

## **Industry Appeal Against Public's Win**

Kahawai Challenge Team

Update #24

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Euphoria over an emphatic win for more conservative fisheries management and the public's fishing rights has quietened with the realisation that further legal proceedings will continue for some time. The fishing companies involved in the Kahawai Legal Challenge have filed a notice to appeal the High Court ruling with the Court of Appeal.

Sanford Ltd, Sealord Group Ltd and Pelagic & Tuna NZ Ltd have six months to decide if they will continue with their legal action. It is understood the Ministry of Fisheries has expressed some disappointment with the industry's action.

### **Cross Appeal**

The New Zealand Big Game Fishing Council and the New Zealand Recreational Fishing Council have lodged a cross-appeal on a narrow point concerning the relationship between the fisheries legislation and the Hauraki Gulf Marine Park Act in response, for the Appeal Court judges to consider.

In responding to the appeal, the fishing councils' lawyers will be able to seek further guidance from the Appeal Court to confirm the legal principles found for kahawai, and that these principles are applicable to other species.

One downside is the costs associated with engaging the legal team and QC for another six to eight months minimum. Costs to continue involvement in the Appeal Court process have been conservatively estimated at \$80,000.00.

The fishing councils could have chosen not to participate. But this would have left the commercial companies to argue their case with the Appeal Court. However, it was considered important to support Justice Harrison's High Court decision that sustainability comes first and providing for people's wellbeing is a mandatory requirement when the Minister sets commercial catch limits.

### **Reaction to Latest Moves**

Richard Baker of the NZ Big Game Fishing Council said that the appeal to the Court of Appeal by commercial fishers wasn't surprising when you consider that the industry parties have had it all their own way for the last 20 years of the quota management system.

He said that for the first time non-commercial fishers have had a win and will need to support the High Court decision - that the Minister of Fisheries must make decisions which take into account their social, economic and cultural wellbeing as the starting point, before there is any allocation to the fishing industry, as specified by Justice Harrison in the High Court.

"The appeal is a tactical move by the fishing industry who have benefited from the quota system, often at the expense of the public's fishing rights. Unfortunately the appeal will cost both the fishing councils and taxpayers, as the Minister will need to be represented.

"It is certainly a David and Goliath battle for our organisations but one we believe is important to pursue for all New Zealanders, no matter what the cost. This is because the decision affects many fisheries that are important to us, including snapper."

Meetings are being held by all the groups involved including option4 and Te Runanga A Iwi O Ngapuhi, who have been supporting the 'test case' in recognition of its significance to all non-commercial fishers.

Baker continued, "It's back to the cake stalls for us. We cannot keep relying on the same people to support our work. We would prefer to be spending our time on more constructive measures to achieve our goal of more fish in the water but will do whatever needs to be done to reaffirm the judge's decision, that the public right to fish must be 'allowed for' by the Minister so as to enable people to provide for their social, economic and cultural wellbeing."

### **To Contribute**

Please help the team fund the Appeal Court action by making a contribution. Every dollar counts and your assistance will be gratefully received. You can use the secure online facility at [www.kahawai.co.nz](http://www.kahawai.co.nz) or post a cheque to the Kahawai Challenge Fund, c/o NZ Fishing News, PO Box 12-965, Penrose, Auckland.

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