

In the High Court of New Zealand  
Auckland Registry

CIV2005-404-4495

Under Part I of the Judicature Amendment Act 1972

In the matter of an application for review

between

**The New Zealand Recreational Fishing Council Inc, and New Zealand Big  
Game Fishing Council Inc**

Plaintiffs

and

**Minister of Fisheries**

First Respondent

and

**The Chief Executive of the Ministry of Fisheries**

Second Respondent

and

**Sanford Limited, Sealord Group Limited, and Pelagic & Tuna New Zealand  
Limited**

Third Respondent

**Affidavit In Reply of Paul Daniel Louis Barnes**

Sworn <sup>18<sup>th</sup></sup> October 2006

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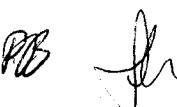
stuart.ryan@heskethenry.co.nz  
argalbraith@xtra.co.nz

I, **Paul Daniel Louis Barnes**, of Auckland, tackle retailer, swear:

1. I have been a spokesman for amateur fishing interests for some 16 years. I am authorised to make this affidavit on behalf of the plaintiff recreational fishing council's in reply to aspects of the evidence of Vaughan Wilkinson for the commercial fishers, and in relation to the Minister's affidavit.
2. My background is
  - a. I have fished for food and recreation for 40 years. When fishing my main objective is to bring home something for the family to eat.
  - b. From 1973-1988 I was a commercial fisherman within FMA 1. My commercial fishing occurred both before and after the introduction of the quota management system.
  - c. I presently operate a fishing tackle business known as Paul's Fishing Kite's based in Auckland, which I have operated for the last 16 years. Based on my knowledge of fishing tackle I have carried out several contracts for government departments for the development of fishing equipment to avoid or reduce the mortality on seabirds from commercial fishing and to develop fish hooks to reduce the mortality of undersized fish.
  - d. I have variously been a member, or advisor to the New Zealand Recreational Fishing Council from 1990, a role I fulfilled on a voluntary basis. I presently occupy a paid role as project leader of option4, a fishing advocacy group for non-commercial fishers.
  - e. I gave affidavit evidence for recreational fishers in the Snapper 1 proceedings. I have been a member of two ministerial advisory groups representing the interests of recreational fishers as part of the *Soundings* process, and have represented recreational fishers on other Ministerial taskforces.

### **Proportionality**

3. The Minister, and the advice to him as to setting allowances, refers to the proportional approach as a "*starting point*" (see para 93 of the Minister's affidavit). Representatives of the recreational fishing sector have opposed the proportional approach being applied to the non-commercial fishing sector. By applying the proportional approach as the



"starting point" and as the "default policy" this never recognises the ability for a fish stock to be entirely allocated to the non-commercial fishers as a "recreational fish". I cannot locate any advice given to the Minister that he had the opportunity to set the kahawai TACC at zero.

4. A proportional approach in my view also obscures the very different nature of recreational interests with commercial rights, and the different abilities of each sector to catch and access fish where there is a low or reducing biomass.
5. Mr Wilkinson states at paragraph 141 that the Minister's decision to apportion the TAC between sectors by reference to their proportionate levels of current utilisation is "*quite unexceptional in fisheries management terms*". He says:
 

...The use of what is essentially current catch history as the basis for allocation is the norm in fisheries management practice. It is also the basis on which quota has always been allocated within the Industry's share of the TAC under the fisheries legislation, and is routinely adopted around the world as a rational basis for allocation by between sectors and within a sector.
6. I agree with Mr Wilkinson that the practice of proportional allocation of quota between fishing sectors has become the norm in New Zealand, but I do not agree this is appropriate. The Ministry referred to proportional allocation between fishing sectors as its "*preferred policy*" in the 2004/2005 FAP's for kahawai. The proportional allocation approach is also evident in other fish stock advice papers from the Ministry.
7. Typically under the proportional approach when the recreational sector is allocated its "proportionate share", it is based on the recreational sector's catch in a much reduced fishery, in this case due to the historically large extractions of schools of kahawai by the purse seine fleet who had an incentive to fish for catch history (a process described in the affidavit of Kim Walshe).
8. Informal discovery has occurred of Ministry records after the commercial fishers lodged their counterclaim. A document obtained from discovery records internal discussion between Ministry policy advisers on the issue of proportionality. The paper (the author is not identified) talks about the treatment of proportionality in the advice papers to the Minister. The paper states that when adjusting the TAC/ TACCs for sustainability

