and deducted from the sustainable TAC, and the residual allocated for commercial harvests. This shift goes beyond economics to the ownership of a public resource.
- Recommend that: delete 6.2. This issue of privatisation of our fisheries is too complex and requires further investigation before proceeding with this recommendation. Ideally the Australian SBT harvest would be managed to the benefit of the entire Australian community with royalty payments collected by the government from fishers on behalf of the community. Australia is unusual as a large SBT harvester that has gifted 100% of the rents to private companies. In contrast, Indonesia has increased their SBT longline license fees by ~1000% over the last two years to provide benefit to the community from a resource they still believe is a public good. The recreational catch is currently the only benefit that most Australians get from this fishery but that would change if there was a royalty payment system. A royalty system would mean that recreational catch by a few people reduces royalty payments that would otherwise benefit the majority. Only at that point would a recreational TAC and trading between sectors be to the benefit of Australia.

Draft Recommendation 6.3-6.6: no comment

Draft Recommendation 9.1-9.3: no comment

Draft Recommendation 10.5: no comment

INFORMATION REQUEST 2.1

What factors should guide government decisions on take limits — in particular, target reference points?

- The answer to this question is complicated by the absence of an attempt to deal substantively with community benefit from fisheries.
- In terms of private benefit, fisheries should target biomass that delivers MEY. This concept is straightforward and there's plenty of literature. This is basic and implicit in ITQ management.
- The situation is more complex when there's an intent to deliver community benefit from fisheries. For example, if the ITQ shares are largely foreign owned, then an inefficient fishery that targets MSY delivers more community benefit. If most of the labour for the fishery is also foreign then the Australian community gets little benefit. The best outcome in these cases is where public subsidy (ie management and compliance costs) is minimised, which means targeting lowest ecological risk.
- This can only be solved if the public receives rent from the fishery, such as through royalty leasing. Public good is then maximised by targeting MEY because this

maximises royalty. Lost employment benefit is compensated by gains in royalties which creates employment elsewhere in the economy.

Information request 7.1

Are fisheries not assessed under the Environment Protection and Biodiversity Conservation Act 1999 (Cwlth) subject to adequate environmental management? If not, how should the environmental management of such fisheries be improved?

- All fisheries have obligations to environmental protection but this varies between jurisdictions. In IMAS' experience, the EPBC Act is a low bar and has little influence on environmental protection compared to jurisdictional fisheries regulations, against which the EPBC Act requirements seem mainly an exercise in generating paperwork. This is because boundaries between acceptable and unacceptable impacts are impossibly vague and undefined by the EPBC Act. Plus, targets for healthy targeted stocks (eg MEY) are so conservative relative to biodiversity conservation triggers.
- There is scope for improvement, though, and some suggestions include:
 - Promote harmonisation across jurisdictions by including environmental categories within harvest strategies.
 - Basing environmental components of HS on third party assessment categories of ecosystem interactions, habitat interactions, threatened / endangered / protected species interactions, bycatch, and byproduct. This also assists comparison internationally and so, collectively, this lift the bar higher.

OTHER COMMENTS

Comment 1: P.3 "They are subject to the well-recognised potential for a 'tragedy of the commons', where the uncoordinated efforts of individual fishers depletes the resource."

This should read: "They are subject to the well-recognised potential for a 'tragedy of the commons', where the unregulated efforts of individual fishers depletes the resource."

Is this a Freudian slip? The problem in Hardin's anecdote, as he said himself, is not the presence of commons but the lack of regulation. He later said he wished he had titled it "the tragedy of the unregulated common" because people misinterpreted the message. He wasn't saying that public assets should be privatised (as the Commission's report does by promoting ITQs) but rather, that regulation is required for rivalrous public goods. It's also Elinor Ostrom's basic message.

Comment 2: P3 "Governments also regulate fisheries to maximise their returns to the community, as 'open access' policies have historically led to over-expenditure on fishing activities relative to yield."

Removal of open access shouldn't be linked with returns to the community. This is ancient regulation change now but was initially just about trying to limit growth in effort and catch. It was just crude management of stock. Later concerns about capital-stuffing related to returns to the fishing industry, not the community. Forced inefficiency (ie job creation) is seen by some as distribution of rent, not dissipation of rent. The Productivity Commission presumably favours the "dissipation" end of this spectrum, which is fine – but the sentence is just historically inaccurate in Australia. "Returns to the community" and "limited-entry" belong in separate paragraphs.

