

In the High Court of New Zealand
Auckland Registry

CIV2005

Under Part I of the Judicature Amendment Act 1972

In the matter of an application for review

between

**The New Zealand Recreational Fishing Council Inc, and New Zealand Big
Game Fishing Council Inc**

Plaintiffs

and

Minister of Fisheries

First Respondent

and

The Chief Executive of the Ministry of Fisheries

Second Respondent

and

**Sanford Limited, Sealord Group Limited, and Pelagic & Tuna New Zealand
Limited**

Third Respondent

Affidavit of Jeffery Allan Romeril in support of application for review
Sworn this 12th day of August 2005



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I, **Jeffery Allan Romeril** of Whangaparaoa, swear:

1. I am the President of the New Zealand Big Game Fishing Council Inc, a position I have held since 1999.
2. I have been a member of the management committee of the New Zealand Big Game Fishing Council Inc since 1995. I was previously president of the Warkworth Game Fishing Club from 1993 to 2003, and a board member of the New Zealand Recreational Fishing Council Inc from 2002 to 2005.
3. I am a trustee of the New Zealand Marine Research Foundation Inc. This is a charitable trust for funding and research of recreational fishing projects. I am a keen and active fisherman, for both bottom fishing and gamefishing.
4. My involvement as a representative of gamefishing clubs is performed on a voluntary basis. Outside of this role I am a commercial airline pilot with 20 years service.

Introductory matters

5. In this affidavit, I use the following terminology:
 - a. "the Minister" means the Minister of Fisheries;
 - b. "the Ministry" means the Ministry of Fisheries (previously known as the Ministry of Fisheries and Agriculture);
 - c. Unless the context otherwise dictates, the Minister's decision means the Minister's 10 August 2004 decision for kahawai;
 - d. "NZBGFC" means the New Zealand Big Game Fishing Council Inc.;
 - e. "NZRFC" means the New Zealand Recreational Fishing Council Inc.;
6. The exhibit references in my affidavit are styled **JR 1, JR 2** etc., the letters **JR** denote my initials. Unless stated otherwise, I will refer to exhibits in this affidavit by citing the exhibit reference in square brackets and in bold type. For example, to refer to exhibit JR 1, I will cite **[JR 1]**.

About the New Zealand Big Game Fishing Council



7. The New Zealand Big Game Fishing Council is a national body formed in 1957 that currently has 61 affiliated fishing clubs from the bottom of the South Island to the Far North.
8. As deep sea angling became more accessible by the increasing use of trailer boats, the late 1970s saw a large increase in membership reflecting the popularity of recreational fishing. Now we have new clubs joining every year and combined membership of over 32,000 fishers from around the country.
9. The role the New Zealand Big Game Fishing Council ("NZBGFC") has played for its members has changed considerably since its formation. An important function is collating fishing records and setting standards to ensure gamefishers have a consistent level of recognition.
10. In the 1980s delegates called on the NZBGFC and the government to take action to halt the decline in the marlin fishery. This led to new regulations in effect making marlin a non-commercial fish species only. As a consequence of this action the NZBGFC resolved to take a more active role in the conservation and research of fish stocks that were important to our members.
11. The NZBGFC introduced minimum weight sizes for some key gamefish species, encouraged tagging and release of fish caught, and introduced and funded a scientific tagging programme. This tagging program has been expanded and now includes sharks, kingfish and very recently yellowfin tuna. NZBGFC representatives now frequently attend Ministry working groups on fisheries management and make numerous submissions to government during the year in support of our member's wishes to enhance their fishing.
12. There has been a recognition that amateur and recreational fishers needed to have a sound scientific basis to representations to the government. The NZBGFC was instrumental in forming the NZ Marine Research Foundation. Officially launched in 1999, the Trust has already financed some noteworthy projects on the economic contribution of striped marlin fishing, striped marlin satellite tagging, and a characterisation of the recreational fishery for kahawai.

The importance of kahawai to the NZBGFC members



13. Traditionally, New Zealanders have been lucky in having particularly good game fishing because a number of large migratory fish species are available in New Zealand waters in summer and autumn. These have been called gamefish because of their large size and strength when hooked on a bait or lure.
14. From the 1920s to the mid 1980s almost all gamefish were caught using whole fish baits, either drifted beneath the boat or trolled across the surface. Kahawai were by far the most common fish used as baits in the gamefish fishery because they were always available. Fresh baits were always caught on the way to the fishing grounds. They were most often found around the harbour entrance of the port being departed. Game fish charter boats and private boats were reliant on kahawai being available every day they went fishing. If no marlin or tuna were caught, the kahawai would end up in the fry pan or smoke house.
15. Kahawai are now also a valued sports fish in their own right. Saltwater fly fishing, for example, has developed into a sport fishery in New Zealand. Kahawai have qualities that make them particularly valuable to sport fishers. Foremost is their willingness to strike, biting readily even when simple lures are used. Kahawai is also a particularly good target because anglers can see the fish they are casting to and watch the strike. Another is that kahawai will often stay close to the surface when hooked and jump clear of the water in a spectacular fashion.
16. Kahawai also form an important link in the inshore food chain, feeding on small fish such as anchovy and pilchard which feed on plankton, then kahawai in turn become prey to marlin, sharks, kingfish and tuna, and other predators. Considerable effort from the NZBGFC and its member clubs has gone into protecting species such as pilchard's to ensure viable gamefishing because of the vital link they provide in the food chain. NZBGFC members remain similarly concerned about the effect of bulk commercial fishing on species such as kahawai which, in turn are predated by larger gamefish, and marine mammals. The decline in kahawai schools will inevitably lead to a decline in the gamefish species targeted by NZBGFC members and tourists.
17. Another issue is kahawai's association with various species of sea birds. Due to their schooling nature kahawai often force small baitfish to the surface in masse, thus making them available to predatory birds. Over



the years there has been concern that the decrease in kahawai schooling activity may be linked to a reported decline in the number of white fronted tern, red-billed gulls, and shearwaters. While protection of birdlife is not a primary concern or objective for NZBGFC our members do appreciate and enjoy the wider coastal and marine environment. The near coastal activity of birds working a school of fish forced up by kahawai is a sight appreciated by many members of the public, not just fishers. Sadly our members commonly report that this is a spectacle that is now much less frequent, and in some waters, a rarity, due to the decrease in the number and size of kahawai schools.

18. The NZBGFC's submission to the Ministry's 2004 IPP on kahawai has a number of extracts recorded by fishing writers over the years which sets out some of kahawai's particular qualities that have made kahawai such a recognised fish species to non-commercial anglers. I set out in full this extract from the NZBGFC submission to the 2004 IPP on kahawai because I think it conveys some of the "flavour" to the qualities of kahawai that are appreciated by anglers.:

Rod Fishing in New Zealand Waters by T. E. Donne 1927

Page 112

'The schooling or "shoaling" of the kahawai is a truly wonderful sight and one not to be forgotten on a long summer day; thousands upon thousands of these active fishes enter into a riotous ravenous feed of small mullet; amongst the myriads of these "sprats" the kahawai dart hither and thither, never for a moment ceasing to snap and swallow their prey, the jumping, splashing, twisting sea salmon, as he is termed, lashes the surface water into violent agitation as if a huge super-heated cauldron were at it greatest activity in the midst of the calm sea; it appears as if fishdom has gone quite crazy, and, to add additional turmoil and a tremendous accession of noise, ten thousand sea – birds – gulls and terns – appear like a huge, animated black and white cloud, falling on and rising from the sea. They dart down on the unlucky sprats that have no rest either in the sea or out of it; the voracious kahawai drive them to the surface and the hungry birds drive them down again until the bewildered sprat does not know whether in the immediate future he is to become bird or fish. The general melee and the calling, crying, discordant, air-piercing shrieking of the birds, creates a pandemonium that is indescribable.'

The Saltwater Angler by Wal Hardy 1966

Page 222

'But to see the kahawai at its best we have to go to New Zealand. There, huge shoals of these fish range the coast and work away up the inlets and rivers. One of these big bodies of fish on the move is a stirring sight.'

Hook, Line & Sinker by Ray Doogue 1967

Page 216

'Kahawai are certainly prolific. I counted 35 schools, none of less than an acre, in a 5 – mile flight along the coast one calm morning last summer.' (flying out from Tauranga)

Fighting Fins by Neil Illingworth 1961

Page 146

'The Kahawai is an excellent fighter, leaping higher and more often, and running further and faster than many trout of comparable size. They average about 3 or 4lb, but they can grow up to 16lb, and a fish of anywhere near this size can take up to an hour or even more to land on 4-lb nylon.

Many fishermen of wide experience have claimed that the kahawai takes a lot of beating in the seven oceans and one, Colonel John K. Howard, of Boston, Massachusetts, was so fascinated with them on his first visit to Mayor Island that he devoted the whole of a Press interview to singing their praises, saying he considered them to be one of the best game fish, size for size, in the world.'

New Zealand Fisheries by J. G. Watkinson & R. Smith 1972

Page 42

'In New Zealand there is little market demand for kahawai, although the fish was formerly popular with the Maori. Until recently there was no fishery for kahawai and it was caught as a by-catch in other fisheries. Small amounts are caught by trawlers but most are discarded at sea'.

The Golden Years of Fishing In New Zealand by Phillip Holden 1984

Page 223

'The kahawai ascends many of New Zealand rivers, and frequently be taken in fresh water, though more generally it follows only as far as the tide flows. Out at sea the fish is to be found in great schools and it is no uncommon sight in Auckland waters to see schools or shoals many acres in extent'."

19. It is widely recognised that kahawai have a special role within Maori society as an important food source, and I refer to the affidavit of Sonny Tau from Ngapuhi. The NZBGFC submission to the 2004 kahawai IPP contained an extract from a historical account which described the following scene:

Rod Fishing in New Zealand Waters by T. E. Donne 1927


Kahawai fishing by Maori

'On reaching the scene of the schooling, four or more lines were trailed from each canoe, to the end of each line there was attached a hook formed of a shank of hard wood, inlaid with a piece of the bright green iridescent paua shell (halieotus) to which was fitted a sharp, barbed point of bone-no bait.

The canoes were then paddled quickly to and fro, up and down, with the tide, across it and against it; racing, twisting, turning amongst the thousands upon thousands of jumping, sprat-catching kahawai that "took" the bare hooks as salmon take the fly. There was great excitement amongst the Maoris: yells of glee, shouts of success, boasting of cleverness, and songs of joy. The shouting of the human beings, the activities of the kahawai, the flip-flopping of the frightened sprats and the raucous screaming of the sea-birds made a commotion that was bewildering to watch and ear-splitting to listen to, as men, fishes and birds pursued their fishing competition.'

20. Of course we recognise that a return to some "golden days" may not be possible but I believe that the above descriptions of the kahawai give some appreciation about the social and cultural importance of kahawai, to both pakeha and Maori, which are factors requiring recognition under the fisheries legislation. In my view the gamefish industry also make an important economic contribution, especially in many smaller coastal communities, which probably far exceeds the returns by the commercial purse seine catch.

The marked decline in kahawai

21. The rise of the commercial purse seine catch and subsequent decline in catch rates for non-commercial fishers is set out in the affidavits of John Holdsworth and others.
22. The NZBGFC as a national body was receiving reports from its member clubs of significant reductions in the numbers of kahawai schools and their size. This was having an effect on sports fishers ability to catch other gamefish. Many skippers spent several hours in the morning searching for bait before they could go gamefishing. This had the potential to jeopardise an entire days fishing.
23. Gamefishers had already witnessed the disappearance of surface schooling trevally taken by the New Zealand inshore purse seine fleet. NZBGFC members could see that the trevally fishery was on the wane and kahawai would be next.

24. Around 1990 the NZBGFC began making submissions to the Ministry and the Minister with the aim of halting the decline and instigating a rebuild of kahawai. I attach as exhibits copies of submissions by the NZBGFC to the Ministry and the Minister since 1 August 1990.

- Letter from NZBGFC to Hon. Ken Shirley, the Minister of Fisheries dated 1 August 1990 **[JR 1]**;
- Letter from NZBGFC to Regional Manager North dated 1 August 1990 **[JR 2]**;
- Letter from NZBGFC to Hon. Ken Shirley, the Minister of Fisheries dated 13 September 1990 **[JR 3]**;
- Letter from NZBGFC to Hon. Ken Shirley, the Minister of Fisheries dated 13 September 1990 **[JR 4]**;
- Letter from NZBGFC to Hon. Ken Shirley, the Minister of Fisheries dated 27 September 1990 **[JR 5]**;
- Letter from NZBGFC to Hon. D Kidd, the Minister of Fisheries dated 20 December 1990 **[JR 6]**;
- Letter from NZBGFC to Hon. D Kidd, the Minister of Fisheries dated 17 February 1991 **[JR 7]**;
- Letter from New Zealand Sportfishing Council Inc to Hon. D Kidd, the Minister of Fisheries dated 17 February 1991 **[JR 8]**;
- Letter from NZBGFC to Hon. D Kidd, the Minister of Fisheries dated 3 April 1991 **[JR 9]**;
- Letter from NZBGFC to Hon. D Kidd, the Minister of Fisheries dated 23 May 1991 **[JR 10]**;
- Letter from NZBGFC to Mr Bob Stannard, Chairman of the Fishing Industry Board dated 5 June 1991 **[JR 11]**;
- Letter from NZBGFC to Hon. Doug Kidd, the Minister of Fisheries dated 15 July 1991 **[JR 12]**;
- Letter from NZBGFC to Hon. D Kidd, the Minister of Fisheries dated 2 September 1991 **[JR 13]**;
- Letter from NZBGFC to Hon. Doug Kidd, the Minister of Fisheries dated 8 October 1991 **[JR 14]**;

- Letter from NZBGFC to Hon. Doug Kidd, the Minister of Fisheries dated 9 December 1991 [JR 15];
 - Letter from NZBGFC to Hon. Doug Kidd, the Minister of Fisheries dated 31 December 1991 [JR 16];
 - Fax from NZBGFC to Mark Edwards, MAFish Policy dated 28 July 1993 [JR 17];
 - Letter from NZBGFC to Hon. Doug Kidd, the Minister of Fisheries Re: Kahawai TAC and TACC Setting 1 October 1993 dated 10 September 1993 [JR 18];
 - Submission Re: MAF Policy on the 1993/94 Kahawai TACC From the NZBGFC [JR 19];
 - Letter from NZBGFC to Ministry of Fisheries dated 18 October 1999 Re: submission on the proposed kahawai research project for 2000/01 [JR 20];
 - NZBGFC submission on the review of sustainability measures for the 2000-2001 Fishing year [JR 21];
 - Letter from NZBGFC to Ministry of Fisheries dated 26 March 2001 Re: submission on the introduction of new species into the Quota Management System [JR 22];
 - Letter from NZBGFC to Ministry of Fisheries dated 8 August 2003 Re: submission on the introduction of new species to the Quota Management System October 2004 [JR 23];
 - Submission on behalf of Non-Commercial Fishers Re: introduction of new species into the quota management system on 1 October 2004 [JR 24].
25. The submissions made by the NZBGFC to the Ministry included a 1992 report recording the opinions of fishing clubs around New Zealand on the status of kahawai. In about November 1992, the NZBGFC had sent out a request to fishing clubs around New Zealand to report on the status of kahawai and produced a report to the Ministry about the poor state of the kahawai stocks [JR 25]. This was based on reports from a number of fishing clubs.



26. The Houhora Big Game & Sports Fishing Club (Inc.) reported [JR 26, letter dated 3 November 1992]:

"The kahawai resource in our area is severely depleted and has been for about the last 3 years."

27. The Mount Maunganui Sportfishing Club Inc. reported [JR 27, letter dated about November 1992]:

"Five to ten years ago kahawai were very common in the western BOP [Bay of Plenty]...

No kahawai schools are now seen in open water within our normal range (up to 25 miles offshore)".

28. The Ohinemuri Fishing Club Inc. said of kahawai abundance [JR 28, letter dated 22 October 1992]:

"There are less fish about and those caught or observed are much smaller".

29. The Canterbury Game Fishing Club Inc. reported [JR 29, letter dated 4 November 1992]:

"With regard to kahawai levels here, members were asked for indications on this from the floor and the general opinion was that over the last five years, the apparent numbers have been seen to drop markedly. The feeling was that up to 85% drop in stock was would [sic] be correct".

30. The Whangarei Deep Sea Anglers' Club Inc. reported [JR 30,]:

"Our club over the total gamefishing season last year, weighed only 14 of these species and this in itself proves the depletion of the kahawai we are experiencing on our coastline".

31. The Bay of Islands Swordfish Club Inc. reported [JR 31, letter dated 4 November 1992].

"The subject of the decline of the Kahawai fishery in the Bay of Islands is a subject of common discussion and lament by our members. While we do not have statistical records of Kahawai catch over the years it is patently obvious, from the comments and complaints of all of our fishing members, that there has been a serious decline in numbers in recent years".

32. The representations by recreational fishers including NZBGFC and affiliated clubs was successful in lobbying the Minister to introduce commercial catch limits on the purse seine fleet and to arrest a further marked decline in the fish stocks.
33. However there was a widespread view from representatives of recreational fishers that Ministry officials were not taking the recreational fishing sector seriously and that the public interest in the fishery was not being protected. Well into the 1990s, Ministry reports on the availability of kahawai continued to describe kahawai as not being scarce, and justified this conclusion by reference to the absence of scientific information about the fish stocks.
34. When I read the submissions by NZBGFC which have been made over the last fifteen years it is clear from many of the submissions that there was a lack of scientific knowledge known about the state of the kahawai stock, but despite the absence of the scientific data there was widespread knowledge by our members and their representatives of a substantial decline in the availability of kahawai. As amateur fishers, groups such as NZBGFC had little ability to influence commercial catch levels except to protest to the Ministry to try and influence decision-making and ensure that a healthy fishery was left intact.
35. Fifteen years after these concerns were expressed by NZBGFC, the NZRFC and others, we still have a situation where there is no reliable stock assessment for the kahawai species.
36. Despite the NZBGFC's reports of low kahawai abundance and availability, the Ministry have consistently described the reports and the information collated from fishing clubs as 'anecdotal' or 'perceptions'. This has led to our information being treated as subsidiary, even where scientific information on kahawai has been sparse or non-existent. The Minister said in the 2004 kahawai decision (at paragraph 17):
- "I am also aware of the widespread **perception** of recreational fishers that there is a marked decline in the amount and size of kahawai available." [Emphasis added]*
37. I believe that describing the NZBGFC's information as 'anecdotal' or 'perception' is incorrect, where in truth, experienced fishers and clubs are a reliable source of information on relative fish abundance.



38. Experienced fishers have been able to directly observe the changes in kahawai abundance over time. The advice to the Minister in the 2004 FAP for kahawai describes "recent" stability in recreational catch levels since the early 1990s. Understandably this coincides with some of the first Ministry funded surveys of recreational catch. However the early 1990s also coincides with very clear reports from the recreational fishing sector that catch rates in this time had fallen to very poor levels. This is not a reasonable "baseline" against which to measure the quality of the kahawai fishery for non-commercial fishers.

Concluding Comments

39. I have read the affidavit of Keith Ingram for NZRFC, and share the concern that the Minister's approach when allowing for non-commercial interests based on relative proportions of current catch will not rebuild this fishery to where it should be.
40. Although the concern about the fishery has not been limited to quota management area KAH 1, it is fair to say that this has been where the majority of concerns has arisen and have been consistently expressed by the NZBGFC and affiliated clubs. By number the majority of clubs belonging to the New Zealand Big Game Fishing Council have members who fish within KAH 1.
41. The NZBGFC is not in principle opposed to management of fish species within the Quota Management System ("QMS"), even where the fish stocks have an important non commercial element. The NZBGFC had initially sought that kahawai be managed as a non-commercial only species, but agreed with Ministry officials that it was possible to manage non-commercial interest in kahawai with the introduction of kahawai to the QMS. We believe that it is open to the Minister to manage the kahawai stocks as a recreational fishery within the QMS.
42. The view of the NZBGFC is that if current catch (from both commercial and non commercial sectors) is used to manage the kahawai stocks, then this will simply perpetuate the current lack of access that our members have to kahawai due to the current lack of fish abundance. These proceedings have been brought because there is a belief widely held by our members that there is a need to have the Minister's 2004 decisions readdressed.



- 43. The NZBGFC, along with the NZRFC, also seeks in these proceedings to have a determination of what "recreational interests" are to be allowed for, and a determination of what matters should be taken into account on entry of a fish species to the QMS and when reviewing decisions under the QMS where there is an important non-commercial focus to the fishery.
- 44. For kahawai the NZBGFC wants to see a program put in place which will rebuild kahawai stocks to reasonable levels of availability as have existed in the past.
- 45. The Minister has recently announced a new policy of managing certain stocks above B_{MSY} . The NZBGFC views this as a positive move, although there is at this stage no real certainty that it will become an established principle for managing fisheries with an important non-commercial fishing component. Management above B_{MSY} will improve fish availability and individual catch rates, and we would also expect that fish size should increase. There will be more abundance of bigger fish and an improved quality of fishing. The degree to which there would be an improvement would depend upon the level above B_{MSY} that the fish stock is managed at. The NZBGFC would also see this as important by building in a conservation element so that there is a "buffer" to maintain the sustainability of fish stocks for future generations of fishers. In my view there should be an increased safety margin of maintaining the fish stocks above B_{MSY} where there is a strong public interest in a fishery.

SWORN by JEFFERY ALLAN)
 ROMERIL at)
 Auckland this 12 day of August)
 2005 before me:)



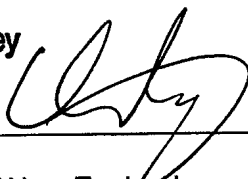

Campbell Robert Pentney
 Solicitor
 Auckland

A Solicitor of the High Court of New Zealand

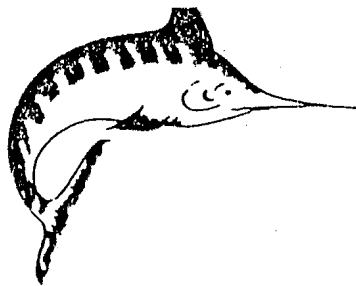
JR 1

This is the document marked **JR 1** mentioned and referred to in the affidavit of **JEFFERY ALLAN ROMERIL** sworn at Auckland this 12 day of August 2005 before me:

Campbell Robert Pentney
Solicitor
Auckland



Solicitor of the High Court of New Zealand



NEW ZEALAND BIG GAME FISHING COUNCIL

(INCORPORATED)

PATRON: Hon. Colin Moyle
CHAIRMAN: J.R. Chibnall
SECRETARY: R.T. Nelson (Mrs)

P.O. Box 93,
WHANGAREI

1 August 1990

Hon. Ken Shirley,
Minister of Fisheries,
Parliament Building,
WELLINGTON

Dear Minister,

The N.Z.B.G.F.C. has presented a submission on the Kahawai Management Proposal, but we wish to inform you that we have met with the Commercial Sector and have discussed the possibility of reaching a mutually acceptable agreement regarding closed areas to Purse Seine fishing and suggested catch levels.

While discussions have been productive and agreement has been reached on some aspects concerning closed areas to Purse Seine fishing, we have to date been unable to reach consensus on a suggested catch tonnage on Q.M.A.1.

Our concern is that this area, used by more than 65% of recreational, sustenance, tourist and maori fisheries, Q.M.A.1, is also the area under considerable commercial pressure as indicated by catch records. We realise that a reasonable catch level is required by Purse Seiners to make the method viable.

We are convinced that Q.M.A.1 is depleted as an area and this is supported by reports from Clubs, Associations and individual recreational fishers, on their visual observations as to the availability of Kahawai within the area and their inability to obtain reasonable catches.

Recent catch records also show a reduction in Commercial Purse Seine catches within Q.M.A.1. Consequently we believe that the suggested total tonnage as shown in Table 3 of the Kahawai Management Proposal, is the maximum tonnage that should be allocated to the area. However, we have little evidence showing serious depletion of stocks in neighbouring areas, Q.M.A.9 and Q.M.A.2. We have suggested that, in exchange for closed areas for Purse Seining that higher tonnage may be acceptable in the adjoining areas.