reasons alone a proportional approach is the "*default policy at present as it does not change the relative positions of the sectors and minimises the risk of litigation*". I attach a copy of this paper as exhibit A. The paper refers to the threatened claims to compensation by commercial fishers if there is ever "reallocation" to non-commercial fishers under section 21 of the Act. This is the interpretation of section 308 of the Fisheries Act 1996 which is described by Mr Wilkinson at his paragraph 303.2 and elsewhere. I believe that the Ministry's policy of applying proportional reductions, coupled with threats of litigation for compensation by commercial fishers has resulted in a situation where recreational fishing interests are never being properly "allowed for".

9. The proportional approach, along with a risk of litigation against the Crown by commercial fishers is also a problem for those fish stocks where there has been no allowance (at all) for recreational fishers.<sup>1</sup> Presently recreational fishers take many fish species under bag limit restrictions only, even though there has been no "allowance" made. These fish stocks include fish targeted by the purse seine fleet, especially trevally and the mackerel, where there is no allowance for the recreational sector.

#### **Abundance of kahawai**

10. Mr Wilkinson attaches at his paragraph 251 a series of press clippings suggesting a return to kahawai abundance. Similar statements are also made in the affidavits of the purse seine skippers, Peter George Reid, and Kevin Lawrence Murray.
11. It is also possible to obtain reports of good fishing at any one point in time. However the consistent message from recreational fishers around the country is that there has been, over time, a substantial decline in the numbers of kahawai, the numbers of kahawai schools, and their accessibility to recreational fishers.

#### **Recreational reforms**

12. Mr Wilkinson paints the picture that the recreational sector has been obstructive of legislative reform and policy development. I disagree.

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<sup>1</sup> Within the fishing management area (FMA) 1 this includes blue cod (BCO1), spiny (red) rock lobster (CRA1), elephant fish (ELE1), gurnard (GUR1), hake (HAK1), hapuku and bass (HPB1), john dory (JDO1), jack mackerel (JMA1), paua (PAU1), pack-horse rock lobster (PHC1), red cod (RCO1), school shark (SCH1), squid (SQU1J) and (SQU1T), and trevally (TRE1)

Following *Soundings*, a reform package was put together for consideration by all recreational fishing groups, and after the Minister at the time advised that licensing was not government policy. All four groups (New Zealand Recreational Fishing Council, option4, New Zealand Big Game Fishing Council, and the New Zealand Angling & Casting Association Inc.) wrote to the Minister by letter dated 1 December 2003, advising that we supported all elements of the proposed reform package, but not a proposed amendment to section 21 of the Fisheries Act. A copy of this letter is annexed as exhibit B. All groups had formed the view that the reform of section 21 would weaken recreational fishing rights. Apart from this provision, all groups supported the Ministry's other reform proposals.

### **Influence on Decision-Making**

13. At paragraph 197 Mr Wilkinson refers to the "incessant political pressure brought to bear by the recreational fishing lobby". In my view this overstates the position. The Industry is very effective at influencing policy and decisions. Prior to the Minister's 2004 kahawai decisions Sanford Ltd had engaged lobbyists, lawyers, and met with the Minister, all prior to the Minister's 2004 decision, which Mr Wilkinson does not disclose in his affidavit.
14. Sanford representatives are known to have met with senior MFish officers at Sanford's Auckland office on 8 April 2004 to discuss a draft of Sanford's submission on kahawai prior to the close of submissions. Later a meeting occurred between the Minister and Sanford representatives in Auckland on 25 June 2004 "where kahawai was discussed". The existence of this meeting was advised by MFish in a letter to Hesketh Henry at paragraph 19, a copy of which is annexed as exhibit C. MFish advise that "no notes from the meeting were taken". The Minister's decision was made on 5 July 2004.