Comment 3: P3 “The central aim of Australian fishing laws is to strike a balance between exploiting and maintaining the value of fish resources for the benefit of current and future users.”

This isn't correct – most Australian fisheries laws reference legislation that aims to provide benefit to the Australian community from fisheries harvests, not just the users. The community is often explicitly defined to include all people in the jurisdiction, not only those who use (fish) the resource.

Comment 4: P3 “Fisheries management is complicated by the fact that, despite its large size, Australia's fishing area has relatively low biological productivity.”

It would be more factually correct to say that “despite its large size, Australia's fishing area has relatively low production.”

Australia clearly has extraordinarily low production but it's a mistake or at least overly-simplistic to attribute this to low biological productivity. There are many countries with lower nutrient input levels than Australia and lower primary productivity but far higher production. These include Turkey, Yemen, Morocco, Maldives, Italy, and Sudan – each of which has > 20x production per km² coastal shelf. All of our neighbours (PNG, Indonesia, Solomon Islands, NZ, Vanuatu,..) have >20x the production per coastal shelf area of Australia. Economic and political barriers are more important to our low production than low biological productivity. It's a critical point for the purpose of this Commission Inquiry.

Comment 5: P4 (and throughout) Discussion of ITQs

It's a naive discussion of ITQs. They're presented as a solution to overcapitalisation with only general mention of their problems. There's a good reason that there's been such limited adoption of ITQs in the US (where Gardner was researching fisheries management when the draft report was released). The US has sophisticated management of fisheries that are orders of magnitude more valuable than Australia's so they carefully consider management changes. It's no mistake that ITQs are rare in the US despite their nationalistic enthusiasm for productivity and removing government regulation where possible. Massive, sophisticated fisheries such as the Alaskan salmon fishery have rejected ITQs because of their negative impacts.

Comment 6: P7.

It is disappointing to see no recognition of the problem that almost all Australian fisheries legislation directly says that fisheries should be managed to the benefit of the community - yet fisheries management and regulation doesn't address this. We increasingly see fisheries moved to ITQs (as recommended by the Commission's report), ownership shifts overseas through quota sales (ignored by the Commission's report), fleet consolidation occurs so capitalisation is reduced (as the Commission's report appears to argue is desirable), Australian employment is reduced (largely ignored here), production is constant (because there's a TAC), reduced labour costs = higher rents that are fully exported overseas. This process of shifting to ITQs that the Commission's report promotes has almost completely eliminated Australian employment in some fisheries. Ownership has shifted to almost or completely overseas, so rents are just exported while Australia is left with the ecological impacts and the management costs. Company tax is often not being paid on the rent which we know because the ATO list these companies (<https://data.gov.au/dataset/corporate-transparency>). How has community benefit been increased through this process? It is

surprising that the need to recognize the public policy goal of generating community benefit is not more explicitly recognised by the Commission's report when it's usually the second thing mentioned in all legislation after sustainability. Note that we are not arguing for inefficient fisheries – rather, fisheries should be efficient but the rents should be to the benefit of the Australian community, not un or under-taxed and exported.

Comment 7: P8.

The decision to exclude MPAs from consideration seems to be a mistake. The Department of the Environment emphasises that they have a fisheries impact (ie their role is larger than biodiversity: <https://www.environment.gov.au/system/files/resources/5eaad4f9-e8e0-45d1-b889-83648c7b2ceb/files/benefits-mpas.pdf>). The Coral Sea MPA alone has a potentially massive impact on Australia's capacity for future production despite its current low catch. The PNG tuna catch from their side of the sea currently ranges between 150,000 and 300,000 tonnes. More than the entire Australian seafood catch of all species combined. And it's about to be closed forever. This and the other MPAs cutting potential for growth in production warrant consideration in a review of Australia's fishery productivity.

Comment 8: P10.

We strongly support the comment that basing allocation on expenditure would be a mistake and appreciate that the PC has recognised this.

Comment 9: P75.