Yours faithfully,

J.R. Chibnall
PRESIDENT


G. Marsland
LIAISON OFFICER

c.c. David Anderson, Chairman, NZ Fishing Industry Board
N.Z. Sportfishing Council

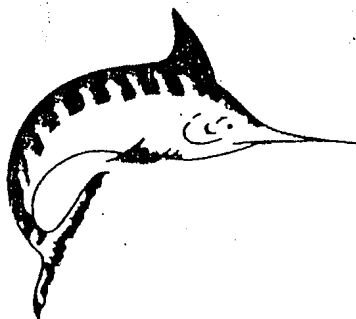
JR 2

This is the document marked **JR 2** mentioned and referred to in the affidavit of **JEFFERY ALLAN ROMERIL** sworn at Auckland this 12 day of August 2005 before me:

Campbell Robert Pentney
Solicitor
Auckland



Solicitor of the High Court of New Zealand



NEW ZEALAND BIG GAME FISHING COUNCIL

(INCORPORATED)

PATRON: Hon. Colin Moyle
CHAIRMAN: J.R. Chibnall
SECRETARY: R.T. Nelson (Mrs)

P.O. Box 93,
WHANGAREI

1 August 1990

Regional Manager North,
MAF Fisheries,
P.O. Box 3437,
AUCKLAND

Submission on the Proposed Management of the Kahawai Fishery

Our Council has considered the proposal for the Management of the Kahawai Fishery and supports the following from the Summary of Management Proposals, page 8.

Transferable Term Quota has been the most suitable method of allocation.

(i) While we agree that Quotas be set in the four identified Management Areas We submit that Q.M.A.1 is the area under obvious stress and is also the area of concentrated recreational, tourist and sustenance usage and therefore should be allocated a minimal commercial catch tonnage until research establishes the maximum sustainable yield.

(ii) Re competitively fished quotas.
We submit that the allocation of catch should be made to individual fishers.
Reason: A competitive fish quota must result in concentrated efforts being made by fisheries to obtain a larger share of the allocated tonnage, which, in turn, must result in a major overkill. Particularly regarding the Purse Seine method.

(iii) (a) has our support with regard to Q.M.A.1, however, we believe that additional catch tonnages could be allocated for areas Q.M.A.9 and Q.M.A.2 as we have no visual evidence of kahawai depletion in these areas.

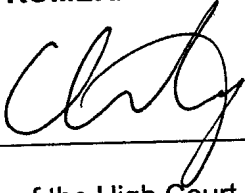
We also submit that to prevent over fishing by Purse Seine vessels in inshore waters of a high recreational usage, it is essential that areas be put in place to exclude Purse Seine fishing. This to protect the Kahawai Fishery and preserve areas for tourist usage and recreational fishing.

J.R. Chibnall
PRESIDENT

G. Marsland
LIAISON OFFICER

JR 3

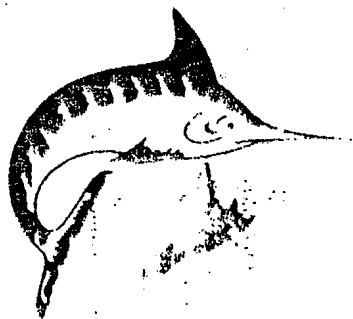
This is the document marked **JR 3** mentioned and referred to in the affidavit of **JEFFERY ALLAN ROMERIL** sworn at Auckland this 12 day of August 2005 before me:



Campbell Robert Pentney
Solicitor
Auckland

Solicitor of the High Court of New Zealand

FAX: (04) 711 443



NEW ZEALAND BIG GAME FISHING COUNCIL

(INCORPORATED)

CHAIRMAN: Hon. Colin Moyle
CHAIRMAN: J.R. Chibnall
SECRETARY: R.T. Nelson (Mrs)

P.O. Box 93,
WHANGAREI

13 September 1990

Hon. Ken Shirley,
Minister of Fisheries,
Parliament Building,
WELLINGTON

Dear Minister,

In reply to your letter of 28th August re Kahawai.

We agree with your statement that there is a decline in Kahawai catches in QMA 2, 3 & 9 but however, with respect, we want to stress that the situation of the recreational kahawai in QMA 1 is of a serious nature and is under greater stress than the other areas.

As you can imagine, all recreational fishermen are waiting with bated breath on your decision of the future of the Kahawai.

I apologise for not coming back sooner but I have been out of the country.

Yours faithfully,

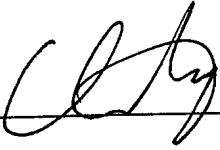
R.T. Nelson

John R. Chibnall
PRESIDENT

PP Garth Marsland
LIAISON OFFICER

JR 4

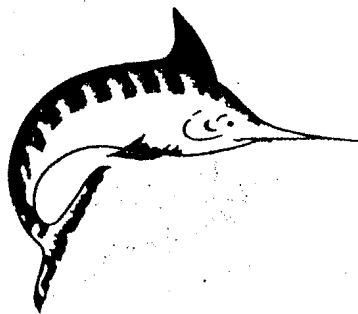
This is the document marked **JR 4** mentioned and referred to in the affidavit of **JEFFERY ALLAN ROMERIL** sworn at Auckland this **12** day of August 2005 before me:



Campbell Robert Pentney
Solicitor
Auckland

Solicitor of the High Court of New Zealand

FAX NO: (04) 711443



NEW ZEALAND BIG GAME FISHING COUNCIL

(INCORPORATED)

PATRON: Hon. Colin Moyle
CHAIRMAN: J.R. Chibnall
SECRETARY: R.T. Nelson (Mrs)

P.O. Box 93,
WHANGAREI

13 September 1990

Hon. Ken Shirley,
Minister of Fisheries,
Parliament Building,
WELLINGTON

Dear Minister,

Further to our Fax this morning, on further research we have found that the Commercial take for QMA1 for the year ending 1989 was 1800 tonnes total catch, of which 1300 tonnes was caught by purse seiners.

The second point I would like to make is that QMA2 in the same year totalled 640 odd tonnes while in the previous year they took almost 1800 tonnes.

Lastly, that in QMA9, for the last 3 consecutive years there has been no purse seining for kahawai whatsoever and there is definitely no stress on the kahawai fishery in that area from our source. Consequently, in our concern over QMA1 we would be unable to accept any higher tonnage than the 1800 tonnes caught in that area by purse seining and others, with serious consideration being given to a lower tonnage still for this area.

All recreational fishermen consider kahawai in this area under serious threat and are all waiting for your consideration with regard to this fishery.

Your understanding will be greatly appreciated.

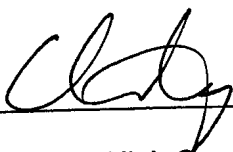
Yours sincerely,

John R. Chibnall
PRESIDENT

LIAISON OFFICER

JR 5

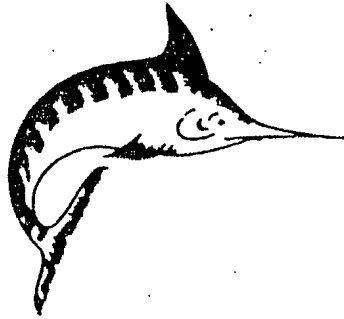
This is the document marked **JR 5** mentioned and referred to in the affidavit of **JEFFERY ALLAN ROMERIL** sworn at Auckland this 12 day of August 2005 before me:



Campbell Robert Pentney
Solicitor
Auckland

Solicitor of the High Court of New Zealand

FAX NO: (04) 711443



NEW ZEALAND BIG GAME FISHING COUNCIL

(INCORPORATED)

PATRON: Hon. Colin Moyle
CHAIRMAN: J.R. Chibnall
SECRETARY: R.T. Nelson

P.O. Box 93,
WHANGAREI

27 September 1990

Hon. Ken Shirley,
Minister of Fisheries,
Parliament Building,
WELLINGTON

Dear Minister,

We congratulate you on setting the tonnage for Kahawai even though it is higher than we had hoped for, plus the fact that you recognised the problem in QMA1 by excluding purse seining until April next year as quoted in this mornings N.Z. Herald, but the time frame not stated in your release yesterday.

I believe that you have used the commercial catch records of 1987 - 1989 to establish the overall tonnage, our concern is that if you use the same method to establish the QMA tonnages, QMA1 will have a tonnage of approximately 2,500 tonnes. If this is the case the recreational kahawai fishery will be totally decimated, as previously demonstrated to you this fishery, regardless of what the commercial fishery claims are, is in a serious state now. We therefore strongly request that when the QMA1 tonnage is being established serious consideration be given to this fact.

While it is gratifying that there will be no purse seining until at least April next year we must point out that the purse seining for kahawai in the summer month is non existent as these boats are mainly fishing for skipjack and the reality of the Moratorium is only effective in October and November.

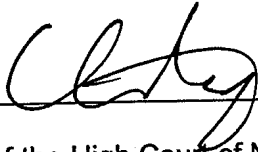
Lastly our other concern is what happens to the by-catch of kahawai when the purse seiners are fishing for jack mackerel, skipjacks etc. While as previously stated we congratulate you on what you have done we still have a major concern about the recreational kahawai fishery and hope you will give these points serious consideration when the final allocation of tonnage is established.

Yours faithfully,

John R. Chibnall
PRESIDENT

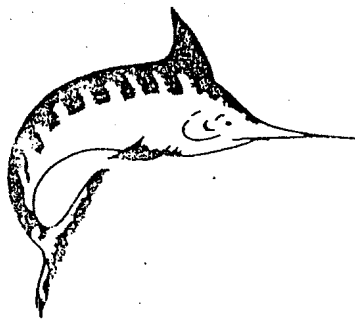
JR 6

This is the document marked **JR 6** mentioned and referred to in the affidavit of **JEFFERY ALLAN ROMERIL** sworn at Auckland this **12** day of August 2005 before me:



Campbell Robert Pentney
Solicitor
Auckland

Solicitor of the High Court of New Zealand



NEW ZEALAND BIG GAME FISHING COUNCIL

(INCORPORATED)

PATRON: Hon C Moyle
CHAIRMAN: JR Chibnall
SECRETARY: RT Nelson (Mrs)

PO Box 93
WHANGAREI

20 December 1990

Hon D Kidd
Parliament Building
WELLINGTON

Dear Minister,

I did appreciate the opportunity to meet with you and to establish a relationship for the future.

It has been brought to my attention that the purse seiners that are based in Nelson are considering a request to increase the kahawai catch in QMA3. If this is the case, we would appreciate being notified because of our concern of the state of the kahawai fishery throughout New Zealand. As you are aware, the total tonnage that already has been established was higher than we had hoped for and any move to take this higher we would consider would be a disaster to the recreational kahawai fishery.

Your consideration in this matter would be appreciated.

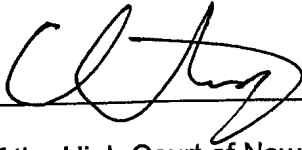
Yours faithfully,

JR Chibnall
PRESIDENT

c.c. N.Z. Sportfishing Council
Mr Phil Major

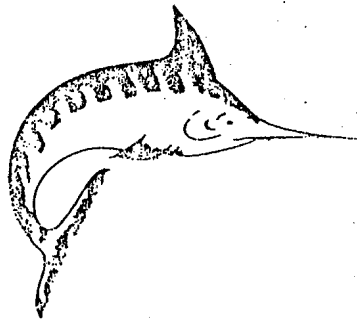
JR 7

This is the document marked **JR 7** mentioned and referred to in the affidavit of **JEFFERY ALLAN ROMERIL** sworn at Auckland this 12 day of August 2005 before me:



Campbell Robert Pentney
Solicitor
Auckland

Solicitor of the High Court of New Zealand



NEW ZEALAND BIG GAME FISHING COUNCIL

(INCORPORATED)

PATRON: Hon Colin Moyle
CHAIRMAN: JR Chibnall
SECRETARY: RT Nelson

17 February 1991

Hon D Kidd
Minister of Fisheries
Suite 6.4 Parliament Buildings
WELLINGTON

Dear Minister,

It was the intention of the New Zealand Big Game Fishing Council to make an independent submission on Kahawai but in view of our agreement to the content of the NZ Sportfishing Council letter, we must support this submission in it's entirety.

Yours faithfully,

JR Chibnall
PRESIDENT

JR 8

This is the document marked **JR 8** mentioned and referred to in the affidavit of **JEFFERY ALLAN ROMERIL** sworn at Auckland this 12 day of August 2005 before me:



Campbell Robert Pentney
Solicitor
Auckland

Solicitor of the High Court of New Zealand

New Zealand Sportfishing Council Inc

P.O. Box 99418 Newmarket, Auckland

17 February 1991

Hon D Kidd
Minister of Fisheries
Suite 6.4 Parliament Buildings
WELLINGTON

Dear Minister,

Re the proposed Kahawai TAC and the apportioning of this TAC to areas, methods and individual fishers.

The paper tabled at the meeting of the "Fisheries Council" held in Wellington on the 14th of February 1991, advises that I.Q's would be allocated on the basis of commercial catch history taken over the three year period of 1986/87, 1987/88 and 1988/89.

Further information from the "Marine Research Division" indicates that the allocation to areas will be on a pro rata basis and in accordance with the percentage of catch taken from each area during the criteria period.

This would indicate that 2,709 tonnes, as a percentage of a proposed tonnage of 6,500 tonnes, could be allocated to QMAL with a reduction in the commercial allocation of 10% as the maori entitlement.

If the above assumptions are correct, the result in total tonnage allocation to area QMAL, would exceed by 236 tonnes the total obtainable commercial catch for the 1988/89 year.

We would respectfully point out that the total commercial catch of 2,473 tonnes in QMAL for 1988/89 was all the kahawai that commercial ventures were able to land, despite being under pressure to produce high catch levels to qualify for a substantial portion of the proposed TAC and to supply the growing overseas demand for the fish.

The many recreational, sustenance and tourist submissions that you will have received, will express serious concern at the depletion of inshore kahawai stocks particularly in QMAL and recreational observations made in the current period indicate continuing concern of the state of the fisheries in this area.

In view of the above we would request that:-

- a: A low quota allocation be awarded to QMAL. This to reduce commercial pressure, particularly from purse seine vessels, until such time as research can establish the true state of the kahawai fishery within the area. Realising also that the Court of Appeal may well award a substantial increase in quota to petitioners.

...../2

b: Areas of coastline heavily patronized by recreational and tourist fishers, be established as no go areas for purse seine vessels. This to reduce conflict between purse seine fishers and recreational user groups.

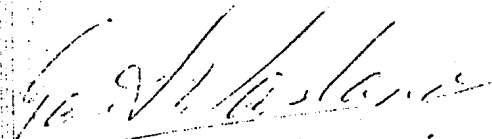
Note: A proposal regarding this matter has been discussed by recreational representatives and commercial operators and a form of agreement reached, but the matter needs cooperation from the commercial sector to promote further discussion.

c: The maori entitlement not be awarded in block to be fished at will, but allocated to areas as a percentage of the TAC for that area.

Sir, we believe that our concerns are well founded and that the above requests are reasonable.

Their adoption would considerably negate the pressures that would be brought to bear by members of the NZ Sportfishing Council Inc, on this Executive, should kahawai management decisions be heavily weighted in favour of commercial to the detriment of the recreational, sustenance and tourist sector.

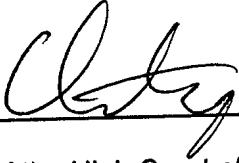
Yours faithfully,



Garth Marsland
for NZ SPORTFISHING COUNCIL EXECUTIVE

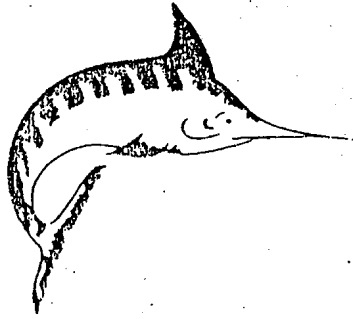
JR 9

This is the document marked **JR 9** mentioned and referred to in the affidavit of **JEFFERY ALLAN ROMERIL** sworn at Auckland this **1²** day of August 2005 before me:



Campbell Robert Pentney
Solicitor
Auckland

Solicitor of the High Court of New Zealand



NEW ZEALAND BIG GAME FISHING COUNCIL

(INCORPORATED)

PATRON: Hon Colin Moyle
CHAIRMAN: JR Chibnall
SECRETARY: RT Nelson (Mrs)

PO Box 93
WHANGAREI

3 April 1991

Hon Doug Kidd
Minister of Fisheries
Parliament Building
WELLINGTON

SIR:

Dear Minister,

We write with respect over our concern that the decision on the future of the kahawai fishery has been postponed yet once again.

Recreational fishermen do not accept this further delay while the inshore kahawai fishery go into a deeper decline. There are many areas in the North East Coast of New Zealand that kahawai has become unobtainable and many of our member clubs will challenge you to find one to catch as they say they are now non existent.

These negotiations over kahawai have been going on for six years now and this further delay will damage the good relationship which has developed between MAFFish and recreational anglers. Also it will distance the liaison that has been generated between commercial and recreational fishermen.

You state your concern over the way that the by-catch would be handled "why can't it be handled the same way as the other quota species"? In 1986 when quotas on other species were established there was a lot less information available than now but it still didn't stop the tonnages and the QMA's being set. You also say there is only a small amount of detailed knowledge about the kahawai fishery. I will assure you that the recreational fishermen will tell you the plain fact is that it is common knowledge that the fishery in many parts of New Zealand is in a serious state. To make the point further I notice that Maffish has started a Tag and Release programme in the Nelson area. It would be more

appropriate if they had started it in the Bay of Plenty where the greatest concern is or perhaps they were concerned that they wouldn't find the required number of Tag and Release in the programme.

If MAFFish are still investigating the stock size, movement and migration of kahawai what's wrong with the evidence with the sworn statements that the department has from recreational anglers where they identify the state of the kahawai fishery.

We believe there is more than enough evidence to indicate the position of the fishery and another delay will further damage this resource and consequently we urge you to set the QMA tonnages now using the existing information that you have before you, before this species is put into the same situation that the schnapper, trevalli, lobsters etc. fishery was. You have made a decision on the lobster and oyster tonnages, why not kahawai?

Yours sincerely,

John R Chibnall
PRESIDENT

cc NZ Sportfishing Council
P Major, PO Box 2526, Wellington
R Allen, PO Box 2526, Wellington

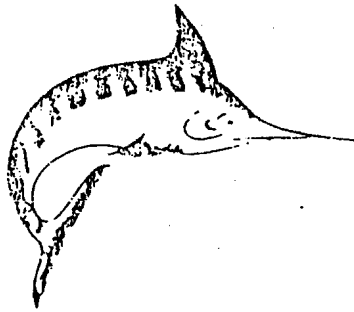
JR 10

This is the document marked **JR 10** mentioned and referred to in the affidavit of **JEFFERY ALLAN ROMERIL** sworn at Auckland this 12 day of August 2005 before me:



Campbell Robert Pentney
Solicitor
Auckland

Solicitor of the High Court of New Zealand



NEW ZEALAND BIG GAME FISHING COUNCIL

(INCORPORATED)

PATRON: Hon Colin Moyle
CHAIRMAN: J R Chibnall
SECRETARY: R T Nelson (Mrs)

PO Box 93
WHANGAREI

23 May 1991

Hon Doug Kidd
Minister of Fisheries
Parliament Building
WELLINGTON

Dear Minister,

A few days ago we learnt of your decision of the total tonnage and QMA quotas of kahawai.

It is our concern with the allocation to the area QMA1 being set at 1666 tons.

MAF records will show that this tonnage has only been achieved once in the last 7 years since the concept of purse seining in this country. As previously indicated to you in correspondence, we are greatly concerned at the preservation of this species and the fact that it is a very important recreational sustenance and maori fishery. With this tonnage allocation the pressure that will be brought to bear on this fishery in this area will undoubtedly desiccate the inshore fishery of this species.

We consequently request that you reconsider this tonnage for this area. The present format that you use to establish tonnage is completely misconstrued with an abnormal catch in the 1987/88 year being of 4,000 tons. Not once before or after this year, has the tonnage exceeded 1,600 tons and in most cases a lot less.

You are aware that we have had negotiations with the Commercial Fishing on this species and we did establish some no go areas. I believe now, as this agreement is over a year old, these no go areas need to be renegotiated and extended dramatically.

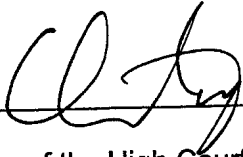
Your consideration in this very important matter would be greatly appreciated.

Yours faithfully,

John R Chibnall

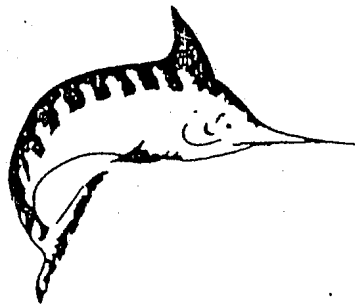
JR 11

This is the document marked **JR 11** mentioned and referred to in the affidavit of **JEFFERY ALLAN ROMERIL** sworn at Auckland this ¹² day of August 2005 before me:



Campbell Robert Pentney
Solicitor
Auckland

Solicitor of the High Court of New Zealand



NEW ZEALAND BIG GAME FISHING COUNCIL

(INCORPORATED)

PATRON: Hon Colin Moyle
CHAIRMAN: J R Chibnall
SECRETARY: R T Nelson (Mrs)

PO Box 93
WHANGAREI

5 June 1991

Mr Bob Stannard
Chairman
New Zealand Fishing Industry Board
Private Bag
Manners Street
Post Office
WELLINGTON

Dear Sir,

From a discussion I have had with your Ray Dobson re. our common interests in the fishery resource, I have decided to write to you to take this matter further.

As explained to Ray, it is my belief that recreational fishing representatives and the New Zealand FIB should discuss collectively the future usage and individual requirements of this resource further. It especially seems appropriate when the Minister now is going to revise the Fisheries Act. The vast difference in our two different organisations is that it seems to me that the FIB has a large budget to work with representing a relatively small number of interests large as they may be and on our hand we have little money but we represent a large number of people, something in the vicinity of 1 million. As explained we presently have commissioned a survey to establish the worth of recreational fishing in New Zealand. We think this is particularly important, not only to us, but to commercial interests as well enabling us both when deciding how the resource should be used to be fully aware of each others involvement.

As we believe it is equally important to both recreational and commercial that there may be some consideration given to us to help us fund by your organisation the cost of this project.

I may suggest that it could be possible for three of us to have an informal meeting with a sub-committee from your organisation to see if we can develop our common interest further.

I should explain that this organisation represents only one faction of recreational fishing but is the major contributor to our national organisation and the three people we have considered that would be in attendance at a meeting with you, are Garth Marsland, who is the liaison officer for the NZ Sportfishing Council, Alan Moore, who is the president of the Marine Transport Association and myself as president of this organisation. The three of us have been involved in negotiations with commercial interest when negotiating the future of billfish and Kahawai and presently considering developing the future of Kingfish as well.

I noticed that when we successfully totally agreed on the future of Billfish, MAFFish and the Ministry chose to still alter it.

It is my belief that we should be in charge of the destiny of the fishing resource in New Zealand being the users and should be giving the bureaucrats and the Ministry a direction when re-writing the Fisheries Act.

Your response to this suggestion is important to the future of the resource.

Yours faithfully,

John R Chibnall
PRESIDENT

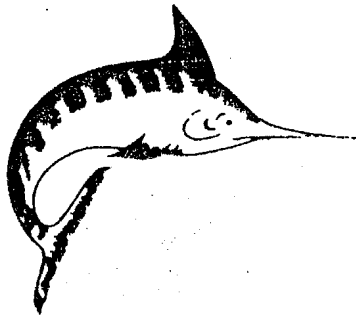
JR 12

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Campbell Robert Pentney
Solicitor
Auckland

Solicitor of the High Court of New Zealand



NEW ZEALAND BIG GAME FISHING COUNCIL

(INCORPORATED)

PATRON: Hon Colin Moyle
 CHAIRMAN: J R Chibnall
 SECRETARY: R T Nelson (Mrs)

PO Box 93
 WAIANGAREI

15 July 1991

Hon Doug Kidd
 Minister of Fisheries
 Parliament Building
 WELLINGTON

Dear Minister,

We view with concern, the allocation of a further 500 tonnes of kahawai quota being awarded in QMA3 to two Nelson based companies, Sandfords and Sealord Products.

