

Kahawai Challenge Team

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Future Fishing Investment

From the first meeting with Hesketh Henry Lawyers in 2004 until now, as we await the Appeal Court's decision on the commercial fishers' challenge against the 2007 High Court kahawai decision, one debate has been nullified: kahawai are truly the "people's fish".

Support for the Kahawai Legal Challenge has been nationwide. People from the deep south to Northland have sent messages of support and money to the team committed to defending the public's interest in abundant fisheries and a healthy marine environment. It is very heartening to realise there are so many people wanting to protect their right to fish and that of their children.

The NZ Big Game and Recreational Fishing Councils have been strongly supported by their members, option4 and the Hokianga Accord including Ngapuhi and Ngati Whatua, who all highly value kahawai.

It is both humbling and a special privilege to receive a donation from an 80-year old who remembers 'when kahawai schools went as far as the eye could see', or the contribution from a five-year old who has saved their month's pocket money.

Campaign costs

Even allowing for discounted rates and significant pro bono contribution by the Queens Counsel and legal team, associated costs have exceeded half a million dollars to date. These combined with the campaign expenses has meant a huge commitment from all involved. Included in this list are Lyn Stevens QC and more latterly Alan Galbraith QC, Hesketh Henry's legal team, the management committees of the non-commercial fishing organisations leading the process and the *New Zealand Fishing News* team, without whom we would not have been able to bring you these regular Updates.

It is not just about kahawai

While rebuilding kahawai numbers was a prime objective, the long-term goal was to have the Court rule on how the Minister of Fisheries should make decisions on all fisheries of importance to non-commercial fishers including snapper, blue cod, kingfish, crayfish, paua and scallops.

A bonus

The High Court's decision, released in March 2007, not only confirmed that commercial catch limits could be set at zero but also reinforced the public's well settled common law right to fish and provide for their needs.

Justice Harrison went on to say, "*That right has particular value in a country where easy proximity to the sea in a temperate climate contributes to the popularity of fishing as a recreational pastime*".

So it is a welcome relief to hear recent reports that kahawai schools are returning, although the numbers and size of fish are down when compared to previous years. Seasonal factors could also be an influence on the increased abundance however, these are encouraging signs.

There is still a notable absence of kahawai birds in many areas, which is an ongoing concern for the overall health of our marine environment. Kahawai's ability to herd bait fish to the surface and thus attract feeding birds is a well-known fact.

A return of wheeling, screaming flocks of birds over schooling kahawai will hopefully not be too far away but probably further in the future than the pending Appeal Court decision.

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