

option4 Update #94

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Just do it!

As we head into our major holiday season it is time to celebrate the Kahawai Legal Challenge win and what it means for all New Zealanders, particularly those of us who head to the beach, campsite or holiday home and look forward to fresh kaimoana. Very little can surpass the joyous expression when the kids catch their first fish. It is simply priceless.

In March the High Court confirmed that every man, woman and child in this country has a well-settled common law right to fish. That right is particularly valuable for two reasons: our easy access to the sea and our temperate climate. Little wonder fishing remains so popular.

Not only do we want to fish, we also want fisheries managed so that when we do head out on the water there are sufficient fish available to give us a *reasonable* chance of catching one.

Despite many images of the 'fish of the day', more often people are saying they are struggling to put fresh fish on the table after a day's fishing.

How can this be so when the Fisheries Act 1996 contains all the tools and mechanisms to manage fisheries at sustainable levels?

As the law requires, and as confirmed by the High Court, fisheries must be managed to enable people to provide for their social, economic and cultural wellbeing.

The Minister of Fisheries and his Ministry have earlier accepted the High Court's decision. So why aren't they using the Fisheries Act to its full extent?

Justice Harrison confirmed that non-commercial interests must be 'allowed for'. This process has preference and is entirely different from the allocation mechanism prescribed for determining commercial catch limits.

Proper application of the law would go a long way to achieving abundant fisheries and give all Kiwis a reasonable chance of catching and enjoying a traditional feed of kaimoana. This is a cherished and unique part of our lifestyle that we must retain.

Since a law change in the mid 1990's the only local area management tools available are the Maori customary tools such as rahui, taiapure and mataitai. Again, proper application of these tools offers coastal communities and tangata whenua the opportunity to work constructively together to achieve benefits that all people can enjoy.

Unfortunately the lack of public education, understanding and the failure of public servants to explain these mechanisms have led to very few coastal areas being managed by local communities. Our local fisheries are all the poorer because of these shortcomings.

The good news is your fishing representatives are now more aware of how the law supports sustainable utilisation of our fisheries to provide for everyone's wellbeing. It is the application of the legislation that is required.

Throughout 2007 option4, the Hokianga Accord and the NZ Big Game Fishing Council have stood firm in rejecting bureaucratic restrictions on the right of Kiwi's to fish. There is far more potential in maintaining the common law right to fish for present and future generations.

Have a safe and successful holiday.