

Part III: Support Services Recruited by the Crown

8. THE CROWN'S RELATIONSHIP WITH ACCLIMATISATION SOCIETIES

The question of acclimatisation has not only utilitarian and aesthetic aspects, but has an intimate bearing on national sentiment

J Allen Thompson, 1918¹

The Tuwharetoa tribe had a little lake called Rotoaira and they had a native fish there called the kowaro [sic]. But what happened? Some of our acclimatization friends – I will not say who – went there surreptitiously at night and put trout into the lake which had been reserved for native fish . . .

Sir Maui Pomare, 1926²

I know your area particularly well and in the period 1962–65 apprehended and prosecuted more than 20 persons shooting Native pigeons in Northland some of which were in your district. The Wildlife Officers stationed in Northland are specialist officers employed on Game Management and Fauna Conservation. Strictly speaking law enforcement in the Northland Region is the responsibility of the Acclimatisation Societies involved although wherever possible our officers assist.

Secretary of Internal Affairs,
advising New Zealand Forest Service ranger at Puketi Forest, 1973³

8.1 INTRODUCTION

Acclimatisation is the process by which the flora or fauna of one country are introduced and established in another. Acclimatisation has been a major facet of the biological dimension of the Anglo-settler colonisation of New Zealand. It was effected, from the earliest settlement days, by settlers experimenting with a myriad of species that might adapt to New Zealand, with very little regard for the effect the species might have on the indigenous ecosystem. Less than 30 years after British governance was established, the settlers' acclimatisation efforts had been so successful that naturalists were comparing the indigenous ecosystem, which had sustained Maori for eight centuries or more, with a decrepit house at which a 'blow struck anywhere shakes and damages the whole fabric'.⁴

1. J Allen Thompson, *New Zealand Journal of Science and Technology*, 1, 1918, p134

2. Sir Maui Pomare, speaking on Native Land Amendment Act 1926, NZPD, vol211, p289

3. Secretary for Internal Affairs to K H Hoff, Puketi Forest, 20 November 1973, BAHT5118/18, NA Auckland

4. W T L Travers, 'The Changes Effected in the Natural Features of a New Country by the Introduction of Civilised Races', *Transactions of the New Zealand Institute*, 1869, pp312–313

By the 1860s, the success of so many introduced species in the New Zealand landscape led settlers all around the country to form acclimatisation societies to facilitate local introductions. The Crown assisted the societies, passing laws which safeguarded the introduced species from poachers. This legislation was initially concerned almost entirely with the welfare of introduced species. But by the beginning of the twentieth century, the animal protection laws, as they were called, were changing. This reflected a change from the common belief that the introduced species would eventually replace New Zealand's native species, to the idea that the native species themselves needed Crown and settler protection. In the process, the acclimatisation societies' functions were extended to embrace the welfare of native species as well.

When the national director of the country's acclimatisation societies described the societies' role in the midst of the 1980s restructuring of New Zealand's Crown environmental agencies, he referred to their historic association with indigenous and introduced species alike. New Zealand's acclimatisation societies, he said, were:

essentially responsible for the protection, management and enhancement of all game, freshwater fish and wildlife, and their habitats and the conservation of indigenous or non-game freshwater fish and wildlife, and their habitats.⁵

Because acclimatisation in New Zealand was highly organised, it is one of the few countries where the introduction of foreign animals and plants can be recorded with any degree of accuracy. It is also possibly the only country in the world where the administration and control of wildlife is not the sole responsibility of the Government.⁶

How a network of societies of colonist anglers and shooters, established around the country in the nineteenth century to acclimatise foreign species in their districts' waterways and forests, gathered such power and retained it into the modern era is an important part of the history of natural resource management in New Zealand. At the root of it is the partnership that evolved between the acclimatisation societies and the Crown. As this partnership was helping to transform the landscape, it was empowering the societies as statutory forces within it. The national director of New Zealand's acclimatisation societies described their relationship with the Crown to the Waitangi Tribunal in 1988:

5. W B Johnson, 'The angler's place in freshwater fisheries, conservation and management in New Zealand', Speech to Angler's Conclave, Rotorua, 26 April 1986, *Annual report of the West Coast Acclimatisation Society*, 1986, pp24–34

6. A H McLintock (ed), *An Encyclopaedia of New Zealand*, vol 1, pp3–4

Acclimatisation societies are . . . not user groups in the popular sense, but rather are fish and game management agencies of the Crown that happen to be run on a day-to-day basis by the users. They are perhaps more akin to local government, discharging a statutory role under the control of democratically elected councils, which employ professional administrative and field staff to carry out the various duties and tasks⁷.