Our understanding was that when the interim kahawai TAC was considered for the period prior to the allocation of further quota from October 1st 1991, target fishing for the species was to be terminated with 10% of this catch uncaught, this 10% balance to cover the incidental by-catch while fishing other species.

As the total allocated quota has been caught, it must be assumed that the TAC of 2,339 tonnes awarded to the QMA3 area has been targeted, without any consideration being given to the latter requirement of by-catch. This assumption would however be borne out by the fact that its most unusual for mackerel schools to be available to purse seiners before September.

It must also be assumed therefore that the additional 500 tonne kahawai allowance will also be targeted, as the proposed allocation to be awarded on the 1st October for the following fishing year, would cater for the by-catch requirement from October on, the mackerel fishing period.

Not only has the granting of the additional kahawai catch tonnage created a serious precedent that must make other areas vulnerable for further exploitation but also creates doubt with regard to MAFFish's stated intention to establish stability within the kahawai fishery by quota management.

To the best of our knowledge there is no further scientific evidence to support the allocation of this additional catch quota.

We sincerely hope that political expediency does not demand the sacrifice of the remaining kahawai stocks in favour of temporary job loss, or to facilitate the filling of large export orders as required by Iran.

We look forward to seeing a genuine effort to establish stability within the kahawai fishery when quotas for the 1991/92 fishing year are established.

Should there be any further decisions made to increase the kahawai allocation we would appreciate prior advice and consultation before these decisions are made, this because of our deep concern regarding the conservation of this species.

Yours faithfully,

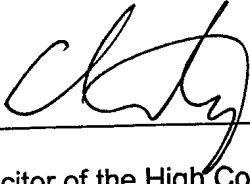
Garth Marsland
LIAISON OFFICER

John Chibnall
PRESIDENT

cc DOC
Greenpeace
NZ Recreational Fishing Council

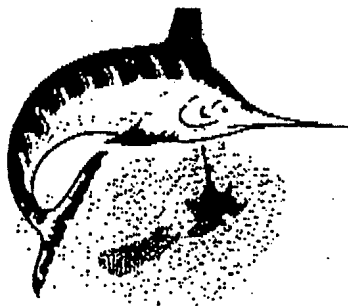
JR 13

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Campbell Robert Pentney
Solicitor
Auckland

Solicitor of the High Court of New Zealand



NEW ZEALAND BIG GAME FISHING COUNCIL

(INCORPORATED)

PATRON: Hon Colin Moyle
J R Chibnall
CHAIRMAN: R T Nelson (Mrs)
SECRETARY:

PO Box 93
WHANGAREI

2 September 1991

Hon D Kidd
Minister of Fisheries
Parliament Building
WELLINGTON

Dear Minister,

Thank you for your reply to our letter of 15th July.

We do however have concerns.

We are in receipt of a letter from Sealord Productions Ltd to Mr Bruce Shallard including graphs showing pelagic catches along with kahawai, for the fishing years 1987-88-89-90. These indicate the catches for these periods for both Sealords and Sandfords South Island Limited.

A study of these graphs clearly indicates that pelagic catches for the months of June, July and August are minimal except for 1987-1988 when obviously the Companies were attempting to establish catch histories, when the likelihood of kahawai quota being established became obvious. The graphs also show a concerted effort to target kahawai in most months. As the Mackerel Catch appears to be almost nil for the period June to November we can only assume that the 500 tonne kahawai allocation will be a completely targeted catch.

Information from purse seiner Captains and MAFFish records, with regard to North Island east coast catches in QMA1 of kahawai, indicate that most kahawai tonnages were extracted from 100 miles of coastline. Mainly from Bowentown Heads to Whakatane. MAFFish records and recreational photographs show that the majority of catches were made within 6 miles of the shore.

As you are well aware, we have been attempting to establish no go areas for purse seine vessels for the past 2 years. While these negotiations have been amicable, the areas currently under negotiation do very little to alleviate the purse seine pressure on inshore kahawai stocks. We applaud your statement that extensive areas need to be closed to purse seining rather than the smaller areas currently suggested.

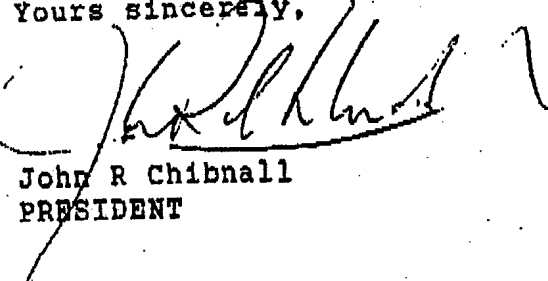
Because of the vulnerability of areas of high recreational usage and the necessity to protect spawning fish we concur with your suggestions and will be willing to negotiate further.


We are also in receipt of a letter written by the Director of Fisheries policy, MAF fish policy, to the NZ Recreational Fishing Council. Much of the subject matter in the letter has been covered over an extensive period by previous correspondence. However new matters of concern are the suggested removal of the line between QMA1 & QMA2. The removal of this line would allow the quota now awarded to each area to be combined, resulting in additional pressure to be applied to the more favoured fishing areas in QMA1.

With regard to the proposed extension of the current exclusion of foreign longline vessels to 25 miles, we support this as we believe that this will increase the viability of purse seine operations and allow for a considerable reduction of the current pressure on kahawai stocks. This will improve the return of funds to Government through the increase in Recreational and Tourist fishing. The true value of recreational fishing will be established with the completion of the Recreational fishing survey currently being undertaken.

Further matters within the letter are scheduled to be discussed at the meeting called on 4th of September at which the writers will be in attendance.

Yours sincerely,


John R Chibnall
PRESIDENT


Gary Marsland
LIAISON OFFICER

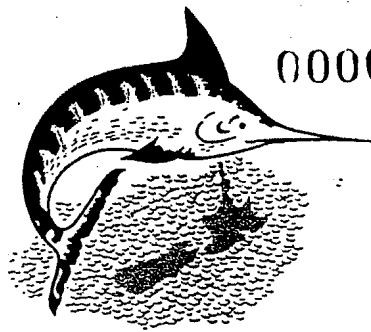
JR 14

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Campbell Robert Pentney
Solicitor
Auckland

Solicitor of the High Court of New Zealand



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NEW ZEALAND BIG GAME FISHING COUNCIL

(INCORPORATED)

PATRON: Hon Colin Moyle
CHAIRMAN: P Short
SECRETARY: R T Nelson (Mrs)

8 October 1991

Hon D Kidd
Minister of Fisheries
Parliament Building
WELLINGTON

Dear Minister,

Over the last month or so, we along with the New Zealand Recreational Fishing Council have been negotiating with the Purse Seine Companies over tonnages of kahawai and 'no go' areas.

The meetings with Sandfords did come to a conclusion this time but this is not the case with Sealords. In QMA1 and QMA2 we established some quite substantial 'no go' areas in many places but we were unable to persuade them to extend them past what is identified in the agreement enclosed.

One area of great concern to us is in the Bay of Plenty namely from Katikati Harbour Entrance to the Motu River mouth. The bulk of Purse Seining in QMA1 is done within this area. We believe that this is a spawning area and with high recreational use. Unfortunately nearly all the total catch of QMA1 is in this location. We would have liked to have seen the 'no go' area much larger as there has been virtually no recreational kahawai catch available here for some years now.

The tonnages in these areas we agreed to, have come out of an average of 7 years total catch, identified in the MAFFish Stock Assessment Research Document. The end result of this was the tonnages we agreed to were slightly up on what you allocated last year. Once again, this did concern us but we are told that tonnages must be established on past history catch records.

We believe now that having a document signed, if the recreational catch on kahawai does not improve in the coming year, the tonnages must be reduced and the 'no go' areas must be increased.

We tried to establish an agreement last year, but could not agree to tonnages and were quite concerned when the 'no go' areas we had negotiated were not being adhered to because we didn't have a signed agreement on the total aspect.

QMA3 has been more difficult with the representatives of Sealords wanting a much greater tonnage than can be established from 7 years of catch history from the Assessment Book. They insist that this Fishery is a developing Fishery and can stand a greater tonnage. We have no research or other evidence from any sector that this is the case.

We did make some progress on establishing 'no go' areas in QMA3 but like some areas in QMA1, there is enormous pressure in Tasman Bay on the Fishery and the 'no go' areas that we considered need to be extended. Our other concerns in the Kaikoura area, they have claimed they have a verbal agreement with the other users in the area, saying there is no need to establish 'no go' areas there.

This once again is not satisfactory and something more substantial needs to be arranged. The recreational sector in these areas are not as well established as they are up North making it more difficult for us to clearly establish the recreational position. In this coming year we intend to get more input from the recreational people in these areas.

Even though we are not totally satisfied with what we have signed in QMA1 and 2, we believe that it was important to have a reference point and not being in the same predicament as we were in last year. Also although the discussions in QMA3 seem to be at a close, being unable to agree on tonnages, we are still hopeful of a result.

Yours faithfully,

J R Chisnall
LIAISON COMMITTEE

cc NZ Recreational Fishing Council

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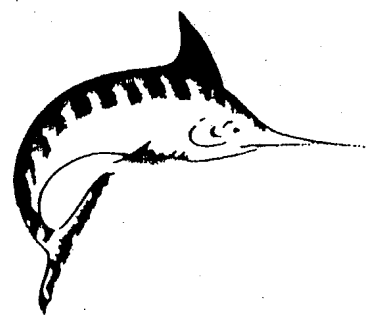
JR 15

This is the document marked **JR 15** mentioned and referred to in the affidavit of **JEFFERY ALLAN ROMERIL** sworn at Auckland this **12** day of August 2005 before me:



Campbell Robert Pentney
Solicitor
Auckland

Solicitor of the High Court of New Zealand



NEW ZEALAND BIG GAME FISHING COUNCIL

(INCORPORATED)

PAIRON: Hon Colin Hoyle
CHAIRMAN: P L Short
SECRETARY: R T Nelson (Mrs)

PO Box 93
WHANGAREI

9 December 1991

Hon Doug Kidd
Minister of Fisheries
Parliament Building
WELLINGTON

Dear Minister,

In reply to your letter of 11th November, I became concerned that you considered that perhaps we were trying to set the tonnages for kahawai.

This may be an unfortunate terminology in the letter but I can assure you that the tonnages we established were only a suggestion. We are re-meeting as per the request you made to David Anderson of Sandfords on the 19th and will endeavour to come up with a suggestion of tonnages in the QMA3.

With a lack of scientific information we will have to rely on the commercial catches and the views of the different groups and try and ascertain what the suggested tonnages should be and endeavour to leave a healthy fishery in tact.

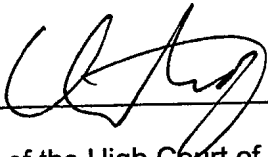
Yours faithfully,

John R Chibnall
CHAIRMAN LIMISON COMMITTEE

cc NZ Recreational Fishing Council

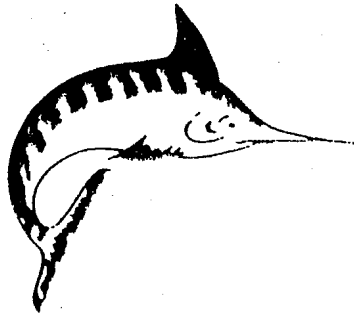
JR 16

This is the document marked **JR 16** mentioned and referred to in the affidavit of **JEFFERY ALLAN ROMERIL** sworn at Auckland this 12 day of August 2005 before me:



Campbell Robert Pentney
Solicitor
Auckland

Solicitor of the High Court of New Zealand



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NEW ZEALAND BIG GAME FISHING COUNCIL

(INCORPORATED)

PATRON: Hon Colin Moyle
CHAIRMAN: P L Short
SECRETARY: R T Nelson (Mrs)

PO Box 93
WHANGAREI

31 December 1991

Hon D Kidd
Minister of Fisheries
Parliament Building
WELLINGTON

Dear Minister,

I am pleased to report that at a meeting we had with commercial interests over the kahawai in QMA3 area, we have arrived at a suggested 3,200 tonnage for you to consider.

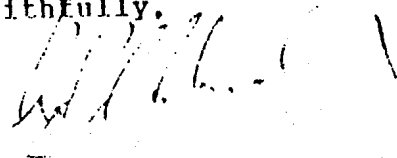
As indicated in previous correspondence we had already established 'no go' areas primarily around the top end of the South Island. We did express to the commercial interests that there is a problem further down the South Island mainly Kaikoura in which 'no go' areas must be considered in the future and planned to address this next year in June or July 1992.

The tonnage was once again established on past catch records as we have no real evidence of the strength of the fishery. We have an assurance from commercial people that their fishery is strong but on the other hand the recreational people tell us the opposite but with the lack of reliable information it is difficult for us at this stage to be totally satisfied with the suggested tonnage and the 'no go' areas that we have established.

We have regarded this as a step forward and a base for us to renegotiate in the years to come.

You probably have already received the Agreement from David Anderson as he was entrusted to pass it on to you.

Yours faithfully,


John R Chibnall
CHAIRMAN LIAISON COMMITTEE

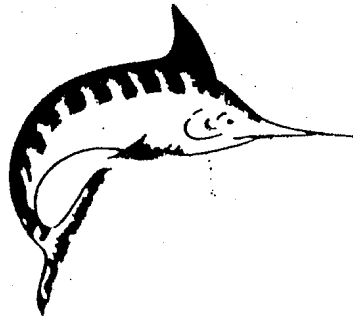
JR 17

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Campbell Robert Pentney
Solicitor
Auckland

Solicitor of the High Court of New Zealand



34

NEW ZEALAND BIG GAME FISHING COUNCIL
(INCORPORATED)

PATRON: Hon Colin Moyle
CHAIRMAN: P L Short
SECRETARY: R T Nelson (Mrs)

PO Box 93
WHANGAREI

28 July 1993

FAX TO: MARK EDWARDS
MAFISH POLICY
04 474 4114

Dear Mark,

Further to my attendance at the last TACC non-commercial meeting we wish to make the following comments on some of the species:

Snapper: As this fish is now recognised as an International game fish, this Council will be taking a greater interest in it's future.

It is obvious from the Plenary book that the biomass of this fishery is still far too low to support the present commercial catch and we believe serious consideration should be given to reducing the commercial take further. The suggested recreational bag limit that is due to be announced shortly is impossible for any recreational fisherperson to catch other than 1 or 2% of them.

Billfish: I want to reinforce my statement that recreational people are not selling marlin as suggested by some commercial people and in fact the information that comes back to us is that there is a black market fishery from commercial operations. It would help the fishery and us if the minimum size that I suggested was regulated and either the 2.4 m from the bottom jaw to the 'v' in the tail or 90 kg or in fact both. We have minimum sizes in other fish and I believe it should apply to all fish. Also we believe that marlin should be made a non-saleable fish throughout New Zealand. This would be the easiest way to police this suggested problem.

...../2

Broadbill: The present minimum size for this fish is 50 kg for commercial and 90 kg for recreational is inconsistent and they both should be the same. The evidence from the Northern Hemisphere (the only information available) suggests the maturity size of Broadbill is 90 kgs and 7 to 8 years old. If this anomaly is not corrected this fishery will end up like it has in the Atlantic Ocean and other parts of the world - non existent.

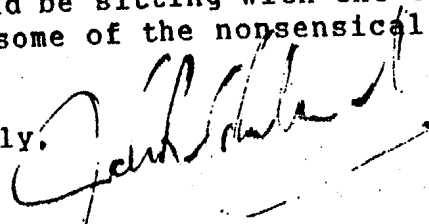
Kahawai: It is now common knowledge that we believe kahawai is a non-commercial fish and should not be targeted by commercial fishing. Before the event of bulk fishing methods such as purse seining, the simple factual evidence was the fishery was in good shape. The so called scientific information is meagre and full of assumptions. At the present rate of commercial harvest it will most certainly end up in the same state as the kahawai fishery in New South Wales, Victoria and South Australia.

This pelagic fish is basically a resident fish and the present stock, even in the South Island, are all young fish. Dr Jones's statement that recreational fisherpeople typically caught small kahawai - what a nonsense! My answer to this is that I am older than he is and I can remember and have caught kahawai of 20 lb in the past! If proper scientific research was done on these fish there is no doubt that the evidence would show that it is in the decline but with the gross revenue from purse seining of kahawai at 1.4 million dollars, it is quite understandable that any research would be probably a waste of money and add strength to the fact that it should be a recreational fish.

Kingfish: The Accord that was developed between the Federation of Commercial Fishermen and recreational interest has failed with the commercial catch going up when we believed it would go down. There is ample evidence to show that the size of this fish is decreasing in New Zealand and must be protected from commercial harvest and any exploitation by recreational fishermen as both concerns are taking an abundance of juvenile fish. I gave Dr Jones a copy of a paper from Australia indicating the size of maturity of kingfish is 75 cm long and the suggested 65 that the Minister is talking about is too short. Like kahawai this fish is a very valuable recreational sports fish and is worth a lot more money in overseas exchange and as a local pursuit than the taking of it for commercial reasons.

I don't understand why we sit with other non-commercial interests that don't take fish from the sea. While we don't argue with them we are not compatible and believe when setting the TACC catch we should be sitting with the commercial people. It would help to stop some of the nonsensical statements.

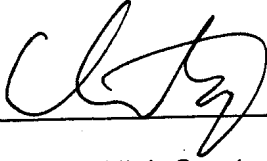
Yours sincerely,



John R Chibnall
CHAIRMAN LIAISON COMMITTEE

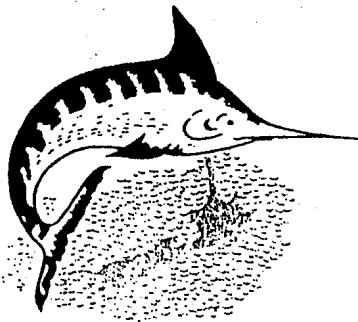
JR 18

This is the document marked **JR 18** mentioned and referred to in the affidavit of **JEFFERY ALLAN ROMERIL** sworn at Auckland this 12 day of August 2005 before me:



Campbell Robert Pentney
Solicitor
Auckland

Solicitor of the High Court of New Zealand



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NEW ZEALAND BIG GAME FISHING COUNCIL

(INCORPORATED)

PATRON: COLIN MOYLE
CHAIRMAN: PETER SHORT
SECRETARY: ROS NELSON

P O BOX 29, NEW PLYMOUTH
TELEPHONE: (06) 758 7746
FACSIMILE: (06) 758 8085

10 September 1993

Hon Doug Kidd
Minister Of Fisheries
Parliament Buildings
WELLINGTON

Fax: 04 471 2930

Dear Minister

KAHAWAI TAC AND TACC SETTING 1 OCTOBER 1993

The New Zealand Big Game Fishing Council and its 30 affiliated Clubs throughout New Zealand representing our 16,000 plus membership have been following the representations made to you by the New Zealand Recreational Fishing Council and our Liaison Committee Members, Ross Gilden and John Chibnall on the Kahawai situation.

Our membership has been adamant for the last 3 years that Kahawai have been overfished and that restriction on catch levels must be instituted. We endorse on behalf of our members the submissions made and ask that you institute the catch limits outlined in the letter dated 2 September 1993 from the New Zealand Recreational Council.

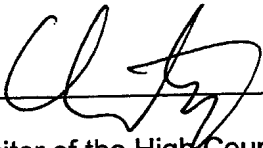
As an example of our member club's concerns over the total fisheries scene the Taranaki Cruising & Sportfishing Club (Inc) last Sunday unanimously adopted the proposed new amateur bag limits of 20 fish per person including a limit of 3 Groper and 3 Kingfish as a voluntary measure. This club has a fishing membership of over 700.

We ask that the Minister and its Department consider very seriously the views expressed by our membership.

PETER SHORT
PRESIDENT
N Z BIG GAME FISHING COUNCIL

JR 19

This is the document marked **JR 19** mentioned and referred to in the affidavit of **JEFFERY ALLAN ROMERIL** sworn at Auckland this 12 day of August 2005 before me:



Campbell Robert Pentney
Solicitor
Auckland

Solicitor of the High Court of New Zealand

To: Management Committee for your info

FIRST SUBMISSION TO MAF POLICY ON THE 1993/94 KAHAWAI TACC
FROM THE NZ BIG GAME FISHING COUNCIL

SUMMARY

- for the 93/94 fishing year, we strongly request that all purse seine target fishing for kahawai be prohibited by establishing the purse seine catch limits at a by-catch tonnage for KAH1 (200 tonnes) and KAH2 (100 tonnes), and that the catch limit for KAH3 should be 1900 tonnes.

KAHAWAI OVERFISHING EVIDENCE

- we do not believe the statement in the 1993 Plenary book (pg133) that there is "no evidence to support the assertion" that the kahawai "are becoming scarce and smaller in size".

- this is a very erroneous statement that is leading MAF Policy officials to consider that the kahawai fishery overall is not being overfished, therefore under the Official Information Act we request a copy of the evidence/graphs/data from MAF Fisheries scientists that this statement is based.

- we present some initial data (below) which is showing that the KAH1 is being overfished.

- Bay of Plenty target purse seine kahawai average size data

1983	51.3 cm	(Wood tagging report pg14)
1991	46.10 cm	(McKenzie shed sampling report pg6)
1992	45.25 cm	(McKenzie shed sampling report pg6)

- Bay of Plenty line caught kahawai size data

1983	55 cm	MAF FW report 103 pg12 on Motu River (surfcasting)
1991	42.1cm	MAF BOP ramp survey Fig 3.13 (boatfishing)

- Eastern Bay line caught kahawai CPUE data

1983	2.55 f/p/hr	MAF FW report 103 pg21 on Motu River (surfcasting)
1991	0.1 f/p/hr	MAF BOP ramp survey Fig 3.5 Opotiki (surfcasting)

- we are getting more data from the fishing clubs on CPUE and average size of kahawai, which would also suggest that there is substantial evidence that KAH1 is being overfished.

KAH1

- because KAH1 is being overfished and because purse seine fishing for kahawai is not an economically cost-effective use of the resource, we contend that the purse seine catch limit for KAH1 should be cut to the by-catch tonnage level of around 200

tonnes.

- we are not seeking a prohibition on purse seining in QMA1 as we recognise that jobs may be at stake and that there can be a purse seine fishery for skipjack tuna and more of a controlled fishery for jack/blue mackerel which we are starting to have some concern about.
- because we recognise that there can be a purse seine fishery for these other species in QMA1, we acknowledge that some kahawai will be caught as an inevitable by-catch.
- therefore we are seeking the cessation of target purse seine fishing for kahawai in QMA1 with the establishment of a purse seine catch limit at the by-catch level of 200 tonnes.
- the purse seine skippers have admitted that they know when they are targeting each species and this proposal would need to be enforced with the threat by regulation that if more than 200 tonnes of kahawai were caught then purse seine fishing for all species would be banned for the remainder of that fishing year.

KAH2

- we are also seeking data from the clubs in QMA2 - many of our members have been concerned about kahawai in this area since the mid-late 1980's.
- the introduction of the purse seine catch limit of 832 tonnes in 1990 has not improved kahawai fishing.
- we consider that KAH2 is in as bad a state of overfishing as KAH1 and on this basis consider that the purse seine catch limit for KAH2 should also be reduced to the by-catch tonnage of around 100 tonnes.

KAH3

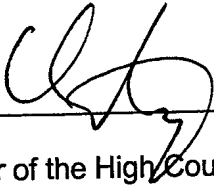
- we consider that the purse seine catch level for QMA3 should be reduced to 1900 tonnes which was how much the purse seiners were able to catch in 91/92.
- the indications are that the purse seiners will again have difficulty catching the kahawai in QMA3 for 92/93.
- we believe that KAH3 is also being overfished since the purse seiners cannot catch the quota.



