

## **Kahawai Update #17**

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**Over the past month a number of requests have been received for the Kahawai Legal Challenge team to address meetings and explain the status of the Legal Challenge and the Campaign supporting the Challenge.**

A wide range of questions was put to Jeff Romeril, Sonny Tau, Scott Macindoe, Trish Rea and Bill Ross. The most frequently asked questions and answers have been compiled to give you an overview of the current situation.

### **Who is involved in the Kahawai Legal Challenge?**

The New Zealand Big Game Fishing Council and the New Zealand Recreational Fishing Council are the parties involved in the Kahawai Legal Challenge. Ngapuhi, the country's biggest iwi, has provided a very powerful affidavit in support of the Statement of Claim by the Councils. option4 has been very supportive and has been managing the Campaign and fundraising aspects of the Legal Challenge.

### **Why has the hearing date changed from June to November?**

The date was changed because the commercial fishers involved with the case were two months late in producing their evidence. The Crown, represented by the Minister and Ministry of Fisheries, were also late in providing their affidavits. The Kahawai Legal Challenge team reluctantly asked for an adjournment because they did not have time to respond to this evidence before the 6<sup>th</sup> June hearing.

The High Court hearing is now scheduled for 6<sup>th</sup> November. The legal team has made it very clear to the Court and the judge that the cause of the delay is not, in any way, attributable to the Challenge team.

### **What about the Queens Counsel?**

Lyn Stevens QC has been appointed as a High Court judge, so he is no longer available to the legal team. The team is considering the appointment of a new senior counsel due to Lyn's recent appointment.

The team appreciates the work that Lyn has done to strengthen this test case and his willingness to contribute to the Challenge by charging well below market rates for his time.

### **Why is the Challenge considered a test case?**

The public has never asked the court to rule on section 21 of the Fisheries Act 1996 or what our 'non-commercial fishing interests' are. In order to protect those fishing interests we need clarity on what the law means. An independent view on how the law should be interpreted and how the Minister shall 'allow for' those interests is very important.

The outcome is likely to have an influence on future allocation decisions for all inshore shared fisheries that we consider are important, including snapper, crayfish, paua, blue cod, kingfish, shellfish and tarakihi. The announcement of the Shared Fisheries Policy allocation project, by MFish, makes these proceedings all the more relevant.

### **How much has it cost?**

Over \$600,000 has been spent already with the delays expected to add to those costs. Income from fundraising and other sources is keeping up with the costs, at this stage. Realistically, the costs could go close to one million dollars by completion.

### **Fundraising**

If every fisherman in this country gave a dollar the costs of this case would be well covered. Fortunately we have had some individuals and clubs making outstanding contributions.

Waihou Bay Sports Fishing Club has just sent through a \$1500 donation with a pledge to commit the same amount next year. Counties Sports Fishing Club has also invested \$500 in the Challenge. Doubtless Bay Sportsfishing Club recently gave the team \$1000 after a meeting at the Bay of Island Swordfish Club.

Pure Fishing gave the Mercury Bay Game Fishing Club a rod, reel, fireline and a pouch of soft baits. The club raffled this package and raised \$200 during a demonstration evening at Whitianga. The Campaign team, gratefully received the cheque after a presentation evening in the clubrooms, at the end of June.

The Marlborough Recreational Fishers Association has also proved its commitment. This hardy team from the south shivered their way through a Blenheim flea market to raise funds and sent the team a cheque for \$500. A great effort from a small group of people.

Support from Pure Fishing, Black Magic Tackle, these NZBGFC clubs and individuals is highly valued and appreciated.

Trustees of the Challenge Fund include the NZ Fishing News.

The primary fundraising tool is the Kahawai Booklet. If you want to get involved and raise donations please call our help team on 0800 KAHAWAI (52 42 92).

A snappy navy Kahawai Challenge t-shirt is available for \$20 by calling 0800 KAHAWAI (52 42 92). Most sizes available.

If you require assistance or would like to know more please call our team on 0800 KAHAWAI (52 42 92).

A quick \$20 donation can be made by dialing 0900 KAHAWAI (52 42 92). This will be debited to your phone account.

Visit the website [www.kahawai.co.nz](http://www.kahawai.co.nz) to order your Booklet online and make a secure online donation.

Please send your Booklets and/or donations to:  
Kahawai Challenge Fund  
c/o NZ Fishing News, Freepost 131323, PO Box 12-965, Penrose, Auckland.