

Kahawai Update #21
New Zealand Fishing News
February edition
January 2007

Kahawai Legal Challenge supporters and contributors will be pleased to know the High Court hearing has been completed. On Monday December 11th 2006 the legal team engaged by the New Zealand Big Game Fishing Council and the New Zealand Recreational Fishing Council summed up the case.

In this landmark case to protect the public's fishing rights the court was asked to clarify how the Minister of Fisheries should make decisions in all shared fisheries, not just kahawai. The primary goal is to achieve a rapid rebuild of the kahawai stocks as the kahawai fishery has gone from being an abundant "people's fish" to being exported for crayfish bait, fish meal and other low value products. As a result kahawai are now smaller and less available to traditional, customary and recreational fishermen fishing for food.

It is estimated that over forty million kahawai have been scooped out of the water. The Challenge said that those who caused the depletion should take the cuts to rebuild the fishery. Not only that but the decision from the court is likely to influence future allocation and management decisions for snapper, crayfish, paua, blue cod, kingfish, shellfish and other important shared fisheries.

Underpinning the case was the understanding of the purpose of the Fisheries Act, which is to provide for the utilisation of fisheries while ensuring sustainability. Ensuring sustainability means maintaining fisheries to meet the needs of future generations and to enable people to provide for their social, economic and cultural wellbeing.

The Hon. Justice Rhys Harrison listened to the arguments put by the legal teams from both recreational and commercial interests and has reserved his decision. He has committed to issuing his judgement in February. This is very welcome news as the Shared Fisheries debate will still be in full swing and the ruling should help inform that discussion and ultimately the outcome. (See the option4 Update #79 elsewhere in this magazine for more details).

Acknowledgements

Stuart Ryan of Hesketh Henry Lawyers, Lyn Stevens QC (now a High Court judge) and latterly Alan Galbraith QC have been a formidable team. Their dedication, research, analysis and conclusions all contributed to a quality case and performance in court. We cannot thank them enough for their commitment to this public good case.

Sincere thanks goes to the many thousands of individuals who contributed not only money but also countless hours raising awareness amongst colleagues, friends and family.

The following organisations have made particularly powerful contributions. Please support the following organisations when considering your next purchase or fishing trip:

Amex Custom Prints
Axys Web Systems
Big Fish Bait and Tackle
Big Red Tackle Company
Black Magic Tackle
Chesters Plumbing Supplies
Composite Developments
Daryl Crimp, cartoonist
fishing.net.nz
Haines Hunter
Hesketh Henry Lawyers
Meares Taine
New Zealand Fishing News

New Zealand Fishing World
Paul's Fishing Kites
Pursuit Charters
Quadprint Colorpress
TBWA Whybin
The Fishing Breakfast Show with
Geoff Thomas
Thor Charters
Utter Chaos Charters
Warkworth Boat and Fishing
Centre
Wilson and Macindoe

Thank you all. Please visit www.kahawai.co.nz for the latest developments of the case.