ROSS GILDON

JR 20

This is the document marked **JR 20** mentioned and referred to in the affidavit of **JEFFERY ALLAN ROMERIL** sworn at Auckland this 12 day of August 2005 before me:



Campbell Robert Pentney
Solicitor
Auckland

Solicitor of the High Court of New Zealand

Chris O'Brien
Science Policy
Ministry of Fisheries
PO Box 1020
WELLINGTON

18 October 1999

NZ Big Game Fishing Council submission on the proposed Kahawai research project for 2000/01

The Council supports the overall objective to monitor the status of the recreational catch of kahawai in New Zealand.

We note that there have been a number of kahawai stock monitoring and assessment projects over the last 10 years but few of them proved successful. KAH 9801 was designed to find a better approach to indicate the status of the kahawai stock. Monitoring the age and length structure of recreationally caught kahawai was posted as a solution. The Pelagic Working Group seemed to be in some doubt over the ability of sampling one fishery (recreational) to monitor the kahawai stock available to another fishery (commercial). We know that any fishing method will be in some way selective and that researchers must take account of this. We believe that the recreational line fishery offers a good platform for sampling the kahawai stocks and it should be possible to take account of selectivity as with any other fishery. Time will tell whether the whole kahawai stock is well monitored with this technique, we believe it will as long as it is conducted properly and a time series is produced.

This project will not be cheap. We'll strongly submit that aging be conducted every year as this will add little to the cost of the overall project but will increase the utility of the results significantly.

We note that kahawai are going to be a difficult species to assess and model. Catch limits will be need to be set, however, when this species is introduced into the QMS. Commercial catch records (CELR, LFR etc) are collected and stored in a database. Having a time series of CPUE, length and age frequency data from the recreational kahawai fishery will be the only way of establishing trends in availability and stock structure for the recreational (and similar customary) fisheries.

Rationale

We suggest that you note that recreational data has been collected in association with previous surveys and will be collected as part of the current national survey REC 9803. The conclusions of the KAH 9801 draft report are also relevant especially the wide range of sizes sampled, the positional distribution of catch, the timing and duration of sampling etc. These should be noted even if they are not part of the final survey design.

Kahawai are very important to recreational and customary fishers because they are arguably the most accessible species in New Zealand. They are often used to form visible schools in bays or harbours throughout the country and are commonly caught from wharves, beaches or headlands.

Kahawai is potentially one of the world's most exciting saltwater fly species with its powerful runs and aerial performances. All the IGFA World Records for this species are held in New Zealand or Australia.

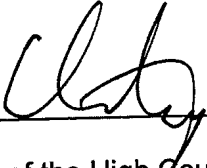
Recreational fishers value kahawai highly. They cannot sell it but they do spend a lot of money to catch it. If you want to quote dollar values we insist that you include the results of REC 9801 which estimate the recurrent annual expenditure on the recreational Kahawai fishery to be \$152 million. This figure and the recreational catch tonnages you quote are actually too low considering the bias in fisher incidence present in previous telephone diary surveys. We anticipate an estimate of this bias and a more accurate fisher incidence will be available next year.

The statement "Despite the stock assessment results, recreational groups have repeatedly expressed concern about the state of kahawai stocks" implies that something doesn't add up. **Kahawai stocks have been fished down and recreational and customary fishers notice it.** Why does this fact still surprise people. A lightly fished stock close to B zero in 1980 gets fished down to 50 % B zero in 15 years (base case in the 1999 Plenary Report) and people notice the difference. The once ubiquitous surface schools of kahawai are now only scattered remnants occasionally seen on the coast.

For a fishery to reach the biomass that will support MSY or MCY means a radical change to the stock structure. Rather than a population dominated by mature large fish the population is dominated by fast growing young fish which are efficiently caught once they reach a harvestable size. This produces Maximum Yield and is Sustainable but it completely changes the nature of the recreational fishery and people get concerned. Not surprising at all.

JR 21

This is the document marked **JR 21** mentioned and referred to in the affidavit of **JEFFERY ALLAN ROMERIL** sworn at Auckland this 12 day of August 2005 before me:



Campbell Robert Pentney
Solicitor
Auckland

Solicitor of the High Court of New Zealand

G S Traill
J A Romeril
R T Nelson (Mrs)

Telephone: 09 437 3791
Fax: 09 437 3721
E-mail: nzbgfc@ihug.co.nz
Website: www.fishing.net.nz

PO Box 93
WHANGAREI

7 July 2000

New Zealand Big Game Fishing Council Submission on the Review of Sustainability Measures for the 2000-01 Fishing Year

The New Zealand Big Game Fishing Council is a national organization representing 50 fishing clubs with a total of 30,000 financial members and is an approved party for consultation with the Ministry of Fisheries. Our membership has expanded beyond the traditional deep sea angling clubs to include many local fishing clubs with a wide range of fishing interests.

We would like to bring the Ministers attention to our concern over the rapid increase of the New Zealand broadbill swordfish catch. The commercial swordfish catch has risen from 100 tonnes in 1994/95 to 1000 tonnes in 1998/99 and is growing much faster than the number entrants to the fishery or the catch of tuna species that they say they are targeting.

The NZ Big Game Fishing Council is very disappointed that swordfish was not included in this years sustainability round. Tuna longlining is still an open access fishery even though competition between fishers is becoming intense. You had to close the Southern Bluefin fishery for the next three months because New Zealand's quota had already been caught. This will increase the pressure on the northern fishery where swordfish and bigeye tuna are the major commercial species.

We raised a number of our concerns in a letter to the previous Minister and at a meeting with commercial representatives in March this year but no action has resulted. In our view there is an urgent need for a swordfish catch limit and more research to prevent a collapse in this fishery similar to those experienced in northern hemisphere swordfish fisheries.

Fishstocks for Review

Pilchard Commercial Catch Limit in Area 1

Members of the NZ Big Game Fishing Council would be deeply concerned if the New Zealand commercial pilchard fishery expanded so rapidly that it damaged the resource or had a detrimental effect on associated species.

We believe there is a large pilchard resource around New Zealand and that this resource is already well utilised by predators such as kahawai, kingfish, snapper, gannets, dolphins and whales. Commercial fishers will, in a sense, be competing with the existing users.

Around the world (California, Peru, South Africa and Japan) there are some extremely productive fisheries associated with cool upwelling currents but all of these have at times have been subject to spectacular crashes. The sea in Area 1 from North Cape to Cape Runaway, as discussed in this proposal, is largely influenced by the sub-tropical East Auckland Current which more often brings summer predators like Marlin and tuna and mako to feed, rather than bringing nutrient or plankton rich water.

The potential of the New Zealand fishery resembles more closely the pilchard fishery off the south coast of Western Australia. Catch in this fishery peaked at 8330 tonnes with 32 boats operating in 1988. Catch limits were established following concerns about local depletion in the Albany fishery. The coast was divided into zones and commercial fishers were encouraged to spread their fishing effort into new areas. Research has since established that there is only limited mixing of adult pilchards between zones so they are managed as separate fisheries. Pilchard kills, associated with viral infections affected West Australian pilchard stocks in 1995, the same year it affected eastern Australia and New Zealand. An even larger pilchard kill occurred in West Australia in 1999. We believe a lot can be learnt from their 15 years of experience managing pilchard fisheries, though we accept that the New Zealand situation is different.

The NZ Big Game Fishing Council does believe there is a place for a commercial pilchard fishery in New Zealand, as long as the Ministry of Fisheries can maintain catches within sustainable levels and provide evidence that there are no significant impacts on associated or dependant species.

We would support the controlled development of this fishery to a level of 2000 tonnes a year, as described in option (b), as this would provide for a better distribution of catch and a larger funding base for stock assessment research.

We have been told that about 2000 tonnes of pilchard bait is used by recreational fishers each year. The NZ Big Game Fishing Council would prefer that the New Zealand pilchard harvest be used for quality frozen bait or products for human consumption. We have also been told of the potential biosecurity risk of importing pilchards as bait and believe that preference should be given to New Zealand caught pilchards until adequate biosecurity measures are in place.

Pilchard permit holders have told us that they are only interested in the quality end of the market. We support this stance and remain totally opposed to any future development of high volume, low value fishing practices to supply the fish meal or pet food market. Our pilchard resource would be of greater benefit to New Zealand left in the water as food for natural predators.

New Zealand has a world class recreational kingfish fishery that attracted an estimated recurrent expenditure of \$128 million dollars in 1998/99 and a striped marlin fishery worth at least double that. We must not allow the quality of these fisheries to be put at risk in favour of a low value pet food industry.

There is no quantitative research as yet on pilchard stocks in Area 1. New research initiatives are required. Fishery independent stock assessment techniques such as the egg production surveys (as used overseas) are going to be very expensive to establish. The Ministry of Fisheries should encourage research providers to apply for FoRST Public Good Science funding to undertake the initial stock assessment for pilchards in New Zealand.

Additional controls that we believe are required in this fishery are:

- No new permits
- One permit - one boat
- No fishing inside trawl exclusion lines
- Require fishers to record the lat and long of each shot on Catch Effort forms as this will be important information when designing stock assessment projects and detecting local depletion
- Fishing effort must be spread. Not all the catch from one port or statistical area
- Observer coverage targeted at identifying quantities and species of by-catch.

NZ Big Game Fishing Council was concerned that the pilchard fishery would develop rapidly and that catches would reach high levels before research or management measures were in place. Internationally these fisheries have been prone to rapid development followed by collapse. We acknowledge the significant progress made in the management of this fishery over the last year.

Proposals for Regulatory Amendment

BCO3 Northern Area Bag Limit and Minimum Legal Size

NZ Big Game Fishing Council is writing in support of the Canterbury Sport Fishing Club and Ferrymead Fishing Club who are an important part of our national network of member Clubs. They have been promoting a reduction in bag limit and increase in Minimum Legal Size for Blue Cod in BCO3 for some time now.

Recreational fishers are the first to notice falls in catch rates of species that are important to them and, as recent history shows, are often the first to offer to reduce their share of the fishery to ensure sustainability.

NZ Big Game Fishing Council will always support effective measures to ensure the sustainability of fisheries in New Zealand. If there is a genuine sustainability issue with BCO3 and there is a risk that the stock will be fished down further, we would of course support the reductions in recreational catch limits.

However, the proposed regulation changes would reduce the recreational entitlement along hundreds of miles of inshore fishing habitat. If these changes are made to resolve an issue of local depletion, along a

few dozen miles of inshore reef habitat then the sustainability of BCO3 is not threatened, and we would recommend that the Minister wait until the definition and allocation of the recreational right is complete. This is because any new recreational right for BCO3 which aims to integrate recreational harvest with the quota system may be significantly reduced by this proposal. A reduction in catch of 24 % was quoted in the Initial Position Paper as a result of reducing the bag limit alone, and this reduction would apply to all areas north of the Waimakariri River in BCO3.

Ten Fish Bag Limit for Blue Cod in the Challenger Area

Our comments are the same as stated for BCO3. We also understand that there is a Fishery Plan being developed for this area. This may lead to new initiatives to combat local depletion.

Kingfish Minimum Net Mesh Size Reinstatement

The NZ Big Game Fishing Council supports the proposal to correct an administrative error that dropped the 100mm default mesh size for kingfish. Our members were deeply concerned last year when the developing pilchard purse seine fishery started landing significant quantities of kingfish as a bycatch. There were a number of new vessels entering the pilchard fishery at that time and we didn't want the bycatch situation to develop further.

There is an estimate of the sustainable yield in the kingfish fishery published in the Ministries Fisheries Assessment Plenary Report, May 2000. The commercial Maximum Constant Yield (MCY) for kingfish in Area 1 has been estimated to be 195 tonnes. To discover that one pilchard boat had taken 20 tonnes of kingfish over a few months was alarming. Knowing that there would soon be 5 boats fishing pilchard the potential was there for major overruns of the published estimate of sustainable yield.

We would like to acknowledge the action taken last year by pilchard permit holders who agreed to a voluntary ban on landing kingfish.

Removal of Exemption Enabling Trawl Operators to Retain Undersize Kingfish

The NZ Big Game Fishing Council was instrumental in initiating and promoting the introduction of the 65 cm Minimum Legal Size and recreational bag limit of three kingfish in 1993. We were naturally disappointed when trawl operators were made exempt from the Minimum Legal Size.

Our members continue to be concerned about kingfish catch rates and decreasing size. The 31st Annual Bay of Islands International Yellowtail Contest was held recently (11 – 14 June 2000). Again the results were disappointing. For 27 teams fishing 4 days 24 kingfish were landed and 11 that were under the minimum qualifying weight of 6kg were tagged and released.

The trawl fishery takes a major part of the annual commercial catch of kingfish and nationally the tonnage has increased from around 50 tonnes to 160 tonnes over the last three years reported. We also note that in a recent study 72% of the kingfish catch from trawl vessels targeting snapper is under 65 cm

in length (Walshe and Akroyd 1999). NZ Big Game Fishing Council is totally opposed to a commercial fishery that is largely based on juvenile kingfish.

The Ministry has estimates of Maximum Constant Yield (MCY) by area for the commercial kingfish fishery which have been calculated from catch histories. The NZ Big Game Fishing Council is deeply concerned that the reported national commercial catch last year of 406 tonnes greatly exceeds the combined MCY of 260 tonnes (Fisheries Assessment Plenary Report 2000). This is an over catch of 56% above the Ministry's target level. In fact the MCY has been exceeded every year since it was established five years ago. The current management regime does little to constrain commercial catch to within agreed limits. Applying the 65 cm size limit to trawl caught kingfish should help bring annual commercial landings closer to the estimate of sustainable yield.

We do not accept the argument from industry that applying this Minimum Legal Size will seriously affect the landings from the west coast trevally trawl fishery. In 1998/99 only 31 tonnes of kingfish were reported from the total west coast fishery (all methods all target species in QMA9) while 243 tonnes were caught between North Cape and Cape Runaway, QMA1 in 1998/99. Trawlers are not losing their total kingfish catch, just the proportion under 65cm, which will be less on the west coast where kingfish are generally bigger than in the Hauraki Gulf. The kingfish minimum size must apply to all fishers, no loopholes, no exceptions.

There is evidence from Australia and most recently from New Zealand that 65 cm may not be the appropriate Minimum Legal Size because kingfish don't sexually mature until they are significantly larger. NZ Big Game Fishing Council supports the Ministers view that a review of the 65 cm Minimum Legal Size and other management measures is warranted.

Managing Kingfish for the Future

As part of his preliminary view the Minister requested submissions from stakeholders on other possible management actions that could be taken in the near future to ensure the sustainability of this valuable species. NZ Big Game Fishing Council welcomes this opportunity and our submission follows.

Kingfish is a very important recreational species in New Zealand.

It is not our biggest recreational fishery but kingfish are valued above all other inshore species because of the skill required to find and catch large kingfish.

A recent report estimated the average willingness to pay for five key recreational species using personal interviews and contingent valuation techniques. Catching a kingfish added \$181.10 to the average willingness to pay for a fishing trip (MFish project REC8901). While there is debate about what this figure actually represents it is relevant to look at the relative values. Kingfish were regarded three times more valuable than kahawai or rock lobster and six times more valuable than snapper or blue cod.

The New Zealand kingfish fishery is world class. 20 of the 22 Line Class World Records and all World Saltwater Fly Fishing records for kingfish are taken from New Zealand waters. Australia, South America and South Africa share the same species (aka Southern Yellowtail, *Seriola lalandi*) and account for the other 2 World Records.

Unlike tuna or marlin, kingfish do not generally leave our waters. This means it provides a year round recreational and tourist fishery. It also means that New Zealand alone is responsible for managing the amount of fish taken from the stock.

NZ Big Game Fishing Council supports the Minister's priority "to enhance the value and enjoyment of New Zealand's fisheries for all New Zealanders" (Fisheries Services Plan for the Year Ending 30 June 2001). A healthy recreational and customary fishery for kingfish in New Zealand is a valuable asset for the country. In our view the economic, social and cultural importance of the non-commercial kingfish fishery is greater than its commercial value.

Managing Our Asset

Our most important goal is to initiate a new management approach to the kingfish fishery. Specifically, moving away from Maximum Sustainable Yield (MSY) as a management goal. Managing a fishery at a biomass that will support MSY usually means fishing that stock down to about 20% of the Virgin Biomass. This may be an effective way of managing a commercial fishery, and allowing a recreational bycatch, but it is a model that will mainly produce small fast growing fish that do not provide the quality of fishing required to maintain a world class recreational fishery.

As an establish stakeholder in the kingfish fishery we believe that kingfish should be managed as a recreational fishery with a small allowance made for unavoidable commercial bycatch. This would involve fishing to an Optimal Yield rather than the Maximum Sustainable Yield.

Scientists do not have the stock assessment data for kingfish to determine what level of total catch will allow the stock to move towards a size that will support the MSY or any other figure. A research project that will start to gather some of the data required is due to start later this year.

The Ministry does have estimates of Maximum Constant Yield (MCY) by area for the commercial fishery which have been calculated from catch histories. The NZ Big Game Fishing Council is deeply concerned that the reported national commercial catch last year of 406 tonnes greatly exceeds the combined MCY of 260 tonnes (Fisheries Assessment Plenary Report 2000). This is an over catch of 56% above the Ministry's target level. In fact the MCY has been exceeded every year since it was established five years ago. The current management regime does little to constrain commercial catch to within agreed limits.

We are particularly concerned at the practice of set netting on reefs. Kingfish often school above reefs and set net fishers take a large proportion of the annual kingfish catch. We believe that nets are set on reefs to target non-quota species such as kingfish, red snapper, granddaddy hapuku and pink maomao. The catch of these species may not be sustainable and there are frequent reports from recreational fishers about local depletion of kingfish on reefs in the Bay of Plenty and Northland in areas worked by set netters.

The NZ Big Game Fishing Council requests that the Ministry:

- **establish an enforceable catch limit for the commercial kingfish fishery.**
- **stop commercial targeting of kingfish. Specifically:**
 - **removal of permits that allow targeting of kingfish by some commercial fishers**
 - **more surveillance of set net fishers who consistently land large amounts of kingfish and little of their stated target species**

The recreational kingfish catch is also significant, estimated to be between 350 and 410 tonnes in 1996. The NZ Big Game Fishing Council supports the introduction of voluntary one kingfish limits on most charter boats in high use areas such as the Bay of Islands, White Island and the Three Kings. Many kingfish of all sizes are caught and released by recreational fishers, often carrying tags as part of the gamefish tagging programme. Results have shown that kingfish are often recaptured close to their release point, though some are capable of travelling large distances, even to Australia. Two Australian tagged kingfish have also turned up on this side of the Tasman. Analysis of growth from tag recaptures indicates that growth is variable. A 50 cm kingfish is likely to grow between 8.8 cm and 12.4 cm in the following year, while a 100cm kingfish is likely to grow between 3.2 cm and 4.6 cm the following year (Hartill and Davies 1999).

Recently published research indicates that the size at maturity of female kingfish in New South Wales is larger than our current Minimum Legal Size of 65 cm. There has been work on the size at maturity of New Zealand kingfish in conjunction with research into inducing spawning for aquaculture. This work was submitted for publication at the end of June 2000 and indicates that females first mature at 77.5 cm, with 50% maturity reached at 94.4 cm. Males first mature at 75.0 cm, with 50% maturity reached at 81.2 cm. Care should be taken using these results because of the variable growth rates of kingfish and the small sample size (Carolyn Poortenaar personal communication).

In 1993 when the issue of a size limit for kingfish was raised by the NZ Big Game Fishing Council we requested a 75 cm Minimum Legal Size. In light of current research that size may be too small. An increase in Minimum Legal Size will impact on the total commercial, recreational and customary catch particularly in areas such as the Hauraki Gulf where many small kingfish are caught.

Given that any change to the Minimum Legal Size is now too late for inclusion in this sustainability round NZ Big Game Fishing Council request that the Ministry:

- **include further research into kingfish size at maturity in project KIN2000/01 Characterisation of the Kingfish Fishery**
- **evaluate the impact of increasing the Minimum Legal Size for kingfish in the near future**

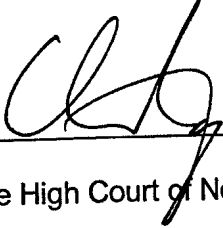
The future of the kingfish fishery is important to recreational and customary fishers. We recognise that the QMS offers the opportunity to cap commercial take but want a robust agreement on the future management objectives and strategies for the kingfish fishery in place before commercial fishers are issued a perpetual fishing right such as Individual Transferable Quota. This may be a suitable topic for a Fishery Plan.

Thankyou for receiving our submission. Please contact me if you wish to discuss any of these issues further.

Jeff Romeril
PRESIDENT

JR 22

This is the document marked **JR 22** mentioned and referred to in the affidavit of **JEFFERY ALLAN ROMERIL** sworn at Auckland this 12 day of August 2005 before me:



Campbell Robert Pentney
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26 March 2001

Mr S Hally
Ministry of Fisheries
PO Box 1020
WELLINGTON

NZ Big Game Fishing Council submission on the introduction of new species into the Quota Management System.

Overview

1. The NZ Big Game Fishing Council is a national organisation representing 54 fishing clubs with a total of 30,000 financial members. In recent years our membership has expanded beyond the traditional deep sea angling clubs to include many local clubs targeting inshore species.
2. We believe the Ministry's criteria need to include one that will take account of the size of change in the current annual catch or Total Allowable Catch (TAC) that introduction to the quota system will bring about. Large changes will have the largest flow on effect to other criteria such as sustainability, environmental, economic and social.
3. Also the level of Preference of customary, recreational and non-Maori commercial fisheries need to be included because a measure of their proportion of harvest is not a good measure of their Preference.
4. Criteria also need to be developed so that it is not just the potential economic benefit to commercial fishers that is considered but the potential economic benefit to the Nation, including quality recreational fisheries in key species.

5. There is also a need for flexibility in thinking when applying criteria for species as diverse as bluefin tuna, kina or kingfish.
6. The QMS is primarily a means of allocating catch entitlements and our members oppose the allocation of strong commercial rights for kingfish and kahawai before wider allocation issues have been settled. Allocation of the rights to these fisheries must only happen after clear management objectives have been established that maximise the economic and social benefits from these resources.

Criteria

7. There is an assumption behind the two sustainability criteria – stock vulnerability and environmental benefits – that introduction to the QMS will have benefits in these areas. But there are many levels of sustainable yield possible. For example the Japanese believe that the Bluefin tuna fishery is sustainable. In fact the NZ Government is negotiating over “scientific fishing” that will increase the total catch.
8. Worldwide the southern bluefin tuna stock is clearly overfished but for political reasons NZ has to keep taking our full quota each year. Just last year MFish tried to close the bluefin fishery in June in the middle of the usual fishing season yet it remains one of the only open access fisheries. Anyone can still buy a licence to fish competitively for bluefin tuna in New Zealand.
9. MFish allow the bluefin fishery to be over exploited (Biomass is well below that which would support MSY) because a lot of other countries allow it too. Even though bluefin could be called “extremely vulnerable” under Criteria 1 it’s introduction into the quota system will have no effect on the conservation of the species or a reduction in by-catch because the quota will remain the same – the maximum we are allowed by the Commission for the Conservation of Southern Bluefin Tuna (420 t).
10. We submit that the primary Criteria for stock sustainability should be the size of the decrease or increase proposed in a new QMS stock because only a change in total harvest or TAC will have any effect on stock vulnerability or offer environmental benefits.
11. Therefore MFish and stakeholders must develop clear fisheries management objectives for key stocks before the species is introduced into the QMS.
12. It is NZ Big Game Fishing Council policy, widely supported at their last AGM, that kingfish and kahawai be managed as recreational species and so should not be introduced into the quota system. This is also current policy of the NZ Recreational Fishing Council.
13. The call for clear fisheries management objectives, determining the size of any decrease in TAC and recognising the rights of recreational and subsistence fishers are allocation issues. It is important that MFish realise that allocation issues have to be addressed before any perpetual quota rights are issued to commercial fishers in key recreational fisheries.
14. In this paper Financial/Economic Criteria focus on the administration cost (passed on to industry), improved economic efficiency of commercial operations, commercial quota wealth and “future potential for commercial development”.