### **History of QMS**

15. Mr Wilkinson says paragraph 57 and elsewhere that the Crown "sold" the QMS to the Industry on the basis that it would be accompanied by a comprehensive management of the catch of all sectors. I believe that the public of New Zealand would not have supported the QMS, which privatised most of New Zealand's fishery resources through the allocation of perpetual commercial fishing rights, unless recreational fishing was protected. The QMS was introduced along with promises

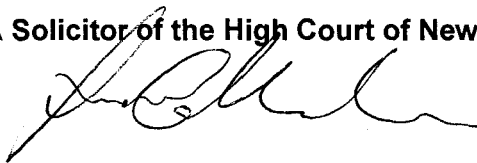
from the Government that there would be an improvement in the recreational catch. In the so-called "blue book" released to the public prior to the QMS, predictions of increased economic returns to the industry and the New Zealand economy were made "as well as an improved recreational fishery" from the introduction of the QMS.<sup>2</sup> Promises were also contained in the National Policy for Marine Recreational Fisheries, released in 1989 by the then Minister of Fisheries, Colin Moyle (but which I believe was first released as a draft in 1986). Rather than the QMS leading to an improvement in the recreational catch, the experience with kahawai has seen the reverse occurring.

- 16. In calling for restraint to be imposed on the recreational catch of kahawai (and by implication other stocks) Mr Wilkinson overlooks the great many examples under the QMS where the recreational catch has no allowance, and is restricted and limited by the size of the commercial catch; the many fish stocks in which the commercial sector regularly exceeds it's TACCs, by deeming, and other practices; and the fish stocks where the TAC is set at high levels which do not constrain the commercial catch. There is never any "compensation" or increased allowance for the public of New Zealand when recreational fishers continue to suffer poor catch rates caused by commercial fishing.

SWORN by PAUL DANIEL LOUIS )  
BARNES at Auckland )  
this 18<sup>th</sup> day of October 2006 )  
before me: )



A Solicitor of the High Court of New Zealand



Sophie Elizabeth Gillanders  
Solicitor  
Auckland

<sup>2</sup> Inshore Fin Fish Fisheries: Proposed Policy For Future Management, Ministry of Agriculture & Fisheries, 1984, pg 6.



### Proportionality in Allocation of the TAC

The current presentation of the *Allocation* section of the FAP draft is causing concern. The presentation does not merely address the general concerns of submissions with the IPP proposals, nor does it set out a cohesive case for an alternative approach for the Ministry, but takes the general issues of proportionality, reallocation, and compensation raised in submissions as points of departure to discuss various aspects of these issues. The discussion is incomplete and exposes both the Ministry and the Government to risks for which approval has not been sought.

The issue is not really that complex and has been traversed before in more measured processes. The matter can be summarised in point form as follows:

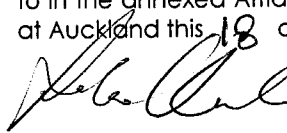
#### Current situation:

- Currently the Minister has the legal power to adjust the proportion of the TAC allocated the commercial and non-commercial sectors, whether or not this is part of a process of adjusting the TAC for sustainability reasons;
- Where such "reallocation" is undertaken, there is currently a legal risk that stakeholders would initiate litigation, claiming that the decision adversely effects their interests and that they should be compensated for the impacts;
- Such a claim is almost sure to succeed in an extreme case, where reallocation clearly results in a major impact of established interests;
- The most clearly established economic interests are the quota rights of the commercial sector, and the most likely scenario for a test case is where the industry share of the TAC has been reduced in favour of an increase in the recreational share;
- However, what threshold of impact on existing interests might be held by the courts to require compensation, and how historical and contemporary circumstances and the reasons for the particular action might affect that threshold or the rate of compensation due, is likely to vary from case to case;
- When adjusting TACTACCs for sustainability reasons alone, the default policy at present is a proportional approach as this does not change the relative positions of the sectors and minimises the risk of litigation;

