

# THE KAHAWAI LEGAL CHALLENGE

A High Court review of the Minister of Fisheries kahawai decisions.

Fishing for food and fun is a national pastime and a heritage.

This is a right we must protect for our children's sake!

**THE OBJECTIVE** The Legal Challenge seeks to clarify how the Minister of Fisheries should be making decisions in **all shared fisheries**, not just kahawai. The primary goal is to achieve a rapid rebuilding of kahawai stocks.

**THIS IS A LANDMARK CASE** For the first time, recreational fishing organisations have joined together to take legal action to protect the public's fishing rights. The NZ Big Game Fishing Council and the NZ Recreational Fishing Council, supported by option4 and Ngapuhi, have asked the High Court to rule on the nature and extent of recreational fishing interests when setting allowances for non-commercial fishing. The case will be heard in the Auckland High Court on November 6th 2006. Recreational fishers are being represented by Hesketh Henry Lawyers and barrister, Alan Galbraith QC.

**WHY THE KAHAWAI DECISIONS ARE SO UNFAIR** 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. The Challenge says that those who caused the depletion should take the cuts to rebuild the fishery. Commercial fishers have lodged a counterclaim seeking to reduce the recreational allowance and increase their share.

**HOW DID THIS HAPPEN?** Kahawai were left out of the Quota Management System in 1986. Industrial scale targeting of kahawai schools by purse seiners, assisted by spotter planes, occurred as the fishing industry raced to catch as much fish as possible before kahawai quotas were set. Despite a small reduction in purse seining, whole schools of kahawai were still being taken every set. It is estimated over forty million kahawai have been scooped out of the water.

**WHAT ABOUT OTHER SPECIES** A decision from the court is likely to influence future allocation and management decisions for snapper, crayfish, puaa, blue cod, kingfish, shellfish and other important shared fisheries. It is also expected that the outcome of the case will be relevant to the Shared Fisheries Review by the Ministry of Fisheries.

**A HEROIC AND UNITED EFFORT** Legal costs alone are estimated to exceed \$350000. The NZBGFC and key option4 supporters have made sizeable donations. The public has donated and helped distribute information. Haines Hunter, Black Magic Tackle, Quadprint, NZ Fishing News, Hesketh Henry and the QC have also contributed.

**WHO MONITORS THE FUNDS?** Trustees of the Kahawai Challenge Fund include the NZ Fishing News team. Approval is sought from NZBGFC, NZRFC and option4 representatives prior to any payments.

## MORE INFORMATION

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## WANT MORE FISH IN THE WATER?

Every dollar given to the Challenge is a sound investment in your future fishing success. Donate NOW!

## TO CONTRIBUTE

[www.kahawai.co.nz](http://www.kahawai.co.nz) (online donation facility)  
0900 KAHAWAI (52 42 92) to make a \$20 donation  
Kahawai Legal Challenge, c/o NZ Fishing News  
PO Box 12-965, Penrose Auckland  
Please make cheques to 'Kahawai Challenge Fund'