15. We submit that there has to be a criteria developed to take account of the future economic potential for developing quality recreational and tourist fisheries and this should be included in the "full analysis of the costs and benefits of introduction".
16. Even in their currently depressed state the kingfish and kahawai fisheries were estimated to generate an annual recurrent expenditure of \$280million in 1998-99.
17. 'The Minister of Fisheries' priority is to enhance the value and enjoyment of New Zealand's fisheries for all New Zealanders" (MFish Business Plan 2000-01 and Proposed Business Plan 2001-02). It is not to catch the MSY for all species with a commercial interest.
18. Maori commercial interests have a clear stake in the outcome of Quota introductions but so do other commercial and non-commercial groups. As explained above our group has strong preferences on introduction of some species in the short term and this is not related directly to the proportion of total recreational catch as suggested in your Social Criteria. To be fair to all, MFish should include criteria for the level of preference by recreational fishers; customary fishers; and Non-Maori commercial fishers as each of these will differ from Maori commercial preference.

Rank of Criteria

1. Is introduction of this species to the QMS necessary to effect a significant increase or decrease in the TAC.
2. Stock vulnerability.
3. Customary Maori fishers preference (drop proportion of total customary harvest as a criteria).
4. Recreational and subsistence fishers preference (drop proportion of recreational total harvest as a criteria).
5. Commercial Maori fishers preference (will include quota wealth and increase in harvest criteria).
6. Non-Maori commercial fishers preference (will include quota wealth and increase in harvest criteria).
7. Economic potential for developing quality recreational and tourist fisheries.
8. Environmental benefits and reduction of bycatch.
9. Excess capacity.
10. QMS financial cost.

Other species for inclusion in the QMS

19. For several years our members have been asking the NZ Big Game Fishing Council to push for the protection of reef areas from set net fishers. The catch and sale of non-quota species seems to be a motive for setting on reefs where the chances of gear loss are high.

20. Species that we would like to see introduced to the QMS are those targeted by set net fishers on reefs:

Porae

Red Snapper

Granddaddy Hapuku

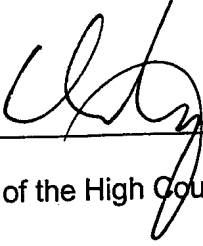
Pink Maomao

Thank you for the opportunity to submit our views.

Jeff Romeril
PRESIDENT

JR 23

This is the document marked **JR 23** mentioned and referred to in the affidavit of **JEFFERY ALLAN ROMERIL** sworn at Auckland this 12 day of August 2005 before me:



Campbell Robert Pentney
Solicitor
Auckland

Solicitor of the High Court of New Zealand

New Zealand Big Game Fishing Council

(Incorporated)

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Mr Randall Bess
Ministry of Fisheries
PO Box 1020
WELLINGTON

8 August 2003

NZ Big Game Fishing Council Submission on the introduction of new species to the Quota Management System October 2004

NZ Big Game Fishing Council

1. The NZ Big Game Fishing Council (NZBGFC) was formed in 1957 to act as an umbrella group for sport fishing clubs and to organise a tournament that would attract anglers from around the world. Club membership has grown steadily and we now represent over 33,000 members in 60 clubs spread throughout NZ. We still run New Zealand's only nation wide fishing tournament, which has evolved over time and remains successful.
2. NZBGFC compile and publish the New Zealand records for fish caught in saltwater by recreational anglers and are affiliated with the International Game Fish Association who compile world record catches.
3. In the early 1980's the NZBGFC was instrumental in establishing and funding the NZ Recreational Fishing Council to ensure better representation of non-commercial fishers at the national level. The NZRFC continues to be recognised in this role.
4. In 1996 NZBGFC helped establish the NZ Marine Research Foundation, which aims to sponsor research on the interactions between people and marine ecosystems to the benefit of all New Zealanders, including participants in ocean recreation.
5. Many of our most established fishing clubs have a focus on fishing for large pelagic species such as marlin, tuna, and sharks. In recent years our membership has expanded beyond the traditional deep sea angling clubs to include many local clubs targeting inshore species.

KAHAWAI

Importance

6. Kahawai are the most accessible recreational species, caught throughout New Zealand, though most often in coastal waters from Kaikoura north. They used to form numerous visible schools in bays or harbours throughout the country and can be caught in estuaries, at river mouths, and from wharves, beaches or headlands. Boaties catch them as well - they are the second most common catch after snapper according to recreational harvest surveys.
7. Kahawai has always been an important species to our members, though in the last 15 years that role has been changing. For 60 years kahawai was the main species used as bait when fishing for marlin, sharks and kingfish. Fresh bait was caught each morning on the way to the fishing grounds where they would be carefully rigged (with the hook sewn into position) and trolled behind the boat as "skip baits". Kahawai schools were always available, seen feeding on the surface or around particular reefs. In the late 1980s gamefish boats switched to fishing lures because the kahawai schools had faded away and it could take hours to catch baits in the morning. Surplus kahawai was often taken to the smokehouse. Eaten straight from the smokehouse, hot and salty, it has a far better flavour than today's supermarket variety. Fishing with plastic lures had some advantages and disadvantages but the unreliability of kahawai bait was a major factor in the switch to lure fishing by 1990.
8. NZBGFC was one of the groups that insisted on management controls on commercial kahawai catch in the early 1990s after commercial catch had reached 10,000 tonnes in 1987-88 and availability of kahawai had declined. The Ministry (MAF) published a discussion document in July 1990 to address the management of kahawai. It summarises the recreational views at the time as the kahawai fishery:
 - o "has suffered significantly reduced catch rates because of increasing fishing pressure on the stock;
 - o "has significantly declined the quality in recent years both in size of the fish available and in abundance of fish;
 - o "is no longer managed to provide recreational access to a reasonable share of the kahawai resource"
9. Today kahawai is regarded as an important and versatile part of the recreational catch. It is encountered in a wide range of coastal habitats, but far fewer surface schools encountered and the concerns expressed in 1990 remain. In many places kahawai is available in good numbers for short periods, then the schools move on.
10. For the last 12 years kahawai were promoted as quality light tackle sport fish by NZBGFC and some member clubs. The "Sea Trout" brand hasn't stuck but there are still light tackle and fly-fishing contests held with the prime target species kahawai. New Zealand holds seven world records in salt water line classes and seven world records in salt water fly line classes. The other 14 world records are held by anglers from Australia.

: the overall catch of this species or stock sustainable?

11. We are concerned about local depletion of kahawai with all the purse boats now based in Tauranga and their admission "that it is not worth steaming very far to catch kahawai".

Near half of all NZBGFC affiliated members (over 15,000) belong to clubs in the Bay of Plenty. The Tauranga Game Fishing Club and others are concerned at the increase in purse seine effort in the western Bay of Plenty and the effect reduction of bait fish schools may have on the number of marlin and tuna that are attracted and held in that area. Introduction to the QMS will not reduce local depletion.

12. We strongly dispute the assertion in the IPP that there has been no effect on the abundance of kahawai in the Bay of Plenty *"For the Bay of Plenty, where the bulk of the KAH1 purse seine catch occurs, information from the aerial sightings does not support this assertion. There is no evidence of a change in the abundance index based on the median number and size of kahawai schools seen per month between 1976 and 1990 in KAH1 and KAH9, and there may have been an increase in these values after 1990"* (paragraph 4). This information is out of date and mean number and size of schools is not a valid index of abundance using the aerial sightings data.
13. A review of the aerial sightings research was undertaken by an international expert, Dave Sampson, in 2000. His conclusions include:
 - o It may be very difficult to establish trends in stock abundance from simple analyses of the aerial sightings data that do not account for environmental factors.
 - o There seems little justification for using total sightings or tonnage as abundance indices.

NZBGFC would hope that the Ministry would keep up to date with research work they commission. It seems clear that the aerial search pattern in support of purse seine vessels is not random and is affected by target species and the availability of more preferred species. A new method of analysis has been developed by NIWA for blue mackerel aerial sightings using a "combined model" with a stepwise multiple regression and a delta-lognormal approach using fine scale sighting rate as the response variable. (see PELWG03/34) Until a credible analysis of kahawai aerial sightings data is available it is misleading to use any aerial sightings data in advice papers to the Minister.

14. We are not convinced that kahawai harvest is sustainable. The combined recreational, customary and commercial catch may be over 10,000 tonnes. This has to start ringing alarm bells when the current estimates of maximum constant yield (MCY) are 5,100 t to 12,600 t. The best estimate of MCY is probably 6900 tonnes (where $M = 0.18$). Now would be a really good time for MFish to review the sustainable yield for kahawai.

Are there allocation issues between commercial and non-commercial users for this species or stock?

15. This section of the IPP does not answer the question. Are there allocation issues? We ask that MFish acknowledge that there has been a longstanding issue over the decline in the kahawai fishery since the late 1980s. It is a fact that allocation and access for recreational and Maori have been long-standing issues. The Motu River mouth now has a seasonal closure to commercial methods and the Hauraki Gulf and other areas were closed to purse seine fishing after a public outcry over excessive kahawai catch by this method.

16. From the Councils perspective the most effective measures in kahawai management are the purse seine catch limits - KAH1 was 1666 tonnes, KAH2 was 851, and KAH3 was 2839 tonnes. These limits came out of a review of the fishery in 1990 and were later reduced in two areas KAH1 to 1200 tonnes and KAH 3 to 1500 tonnes. MFish should recognise that these catch limits were effective and necessary especially in KAH1.
17. Also effective at reducing conflict between commercial and non-commercial fishers over kahawai are voluntary agreements to purse seine seasonal and area closures. NZBGFC want see these measures that help address local depletion continue under the QMS.
18. It is good that the Ministry are quoting the new 2000 national survey estimates. (Note: The recreational kahawai harvest estimates particularly for Fisheries Management Area 2 needs to be reviewed by the Recreational Fishers Planning Working Group)

Is there evidence of inefficient utilisation or under utilisation of this species?

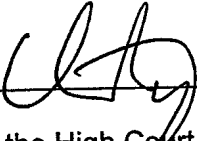
19. Yes, we think that too much of this valuable public resource has been squandered in high-volume low-value commercial purse seine and set net fisheries, which have brought a minimal return to the nation or the companies. In many cases target kahawai fishing would only cover the cost of running the vessels.
20. If kahawai caught in New Zealand are worth so little that they are sold to Australia for crayfish bait, then they are better off left in the water. They form an important link in the marine ecosystem and have a high intrinsic value as visible surface schools.

Conclusion

21. NZBGFC agree that it is time for an overhaul of the management of the kahawai fishery and would support introduction to the QMS, if MFish sit down with stakeholders and Maori and develop a management strategy or harvest strategy that clearly sets out where this fishery is headed in the future.
22. NZBGFC ask that the Minister is informed that the aerial sightings data quoted in paragraph 4 in the IPP is out of date and misleading in light of the Sampson review from 2000 and the methodology used in latest NIWA study of blue mackerel aerial sightings.
23. Although it is thought that kahawai forms one nation-wide fish stock, tagging studies show that some barriers to movement exist at North Cape and East Cape (pers comm. Paul Taylor, NIWA) therefore we support a separate QMA for FMA1 This will also mean that the purse seine fleet can't move all the kahawai quota from around the country into the western Bay of Plenty.
24. NZBGFC support the option to combine the two west coast North Island areas into one as for snapper and kingfish. There is probably kahawai movement up and down that coast during the year.

JR 24

This is the document marked **JR 24** mentioned and referred to in the affidavit of **JEFFERY ALLAN ROMERIL** sworn at Auckland this 12 day of August 2005 before me:



Campbell Robert Pentney
Solicitor
Auckland

Solicitor of the High Court of New Zealand

**INTRODUCTION OF NEW SPECIES INTO THE QUOTA
MANAGEMENT SYSTEM ON 1 OCTOBER 2004**

SUBMISSION ON BEHALF OF NON-COMMERCIAL FISHERS

April 16, 2004

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Overview

The introduction of kahawai to the Quota Management System provides the Minister with the first opportunity to make some well-considered management decisions in this fishery for many years. Mismanagement of this fishery to date has resulted in a major decline in availability of kahawai to non-commercial fishers.

The Ministry of Fisheries in its IPP has chosen to ignore the well-founded concerns of non-commercial fishers expressed over many years. Instead they are proposing to allow the fishery to continue to decline by basing quotas on recent catch history. We believe this advice if followed will prevent future Ministers from making any management decisions to rebuild the customary and recreational fisheries because it will then require compensation to commercial fishers to reduce their excessive quota. The time to decide on the future of the kahawai fishery is now.

Poor management of kahawai adversely affects all non-commercial fishers equally. If a decision is made that continues to permit excessive commercial catches and further decline in this fishery it will adversely affect customary Maori harvest as well as all other non commercial users. Failure to allow for both customary Maori and recreational interests is in contravention of section 21 of the Fisheries Act 1996.

Non-commercial catch rates for kahawai have plummeted in most areas. An outraged public attribute the decline to the impact purse seine fishing has had on kahawai stocks. Purse seine boats capable of taking entire schools of kahawai in a single set land 75% of the commercial harvest. The unrestrained use of this method produced a collapse in non commercial catch-rates during the late 1980s and early 1990s. The decision to allow purse seining has allowed this method to encroach on the rights of all non-commercial fishers. The injustices produced by this decision have not been addressed by Mfish's proposal to allocate quota in perpetuity to commercial fishers.

The ordinary people of this country are clearly angry about what has happened to their kahawai and are asking to be given back access rights to their fishery. Many believe the very people now queuing up for overly generous gifts of kahawai quota have effectively stolen it from them.

This paper provides an alternative management approach to the single option in the IPP. Our option promotes the benefits of a lower overall TAC which will allow for a rebuild of the kahawai stocks to properly allow for all non-commercial fishing interests. Our approach recognises the damage caused by the rapid expansion of the targeted purse seine fishery in the midst of what was a stable recreational, customary and commercial by-catch fishery. We strongly argue that the kahawai fishery should be rebuilt, and that this should be achieved by removing the targeted purse seining catch history from calculations before setting the TACC. It is our opinion purse seining, which has clearly been the cause of the decline in this vulnerable inshore fishery, should never have been allowed in the first place. Our objective is to restore the catch rates of all non-commercial fishers: customary Maori, sustenance and recreational to pre purse seine levels.

Under the Deed of Settlement the Minister is required to provide for and protect customary Maori fishing rights as well as providing a commercial allocation of 20% of new species to Maori. In this case, sustainability of the resource and adequate access for non-commercial fishers must have priority over commercial allocation. It is a delusional exercise to "allow for" a 1500 tonne customary catch when the fishery is so depleted that nowhere near that amount can possibly be caught.

Commercial fishers land most kahawai as bulk fish to keep the purse seiners and the factory staff working through the off-season. Industry has had thirty years to develop a value added product from the bulk kahawai catch. They have not managed to do this.

Its time to give back the fish taken unjustly from the people through the mindless implementation of property rights ideology in this fishery. The Government has a very clear choice: it can promote the corporate interests of a handful of uneconomic purse seiners, or recognise the legitimate interests of over one million New Zealanders.

All non-commercial fishers place a high value on kahawai. For some coastal communities it is the primary source of protein. Before the advent of the targeted commercial fishery, kahawai were the most reliable source of finfish kaimoana used by tangata whenua to provide for hui and tangi. Other people, including a growing legion of international fans, enjoy the sport of catching them on fly or lure, while for many the value is in the wonder generated by the almost lost spectacle of vast schools of kahawai moving through our harbours and up our coasts. Diving birds, working dolphins and kingfish associated with such boil-ups fills the observer with joie de vivre. It would be a sad reflection on New Zealand, our policy makers and our industry chiefs to repeat the errors of our history by plundering yet another natural resource without recognition of its place in our heritage, tradition and culture.

A cautious approach to management is required because of the importance of kahawai in the marine ecosystem. While the ecological significance of kahawai is not well understood, anecdotal evidence points to a decline in a number of seabirds whose feeding habits required the assistance of kahawai. The most notable decline has been in white fronted terns, locally known as "kahawai birds". Other anecdotal evidence points to the appearance of plagues of barracouta since kahawai have been a targeted commercial catch. Further, the common observation of both kingfish and dolphins feeding in kahawai driven boil-ups suggests they also play a significant role in the ecology of sea mammals. The viability of some dolphin populations is currently under scrutiny.

The kahawai IPP proves once again that the Ministry's goal is to slavishly follow it's property rights ideology and promote development of any commercial fishery, no matter how low its value, at the expense of the cultural and recreational values held by the public of this country. We fail to see how the Ministry has fulfilled its statutory obligation to take into consideration the social and cultural values of the non-commercial sector. We believe that acceptance of this IPP will entrench the ongoing

hardships and perpetuate the injustices caused by MFish's failure to recognise the just claims of the non-commercial fishing community.

1. Introduction

1.1 Representative groups

The Minister of Fisheries (the Minister) has invited stakeholders to provide submissions on the Ministry of Fisheries' *Initial Position Paper – Introduction of New Species into the Quota Management System on 1 October 2004* (IPP), prior to the Minister making his final decision on the setting of Total Allowable Catches, Total Allowable Commercial catches and the measures taken to allow for non-commercial catch. It is noted that the deadline for submissions for 19 species was originally Friday 27 February but an extension was granted for kahawai submissions following requests from a number groups.

This document comprises the primary submission from the following non-governmental organisations (NGOs) that promote the interests of non-commercial marine fishers in New Zealand.

1.1.1 option4

option4 was formed in the year 2000 by a concerned group of recreational fishers, in response to MFish's invitation to participate in the process of redefining the nature and extent of the rights of the public to gather seafood in New Zealand.

The Ministry of Fisheries (MFish), in conjunction with the New Zealand Recreational Fishing Council, compiled a discussion document called "Soundings". This document suggested three options for the future management of the public's rights and access to public fisheries.

In option4's opinion none of the three options presented were acceptable for the future management of New Zealand's recreational fisheries, nor were they capable of improving the lot of non-commercial fishers. This was because all the proposed options in the "Soundings" document allowed for the continual erosion of the fishing public's individual rights.

option4.co.nz was developed to ensure that the fishing public, clubs, organisations and individuals could send a clear message to the Government's fisheries managers on what is required to ensure that the rights of current and future generations of non-commercial fishers are protected.

Since its formation four years ago, option4 has gained widespread support from the recreational fishing public, clubs and organisations of New Zealand. In 2001 over 61,000 individual submissions supporting the principles of option4 were made to the Minister of Fisheries on the "Soundings" process. This represented an overwhelming majority of 98.3% of total submissions received on the issue. Since then, more than 35,000 further individuals have either confirmed their support for the 4 principles or subscribed to the monthly Updates and Alerts.

Through its nationwide network, regular monthly Updates published in Fishing News, its website www.option4.co.nz and with on-going support from recreational fishing clubs and organisations, option4 has established that it has the support of a large section of the recreational fishing public of New Zealand.

Furthermore, option4 representatives have made a full contribution to the process known as the "Ministerial Consultative Group" that met many times with the Minister and Ministry officials throughout 2001.

In 2002 there was little activity or discussion with Minister or Ministry regards future management of the public's rights and access to public fisheries. However, this hiatus did see the 4 Principles that option4 promoted endorsed by NZRFC, NZBGFC and NZACA. The "Consensus Letter" to the Minister in December 2002 further confirmed these fundamental principles - <http://option4.co.nz/oldsite/consensus.htm>

2003 saw option4 representatives once again play a full part in the next new process initiated by the Minister known as the Reference Group. An exhaustive analysis and discussion commanding all available resources that culminated in another "consensus letter" to the Minister outlining elements of reform that were opposed and elements that were supported - <http://option4.co.nz/oldsite/refgpl1203.htm>

The Minister's acknowledgement of this correspondence sets the scene for future work - <http://option4.co.nz/oldsite/refgplminr1203.htm>

option4 have submitted on a wide range of fisheries management proposals since 2001. These submissions and the other relevant process documentation may be reviewed online at http://option4.co.nz/Fisheries_Mgmt/species.htm. The above brief outline of option4 involvement in fishery matters is somewhat at odds with the description of option4 offered by Ministry to the Minister in the "Briefing for the Minister of Fisheries" paper (dated 5/3/04) which states –

"Option 4 (Please note the ongoing incorrect spelling of the name of our group – option4). This is an issues-based group that arose in response to an earlier Ministry attempt at reform (Soundings). It does not claim to represent amateur fishers, but has actively participated in the current reform process".

1.1.2 NZ Big Game Fishing Council

The NZ Big Game Fishing Council (NZBGFC) was formed in 1957 to act as an umbrella group for sport fishing clubs and to organise a tournament that would attract anglers from around the world. Club membership has grown steadily and it now represents more than 33,000 financial members in 61 clubs spread throughout NZ. They still run New Zealand's only nationwide fishing tournament, which has evolved over time and remains successful.

The NZBGFC compiles and publishes the New Zealand records for fish caught in saltwater by recreational anglers. The Council identified kahawai as an excellent sport fish and in the 1970s was instrumental in having the species recognised by the International Game Fish Association as a qualifying species for world record catches.

In the early 1980s the NZBGFC helped to establish and fund the NZ Recreational Fishing Council (NZRFC) to ensure better representation of non-commercial fishers at a national level. The NZRFC continues to be recognised in this role.

The NZBGFC has been a consistent contributor to the fisheries management process for many years. It was a key contributor to discussions on kahawai purse seine limits in the early 1990s, has regularly sent representatives to MFish working groups, and has made written submissions on a wide range of management issues and species. In recent years its membership has expanded beyond the traditional deep-sea angling clubs to include many local clubs targeting inshore species.

1.1.3 NZ Angling and Casting Association

The NZ Angling & Casting Association Inc. (NZACA) was formed nearly 50 years ago as the parent body for boating clubs, small boat and shore fishers. It maintains that 'parenting' role today.

The NZACA was a foundation member of what is now the NZ Recreational Fishing Council (NZRFC) and is part of their executive. NZACA was one of the few recreational fishing voices on the former Consulting Committee set up by the Minister of Fisheries dealing with the complete NZ Fishery.

The NZACA is a member of the International Casting Federation and is affiliated to the International Game Fish Association (IGFA). The NZACA is the governing and issuing body for NZ fishing records for all species other than those recognised as game fish. These records are open to all fishers in shore and boat caught categories, ladies, mens and junior grades. NZACA hold two annual national casting competitions per year in an effort to encourage casting competitions at club level.

The NZACA participate in the consensus forum with the NZRFC, NZ Big Game Fishing Council and option4. This forum has been active over the past few years in the process to protect and improve the right of non-commercial fishers to access and harvest seafood and has also contributed to fishery management processes.

Whilst having an important "political" role the NZACA encourages the development of good fellowship and closer comradeship among amateur fisherpersons. The NZACA promotes the conservation of fish, the marine environment, our natural resources and the continued access to these resources for all New Zealanders.

1.1.4 Public Submissions

Non-commercial representatives were convinced the Ministry had not given the public adequate opportunity to submit on the kahawai proposal. To address this and other concerns regarding the IPP an electronic notice was delivered to the option4 database and others.

The notice, option4 Alert #6, was sent on April 8th 2004. The Alert #6 offered a summary of the proposal, what the likely implications were if the proposal was successful and what the public could do in response. An online submission facility was created that enabled the public to make an individual submission. They could also choose to support the draft discussion document that would form the basis of the joint submission from option4, NZBGFC and NZACA.

In seven days over 600 individual submissions were received through the option4 website and all were supportive of the joint submission. These submissions were delivered to option4, Ministry personnel and certain politicians as they were entered online.

A final analysis of the submissions will be completed at the conclusion of the process. The overwhelming response from the public, many with heartfelt comments added to their individual submissions proves the kahawai fishery is of major concern and importance to the public who fish. It also proves the public are outraged by the Ministry proposal and are likely to be carefully watching how well their submissions are considered.

