

A photograph showing the silhouettes of several fishermen standing on a beach, holding their fishing rods. The scene is set against a bright, hazy sunset or sunrise over the ocean. The title 'Fishing in the Supreme Court' is overlaid on the right side of the image in a large, white, sans-serif font.

Fishing in the Supreme Court

Our clients New Zealand Recreational Fishing Council Inc and The New Zealand Big Game Fishing Council Inc lodged judicial review proceedings in 2005 challenging the Minister of Fisheries' decisions allocating Kahawai into the quota management scheme. The case is the first legal proceedings by amateur and recreational fishing interests since the introduction of a quota management scheme to manage fisheries resources 20 years ago.

Partner Stuart Ryan, who acted on behalf of the NZ Recreational Fishing Council in the initial challenge, will again be representing their interests in the High Court. He will once again work closely with Alan Galbraith, QC.

The recreational fishers secured a large win in the High Court in March of last year when the High Court made declarations that the Minister of Fisheries decisions were unlawful as they had set the total allowable commercial catch for Kahawai without taking into account the social, economic and cultural wellbeing of the people – a mandatory consideration in the Fisheries Act 1996.

The second part of the challenge was that the Ministry failed to take into account the special considerations applying in the Hauraki Gulf, due to the Hauraki Gulf Marine Park Act 2000, when fixing the total allowable catch for an area encompassing North Cape to East Cape, including the Hauraki Gulf.

The commercial fishing industry appealed the High Court decision, and were successful last month in the Court of Appeal in overturning in part the High Court decision. The recreational fishing interests have now sought leave to appeal part of the Court of Appeal's decision to the Supreme Court.

Stuart is looking forward to a challenging and stimulating case, the outcome of which has implications for this nation's many thousands of recreational fishers. **HH**