#### Problems with the status quo

- Uncertainty for the Crown in making decisions as to what liability for compensation may be incurred (potential reluctance to make changes to address allocation issues between sectors);
- Uncertainty for commercial sector over potential changes to the TACC for other than sustainability reasons, and what compensation if any might be made (potential affects on investment environment and costs of litigation);

This is the paperwriting marked "A" mentioned and referred to in the annexed Affidavit of **Paul Daniel Louis Barnes** sworn at Auckland this 18 day of October 2006 before me:

  
Sophie Elizabeth Gifford  
Solicitor  
Auckland

- Concern on the part of recreational fishing advocates that they will be locked into existing allowances for recreational take due to the compensation issue, when they consider allowances for some species to be inequitable due to historical fishing patterns;

#### **Broader issues:**

- Recreational fisheries management is under-developed relative to the QMS;
- Participation rates in recreational fishing are high and participation generally increases with population;
- Information on recreational utilisation is poor and management ability to constrain catches is weak;
- Recreational sector advocates believe the sector should have their values better catered for, and commercial fishers want recreational fishing better controlled so as to better protect their fishing rights;
- Allocation of a catch proportion is only one means of changing the balance of interests for recreational fishers, and, therefore, resistance to a proportional policy could be reduced if other measures were taken concurrently to improve value to the recreational sector;

#### **Potential for proportional policy:**

- To gain the advantages of reduced uncertainty in allocation for affected parties, a proportional policy would require a clear understanding of the compensation mechanism that would be applied and when it would be applied;
  - This could be determined through case law, by agreement with stakeholders, or through legislation;
- The issue of the appropriateness or equity of the existing allocation of TACs would need to be worked through, and perhaps negotiated with stakeholders for important species, if any approach other than "leave it to the courts in every case" is to be taken;
  - This issue may be best dealt with in a general process of getting a package of measures for improved recreational management in place;
- Who will pay for any compensation is an important question. Given the broad representation of recreational interests in the population as a whole, the lack of quantification of their interests (even at a sub-sector level), and the lack of comprehensive representation of these interests, at present the only feasible source of compensation finance is the government;
  - Therefore, any policy change that increased the current liability for compensation claims would require Cabinet approval;

#### **Alternative option**

PB




- Parliament has previously considered the options and decided against both specifically providing for compensation and protecting the Crown against claims for compensation;\
- However, an alternative route would be to introduce protection against compensation claims for any action under section 21;
- MFish does not support this course of action as it would be generally adverse for the incentives created for the commercial sector by the quota management system, by reducing the certainty and value of rights provided by the status quo.

PB 

"B"

This is the paperwriting marked "B" mentioned and referred to in the annexed Affidavit of **Paul Daniel Louis Barnes** sworn at Auckland this 18 day of October 2006 before me:

Sophie Elizabeth Gillanders  
Solicitor  
Auckland

  
Solicitor of the High Court of New Zealand



NZ Recreational Fishing Council  
PO Box 26 064  
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WELLINGTON

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AUCKLAND



NZ BIG GAME FISHING COUNCIL  
PO BOX 93  
WHANGAREI



NZACA  
PO BOX 12042  
ROTORUA

Minister of Fisheries  
Hon Pete Hodgson  
Parliament Buildings  
Wellington

1<sup>st</sup> December, 2003.

Email: phodgson@ministers.govt.nz

**Re: Reference Group review of the "Reform of the amateur marine fishing right" draft proposal.**

Dear Sir,

Subsequent to our meeting with you in Wellington, 1/10/03, we have carefully considered and reviewed the proposed Reform Package with a view to determining the level of support we can offer you for the elements proposed. Our review has involved a number of meetings, the commissioning of a legal opinion on some of the proposed changes to the Act and constant discussion between all Reference Group members and their respective organisations. The findings of this review process, whilst taking longer than initially anticipated, further confirm the consensus that exists within the representative organisations. Some elements of the Reform Package are warmly supported, whilst others have been deemed completely unacceptable.