1.2 History of kahawai fisheries

Kahawai has a long history of use in New Zealand. It was a frequent catch, and an important food for Maori in some areas. Early New Zealand authors have described the abundance and sheer visual spectacle of huge schools of kahawai. They describe the hard fighting qualities of kahawai on rod and reel and lament the decline of this major inshore species. Some of this history is best described by the authors of the time.

Rod Fishing in New Zealand Waters by T. E. Donne 1927

Kahawai fishing by Maori

‘On reaching the scene of the schooling, four or more lines were trailed from each canoe, to the end of each line there was attached a hook formed of a shank of hard wood, inlaid with a piece of the bright green iridescent *paua* shell (*halieotus*) to which was fitted a sharp, barbed point of bone-no bait.

The canoes were then paddled quickly to and fro, up and down, with the tide, across it and against it; racing, twisting, turning amongst the thousands upon thousands of jumping, sprat-catching kahawai that “took” the bare hooks as salmon take the fly. There was great excitement amongst the Maoris: yells of glee, shouts of success, boasting of cleverness, and songs of joy. The shouting of the human beings, the activities of the kahawai, the flip-flopping of the frightened sprats and the raucous screaming of the sea-birds made a commotion that was bewildering to watch and ear-splitting to listen to, as men, fishes and birds pursued their fishing competition.’

Rod Fishing in New Zealand Waters by T. E. Donne 1927

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‘The schooling or “shoaling” of the kahawai is a truly wonderful sight and one not to be forgotten on a long summer day; thousands upon thousands of these active fishes

enter into a riotous ravenous feed of small mullet; amongst the myriads of these “sprats” the kahawai dart hither and thither, never for a moment ceasing to snap and swallow their prey, the jumping, splashing, twisting sea salmon, as he is termed, lashes the surface water into violent agitation as if a huge super-heated cauldron were at it greatest activity in the midst of the calm sea; it appears as if fishdom has gone quite crazy, and, to add additional turmoil and a tremendous accession of noise, ten thousand sea – birds – gulls and terns – appear like a huge, animated black and white cloud, falling on and rising from the sea. They dart down on the unlucky sprats that have no rest either in the sea or out of it; the voracious kahawai drive them to the surface and the hungry birds drive them down again until the bewildered sprat does not know whether in the immediate future he is to become bird or fish. The general melee and the calling, crying, discordant, air-piercing shrieking of the birds, creates a pandemonium that is indescribable.’

The Saltwater Angler by Wal Hardy 1966

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‘But to see the kahawai at its best we have to go to New Zealand. There, huge shoals of these fish range the coast and work away up the inlets and rivers. One of these big bodies of fish on the move is a stirring sight.’

Hook, Line & Sinker by Ray Doogue 1967

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‘Kahawai are certainly prolific. I counted 35 schools, none of less than an acre, in a 5 – mile flight along the coast one calm morning last summer.’ (*flying out from Tauranga*)

Fighting Fins by Neil Illingworth 1961

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‘The Kahawai is an excellent fighter, leaping higher and more often, and running further and faster than many trout of comparable size. They average about 3 or 4lb, but they can grow up to 16lb, and a fish of anywhere near this size can take up to an hour or even more to land on 4-lb nylon.

Many fishermen of wide experience have claimed that the kahawai takes a lot of beating in the seven oceans and one, Colonel John K. Howard, of Boston, Massachusetts, was so fascinated with them on his first visit to Mayor Island that he devoted the whole of a Press interview to singing their praises, saying he considered them to be one of the best game fish, size for size, in the world.’

New Zealand Fisheries by J. G. Watkinson & R. Smith 1972

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‘In New Zealand there is little market demand for kahawai, although the fish was formerly popular with the Maori. Until recently there was no fishery for kahawai and it was caught as a by-catch in other fisheries. Small amounts are caught by trawlers but most are discarded at sea’.

The Golden Years of Fishing In New Zealand by Phillip Holden 1984

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‘The kahawai ascends many of New Zealand rivers, and frequently be taken in fresh water, though more generally it follows only as far as the tide flows. Out at sea the

fish is to be found in great schools and it is no uncommon sight in Auckland waters to see schools or shoals many acres in extent’.

MFish have been aware of the poor state of the fishery for many years and ignored any advice given. The debate over the need for kahawai management has been going on for almost twenty years. In 1987 Lew Ritchie prophetically wrote, *“Right now we may be witnessing the end of kahawai as we know it. The commercial catch of kahawai has risen from an insignificant level 10 or even five years ago to currently (1985, the most recent year for which full catch statistics are available) second in landed weight among coastal and sixth in finfish overall in the New Zealand 200 mile exclusive economic zone. This is nothing short of a tragedy. It is a classic case of the last available and easily exploited coastal fish being plundered just “because it is there” by the greedy, the thoughtless and the over-capitalised. It is a sad reflection on New Zealand, its policy makers, and its industry chiefs that virtually every available natural resource is plundered, whether valuable or not, and irrespective of its place in our heritage, tradition, culture and recreation.”*¹

Until the mid 1970s kahawai was caught as a by-catch of commercial fishing methods targeting other species such as snapper, the preferred table fish on the domestic market. Some kahawai was used for bait but much of it was dumped at sea. In the mid 1970s domestic purse seine vessels started fishing for skipjack tuna in the summer and other species during the winter, mainly in the Bay of Plenty and around Poverty Bay. By the late 1970s purse seining for kahawai during the winter and spring months had extended from Northland to the Wairarapa Coast, into the Taranaki Bight and around the north and east of the South Island.² Catches peaked in the late 1980s and began to fall before the Minister set purse seine catch limits.

Kahawai were once present in numerous and at times vast schools. They form an important traditional food source. Fishers from around the world marveled at the sight and sound in the presence of a melee of birds, bait and kahawai. These authors were also impressed by the strength and aerial displays of kahawai on a line.

The commercial fishery went through a rapid expansion in the 1980s.

2. Management Objectives

2.1 Harvest strategy and objectives

There is no harvest strategy for kahawai. There are a number of sectors competing for an important inshore species but there has been no discussion on what kahawai management should aim to achieve. Each sector will have a different expectation of what a well-managed kahawai fishery will deliver for them. How can the Minister

¹ Ritchie, L. D. 1987. Northern Advocate

² Ministry of Agriculture and Fisheries. 1990. Kahawai. Proposals for the management of the kahawai fishery.

possibly weigh up the expectations of competing users with no overall objective or target in place?

The objective should be to maximise the benefits of this fishery for all New Zealanders. The single goal of the MFish Strategic Plan 2003 – 2008 is: “*Maximise the value New Zealanders obtain through the sustainable use of fisheries resources and protection of the aquatic environment*”. Nowhere in the IPP is MFish’s single strategic goal stated or referred to. MFish also fail to mention Strategy 2 in their plan which is headed ‘*Enable people to get the best value from the sustainable and efficient use of fisheries.*’ These are major omissions on the part of MFish, not only in words, but also in intent.

Non-commercial fishers insist that MFish address the words and intent of their single strategic goal in the Final Advice Paper to the Minister. Without a clear idea of the strategic direction of fisheries management how will the new Minister be able to get the balance right when setting the TAC and TACC for kahawai?

The Minister needs to take a strategic view of kahawai management and maximise the value of this fishery for all New Zealanders.

2.2 Sustainability

The Ministry may claim that the overall objective is to ensure sustainable management of kahawai. However, there are different interpretations of “sustainability”. For example, Japanese tuna scientists insist that the southern bluefin tuna catch is sustainable although the stock has been fished down to just 3% of virgin biomass, and it seems MFish agrees with that principle though it is clearly bad management.

The kahawai Plenary Report discusses a sustainable kahawai stock at about 20% of virgin biomass³. This stock size may meet the criteria for maximising commercial harvest, but is totally unacceptable to non-commercial fishers who require the Minister to consider the social, economic, cultural and ecological benefits of a kahawai stock no more abundant than one fifth of its virgin biomass.

Last year the Minister introduced kingfish to the QMS with controls aimed at reducing harvest levels. The intent was to manage the fishery at a level above the maximum sustainable yield (MSY) to allow for more large kingfish. This decision angered some commercial operators because this particular harvest strategy had not been widely discussed or agreed to. Now we are heading down the same path with kahawai, where management decisions are taken in the absence of agreed objectives.

United States fisheries managers aim to find the Optimum Yield from a fishery that provides for the best value to the nation as a whole. It is clear the kahawai fishery is

³ Annala, J.H. et al. Report from the Fishery Assessment Plenary, May 2003: stock assessments and yield estimates.

currently below the optimum yield that will provide for non-commercial fishers in New Zealand.

What is the sustainable yield for kahawai? There is no single number. Even if we had good data on kahawai stocks, there would still be many sustainable harvest levels to choose from, depending on the management objective selected.

2.3 Core area management

Selecting a sustainable yield for a single nationwide kahawai stock without having a harvest strategy is hard enough. Understanding how catching a large proportion of that harvest in one region or taking entire schools of fish affects the population in that area and surrounding regions must also be considered.

There maybe regions in New Zealand where kahawai are still abundant, due to low fishing pressure or migratory paths that concentrate older fish. Tagging studies have shown that there is a *“tendency for movement of tagged fish between North and South Islands to be predominantly southward. This suggests that a substantial proportion of recruitment to the east coast South Island may consist of adult immigrants from further north”*.⁴ Kahawai tagged off east Northland were mainly recaptured in Northland, Hauraki Gulf and Bay of Plenty. Some kahawai are highly mobile but movement appears to be restricted by natural boundaries such as North Cape and East Cape.

Most of the commercial kahawai catch in northern New Zealand in the last twenty years has been taken from the Bay of Plenty. Why is it then that recreational and commercial fishers in the Bay of Plenty have been able to maintain reasonable kahawai catches, while there appear to be far fewer kahawai beyond the Bay of Plenty, in east Northland, Hauraki Gulf and from the Motu River to East Cape? Bradford comments on the change in recreational catch by region between the 1994 north region survey and the 1996 national survey and found *“the numbers of kahawai caught increased slightly in the Bay of Plenty but declined in other sub-regions in the North region.”*⁵

The Bay of Plenty appears to be a core kahawai area. This area could be receiving the benefit of migration from northern areas. This means that the greater the harvest from the core area the greater the migration from surrounding less preferred regions. Catch rates can be maintained in the core area while local populations on the fringes are depleted.

While overall management of the stock is important Mfish must also consider that core areas in large fisheries can act like a sinkhole i.e., removing fish from the middle draws fish in from surrounding areas, thus having an impact over a vast area.

⁴ Wood, B.A. Bradstock, M.A. & James, G.D. Kahawai (*Arripis trutta*) tagging programme in New Zealand waters, 1981-84.

⁵ Bradford, E. 1998. Harvest comparisons for major recreational species between regional and national diary surveys.

3. Management Structure

3.1 Statutory obligations and policy guidelines

MFish state, "*The management options seek to ensure sustainability of the stock by setting a TAC...*" We suggest sustainability is questionable if "current utilisation" continues and the Minister accepts MFish's recommendations.

The Minister is obliged to have regard for the social, cultural and economic factors when moving a stock to a level that can produce MSY (section 13 FA 1996). With kahawai we have no idea what the MSY or biomass is. This lack of adequate information should mean the precautionary approach to management decisions should apply for this stock as per section 10 of the Fisheries Act 1996.

MFish proposed TACs would have social and economic consequences. While MFish consider the economic effects to be minor (pt 65c IPP), the decimation of this fishery has impacted on many communities. To underestimate the social and economic effects is to ignore the rights of future generations to this fishery and contrary to Sections 8 and 13 of the Fisheries Act 1996.

Bulk industrial purse seine fishing has had a major impact on the availability and abundance of kahawai and other dependent species. The impact on predatory fish cannot be underestimated. Anecdotal evidence suggests the reduction in kahawai schools has also affected the numbers of terns and shearwaters. There has been a noticeable decline in the numbers of feeding birds at sea. The impact on associated and dependent species must be taken into account under section 9 iv of the Fisheries Act 1996.

The kahawai fishery needs to be cautiously managed in order to rebuild it. Preserving the status quo will only see this once healthy fishery ravaged to the detriment of the public. MFish will then be responsible for another scandal that will outrage the public, but this time it would be a fishery near and dear to its heart.

3.2 Kahawai and the QMS

We agree with section 13 management of this fishery.

We strongly object to only one management option being presented for consideration by the Minister in the IPP. A range of options would have been better, as this fishery has been the subject of public concern for twenty years.

MFish's management option is clearly based on maintaining commercial catching rights at the current level while ignoring the facts of a declining fishery. In reality they are proposing to allow the continued destruction of this most valuable inshore-shared species by the removal of 60% of the remaining stock.

We note the Ministry has failed to allow all for fishing related mortality. In the IPP MFish have only taken into consideration purse seine incidental mortality at 5%. They have not allowed for the considerable amount of kahawai caught in set nets and dumped at sea. Kahawai caught in set nets overnight are unmarketable due to damage from lice. Fish damaged in trawl nets are unmarketable and are dumped at sea. Some longline caught kahawai is used as bait and not reported.

This paper provides an alternative management approach to the single option in the IPP. Our approach acknowledges the damage to the fishery by purse seining and argues that consideration should be given to rebuilding the kahawai fishery by disallowing the targeted purse seine portion of the commercial catch history. Also we remind the Ministry that all sources of incidental fishing related mortality must be allowed for.

3.3 Allowing for non-commercial harvest

Section 21 of the Fisheries Act 1996 states that the Minister shall allow for non-commercial interests including Maori customary, recreational and other sources of mortality before setting the commercial TACC.

We contend the provisions of section 21 have now been in place for a sufficient period to place an obligation upon the Minister to make such allowance on an informed basis. The Ministry should be required to take reasonable steps to determine the extent of non-commercial catch.

Government policy is to increase population by immigration. Government must take this into account as per the statutory obligations. If the Minister fails to allow for this population growth the Crown could face compensation issues in the future.

The Court of Appeal has already considered what allowance actually means. In the case of *New Zealand Fishing Industry Association (Inc) v Minister of Fisheries CA 82/97* J. Tipping determined, *"To take recreational fishers as an example, the "allowance" is simply the Minister's best estimate of what they will catch during the year, they being subject to the controls which the Minister decides to impose upon them e.g. Bag limits and minimum lawful sizes. Having set the TAC the Minister in effect apportions it between the relevant interests. He must make such allowances as he thinks appropriates for the other interests before he fixes the TACC. That is how the legislation is structured..."*

It is our contention that the Minister has to allow for non-commercial interests before he sets the TACC in the kahawai fishery.

4. Kahawai Ecology

4.1 Kahawai in the food chain

Kahawai are an inshore school fish living mostly from mid-water to the surface. Where the seabed slopes steeply (as at Kaikoura) schools can occur over moderate depths but generally they remain in waters shallower than 50m.⁶ The 50m contour scribes a very narrow band around most of New Zealand – about 10 km wide in the Bay of Plenty but down to just a few kilometres wide on most of the east Northland and Wairarapa coasts.

Kahawai spawn over the warmer summer months (in the Far North they spawn after Easter) and large females may carry more than 750,000 eggs. Growth rate is moderate with fish reaching about 15 cm at the end of the first year and 35 cm in four years. A healthy kahawai stock would produce billions of eggs and hundreds of millions of juveniles every year.

Larger kahawai form an important link in the inshore food chain, feeding on plankton and small fish such as anchovy and pilchard, and in turn become prey to larger fish. Dolphins, including the endangered Maui dolphin feed on kahawai. Considerable effort has gone into protecting this species. It would be appropriate for the Minister to ban purse seining from the same set net ban area on the west coast of the North Island.

Kahawai are one of the few inshore fish that push krill and small fish to the surface where seabirds can reach them. The absence of kahawai schools is most often noticed by the lack of flocks of white-fronted terns, whose darting and diving feeding flight can be seen at a distance. The white fronted tern is an endemic species that breed only in New Zealand. It is described as especially common around the northern coasts of the North and South Islands.⁷ Shearwaters and red-billed gulls also interact with kahawai schools.

Birds that have a strong symbiotic relationship with kahawai around East Cape are Fluttering and Bullers shearwaters (*Puffinus gravia*, *P bulleri*). Sadly they are rarely seen with gannets when a kahawai school emerges now. It seems seabirds are a much less common sight in northern New Zealand as well, both in the air and at the once packed rocky roosts.

The ability of kahawai to force baitfish to the surface is important for birds which breed during winter. These birds include the grey-faced petrel (*Pterodroma macroptera*), which breed on the offshore islands around the upper North Island and the rare Westland petrel (*P westlandica*) whose population is estimated at only 2000-5000 pairs. The Fairy prion (*Pachyptila turtur*) return to nest sites in the Poor Knights, Cook Strait and Foveaux Strait areas in May and June and the Little shearwater (*Puffinus assimilis*) inhabit the upper North Island. Less kahawai schools has to have an impact on the potential of these birds to feed their offspring.

⁶ Paul, L. 2000. New Zealand Fishes. Revised edition

⁷ Chambers, S. (1989) Birds of New Zealand, Locality Guide

We are not aware of any study that has been conducted to examine the relationship between food availability and nesting success of seabirds but it's obvious that the more difficult it is for the parents to obtain food the less chance there is of the chicks fledging. There are other rare inshore seabirds that rely on kahawai such as the rare native Caspian tern (*Sterna caspia*) and the critically endangered Fairy tern (*S neresis*). A strong kahawai stock will increase the chances of breeding success and survival of all these bird species.

Removing an entire school of kahawai with a purse seine shot destroys the bird/fish interaction instantaneously and the dependent species are displaced from the area. Under the current Ministry policy, fishing stocks down to 20% of the virgin biomass is encouraged, as this is the stock size that will support the Maximum Sustainable Yield. If 80% of kahawai schools are gone then dependent species like seabirds will have to expend at least five times as much energy searching for food sources made available by kahawai. Kahawai tend to move to core areas of preferred habitat. In a depleted population kahawai may seldom be found in areas where they were once common. Seabirds in many areas may not be able to reach their food supply at all from nesting sites distant from the core areas.

The decline in kahawai abundance has also been linked to the sudden influx of large numbers of barracouta to northern inshore waters during the early 1990s, as described in Appendix 1 by Evan Daysh and witnessed by many others.

Kahawai are a highly productive part of the inshore ecosystem. Even if the stock was deemed to be commercially productive and technically sustainable at 20% of the virgin biomass, it would not mean that the natural balance and biodiversity would be maintained if the Minister allowed the kahawai to be fished down to the 20% level.

MFish have not adequately addressed the effect of a declining kahawai stock on associated and dependent species.

5. Kahawai and the public

5.1 Kahawai as food

A lot of kahawai caught by non-commercial fishers is for food. Cooked fresh or smoked at home, it is becoming increasingly popular. Surveys of returning fishers at some boat ramps have shown that 90% of fishers return home with no fish. Attitudes to kahawai have changed. Today a wide range of fish species are taken home for the table, as prime species have become less abundant.

There are many people in small coastal communities who rely on the sea for food. They have no supermarket, often no shop at all, where they live. Many cannot afford to buy fish at retail prices. Of course they do not eat fish all the time, but without it their standard of living drops. They may go hungry. These people, Maori and non-Maori, are subsistence fishers who rarely have a voice in corridors of power or the offices of MFish.

Maori representatives (national and iwi/hapu) often have other priorities. Lately it seems they have been very focused on the opportunities provided by commercial quota, aquaculture development, and a strong customary right.

MFish does not define subsistence fishers as customary. They only take what they need under the amateur bag limits and it is not for the purposes of hui or tangi. It is for the purposes of traditional harvest, quality of life, supporting an individual or family, as is the custom in many seaside communities. Kahawai was once their most accessible fish, caught from the beach, wharf or rocks, harbours, estuaries, open coast headlands and reefs. MFish make no mention at all of the subsistence fisher and have ignored their need for access to a healthy kahawai stock. Arguably their needs are the greatest of all; not for the quantity they take, but for the impact on their lives.

Our objective is to improve the catch rates of all non-commercial fishers: customary Maori, subsistence and recreational. What will the Ministry do to provide for the needs of subsistence fishers?

5.2 Customary harvest

There have been some large customary kahawai fisheries that have performed poorly over the last twenty years, notably the fishery at the Motu River mouth and the mouths of other eastern Bay of Plenty rivers. The director of the Dominion Museum published an account by Tiimi Waata Rimini describing what the fishery was once like,—“*After the ceremony, word is sent to the people on the East Coast and northwards that Motu is open for fishing. This is in early December, and lasts for two or three months... the shoals of fish are of great size, and thickly packed. The men and women stand on both sides of the tidal portion of the river so that all the space is taken up. The river is here about 100 ft wide. The fish caught during the day are cooked in huge ovens, over 200ft in length and about 4 ft wide. About 20,000 or 30,000 fish are cooked in an oven.*”⁸

Fisheries managers have failed to protect the customary rights of Maori fishers in these areas. Dr Mark Feldman quotes catch rates from MAF surveys at the Motu River mouth. For the period January to April 1982 the local residents caught an average of 4.17 kahawai per hour, while visiting fishers caught an average of 2.55 kahawai per hour. More recent surveys in this area show a marked decline in these catch rates in the wider Motu area. Can MFish explain how the management regime proposed in the IPP will restore this and other customary fisheries for kahawai?

Maori have a customary right to harvest seafood for hui and tangi. Maori also have traditionally taken kaimoana to feed their families at home. The Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 sec 10 (b) states: *The Minister, acting in accordance with the principles of the Treaty of Waitangi, shall- (ii), “Develop policies to help recognise- use and management practices of Maori in the exercise of non-commercial fishing rights.”* The Minister must ensure that he is meeting his obligations under this clause of the Settlement Act.

⁸ Hamilton, A. 1908. Fishing and sea-food of the ancient Maori.

It is not sufficient for the Minister to just allow for 1500 tonnes of Maori customary catch when the places traditionally fished for hundreds of years are no longer capable of providing for customary needs because of commercial purse seining.

Non-commercial kahawai fisheries overlap. Much of the catch by Maori for traditional or customary purposes is taken in the same way as non-Maori, under the amateur catch limits. We note that Ngapuhi stated in their submission to the parallel process for the introduction of kingfish to the QMS last year "*Ngapuhi individuals and whanau are passionate about recreational fishing both in Northland and wherever they might live throughout the country*"

Poor management of kahawai will affect all non-commercial fishers in the same way.

The Minister must take action that will ensure that there are fish available to be caught to meet customary needs. Customary and traditional non-commercial uses must have priority over (low value) commercial fisheries.

5.3 The fishing experience

Taking the kids fishing is part of the Kiwi experience for many families. Often the first large fish that kids catch off the wharf or boat is a kahawai. They pull hard, swim in wide arcs near the surface and will jump to try to shake the hook free. Catching a kahawai is a real thrill for anglers of all ages.

Junior sports fishing anglers often hone their skills catching kahawai and learn the techniques and culture of catch and release. Marlin and tuna fishing come later and require a lot more patience and perseverance than kahawai.

Saltwater fly fishing is becoming increasingly popular with locals and big spending international fishers alike. Kahawai are an excellent target species because the angler can see the fish they are presenting the fly to; because they will strike at a slow moving fly and, once hooked, will jump and run harder than any trout. Small fly hooks do not unduly harm the fish and catch and release is widely practiced. It is the sight fishing factor that gives kahawai such a wide international reputation.

Kahawai used to be targeted more easily than many species because they were seen feeding on the surface during the day, or they seemed to be in "resident" schools around most rocky headlands or reefs that break the surface. When kahawai were ubiquitous they were widely used as bait. There was a time when all gamefish boats caught kahawai on the way out fishing to tow as fresh skip baits. Snapper fishers also did not buy bait because it was always available. Those times have gone, maybe forever. Now anglers buy their bait, which is caught by purse seine and set net. This, we are told, is good for the economy, taking a public resource and selling it back to them.

As a source of food, learning or sport, kahawai are highly valued by non-commercial fishers.