"Resource rent charges are currently not used in Australian fisheries, with the exception of the abalone fishery in Victoria (where a royalty is used), and are not common practice worldwide."

This is not quite correct in terms of Australia. There are other examples, for example the Furneaux abalone lease as a market based method or the profit based charge used for the Tasmanian abalone deed fee⁴. More importantly, the Commission's discussion of rent method omits market based methods (such as the Furneaux abalone leases). It's correct to say that rent capture by the public is uncommon worldwide but there's still numerous examples. On our doorstep the South Pacific Tuna Treaty is designed to capture rents. This and other international examples demonstrate that capturing rents is not reliant on the implementation of ITQs, nor subject to the other barriers listed (clear and strongly enforced access rights, consistent and robust data).

Comment 10: P75.

"While attractive in principle, they are in most cases impractical or unsuitable, at least at the present time. "

The report does not provide details or the rationale to substantiate this statement. Why is it impractical? The Furneaux abalone units are leased out each year without any substantive transaction costs. It's a very simple process. It's simple in the Tasmanian abalone fishery. Kiribati, Chile, Tonga, PNG, Indonesia can all manage it, why not Australia?

⁴ Schedule 3 Abalone Deed of Agreement, *Living Marine Resources Management Act 1995*
http://www.thelaw.tas.gov.au/tocview/index.w3p;cond=;doc_id=25%2B%2B1995%2BAT%40EN%2B20161014000000

Comment 11: P76.

“As all sectors obtain value from accessing fishery resources, any resource rent charges should, in theory, be placed on all users.”

Resource rent charges are Georgist taxation and applied widely in Australia already including mining royalties but also with land tax. It's the basis of the 99 year lease applied to Canberra allotments rather than permanent sale. Land tax is one of many examples where Georgist taxation can be nuanced. That is, we don't tax all owners of land, only when it's used for some purposes. The same applies for fisheries. There's no problem in collecting resource rents from commercial fishers but not recreational fishers.

Comment 12: P76.

“The effective application of resource rent charges requires a number of preconditions which are not present in most fisheries in Australia — such as clear (and strongly enforced) access rights and consistent and robust data on take.”

The statement that robust data is not available on catch is correct for many recreational fisheries but is clearly incorrect for commercial fisheries. It is unclear why the Commission's report regards access rights a pre-requisite for rent capture in Australia when in other international fisheries rent is collected where access rights are not present. In a number of these cases a government determines an allowable commercial catch. This is split into shares and leased out for a short period (usually one fishing season but sometimes longer). The lease fee equals the resource rent, and catch is then monitored. Other mechanisms to capture rent include the Tasmanian Rock Lobster fishery where research funds for rock lobster are generated by leasing out 1% of the Tasmanian TAC. In terms of transaction costs, it requires a few phone calls each year and generates ~\$350K. If it was extended to the rest of Tasmania's commercial fisheries it would allow state operating expenses to be increased by 2% which would be enough to substantially change government services.

Comment 13: P76.

“Even if resource rent charges were only applied to the commercial sector, there are a range of practical problems that make it unfeasible in the medium term. Many commercial fishing operations are marginal, and it is unlikely that they would earn consistent surplus value that could be extracted by rent charges. There are also challenges with calculating an accurate charge in multi-species fisheries, where profit can be earned from a range of different stocks.”

Other countries solve this by the use of markets and trading. A market for access to marginal fisheries would result in very low lease payments. That's a defensible position. But with regard to Australia's many large highly profitable fisheries, this is an inadequate justification for foregoing large amounts of public benefit.

The Commission's assessment that many of Australia's fisheries are not highly profitable (P82) is based on the assumption that measures like “profit at full equity” is an appropriate measure of how profitable the overall resource is. Profit at full equity has been calculated by econsearch for SA fisheries. The fishing industry defined how they wanted that measure reported (Gardner reviews these), not the government. That is, it's a measure fit for industries purpose but it's a mistake to think it measures how profitable the overall resource is. PAFE includes quota licence value as capital. So the denominator is inflated by the market valuation of the gifted allocations, which means yield appears low. If the market for licences is functioning, PAFE will always be low and meaningless.

