

The Hon Phil Heatley
Minister of Fisheries
Parliament
Wellington

13 August 2010

Review of Sustainability Measures for all Kahawai Stocks (KAH 1, 2, 3, 4, 8 and 10) October 2010

Dear Minister,

I write this letter as part of the Kiwi Party's submission on the review of the Kahawai fishery. I applaud the Ministry undertaking this review and I commend you for whatever role you have had in bringing this about. The Kiwi Party supports the submission made by the Hokianga Accord, NZ Sport Fishing (NZSF) and option4, believing their recommendations based on experience and expertise in this matter will be of great assistance to you.

You are, of course, no stranger to the ongoing controversy over the allocation of the TACC since the introduction of Kahawai into the Quota Management System (QMS) in 2004.

At the time, as you will recall, I was the fisheries spokesperson in Parliament for the United Future party while you were the similar spokesperson for the National party in opposition. Prior to the passing of the legislation to bring Kahawai into the QMS I put forward an amendment to the Fisheries Bill seeking to delay its introduction so that the importance of Kahawai as a recreational/non commercial fish, (the peoples' fish) could be worked out so that quota was not allocated to commercial interests except as by-catch. This was because the practice of purse-seining Kahawai in recent years, a practice which should never have been allowed in my opinion, had enabled one fishing company in particular to develop catch history to qualify for a disproportionate amount of quota, not as by-catch but as primary catch. This was being exported as craybait to Western Australia and the Middle East with very low economic benefit to our economy compared with its value to recreational fishers. When I approached you for the support of the National party for my amendment, to your credit, you agreed with the concerns of the recreational/non commercial fishing sector and you confirmed National support for the amendment.

As a resident of Tauranga I was aware of the purse-seine vessels that were operated from the harbour by Sanfords. It was well known that spotter planes would radio back to base when they saw Kahawai schools of fish and the vessels would put to sea and be able to harvest almost the entire school of fish within a matter of hours. This kind of fishing in the inshore area is hardly compatible with sustainability. Quota allocated to commercial fishery can always be harvested in this method so their maximum yield is guaranteed, while the recreational fisher may never achieve their bag limit because the bulk of the fish stock has already been gone on a 'first come first served' basis.

Unfortunately, as you will also recall, my amendment was defeated because Winston Peters decided to play politics and sided with the Labour Government, and Kahawai entered the QMS with commercial quota allocated on the basis of the catch history of the purse-seine vessels. As a result of this refusal by the Minister at the time to listen to the reasonable plea from the non-commercial sector, the Kahawai Legal Challenge (KLC) was born. The Supreme Court final ruling on the KLC case raises serious questions about how the purpose of the Fisheries Act has been complied with and leaves you with some discretion in future allocations of the TACC, particularly

in the light of the fact that the science behind the estimates of fish stocks is never certain. If you are to ensure that future generations of Kiwi families can actually catch a reasonable bag limit of Kahawai, and not just hypothetically be allowed to catch such a bag limit, then the stock needs a significant rebuild. The continued allocation or commercial quota other than reasonably appropriate for by-catch, will always make this rebuild impossible.

You have an opportunity in this review to right a wrong that should not have been fostered on the good citizens of New Zealand. May you be given the courage and wisdom to undo this error we were trying to stop in 2004.

Yours Sincerely,

Larry Baldock
Kiwi Party leader.