The results of our review of the proposed Reform Package are –

**1. An amendment to section 21** of the Fisheries Act 1996 to provide for explicit allocation criteria the Minister of Fisheries must have regard to when making allocation decisions.

It is our belief that the changes to Section 21 of the Fisheries Act, as suggested in the Reform Package, expose us (the public) to risks that outweigh any benefits. To that end, **we do not support** the changes suggested for Section 21 of the Act and any attempt to amend Section 21, as proposed, will be met with the most vigorous opposition.

**2. An amendment to section 311** to provide non-commercial fishers with a stronger access right where it is established that there is insufficient abundance of a fish stock for both commercial and non-commercial fishers.

**We do support**, in principle, the need for this element of the reform package. Prudence and good process insist we seek legal advice and interpretation of any amendments to legislation. To date, our limited resources have prevented us from completing this work on these proposed changes to legislation.

**3.** Subject to assessing the proposal and determining that certain specified criteria are met, the Ministry will consider commissioning the research necessary to establish abundance and other issues relevant to the proposed amendment to s311.

**We do support** this element of the reform package

**4. A more transparent resource, funding and expenditure process** within the Ministry so that sector groups can see that resources/ funding are being allocated to the most meritorious projects (e.g. in context of the sustainability measures round);

**We do support** this element of the reform package.

**5. The development of an amateur fishing information strategy** to guide research priorities and to better underpin the information needs of the reform proposal, together with a significant increase in funding. Included will be support for a joint amateur fishers/MFish internet system for obtaining information on recreational harvest.

**We do support** this element of the reform package.

**6. MFish to review recreational regulations** (limited review of up to top 10 regulations of most concern) within specified timeframe.

**We do support** this element of the reform package, however, only the sorting of the regulations requiring review will reveal how many regulations in fact require review and the resources required to do same. We note the process by which the regulation review takes place has yet to be discussed and agreed upon.

**7.** When more certain information on the amateur harvest becomes available fishery management decisions based on the 1996 Recreational Fishing Harvest Estimates will be reviewed.

**We do support** this element of the reform package.



The very significant investment of time and effort by all of those involved in this process has identified specific improvements that should be made to the management of our fisheries. The elements of the Reform Package that are supported will require further work. We envisage, and commit to, maintaining our level of participation and input in order to capitalise on the returns from the investment all have made.

Clearly, it is time for MFish Operations Management to engage with the Reference Group. We would draw your attention to Appendix # 3 of the Policy Paper entitled "Fisheries management issues requiring discussion between MFish and amateur fishers" and suggest that these points require ongoing effort and focus to achieve resolution.

On several occasions you have expressed your concern about providing protection for the public's right to fish for food and recreation. We appreciate your concerns and believe your efforts have been directed toward our best interests.

We remain

Yours faithfully



Jeff Romeril  
President  
NZBGFC



Paul Barnes  
Project Leader  
option4.co.nz



Ross Gildon  
President  
NZRFC

Bill Cronin  
President  
NZACA





608 Rosebank Road, Avondale  
 PO Box 19747, Avondale  
 Auckland, New Zealand  
 Phone (09) 820-1990, Fax (09) 820-1980

MINISTRY OF FISHERIES  
 Te Tautiaki i nga tini a Tangaroa

This is the paperwriting marked "C" mentioned and referred to in the annexed Affidavit of **Paul Daniel Louis Barnes** sworn at Auckland this 18 day of October 2006 before me:

OIA485/A  
 Yr Ref letter dated 1/11/04

*[Signature]*  
**Sophie Elizabeth Gillanders**  
 Solicitor  
 A Solicitor of the High Court ~~Auckland~~ Zealand

3 December 2004

Stuart Ryan  
 Partner  
 Hesketh Henry  
 Private Bag 92093  
 AUCKLAND 1030

Dear Sir

**KAHAWAI ALLOCATION DECISIONS- OFFICIAL INFORMATION ACT REQUEST**

I refer to you request dated 1 November 2004 for information regarding the decisions to introduce kahawai into the Quota Management System (QMS) and to set catch limits and allowances for kahawai stocks. The following is an outline of material provided in response to your request. The reference numbers of your original request are used in this response.