Examining the fraction of the revenue that is rent is the recommended and more appropriate method of assessment. In Tasmania's rock lobster fishery the rent payment (=lease fee) is massive at @\$38/kg. In Tasmania's abalone fishery ~ 2/3 revenue goes to rent payments to quota owners. Australia's most valuable fishery (toothfish) seems equally profitable but hard data is difficult to come by because of the high level of ownership by foreign firms. Australia's big fisheries are goldmines and it is a big mistake to characterise them as marginal.

Comment 14: P76.

"Given this, the Commission does not consider that resource rent charges can be effectively applied in most fisheries at the present time. It is also worth noting that rent charges are not the only way to return the value of fishery use to the wider community — taxes on income and profit can do so as well."

Taxes are collected by the Commonwealth, not the jurisdiction. So taxation is not a solution for the collection of rents for the States and Territories. At a company tax rate of 30% these forego 70% of the community benefit that should be being collected. While taxation does return some limited value to the wider Australian community (conceived of as a commonwealth), the precedent set by mining is that the States and Territories do not accept this method of returning value to their jurisdictions as sufficient and hence they are the entities that charge royalties on mining, not the Commonwealth.

Table 1. Legislative objectives referring to community benefits

Jurisdiction	A : Title (primary legislation)	C : Objectives (primary legislation)	Benefits to the broader community (general)	Benefits to the broader community (through allocation)	Benefits to the broader community (through commercial use)	Equitable distribution of benefits	Viability of commercial fisheries
1 : Commonwealth of Australia	Fisheries Management Act 1991	1(a) implementing efficient and cost-effective fisheries management on behalf of the Commonwealth; and					
		1(b) ensuring that the exploitation of fisheries resources and the carrying on of any related activities are conducted in a manner consistent with the principles of ecologically sustainable development (which include the exercise of the precautionary principle), in particular the need to have regard to the impact of fishing activities on non-target species and the long term sustainability of the marine environment; and					
		1(c) maximising the net economic returns to the Australian community from the management of Australian fisheries; and	1		1		
		1(d) ensuring accountability to the fishing industry and to the Australian community in AFMA's management of fisheries resources; and					
		1(e) achieving government targets in relation to the recovery of the costs of AFMA.					
		2(a) ensuring, through proper conservation and management measures, that the living resources of the AFZ are not endangered by over-exploitation; and					
		2(b) achieving the optimum utilisation of the living resources of the AFZ; and					
		2(c) ensuring that conservation and management measures in the AFZ and the high seas implement Australia's obligations under international agreements that deal with fish stocks; and					
2 : New South Wales	Fisheries Management Act 1994	2(d) to the extent that Australia has obligations: (i) under international law; or (ii) under the Compliance Agreement or any other international agreement; in relation to fishing activities by Australian-flagged boats on the high seas that are additional to the obligations referred to in paragraph (c)—ensuring that Australia implements those first-mentioned obligations; but must ensure, as far as practicable, that measures adopted in pursuit of those objectives must not be inconsistent with the preservation, conservation and protection of all species of whales.					
		(a) to conserve fish stocks and key fish habitats and					
		(b) to conserve threatened species populations and ecological communities of fish and marine vegetation and					
		(c) to promote ecologically sustainable development including the conservation of biological diversity and, consistently with those objects:					
		(d) to promote viable commercial fishing and					1
		(e) to promote quality recreational fishing opportunities, and					
		(f) to appropriately share fisheries resources between the users of those resources, and					
		(g) to provide social and economic benefits for the wider community of New South Wales, and	1				
		(h) to recognise the spiritual, social and customary significance to Aboriginal persons of fisheries resources and to protect, and promote the continuation of, Aboriginal cultural fishing					