5.4 Visual impact

Kahawai have a high intrinsic value. In other words it is nice to have them around. You do not have to be fishing to enjoy seeing the ocean come alive with hungry mouths and rapid splashes. Sharp-eyed terns race to join the mêlée and make the school visible from a distance.

Fish schooling on the surface are becoming an increasingly rare sight in some areas of New Zealand. The public perception is that this is a reflection of poor fisheries management and proof that there are far fewer fish than there used to be. On the other hand, if the kahawai stock were rebuilt and surface schools became common once more, the clear impression would be given that fisheries management is working. The proof is right before the eye.

New Zealand's natural beauty is a draw card for tourists from around the world. The Bay of Islands is a major destination. Cape Brett and the Hole in the Rock (Piercy Island) are two of the most photographed locations in the country. What is missing from most of the photographs these days is the mass of school fish on the surface that used to be such a prominent part of the scenery. It is not just Cape Brett that has been affected, but also most of the other main headlands along the coast. Visitors are often impressed with any sign of fish or marine mammals. Imagine the lasting impressions of an abundant ocean that could be made if the school fish were allowed to return.

MFish has not adequately addressed the intrinsic value of kahawai surface schools in the IPP or how their management proposal will protect these values.

5.5 Non-commercial harvest estimates

There have been a series of regional harvest surveys in the early 1990s and two national surveys in 1996 and 2000. In 2001 a continuation of the diary component of the survey allowed an estimate for that year. The surveys were structured in a similar way. An estimate of the number of fish from fishers' diaries is scaled up by the estimate of all eligible fishers and the average weight of each species caught. The results of the 1996 and 2000 surveys differed enormously.

The surveys in the 1990s estimated that less than 10% of New Zealanders over 14 years old fished in the sea in the 12 months prior to being interviewed. The 1999-2000 survey estimated that over 30% of New Zealanders were eligible using the same criteria. Investigation showed that the difference was due to the way the questions were asked at the start of the survey. Therefore, the surveys in the early and mid 1990s are fundamentally flawed.

After considerable debate the MFish Recreational Working Group has decided: *'The Recreational Working Group has concluded that the methodological framework used for telephone interviews produced incorrect eligibility figures for the 1996 and previous surveys. Consequently the harvest estimates derived from these surveys are considered to be considerably underestimated and not reliable.'*

MFish must not use the clearly incorrect harvest estimates from 1996 in recommending how much kahawai they should allow for recreational fishers. The 2000 survey results should be used with caution. *'The Recreational Working Group considered that the 2000 survey using face-to-face interviews better estimated eligibility and that the derived recreational harvest estimates are more accurate and probably slightly overestimate recreational harvest. An exception to this are the estimates for QMA2 which are considered to be erroneous, probably because of an unrepresentative diarist sample. Harvest estimates from the 1996 survey should not be used. Harvest estimates from the 2000 survey should be evaluated with reference to the range of the estimate and coefficient of variation.'*

The Minister is required to use the best information available. MFish needs to update its advice in line with decisions made in specialist working groups. Clearly as kahawai have become scarce the catch per fisher has declined. Measuring the current catch does not fairly represent the non-commercial catch prior to the boom in purse seining.

The law also requires copies of customary permits and the quantities taken for each one to be reported to MFish. The authors of the IPP claim there is no information available. Why not? What is the total number of kahawai permits issued in recent years and what was the catch? Even if the system is not yet fully implemented, what data is available?

MFish do not have good estimates of non-commercial catch. We do know that the Minister is required to use the best information available. Therefore the Minister should use the 2000 national recreational harvest survey results except for QMA2 which should be based on the 2001 survey.

5.6 Non-commercial harvest trends and values

The public have been concerned about the decline in the kahawai fishery since the late 1980s. The discontent was sufficient to spark a discussion document in 1990 looking at the issues of the time. Under the heading 'Need for Management Change' the document sums up the concerns of non-commercial fishers as follows:

'Recreational fishers state that the recreational kahawai fishery:

- has suffered significantly reduced catch rates because of increasing fishing pressure on the stock;*
- has significantly declined in quality in recent years, both in size of the fish available and in abundance of fish;*
- is no longer managed to provide recreational access to a reasonable share of the kahawai resource;*
- is in conflict with commercial fisheries, particularly with purse seiners and set netters.*

Maori consider that management of the kahawai fishery needs to recognise:

- that kahawai has been traditionally fished by Maori;*

– *that Maori share the same concern about reduced quality of fishing, sizes of kahawai and catch rates, as stated by recreational fishers.*⁹

The Ministry had recommended a new Term Transferable Quota for kahawai but this was squashed under the weight of Maori, the Waitangi Tribunal and the courts who were looking to resolve Treaty rights to all fisheries. The problem remained and in 1991 purse seine catch limits were imposed, rather than issuing a new property right.

The shock of losing the last abundant inshore non-commercial fish did not diminish with these measures and the Minister was convinced that further cuts to purse seine catch limits were required (30 % decrease in KAH1 and 35% decrease in KAH 3). There was considerable concern about the disappearance of kahawai 15 years ago. The Ministry and the Minister clearly shared that concern in the early 1990s because catch limits were introduced. There is no evidence of a rebuild in non-commercial catch rates since.

Catch rates of kahawai from the 1996 national boat ramp surveys show that fishers who report targeting kahawai catch just 0.79 kahawai per hour - in other words five hours fishing for four fish. Fishers who say they were targeting snapper on their trip (most trips in the north) caught just 0.11 kahawai per hour – in other words nine hours fishing for one kahawai.¹⁰ Is this how you remember the kahawai fishery as it used to be? Is this the best the Ministry can offer non-commercial fishers for the future?

A recently published report for the NZ Marine Research Foundation characterises the recreational fishery for kahawai in New Zealand. It looked at the size of fish (described by the length frequency) and the number of fish caught and kept (landing rates) from several boat ramp surveys between 1994 and 2003 in northern areas. The authors conclude in their draft report. “*A comparison of annual length frequency distributions from east Northland, the Hauraki Gulf, and the Bay of Plenty showed no apparent change over time.*”

The Ministry may claim this as a victory, because at least the size of kahawai landed is not smaller but the 1994 results were obtained after the decline of the species. The Minister in 1991 set out to improve the non-commercial fishery, not to let it stabilise at the same low level that caused the call for urgent management action. The Minister said at the time, “*It is essential that any future management plan enables reasonable access by non-commercial fishers to a quality fishery.*”¹¹ It is now time to deliver on that promise.

The Ministry in its IPP makes no attempt to describe why the purse seine catch limits were introduced. The truth is that catch limits were required to prevent excessive commercial catch damaging the stock further, and to better provide for the needs of non-commercial fisheries. MFish must answer the following questions.

⁹ Ministry of Agriculture and Fisheries. 1990. Kahawai. Proposals for the management of the kahawai fishery.

¹⁰ Bradford, E 1999. Comparison of marine recreational fishing harvest rates and fish size distributions.

¹¹ Ken Shirley. 1990. Introduction from the Minister of Fisheries. Kahawai discussion document.

1. Are the needs of customary fishers being met? If not, why not?
2. Are the needs of sustenance fishers being met? If not, why not?
3. Are the needs of the recreational fishers being met? If not, why not?

Depletion of the kahawai stock has been an issue for non-commercial fishers for many years. Accepting the dregs of an overheated purse seine fishery that was unconstrained until 1991 is not good enough, and will not be accepted by non-commercial fishers, now or in the future.

5.7 Recreational fisheries reform

For over five years various recreational groups have been working with MFish on proposals that would “better define” recreational fishing rights. Following the Soundings public consultation process, the Cabinet Finance, Infrastructure and Environment Committee decided that further work was needed. As a guide they noted in ‘FIN Min (01) 28/4’ that all parties agreed to the objectives set out in the 1989 recreational fishing policy as follows:

- a) “Access to a reasonable share of inshore fishery resources equitably distributed between recreational fishers;*
- b) Improve, where practical, the quality of recreational fishing;*
- c) Increase public awareness and knowledge of the marine environment and the need for conservation of fisheries resources;*
- d) Improve management of recreational fisheries;*
- e) Reduce conflict within and among fishery user groups;*
- f) Maintain current tourist fisheries and encourage the development of new operations where appropriate;*
- g) Prevent depletion of resources in areas where local communities are dependent on the sea as a source of food; and*
- h) Provide more opportunities for recreational fishers to participate in the management of fisheries.”*

Every one of these objectives needs to be recognised and addressed in the Final Advice Paper to the Minister. The Cabinet Committee also noted that the Minister had asked that MFish work within the constraints as follows:

- a) “Avoid the undermining of the fisheries Deed of Settlement;*
- b) Recognise the legitimate rights of other fisheries stakeholders including the commercial and customary sectors;*

- c) *Operate within the fiscal constraints imposed by the Crown and rules surrounding expenditure of public funds;*
- d) *Recognise the explicit consideration given to sustainability of fish stocks and the environmental principles of the Fisheries Act 1996”*

When reading the IPP it is clear that MFish has so burdened itself with the constraints that it is unable to deliver on any of the objectives set out for non-commercial fishers.

Recreational fishers and Cabinet agreed on the objectives set out in the 1989 recreational fishing policy. The Ministry has not delivered a management proposal for kahawai that delivers on these objectives.

6. Commercial Fisheries

6.1 Reported catch

Kahawai is a low value commercial species. In the past it was often dumped at sea or used as bait. The following is from the 1990 Ministry discussion document: *‘In the past, reported landings of kahawai have understated the actual catch levels because, as a lower valued species, often it was dumped at sea or when landed recorded as "mixed fish". Additionally, it is estimated that prior to 1986 around 300 tonnes of kahawai were taken annually for rock lobster and longline bait by commercial fishers, and not recorded on fisheries statistics.’*¹²

The purse seine catch records used to report significant quantities of mixed fish in a landing. Just how this has been accounted for in the catch records is unclear. It seems likely this practice is not acceptable these days with trevally, jack mackerel and blue mackerel in the quota system.

How has MFish taken account of under-reporting and mixed fish landings in calculating commercial catch? If accurate records were maintained, estimates of historical commercial catch could be significantly higher and closer to the truth than what is being presented in the IPP.

6.2 Kahawai catch history

Kahawai was left out of the quota system in 1986 and this created perverse incentives for commercial fishers to target them. The fishers and companies that survived the introduction of the QMS saw non-quota species as a cost efficient way to grow their business. After a while it became obvious that establishing a catch history was valuable in its own right as species such as kahawai were being considered for introduction to the QMS. The “race for quota” in the late 1980s and early 1990s saw

¹² Ministry of Agriculture and Fisheries. 1990. Kahawai. Proposals for the management of the kahawai fishery.

huge jumps in the landings of kingfish, blue mackerel, kahawai and other species that had been left out of the QMS.

Finally, the catch history years were set by the Fisheries Act 1996 to include the best 12 months between October 1990 and September 1992. The commercial fishers who will benefit most from the introduction of kahawai will be those who led the race for quota 14 years ago. The result has been the squandering of the last near-virgin inshore fish stock to provide low value product, and to secure the property right to keep fishing that stock down or maintain it at unacceptably low levels that adversely affects non-commercial access.

The Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 ensures that TOKM receive 20 % of the TACC of new species introduced to the QMS. A number of species including kahawai were considered fully developed non-quota species when the Fisheries Act was written in 1996. The state of the stock would not allow 20 % increase on top of the TACC to provide for Maori. This meant that new legislation was required.

The IPP only includes catch histories from 1993 to 2002. Had the tables presented shown catches as far back as possible, it would be easier for the Minister to see what has really happened in this fishery. The Minister should demand full disclosure on all information held by the Ministry relating to the kahawai fishery. We also want to know why the Ministry has omitted this readily available and vital historical information from its advice paper on such an important inshore-shared fishery.

Voluntary agreements exist that limit purse seining in some areas from December to Easter. Concerns are held for kahawai that, as they become scarcer, voluntary agreements and seasonal behaviours will be ignored for economic reasons. 75% of all commercial kahawai catch is taken by the purse seine method.

MFish should provide the Minister with a more complete description of the commercial catch history. This would clearly show that the purse seine method has been responsible for the decline in this stock.

6.3 Purse seine catch

There was a time when there was little market for kahawai as a commercial catch and by-catch was dumped at sea (see quotes in section 1.2). Kahawai have become a significant commercial catch since the purse seine fleet expanded in the 1980s. Landing of large quantities of kahawai required an efficient method of capture and the onshore infrastructure to handle and process the product. Purse seine caught kahawai is a low value product. It appears that to make a profit large volumes need to be caught, preferably close to port.

The seven coastal purse seine vessels in New Zealand now all work out of Tauranga. The purse seine catch of kahawai and other school fish has been increasing in the western Bay of Plenty (Stat area 009) in recent years. It is unknown if this trend will

continue. There is certainly concern expressed by Tauranga fishing clubs that this industrial scale fishery operates for much of the year on their doorstep.

In many northern areas the large schools of kahawai are gone and the purse seine fleet, whose catch peaked at over 9,000 tonnes a year, is still tracking the remaining schools with aerial spotter planes. Whole schools are caught in a single set and sold as low value product which we believe includes pet food, crayfish bait and fish meal.

Over the last 10 years three quarters (75%) of all the commercial kahawai catch was taken by purse seine. There is no complete record of purse seine catch that could be found. Figure 1 shows the kahawai catch in tonnes per season from a number of different sources. Data for seasons since 1993-94 is derived from the IPP.

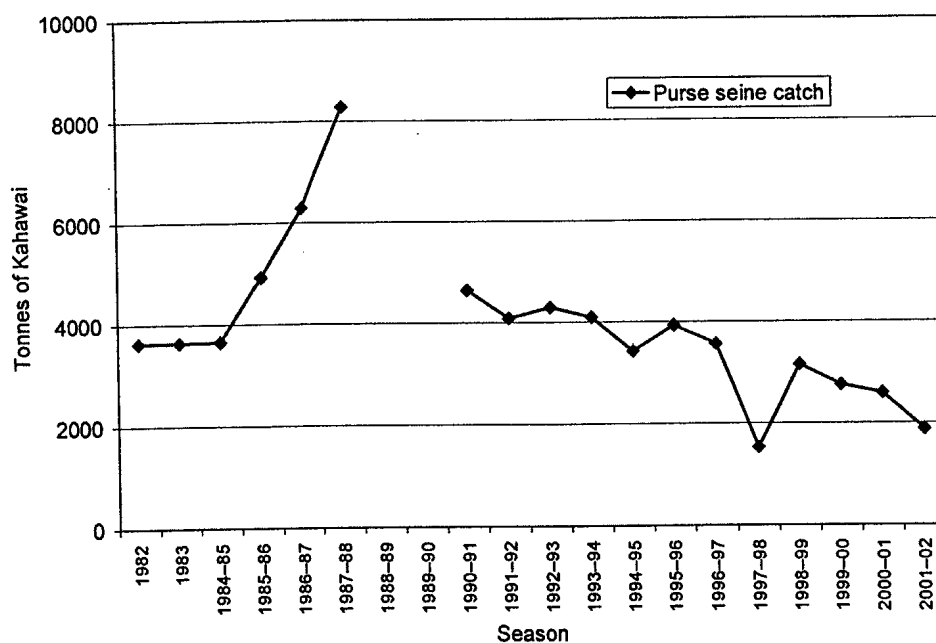


Figure 1. Purse seine reported catch of kahawai by season.

What can be seen is the rapid increase in purse seine catch in the mid 1980s. This is typical of an unconstrained fishery in the process of fishing down the standing stock. It was at this time that the non-commercial fishers began to notice the change in kahawai abundance. Since October 1993 there has been no change in the purse seine catch limits, and over this time the catch has declined steadily from over 4000 tonnes to 2000 tonnes. This is typical of a fishery affected by a decline in abundance, or profitability, or both.

MFish have used the average commercial catch for the last five years to set the TACC for each Quota Management Area. For three of those five years the purse seine fleet has exceeded the commercial catch limit of 1200 tonnes in KAH1 and KAH9 combined. Catch by purse seine in excess of the catch limit is illegal and must not be used when setting the TACC. According to the figures in the 2003 Plenary Report MFish must deduct 216 tonnes of excess catch from the 1998-99 season, 171 tonnes of excess purse seine catch from the 1999-00 season, and 56 tonnes of excess purse seine catch from the 2000-01 season, and any catch in those seasons from KAH9. MFish must check that the purse seine catch figures come from the actual weights at

the factory (LFRRs) not the estimated catch onboard the vessel (CELRs). The Minister must not reward these fishers for exceeding their catch limits by issuing extra quota. Why has the Ministry included illegal catch as part of commercial fishers catch history? Why has it used the less reliable CLER catch figures?

MFish notes the declining catches in QMA3. It suggests this decline is associated with reduced purse seining effort in the area. We suggest the decline is due to the overexploitation of this fishery that has made it uneconomic to continue the pillage in this QMA.

We understand that QMA 1 and 9 were previously combined under a single purse seine catch limit to prevent the shift of purse seine effort into area 9. We have concerns that when kahawai are introduced into the QMS the quota from KAH1 and KAH9 will be combined to increase the purse seine catch off northern NZ. This will undoubtedly have an impact on the availability of kahawai on the north west coast, an area of key importance to tangata whenua.

The commercial value of kahawai is a pitiful \$1,700 - \$5,100 per tonne (IPP pt.129). Most purse seine catch would be at the lower end of this range. Due to its low value commercial purse seine fishers will target schools close to their home port. This has an undue affect on non-commercial fishers who target those same fish. There is no value in having plenty of fish off the West Coast of the South Island when most non-commercial fishers (75%) live north of East Cape.

The purse seine catch has declined over the last few years. Has the fishery become less abundant, or less profitable, or both?

MFish must not include purse seine catch history for the 443 tonnes of kahawai taken in KAH1 over and above the purse seine catch limit. No quota should be issued for the portion of illegally targeted purse seine catch history for this species. The kahawai TACCs should be set at the level of unavoidable by-catch.

7. Management Options

7.1 MFish IPP proposals

There is only one management option presented in the IPP. This is not acceptable to the public and we trust the Minister will agree with us. We recognise the right of commercial fishers to catch kahawai. We do not believe they should be given the right to further damage the resource and further reduce access for other sectors as they have been allowed to do over the last twenty years.

A viable alternative option is required that will ensure the rebuild of this stock, especially in the north where it has been hit hardest.

The current biomass is unknown and the MCY is pure conjecture. Basing management decisions for an important fishery on inadequate evidence is reckless and irresponsible. Section 10(c) of the Fisheries Act 1996 states, "Decision makers should

be cautious when information is uncertain, unreliable, or inadequate.” We would recommend a more cautious approach and acknowledgement given to data from the non-commercial sector that clearly demonstrates a serious decline in availability and abundance.

The tonnages outlined in the IPP are all derived from completely different baseline information. The recreational allowance is based on a crude averaging exercise, the customary figure is guesswork based on some criteria established with no public discussion and inconsistently used. Other mortality is another guess.

The Preliminary Recommendations (pt.66 a-j) made in the IPP reflect the fundamental flaws in the Ministry’s advice to the Minister i.e.

MFish recommends that the Minister:

Agrees to set a TAC of 3 910 tonnes for KAH 1 and within that TAC set:

- i. A customary allowance of 790 tonnes;
- ii. A recreational allowance of 1 580 tonnes;
- iii. An allowance for other fishing-related mortality of 60 tonnes;
and
- iv. A TACC of 1 480 tonnes.

The law does not say, “set a customary allowance or set a recreational allowance”. Section 21 of the Fisheries Act states, “*When setting or varying a total allowable commercial catch...the Minister shall allow for non-commercial fishing interests...*”

What should be presented as MFish recommendations needs to read -

MFish recommends that the Minister:

Agrees to set a TAC of xxx tonnes for KAH1 and within that TAC allow for

- i. Customary Maori xxx tonnes
- ii. Recreational xxx tonnes
- iii. Other fishing-related mortality of xx tonnes
- iv. And then set a total allowable commercial catch (TACC) of xxx tonnes

We do not agree with the recommendations made to the Minister regarding allowances for each TAC. The Ministry is obliged to be more accurate in its wording of recommendations to the Minister.

7.2 The need for a rebuild

Some of the commercial catch of kahawai is taken as an unavoidable by catch while fishing for other species. The obvious place to effect better management is to reduce the commercial catch by removing the offending purse seine catch history before setting a TACC. This would mean all quota would have to be used to cover genuine by-catch with insufficient left for targeted purse seine activities. This is fair and just as it is the purse seine vessels, which actually target whole kahawai schools that are the root cause of the conflict between commercial and non-commercial fishers.

Non-commercial fishers believe the Minister has an opportunity to return the kahawai stock to previous abundance levels by insisting on cautious management and not merely relying on the crude allocation process set out by the Ministry.

The overall objective should be to restore the kahawai schools and maximise the value of kahawai to New Zealanders.

Specific objectives of a rebuild strategy would be:

1. To restore the availability of kahawai to recreational, customary and sustenance fishers.
2. To improve the management of non-commercial fisheries.
3. To reduce the impact of kahawai fisheries on associated and dependent species.
4. To use a precautionary approach to the management of this important inshore shared fishery until more accurate data is available.
5. To develop a harvest strategy that will meet these objectives.

Despite previous attempts to limit the purse seine catch these limits seem to have had little or no impact on rebuilding this fishery. A rebuild is required to improve the fishery and add value to the resource. The state of the kahawai fishery has been of concern to non-commercial fishers for almost 20 years. These concerns, although mentioned have largely been ignored in the IPP.

7.3 The path to recovery

The Minister needs to be given an option that will rebuild the kahawai stocks. We consider the practice of targeting kahawai by purse seine is not only excessive and wasteful, it also seriously adversely impacts on the rights of other legitimate users. It is a very efficient bulk fishing method that can land and sell fish for a low price below what would be economic for other methods. It has been the increase in catch by this method that has coincided with the disappearance of kahawai around much of the coast.

The Fisheries Act does not provide the Minister with a statutory provision to prohibit method once quota has been allocated. Thus the targeting of fish is allowed for although the method employed can be wasteful, and sub legal mortality is not accounted for.

We propose that Mfish remove all the kahawai target purse seine catch history from its calculation for setting the TACC. We have deducted the 1997 to 2002 average

purse seine target catch for each Quota Management Area in order to calculate what the TACCs would be in our alternative management option.

The methods used in calculating the recreational harvest estimates in 1996 have been shown to be seriously flawed. Those estimates cannot be used by the Minister in their current form when allowing for recreational and customary take. The 2000 and 2001 surveys provide the best information available at this time, although there is concern that some estimates may be biased high. The KAH2 (East Cape, Hawke Bay & Wairarapa) estimate for 2000 is believed to be too high and should not be used. We submit that the only option for the Minister is to allow for the average recreational catch estimated from the 2000 and 2001 surveys, except for KAH2 which should use the 2001 estimate only.

Allowing for this amount of recreational catch does not mean that it will all be caught. Amateur fishers may choose to conserve kahawai and assist in the rebuild. Some clubs and many individuals already release kahawai voluntarily. However, these estimates are the best information available to the Minister and they must be used.

Kahawai is an important Maori customary food source. However, we believe much of kahawai harvest by Maori is taken within the amateur bag limits. In the absence of more accurate information the Minister should allow for Maori customary harvest at a level of half the revised recreational estimates. It is not sufficient on its own to set an allowance for customary fishers. The Minister must ensure that the priority right of customary fishers to access kaimoana is protected. The Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 does not say that Maori commercial rights have priority over Maori non-commercial customary rights.

Access to reasonable catch rates must be restored for all non-commercial fishers. A rebuild of this fishery is the only way to enhance non-commercial access and catch rates. Not only will rebuilding not occur at the level of TACC proposed by the Ministry in the IPP, the stocks will be allowed to fall to 40% of the current level before TACC's are able to be cut. This would be a tragedy.

7.4 Revised kahawai TAC

Before allowing for non-commercial fishers and setting the TACC the Minister must decide the Total Allowable Catch (TAC) for kahawai. Non-commercial fishers want a more conservative (lower) TAC. As the rebuild occurs, there will be greater availability of larger fish for non-commercial fishers to catch.