- 2 (a) The Official Information Act Guideline Document is attached.
- 3 (b) The Ministry of Fisheries has implemented a project to implement a national document management system. Completion of this project is some time away and in the interim the Ministry has no centralised (or national) document management system that would allow electronic searches for documents that have yet to reach local archive systems. The legal section of the Ministry of Fisheries does run a PC based document management system but this is restricted only to files they have created. There are limited local systems that do allow searches of files that have reached archives, however these do not allow a comprehensive interrogation of the information held. Manual effort is generally needed (on site and at our archive storage facility) in order to undertake comprehensive document searches.
- 4 MFish Initial Position Paper and MFish Final Advice Paper attached. Final advice shows annotations and decision by the Minister of Fisheries.
- 5 As for reference number 4.
- 6 As for reference number 4.
- 7 Officials met with the Minister of Fisheries on 25 June 2004 to discuss kahawai final advice. A summary document prepared in support of the meeting is attached. Officials met again with the Minister of Fisheries on 5 July 2004. The Minister of Fisheries advised of his decisions. For the record refer to reference number 4.
- 8 The MFish Initial Position Paper and Final Advice Paper on the decision to introduce Kahawai into the QMS are attached.

*[Handwritten initials]*

- 9 Refer to the annotations in the Final Advice Paper referred to in reference number 8 above.
- 10 Refer to reference number 8 above.
- 11 Refer to reference number 8 above.
- 12 NIL. There was no provision of earlier advise on kahawai being introduced into the QMS apart from that provided under reference number 8 above.
- 13 Two draft versions of the IPP are attached. Multiple authors worked on the production of this document. There are a number of draft versions in electronic form. I have interpreted your request as key drafts and include final draft sent for internal review and the modified draft in response to review comments.
- 14 Two draft versions of the FAP are attached. Multiple authors worked on the production of this document. There are a number of draft versions in electronic form. I have interpreted your request as key drafts and include final draft sent for internal review and the modified draft in response to review comments.
- 15 Various emails are attached.
- 16 NIL see reference number 17.
- 17 Records of a meeting between MFish officials and fishing industry representatives including emails, meeting notes and subsequent requests by Industry for information.
- 18 NIL. There are no records of any communication with any government departments regarding any of the listed kahawai decisions.
- 19 A meeting between the Minister of Fisheries and Sanford Limited representatives was held in Auckland on 25 June and kahawai was discussed, however no notes from the meeting were taken. Copies of letters to the Minister of Fisheries from Chen Palmer and Partners on behalf of Sanford Limited dated 1 July and 7 July 2004 are attached.
- 20 A copy of briefing notes to the current Minister of Fisheries regarding the outcome of the Soundings process is attached.
- 21 Copies of the 2004/05 Statement of Intent and draft 2005/06 Statement of Intent are attached.
- 22 A copy of the most recent version of the Pelagic Medium Term Research Plan is attached.
- 23 Copies of Final Research Reports (none have been published as part of the Fisheries Assessment Research series) are attached.
- 24 Copies of monthly reports from two research providers have been provided along with associated Research Progress Reports.
- 25 The following documents as listed below relating to meaning of interests within s21 of the Fisheries Act 1996 are attached.
- The legal nature of Recreational fishing rights
  - Shared Resource: Allocation between stakeholders
  - Recreational Fishing Reform: Occasional papers (19 December 2002)
  - Briefing note: Recreational Fisheries Reform: Meeting with Amateur Fishers Reference Group 30 September 2003
  - Briefing note: Briefing notes for participation in Radio network talkback session, Saturday 1<sup>st</sup> May 2004 dated 30 April 2004.
  - One briefing paper has been withheld which has yet to be considered by the Minister of Fisheries. The grounds for withholding this paper is to allow for the provision of confidential advice to the Minister prior to him making any decision (section 9(2)(f)iv of the Official Information Act 1982).
- 26 Copies of relevant generic statutory obligations and policy guidelines sections of

