

Kahawai Challenge Team

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Purse seines and spotter planes

In 1986 the quota management system was introduced to curb rampant commercial fishing and rebuild severely depleted fish stocks. Declining numbers and size of popular fish were evident in many inshore fishing spots. Fishing for food had become an exercise in futility, particularly for shore-based non-commercial fishers. All was not lost however, because at least people could still catch a kahawai, smoke it and share the catch amongst family and friends. It was not long though before kahawai suffered a similar fate, but for more cynical reasons.

Leaving kahawai out of the management system meant there was no need for commercial fishers to buy quota, so targetting and landing kahawai became a cost-effective option when compared to other species. Also, because quota rights were being handed out on a catch history basis it soon became obvious that the most efficient fishers would eventually get the lion's share of any future kahawai allocations.

Not surprising then that deployment of purse seiners and even spotter planes became the norm for a handful of commercial fishers hunting catch history. Using industrial fishing techniques to bulk harvest kahawai created a virtual sea-going 'gold rush'. Not for the returns, because there was little to be made from selling fishmeal or crayfish bait, but because the perpetual fishing rights that would eventuate from this activity would become a key tradeable commodity.

When kahawai were introduced into the quota system in 2004 no account was taken of the effect of the previous 'mining' of such a precious fish stock. Declines were evident nationwide. South Island fishers who had previously enjoyed migrations of adult kahawai from the north were left with few, smaller fish.

In 2005 the Minister reviewed kahawai again, and despite protests the 2004 allowances and commercial allocations were reduced even further.

Legal Challenge now awaits Supreme Court decision on leave application

The Kahawai Legal Challenge was initiated in the High Court to ensure kahawai numbers could rebuild. In addition to being a significant component of the marine foodchain, kahawai is an important food source for non-commercial fishers, both amateur and customary.

While the legal challenge was a massive undertaking by the amateur sector, the NZ Big Game and Recreational Fishing Councils, Ngapuhi and option4 all agreed that abundance and availability of kahawai needed to improve to enable people to provide for their social and cultural wellbeing.

Legal arguments were heard in the High Court in 2006 and Court of Appeal in early 2008.

An application has now been lodged with the Supreme Court challenging parts of the Appeal Court's findings. The key question in the application for leave to appeal is how the purpose in section 8 of the Fisheries Act 1996 to "*enable people to provide for their social, economic, and cultural well-being*" applies to the exercise of the Minister's discretion under section 21 when the Minister makes decisions to allow for recreational fishing interests. All groups supporting the appeal agree that it is important to get this aspect of the law clarified, which was a key part of the earlier High Court decision.

The leave of the Supreme Court must be obtained in order for the appeal to continue. The Crown and commercial fishers have opposed the application for leave. It is now up to the Supreme Court to decide if they will grant the application for leave. The Court's decision is final.

Outcome

Whatever the Court decides it will not alter the fact that kahawai should be available and abundant. After all, kahawai are the people's fish.

Please assist the team by posting a cheque to the 'Kahawai Challenge Fund', c/o NZ Fishing News, PO Box 12-965 Penrose, or simply dialling 0900 KAHAWAI for a quick \$20 donation (or two) or go online to www.kahawai.co.nz.