

Kahawai Challenge Team

Update #45 February 2009

By the time you read this update the Kahawai Legal Challenge Supreme Court appeal hearing will have been completed. Now it is a matter of waiting for the five learned judges to deliver their decision, which could take several months.

After more than four years of discussion, debate and writing submissions the Challenge team, advocating on behalf of every New Zealander's right to fish, will enjoy a well-earned break.

The NZ Big Game and Recreational Fishing Councils appreciate the ongoing support from option4, the Hokianga Accord, Ngapuhi, Ngati Whatua and thousands of others.

Steelers heroes

Last year the NZ Big Game Fishing Council clubs agreed to a one-off levy of three dollars per member to assist in fighting this challenge. Recent news that the Counties Sport Fishing Club has resolved to increase this levy from three to five dollars adds an invaluable \$1500 to the Kahawai Challenge Fund. Well done to the ladies and gents from our steel capital. Perfect timing!

Twin Challenge objectives

Every New Zealander has a common law right to fish. Having sufficient abundance in the places we normally fish is essential if that right is to have any meaning. This is why the legal arguments have focussed on twin objectives:

- a. restoring kahawai to healthy levels; and
- b. clarifying how the Minister of Fisheries 'allows for' recreational fishing interests, as required by section 21 of the Fisheries Act, and what principles are to be applied when managing fisheries of importance to non-commercial fishers.

This clarification is important because it will have an impact on how other prized species are managed. Snapper, crayfish, paua, blue cod, kingfish and shellfish have traditionally been available to Kiwis. As their numbers declined kahawai took on new prominence as they were easily caught from beach or boat. Then along came purse seining!

"The people's fish" could not hide from the gaze of spotter planes nor could they avoid the attention of the off-season purse seiners who were filling in time. An additional bonus was the catch history these industrial harvesters were accumulating. Those with the largest historical catch would be rewarded with the most quota when kahawai were introduced into the quota management system, enabling the carnage to continue.

Kahawai quota

When the Minister of Fisheries decided to introduce kahawai into the quota system in 2004 no account was taken of the devastating effect that purse seining had on kahawai populations or the environment.

In addition, the Minister, acting on advice from his Ministry, applied an across-the-board proportional 15 percent cut to the allowances and total allowable commercial catch. After a second review in 2005 another 10 percent proportional reduction was made.

Earlier assurances from MFish that cuts would be attributed to the parties responsible for causing fisheries depletion had been conveniently forgotten.

It is no wonder that thousands of people objected to these proportional decisions and it was the 'last straw' for many non-commercial fishing advocates.

Why should ordinary Kiwis suffer reductions because thousands of tonnes of kahawai had been hoovered up and exported for low value fishmeal and crayfish bait?

Scatterings of juvenile kahawai were reminders of the once-abundant schools that used to roam the coastline and local harbours.

Traditions such as surfcasting from a beach or wharf to catch a fish while teaching the kids a few lessons were becoming distant memories.

It is for these and countless other reasons that the team has stood by the legislative purpose and principles of managing fisheries in the High Court, Court of Appeal and lastly the Supreme Court.

Having healthy fisheries in a diverse marine environment will go a long way to enabling people to provide for their own social, economic and cultural well-being.

If you want more fish in the water then please make a contribution to help with the Kahawai Legal Challenge costs. Post a cheque to the 'Kahawai Challenge Fund', c/o NZ Fishing News, PO Box 12-965 Penrose, or simply dial 0900 KAHAWAI for a \$20 donation or visit www.kahawai.co.nz.