- advice papers are attached, including the version that was attached to the kahawai FAP.
- 27 A copy of a report entitled *Building on Progress Fisheries Policy development in New Zealand* is attached.
- 28 A copy of a report entitled *Fisheries Legislation Review. Public Discussion Document* is attached.
- 29 A copy of the *Synopsis of Submissions on Fisheries Task Force Report, August 1992* is attached.
- 30 A copy of the report entitled *Sustainable Fisheries, Tiakina nga Taonga a Tangaroa*; Report of the Fisheries Task Force to the Minister of Fisheries on the Review of Fisheries Legislation' April 1992 is attached.
- 31 A copy of the document *Valuing New Zealand Recreational Fishing and an Assessment of the Validity of the Contingent Valuation Estimates* is attached.
- 32 I have interpreted this request as follows. The Fisheries Act 1996 excludes issues of compensation from consideration during the process of introduction of a species into the Quota Management System. An exception is where a stock is listed in the Fourth Schedule of the Fisheries Act 1996. Kahawai is so listed and a fixed rate of compensation is set in legislation. Once a TACC is set provisional catch history is reduced to this level. Compensation at the fixed rate then applies to the further reduction then required to provide for 20% of the TACC to be provided to Maori. I have not included documents relating to the listing of kahawai as a Fourth Schedule species nor have I provided documents relating to the setting of the compensation amount for kahawai. The documents attached relate to the recent process of implementing the TACC decisions of the Minister of Fisheries.
- 33 As for reference number 32 above.
- 34 As for reference number 32 above.
- 35 NIL (CD ROM diskettes of Final Advice Papers will be provided).
- 36 Documents held subsequent to 1 January 2003 establishing commercial value in summary form are attached.
- 37 NIL Provisional catch history is determined from landed catch returns reported by client number. This information is not reported by method.
- 38 Documents pertaining to the establishment of purse seine catch limits in 1991, rollover in subsequent years and reductions are attached.
- 39 Documents pertaining to MFish response to purse seine catch limits that were exceeded are attached.
- 40 Public statements by the Minister on the setting and revising of purse seine limits are attached.
- 41 NIL I refer you to the relevant section of the paper *Setting of Sustainability and other Management Controls for Stocks to be Introduced into the QMS on 1 October 2004 Final Advice Paper*.
- 42 I refer you to the relevant section of the Kahawai Final Advice Paper and to the Kingfish section of *Setting of Sustainability and other Management Controls for Stocks to be Introduced into the QMS on 1 October 2003 Final Advice Paper* that is provided on a CD ROM diskette.
- 43 I refer you to the appropriate section of the Kahawai Final Advice Paper and particularly that section dealing with loss of economic return.
- 44 Copies of Plenary Assessment Reports dating back to 1988 are attached. Earlier reports did not include kahawai.
- 45 Minutes of Pelagic Fisheries Assessment Working Group meetings (1996, 1997

- and 1998) are attached.
- 46 Kahawai stock assessment reports are attached.
  - 47 A copy of the 1996 preliminary stock assessment for kahawai is attached.
  - 48 A copy of the 1997 preliminary stock assessment for kahawai is attached.
  - 49 Copies of a suite of documents providing criteria for performing stock assessments or accepting stock assessments are attached.

The charge for making this information available is \$3,000. In accordance with guidelines, this charge represents thirty-four hours of labour with no charge for the first hour and photocopying charges at 20 cents per page with no charge for the first 20 pages. An invoice will be generated for this amount.

The Ministry has commenced processing your supplementary request dated 15 November 2004 and a response will be provided in due course.

Should you believe that I have misinterpreted your request for information, or if you wish to qualify or expand your original request, you should refer the matter back to this office. You have the right under s 28(3) of the Official Information Act 1982 to make a complaint to an ombudsman to seek an investigation and review the extent of information released and of the charge for releasing the attached information.

Yours sincerely



Arthur Hore  
Senior Fisheries Management Advisor Pelagic  
Ministry of Fisheries  
AUCKLAND