MFish estimate that the biomass (total weight of all fish) of kahawai in 1996 was about 50% of virgin stock biomass. They acknowledge that this estimate is very uncertain. The shocking thing is that MFish and industry would allow kahawai to be fished down to 20% of what it once was, to fulfil their "maximum sustainable yield" policy/aspirations. The MFish proposal could see as much as 60% of the remaining stock removed before any management action needs to be taken to ensure sustainability. This could mean 60% less schools and future non-commercial catches

plummeting to below our, already dismal, catch rate. Not only that, the fish we catch would get smaller and smaller.

Of all our fisheries, kahawai is the most inappropriate species have the standard MFish management objective of “maximum sustainable yield” (MSY), which means fishing the stock heavily to maximise harvest of small fish. Kahawai is not an industrial fishery like hoki or orange roughy - it is the people’s fishery and it must be allowed to rebuild. If the catch history of kahawai caught using bulk commercial methods is eliminated the target of “maximum sustainable yield” becomes irrelevant. Having said that, we can also expect the commercial by-catch of kahawai to grow over time. The notion of fishing to achieve “maximum sustainable yield” and Bmsy simply does not apply to kahawai.

Don’t forget last year’s kingfish decisions. The Minister effectively ruled that kingfish are to be fished above Bmsy, with a very good chance that this fishery will recover to the benefit of all non commercial fishers and commercial fishers catching kingfish as a by-catch.

If MFish are going to quote the 1996 stock assessment in support of the TAC proposed in the IPP, then it deserves closer examination. Non-commercial representatives are not convinced that the critical values in the stock assessment are correct. The sustainable yield MFish quote is 7600 tonnes per year. This is based on natural mortality of 0.20 and a biomass that will support the maximum constant yield less than 20% of the virgin biomass. If the Ministry is going to set the TAC, it should use the best estimate of natural mortality which is 0.18 (Jones et al ¹³) and it must set out to manage this fishery above the biomass that will support maximum sustainable yield.

Because we totally reject the single management option presented by MFish - the status quo - we have had to develop the alternative option below.

We recommend:

- A TAC of 6900 tonnes derived from the best estimate of natural mortality.
- Discounting the purse seine catch history for kahawai target shots. Therefore the TACC would be largely based on the by-catch of kahawai.
- Recreational harvest estimates from the 2000 and 2001 surveys.
- Customary harvest of half of the recreational harvest.
- Estimates of other sources of fishing related mortality at 5% of all commercial fishing methods (not only purse seine).
- Minimum commercial allowance in the Kermadec area where a separate species of kahawai is found.

There is a good record in commercial fishing returns for each purse seine shot by target species. The Ministry will have the final figures, but we have revised the TACCs based on the

¹³ Jones, B. Cresswell, P. Drummond, K. McKenzie, J. (1992). Kahawai. NZ Fisheries Assessment Research Document 92/2.

average purse seine catch by QMA for the five years 1997-98 to 2001-02. They show: that 90% of kahawai purse seine catch came from target shots in KAH1; 88% of kahawai caught by purse seine in KAH2 came from target shots; 75% of kahawai caught by purse seine in KAH3 came from target shots; and the small purse seine catch in KAH8 was assumed to be 75% target also.

Non-commercial fishers strongly urge the Minister to allow for customary and recreational fishers under section 21 of the Fisheries Act (1996) then to set the TACCs in each management area as follows:

Table 1. Distribution of the kahawai TAC by quota management area.

QMA	Tonnage to allow for Customary	Tonnage to allow for Recreational	Tonnage to allow for Other Mortality	Commercial Allowance TACC	Total TAC
KAH1	1000	2000	22	430	3452
KAH2	375	750	5	115	1245
KAH3	275	550	7	155	987
KAH4	3	4	0	10	17
KAH8	200	400	28	565	1193
KAH10	2	3	0	1	6
Totals	1855	3707	62	1276	6900

7.5 Deemed value

If the Minister agrees to remove the catch history of purse seine target fishery then the deemed value could be set at 32 cents. However, if he insists on the status quo for this fishery the deemed value must be set at .86 cents.

8. Conclusion

option4, NZBGFC and NZACA thank the Minister and the Ministry of Fisheries for the opportunity to make this submission. We look forward to the Minister's reply. We have taken on this task as we believe the public's concerns for kahawai have not been acknowledged and they are entitled to more consideration than has been offered in the IPP.

The public believe the kahawai have been stolen from them and they want their rights to this fishery restored. If an unjust allocation of commercial quota is made in perpetuity New Zealanders will lose part of their heritage and also forego the rights of future generations to reasonable access.

We reject the Ministry's commercial allocation proposal in the IPP. We will not accept the dregs of an overheated purse seine fishery that was unconstrained until 1991. We intend fighting with every available resource we have and for as long as it takes to achieve a just and fair outcome. Do not underestimate our resolve in this matter.

If insufficient allowance is made for non-commercial interests in this very important decision the Crown could face a challenge and possible compensation claims from commercial fishers in the future. We recommend that the Minister considers the historic claims to this fishery by customary Maori and recreational fishers prior to the introduction of the purse seine fleet. This fishery is now the most contentious of all inshore shared species and the views of the public are clear: they want their fishery back and we support that claim.

It is an affront to the people of New Zealand that our precious kahawai are caught by such destructive methods, exported for so little value and, we believe, used almost entirely as crayfish bait, pet food and fishmeal. This is insulting when it has far more value to us culturally, socially, economically and environmentally.

We have taken the opportunity here to address how the Ministry could help non-commercial groups to contribute in the future. There is still much work to do but we cannot let that stand in the way of a rebuild of our valuable kahawai fishery. A prompt response to the several requests for additional information will greatly assist us.

9. Recommendations

We submit that:

- a) the Minister should take a strategic view and maximise the value of the kahawai fishery for all New Zealanders
- b) the Minister should agree to rebuild the kahawai fishery.
- c) the purse seine fishery has been responsible for fishing this stock down.
- d) the Minister should remove the catch history of target purse seine kahawai fishing from the commercial catch history when considering the TACC.
- e) The Minister must not include purse seine catch history for the 443 tonnes of illegally taken kahawai in KAH1 which was over and above the purse seine catch limit.
- f) the 1996 recreational harvest estimates were not based on a reasonable estimate of the number of recreational fishers and should not be used.
- g) the Minister should use the recreational harvest estimates from the 2000 and 2001 recreational surveys.
- h) The Minister must take action that will ensure that there are fish available to be caught to meet Maori customary needs.
- i) the Minister should set the allowance for other sources of fishing related mortality at 5% of all commercial fishing methods.
- j) the Ministry of Fisheries must address the affects of a declining kahawai stock on associated and dependent species such as seabirds, gamefish and marine mammals.

- k) the Ministry of Fisheries must take account of the intrinsic value of kahawai surface schools.
- l) the Ministry of Fisheries needs to take into account the objectives for recreational fisheries as set out in the Cabinet Paper FIN Min (01) 28/4.
- m) the Ministry of Fisheries must be more accurate in its wording of recommendations to the Minister when setting a TAC and “allowing for” non-commercial fishers.
- n) the Minister should use a precautionary approach to the management of important inshore shared fisheries where there is uncertainty in information.
- o) the Minister should set the minimum TACC for KAH10 to protect the rare northern species of kahawai (*Arripis xylabion*).
- p) the best estimate of sustainable yield for all New Zealand is 6900 tonnes and that the package of recommendations made here would lead to TACs and TACCs as follows:

QMA	Tonnage to allow for Customary	Tonnage to allow for Recreational	Tonnage to allow for Other Mortality	Commercial Allowance TACC	Total TAC
KAH1	1000	2000	22	430	3452
KAH2	375	750	5	115	1245
KAH3	275	550	7	155	987
KAH4	3	4	0	10	17
KAH8	200	400	28	565	1193
KAH10	2	3	0	1	6
Totals	1855	3707	62	1276	6900

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on behalf of the option4 team
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Appendix 1

OBSERVATIONS ON CORRELATION BETWEEN KAHAWAI BIOMASS AND POPULATION OF BARRACOUTA IN THE CAPE BRETT TO BREAM TAIL AREA NORTHLAND

My name is Evan Daysh. Between the mid 1970s and 1982 I was Commercial Fishing out from Whangarei.

I moved to Dunedin in 1983 and returned to Whangarei in 1989 and have operated a Charter Boat Business since then.

Before 1983 I can clearly remember vast schools of Kahawai in every harbour, bay and estuary in our area. These were accompanied by huge flocks of terns and red-billed gulls.

Barracouta were a rare catch in our area in those days and confined only to the winter months.

During the six or seven years I was away, commercial fishing interests decimated Kahawai population and by 1991 the large schools of Kahawai had disappeared entirely from most of the previously high density areas, the population of terns was also down by about 50%. By 1992 barracouta were becoming common during the winter months but always disappeared when the water temperatures reached 18 degrees.

In the 12 years since the barracouta population has exploded and have become acclimatized to warm water and are now quite happy in 22 degree water. They now infest the entire ocean from the beach out to the deep hapuku grounds.

It is my belief that Kahawai and feed on the same food and the destruction of the Kahawai stock during the 1980's has allowed barracouta to fill the vacant niche in the food chain.

However our local Kahawai population is slowly recovering. I have recently witnessed some schools of large adult Kahawai. These breeding fish need protection from purse seiners and ring netters for at least another 5 - 10 years to allow the stocks to fully regenerate.

The huge numbers of barracouta are a nuisance to all fishermen both recreational and commercial and I feel that if the Kahawai stock was allowed to fully recover it would compete with and hopefully restore the original balance.

An increase in the Kahawai biomass should also promote an increase in the tern population.

These are my personal observations but I am positive that if the Ministry were to canvass experienced Charter Boat Skippers on the Northland Coast, they would verify my assessment.

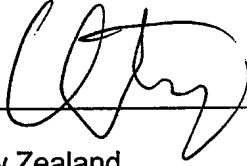
It would be a criminal waste of resource to give Kahawai quota to fishing companies that are able to target entire schools.

Put Kahawai on quota by all means but limit it to a by-catch only for another 5 - 10 years.

JR 25

This is the document marked **JR 25** mentioned and referred to in the affidavit of **JEFFERY ALLAN ROMERIL** sworn at Auckland this 12 day of August 2005 before me:

Campbell Robert Pentney
Solicitor
Auckland

A handwritten signature in black ink, appearing to read 'CR Pentney', written over a horizontal line.

Solicitor of the High Court of New Zealand

APRIL 1993

REPORT ON THE STATE OF KAHAWAI IN NEW ZEALAND
FROM RECREATIONAL PROSPECTIVE

Through Clubs and individuals, it was asked what the state of the kahawai fishery was in most regions. We have answers from the anglers and also club reports which represent a whole group of people.

The questionnaire asked two main questions. They were:-

- 1: What is the state of the recreational kahawai fishery in your area.
- 2: If in decline - what, in your opinion, do you believe was the cause ?

We had 189 replies, some of the replies represented a club of a known number of people. Out of that 189, 188 said there was a down-turn in their area from 50% to almost annihilation. One individual said there was no reduction.

It is estimated that the replies probably represent approximately four thousand people or more, as there were three clubs alone that have a representation of more than 3,000 people, that submitted club concerns over this fishery. A breakdown of the replies as follows:

In Northland, where there were 50 replies, it was stated that the decline had been over some years and now in some areas is down to a serious level where kahawai are rare. There also is some evidence in isolated areas that this fishery is picking up. This may be because kahawai have not been purse seined for eight years in this region but there is still a concern about gill netting and other methods similar to purse seining eg ring netting, beach seining etc.

In Auckland, which is the gulf, there were 44 replies where they state they were from 80% down to a zero with kahawai not being seen or available. There is no evidence of this fishery picking up and the reports consider it was the result of past purse seining and the continuance of gill netting and it is not considered that there will be any change until gill netting is controlled.

In the Bay of Plenty, there were 57 replies and almost without exception they consider the recreational kahawai as non existent and is by far the most serious area. The belief here is that it is totally the result of purse seining. Even though there are 'no go' areas of purse seining and we believe they are being adhered to, the sheer weight of tonnage coming out of this area has decimated the inshore stock leaving no chance for recreational people to catch kahawai.

From East Cape South there were 10 replies stating they were 50% down to scarce and the concern is where the fishery is heading. The opinion is the increasing pressure of purse seining, which is having an effect on this stock and they have great concern how far it is going to go before the area is in a similar state to the Bay of Plenty.

The North-West Coast down to Kawhia, surprisingly there was a concern with the state of their kahawai fishery as well where they consider it to be between 60 & 75% down. We are all well aware that there is no purse seining at all on this coast at the moment but they believe that the pressure of coastal gill netting has had a big effect on this stock.

South West Coast - Kawhia South - there were 7 replies and the opinion is similar to the North-West where they were 60 and 75% down and gill netting is what they consider the cause.

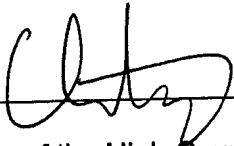
There were three replies from the South Island - one a club - and it is stated that the purse seining is having a dramatic effect on the kahawai on the North-East coast of the South Island.

It may be considered by some, that these statements are anecdotal but the fact is that there is a serious problem with the kahawai recreational fishery in most of New Zealand. We also know that this species has a relatively low commercial value and does not warrant expensive research. The next factor is that it has a high recreational value, unfortunately recreational interests don't have the money to be involved in expensive research, and have to rely on these statements from clubs and individuals on the state of this fishery. It is well documented that kahawai has a high recreational sport, sustenance and bait use and it is our opinion that we should be working towards making this species a recreational fish and the commercial taking of this fish as a by-catch only and with no targeting.

John R Chibnall

JR 26

This is the document marked **JR 26** mentioned and referred to in the affidavit of **JEFFERY ALLAN ROMERIL** sworn at Auckland this 12 day of August 2005 before me:



Campbell Robert Pentney
Solicitor
Auckland

Solicitor of the High Court of New Zealand

HOUHORA BIG GAME & SPORTS FISHING CLUB (INC.)

P.O. Box 93



3 November 1982

J R Chibball
Chairman
Liaison Committee
PO Box 93
Whangarei

Dear John

Kahawai and Kingfish

The kahawai resource in our area is severely depleted and has been for about the last 3 years.

The Houhora Harbour used to be full of kahawai, but now Kingfish outnumber the kahawai 5 - 1.

We feel the reason for this depletion is:

1. Purse seiners taking out whole schools of kahawai
2. Gill netters setting around harbour and river mouths picking up what is left
3. Drag netters are doing a fair bit of damage inside the harbours, not only to kahawai, but snapper and trevally as well.

The remedies we would like to recommend are:

1. Ban purse seiners targetting kahawai until they have recovered enough to sustain a fishery.
2. Ban purse seiners from working within 12 miles of the New Zealand coastline
3. Ban gill nets fullstop
4. Ban drag netting inside harbours
5. Bring the daily recreational catch for kahawai down to 10 per person.

Yours sincerely

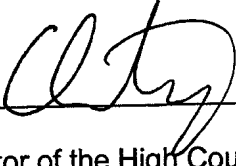
J R Chibball, Sec

Frank Barker
Management Committee



JR 27

This is the document marked **JR 27** mentioned and referred to in the affidavit of **JEFFERY ALLAN ROMERIL** sworn at Auckland this 12 day of August 2005 before me:



Campbell Robert Pentney
Solicitor
Auckland

Solicitor of the High Court of New Zealand

46

MOUNT MAUNGANUI SPORTFISHING CLUB INC.
P.O. Box 5131, Mt. Maunganui

NZ Big Game Fishing Council,
P.O. Box 93,
Whangarei.

Attention : Mr John Chibnall

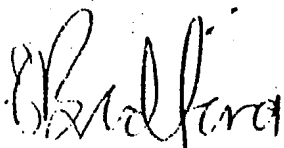
Dear John,

In reply to your recent memo concerning kahawai, this matter was discussed at length at our committee meeting of 12.10.92 and the following points were raised:

1. Five to ten years ago kahawai were very common in the western BOP, almost to the point where they were considered of little more than nuisance value, particularly when other species were being targeted.
2. No kahawai schools are now seen in open water within our normal range (up to 25 miles offshore). The only places they are found and in greatly reduced numbers, is around offshore reefs where purse seiners are unable to work. Examples of this are the Astrolabe Reef and Schooner Rock.
3. There has been a noticeable reduction in inshore kahawai stocks over the past 5 years probably in the vicinity of 90 to 95%. Numbers appear to have declined even further over the past 12 months.
4. Recent gamefish seasons in the BOP have been disastrous to say the least with very few gamefish sighted, let alone captured. It is our opinion that this is largely the result of purse seiners overfishing feed stocks of the larger migratory gamefish.

I have also included a letter sent to me by one of our life members, Mr Cliff Sycamore who has fished this area on average 99 days per year since the early 1960's. Perhaps his opinions based on so many years of regular fishing may be of considerable value.

Regards,

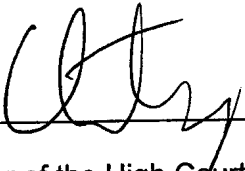


Grant Bradford

President & NZBGFC Delegate.

JR 28

This is the document marked **JR 28** mentioned and referred to in the affidavit of **JEFFERY ALLAN ROMERIL** sworn at Auckland this 12 day of August 2005 before me:



Campbell Robert Pentney
Solicitor
Auckland

Solicitor of the High Court of New Zealand

Ohinemuri Fishing Club Inc.

— P.O. BOX 171 — PAEROA —



22 October 1992

Mr J Chibnall
Chairman Liason Committee
NZ Big Game Fishing Council
P O Box 93
WHANGAREI

Dear Sir

We have to hand your Memo re Kahawai and Kingfish which was presented to our committee recently. We have surveyed our members and the unanimous result is quite simply:

there are less fish about and those caught or observed are much smaller.

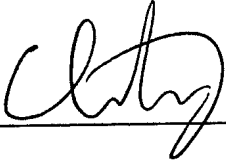
We have noticed that even the few larger Kahawai caught are not "old" fish - rather they are young fish which have grown more quickly than usual.

Yours faithfully
OHINEMURI FISHING CLUB INC.


Dan Moloney
SECRETARY

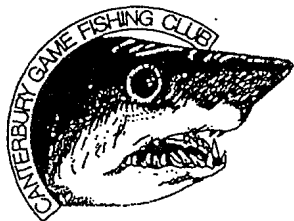
JR 29

This is the document marked **JR 29** mentioned and referred to in the affidavit of **JEFFERY ALLAN ROMERIL** sworn at Auckland this 12 day of August 2005 before me:



Campbell Robert Pentney
Solicitor
Auckland

Solicitor of the High Court of New Zealand



T H E C A N T E R B U R Y
GAME FISHING CLUB
INCORPORATED

P.O. Box 7063
Christchurch

PH (03) 3852-173

4th November 1992

N.Z. Big Game Fishing Council,
P.O. Box 93
Whangarei

attention of Chairman, Liason Comittee, Mr John Chibnall

Dear Sir,
Further to your letter regarding the Kahawai and Kingfish accord, The Canterbury Sportfishing Club Inc. wish to endorse the accord which the Liason Comittee have developed with the Commercial Fishing sector.

At our recent meeting last Tuesday, I read out the memo and this was generally well received, with regard to the minimum size and the bag limit. However some reluctance was expressed about the treble versus single hooks on kingfish.

Nevertheless, we as a club do agree to abide to the Recreational Obligation as indicated in the memo.

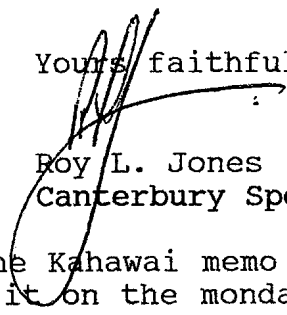
With regard to the Kahawai levels here, members were asked for indications on this from the floor and the general opinion was that over the last five years, the apparent numbers have been seen to drop markedly. The feeling was that up to 85% drop in stock was would be correct.

While I have no firm information on this, I understand that the Canterbury Recreational Fishers Assn. have recently negotiated a 3 mile "No Go Zone" with the commercial Purse Seiners. The area is, as I understand, sector 3 on the east coast of the South Island. This is to take effect from 1st October.

To confirm this it would be necessary to contact one of the Comittee. (Harley Scott mentioned the details at the AGM last Tuesday)

I trust that this may be of assistance and remain,

Yours faithfully,


Roy L. Jones (Secretary)
Canterbury Sport Fishing Club

P.S. regarding the poor response to the Kahawai memo you mentioned in a subsequent memo, We only received it on the monday before the AGM (26th Oct) I presented it on the Tuesday.

JR 30

This is the document marked **JR 30** mentioned and referred to in the affidavit of **JEFFERY ALLAN ROMERIL** sworn at Auckland this 12 day of August 2005 before me:

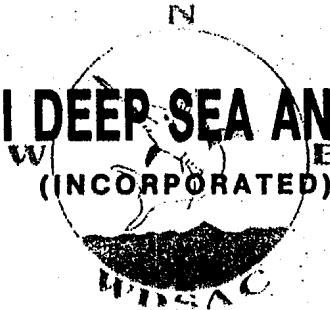


Campbell Robert Pontne
Solicitor
Auckland

Solicitor of the High Court of New Zealand

WHANGAREI DEEP SEA ANGLERS' CLUB

(INCORPORATED)



BASED AT
TUTUKAKA

President: B Murray

Secretary: B Hill

P.O. Box 401,
WHANGAREI,
New Zealand.

Telephone 0-9-434 3818
Fax 0-9-434 3755

28 October 1992

The Secretary
NZBGFC (Inc)
P O Box 93
WHANGAREI

Dear Mrs Nelson,

On behalf of our Club's sixteen hundred members we would tender our complete objections to the increasing of the commercial Kahawai catch.

Any member of our Club will testify to the ever diminishing catches being recorded. As one of the light tackle and Junior angler's most prominent species sought after, their recreational catch rate over the last five years has deteriorated at such a phenomenal and alarming rate, that these anglers are shocked to think of any increase of the commercial catch to take place as this would have a devastating effect on our sportfishing catch rate.

Our Club over the total gamefishing season last year, weighed only 14 of these species and this in itself proves the depletion of the Kahawai we are experiencing on our coastline.

Yours faithfully,

Manager

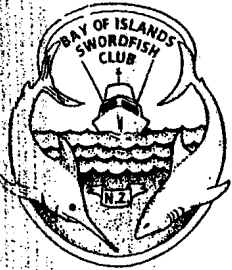
JR 31

This is the document marked **JR 31** mentioned and referred to in the affidavit of **JEFFERY ALLAN ROMERIL** sworn at Auckland this 12 day of August 2005 before me:

Campbell Robert Pentney
Solicitor
Auckland



Solicitor of the High Court of New Zealand



BAY OF ISLANDS SWORDFISH CLUB (INCORPORATED)

P.O. BOX 31, RUSSELL, NEW ZEALAND

Secretary-Manager: Stewart Hunter Telephone 0-9-403 7857 Fax 0-9-403 7847

4th November, 1992.

The Secretary,
N.Z. Big Game Fishing Council,
P.O. Box 93,
WHANGAREI.

Dear Ros,

Re: Kahawai and Yellowtail Survey.

The subject of the decline of the Kahawai fishery in the Bay of Islands is a subject of common discussion and lament by our members. While we do not have statistical records of Kahawai catch over the years it is patently obvious, from the comments and complaints of all of our fishing members, that there has been a serious decline in numbers in recent years.

This is significantly evidenced by the dramatic increase in lure fishing for game fish species due to the lack of Kahawai for bait.

Our Clubs executive fully supports the suggested size and bag limits for Yellowtail Kingfish.

We do not have any evidence of damage to fish caused by the use of treble hooks in lures and do not support their banning.

Kind regards,
Bay of Islands Swordfish Club Inc.

Stewart Hunter.
Secretary Manager.

MEMBER HOUSES:

The Strand, Russell. Telephone 0-9-403 7731 (Members)

Mariden Road, Paihia. Telephone 0-9-402 7773