

## TARAKIHI COURT DECISIONS: BACKGROUND INFORMATION

### Key points

- In 2019 the Minister of Fisheries, Stuart Nash, wrongly doubled the rebuild period for tarakihi based on economic factors and a voluntary industry rebuild plan. At that time tarakihi had been fished down to just 15% of their original levels. Anything less than 40% is considered overfished
- In 2021, the inshore tarakihi fishing industry admitted failing to adhere to voluntary measures it promised in the voluntary industry rebuild plan.
- The 2021 High Court decision confirmed the following:
  - The Minister must first work out what is required for sustainability before taking into account the industry's commercial interests. The environment comes first.
  - The Minister should have taken into account the Harvest Strategy Standard and the Harvest Strategy Standard Operational Guidelines that required the tarakihi to be rebuilt faster. Future fisheries decisions will need to apply this approach
  - When deciding how long a fish stock should take to recover the Minister should consider the biology of the fish, not a voluntary industry plan.
- The 2023 Court of Appeal decision also sent a clear message that the Government must put science and sustainability first in making fisheries catch limit decisions.

### Timeline

**2018** The Minister of Fisheries decided the tarakihi East Coast stock should be rebuilt within 10 years.

**2019** The Minister of Fisheries extended the stock rebuild to 20 years (after industry lobbying and presentation of a voluntary "Industry Rebuild Plan")

This meant he reduced the commercial East Coast tarakihi catch by about 10% instead of the 35% needed to rebuild in 10 years, and relied on an industry promise to rebuild the stock using voluntary measures.

Forest & Bird submitted that a voluntary rebuild plan shouldn't be allowed to replace an appropriate tarakihi catch limit, but fishing industry's views were preferred.

Forest & Bird launched a judicial review of the Minister's decision.

**2020** Judicial review was heard in the High Court. Forest & Bird won.

Industry lobby Fisheries Inshore New Zealand appealed the High Court decision.

**2023** Decision went to the Court of Appeal. Forest & Bird won.

**2023** Case appealed and heard in the Supreme Court.

**2024** Supreme Court decision announced.