Jurisdiction	A : Title (primary legislation)	C : Objectives (primary legislation)	Benefits to the broader community (general)	Benefits to the broader community (through allocation)	Benefits to the broader community (through commercial use)	Equitable distribution of benefits	Viability of commercial fisheries
3 : Northern Territory	Fisheries Act 2009	(a) to manage the aquatic resources of the Territory in accordance with the principles of ecologically sustainable development, whether managing a single fish species or an ecosystem, to ensure the promotion of appropriate protection of fish and fish habitats;					
		(b) to maintain a stewardship of aquatic resources that promotes fairness, equity and access to aquatic resources by all stakeholder groups, including: (i) indigenous people; (ii) commercial operators and aquaculture farmers; (iii) amateur fishers; and (iv) others with an interest in the aquatic resources of the Territory; and				1	
		(c) by means of a flexible approach to the management of aquatic resources and their habitats, to promote the optimum utilisation of aquatic resources to the benefit of the community	1				
4 : Queensland	Fisheries Act 1994	(1) (a) apply and balance the principles of ecologically sustainable development; and	[inferred]			[inferred]	
		(b) promote ecologically sustainable development.					
		(3) Despite the main purpose of this Act, a further purpose of this Act is to reduce the possibility of shark attacks on humans in coastal waters of the State adjacent to coastal beaches used for bathing.					
5 : South Australia	Fisheries Management Act 2007	(1) (a) proper conservation and management measures are to be implemented to protect the aquatic resources of the State from over-exploitation and ensure that those resources are not endangered;					
		(b) access to the aquatic resources of the State is to be allocated between users of the resources in a manner that achieves optimum utilisation and equitable distribution of those resources to the benefit of the community;	1	1		1	
		(c) aquatic habitats are to be protected and conserved, and aquatic ecosystems and genetic diversity are to be maintained and enhanced;					
		(d) recreational fishing and commercial fishing activities are to be fostered for the benefit of the whole community;	1		1		
		(e) the participation of users of the aquatic resources of the State, and of the community more generally, in the management of fisheries is to be encouraged.					
		(3) A further object of this Act is that the aquatic resources of the State are to be managed in an efficient and cost effective manner and targets set for the recovery of management costs					
6 : Tasmania	Living Marine Resources Management Act 1995	(1) (a) increase the community's understanding of the integrity of the ecosystem upon which fisheries depend; and					
		(b) provide and maintain sustainability of living marine resources; and					
		(c) take account of the community's needs in respect of living marine resources; and					
		(d) take account of the community's interests in living marine resources.	1				

Jurisdiction	A : Title (primary legislation)	C : Objectives (primary legislation)	Benefits to the broader community (general)	Benefits to the broader community (through allocation)	Benefits to the broader community (through commercial use)	Equitable distribution of benefits	Viability of commercial fisheries
7 : Victoria	Fisheries Act 1995	(a) to provide for the management, development and use of Victoria's fisheries, aquaculture industries and associated aquatic biological resources in an efficient, effective and ecologically sustainable manner;					
		b) to protect and conserve fisheries resources, habitats and ecosystems including the maintenance of aquatic ecological processes and genetic diversity;					
		c) to promote sustainable commercial fishing and viable aquaculture industries and quality recreational fishing opportunities for the benefit of present and future generations;	1			1	
		d) to facilitate access to fisheries resources for commercial, recreational, traditional and non-consumptive uses;					
		e) to promote the commercial fishing industry and to facilitate the rationalisation and restructuring of the industry;					1
		f) to encourage the participation of resource users and the community in fisheries management.					
8 : Western Australia	Fish Resources Management Act 1994	(a) to develop and manage fisheries and aquaculture in a sustainable way					
		(b) to share and conserve the State's fish and other aquatic resources and their habitats for the benefit of present and future generations.	1	1		1	
9: Torres Strait	Torres Strait Fisheries Act 1984	(a) to acknowledge and protect the traditional way of life and livelihood of traditional inhabitants, including their rights in relation to traditional fishing					
		(b) to protect and preserve the marine environment and indigenous fauna and flora in and in the vicinity of the Protected Zone					
		(c) to adopt conservation measures necessary for the conservation of a species in such a way as to minimise any restrictive effects of the measures on traditional fishing					
		(d) to administer the provisions of Part 5 of the Torres Strait Treaty (relating to commercial fisheries) so as not to prejudice the achievement of the purposes of Part 4 of the Torres Strait Treaty in regard to traditional fishing					
		(e) to manage commercial fisheries for optimum utilisation					
		(f) to share the allowable catch of relevant Protected Zone commercial fisheries with Papua New Guinea in accordance with the Torres Strait Treaty					
		(g) to have regard, in developing and implementing licensing policy, to the desirability of promoting economic development in the Torres Strait area and employment opportunities for traditional inhabitants	1				
			9	3	2	4	2