

## **Kahawai Legal Challenge**

July 2008

### **Kahawai Appeal To The Supreme Court**

Recreational fishers have lodged an application for a hearing in New Zealand's Supreme Court following the recent Appeal Court judgment on kahawai.

The legal action, often referred to as the Kahawai Legal Challenge, is the first ever instigated by amateur fishers. They challenged the Ministry of Fisheries approach in making an allowance for non-commercial fishing interests and setting commercial quotas when one of the last major inshore fish stocks, kahawai, were introduced into the quota management system in 2004.

In 2007 the High Court overturned the Ministers decision, ruling that some key considerations had been overlooked or discounted. Three corporate fishing companies challenged many aspects of that decision during an Appeal Court hearing in February 2008.

Subsequently the Appeal Court found that people's social, cultural and economic wellbeing were not mandatory considerations for the Minister when allowing for recreational interests, and applied a global approach to the purpose clause in section 8 of the Fisheries Act 1996. This Supreme Court application specifically challenges their interpretation of the law.

Non-commercial fishing advocates remain convinced the High Court was correct when Justice Harrison confirmed the Fisheries Act provided for the utilisation of fisheries while ensuring sustainability. Utilisation encompasses conserving, enhancing and developing fisheries to enable people to provide for their social, economic and cultural wellbeing.

The New Zealand Big Game Fishing Council, New Zealand Recreational Fishing Council, lobby group option4, Ngapuhi, our largest iwi, and thousands of New Zealanders have supported the Kahawai Legal Challenge. All were aiming to achieve the goal of more fish in the water.

"Kahawai have an important role in the marine food-chain and we have an obligation to protect this iconic species so future generations inherit healthy fisheries and an environment they are proud of," Richard Baker, President of the NZ Big Game Fishing Council, said today.

"The purpose of our fisheries law must be to support the rights of the public to fish and provide for their needs. Fisheries managers must also take into account, and put right, the long-term damage done to our fisheries by bulk-harvesting purse seiners for very low returns."

option4's spokesperson, Scott Macindoe is concerned about the use of exported kahawai for Australian crayfish bait and cat food.

"It makes no sense to see the public's access to kahawai being slashed by 25 percent while commercial fishing companies continue exporting this wonderful eating fish for next-to-no return. Kahawai are the peoples fish and we must stand up to this madness" continued Macindoe. "Who knows what bag limits will be required to give effect to this stupidity?"

Kahawai are often the first fish kids catch, are one of the best fighting fish in the water and were a traditional food source for many Kiwi families.

"This was the first time that recreational fishers and Maori have worked together through the courts to ensure that all New Zealanders can continue to put kai on the table for their whanau." said Ngapuhi's Chairman Sonny Tau.

"As food and fuel prices skyrocket it is important we maintain easy access to sustainable levels of all key fisheries including snapper, tarakihi, crayfish, paua, mullet and flounder. Ngapuhi feel very strongly about protecting the wellbeing of our mokopuna."

While acknowledging the difficulties of fundraising to support this very expensive legal process, non-commercial fishers are committed to ensuring future Fisheries Ministers are able to sustainably manage all fisheries so people can provide for their social and cultural wellbeing.

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\* Website [www.option4.co.nz](http://www.option4.co.nz) option4 lobby group

\* Website [www.ngaphui.iwi.nz](http://www.ngaphui.iwi.nz) Te Runanga A Iwi O Ngaphuhi

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