The partnership was somewhat fraught during much of the period between 1912 and 1983. But it continues, in the societies' restructured role as Fish and Game Councils. As R M McDowall states, in *Gamekeepers for the Nation*, the definitive history of the acclimatisation societies, no other agencies in New Zealand were ever self-regulating in a statutory sense to the same extent, with such minimal Government oversight and without input into their affairs from the general public at large. And nowhere else in the world did a system like this operate for any length of time⁸.

While it is true to say, as did one report to the Waitangi Tribunal on the historical impact of acclimatisation societies on the Maori relationship with the indigenous flora and fauna, that the societies have effectively written their own laws⁹ the greater truth is that the Crown has always retained ultimate legislative authority.

As other chapters in this report demonstrate, the primary environments for the anglers, hunters and rangers of the acclimatisation societies – the lakes and rivers,¹⁰ the coastal ecosystems of the foreshore, the tidal estuaries, lagoons and swamp ecosystems – are environments in which the Crown has assumed ownership and then used the law to affirm that ownership against Maori claims. Maori mounted such claims because of the customary significance of these land-water environments as taonga. To a considerable extent, therefore, this chapter needs to be read in association with the chapters that deal with Crown actions between 1912 and 1983 in relation to these broad ecosystem classes.

The early part of the period covered by this report was a time when government policy and public opinion alike was beginning to attach value to indigenous species and their ecosystems, and to seek their protection. In 1912, the ties to Britain as 'home' were still powerful, but the desire to create a colonial 'Britain of the South' was being replaced by a nascent nationalism. The young Dominion was striving for its own identity, and the indigenous flora and fauna was beginning to be perceived as an integral element of that identity. As this chapter will show, the often uneasy

7. W B Johnson, 'Statement to the Waitangi Tribunal on the Matter of the Acclimatisation Societies and their Relationship with Freshwater Fisheries and Wildlife', 4 November 1988, Wai 27 ROI

8. McDowall, p31

9. Wendy Pond, *The Land with All Woods and Waters*, Waitangi Tribunal Rangahaua Whanui Series, 1997

10. Ben White has reviewed this theme for lakes in his report *Inland Waterways: Lakes*, Waitangi Tribunal Rangahaua Whanui Series, 1998.

alliance between the acclimatisation societies and the Crown between 1912 and 1983 was due in great measure to difficulties in accommodating two parallel imperatives: the compulsion to introduce, establish and maintain new species that was descendent from the fledgling attempt to establish a Britain of the South; and the preservation of the indigenous flora and fauna.

While New Zealand does not look like England today, the acclimatisation imperative has had an enormous impact on the ecosystems that were most significant to Maori as mahinga kai before British settlement.¹¹ Many of these ecosystems have been so comprehensively changed by the introduction of alien species that they have effectively become different ecosystems. For example, the ecological competition from introduced species like trout decimated the native fishery. And once that had happened, Maori commonly found themselves disenfranchised from access to customary fishing grounds by the licensing laws developed to manage the new fishery by the Crown, in partnership with the acclimatisation societies.

As a result, as this chapter will indicate, the relationship between Maori and the Crown-acclimatisation society partnership has never been one of cooperation. The Waitangi Tribunal has already observed this fact, in its *Ngai Tahu Report*:

The emphasis of the societies has been historically on introduced species, based on European views of what was suitable for food and sport. Herein lies the reason for a divergent view between Maori, who saw the need to retain their own food resource, and the settlers and their descendants who had their own fishing customs to introduce into their new homeland.¹²

For these reasons, the Tribunal stated, ‘it is little wonder therefore, that there has been no cooperation between parties with such divergent views’.¹³

This chapter presents limited direct evidence of acclimatisation society officers prosecuting Maori fishers and hunters (as they were empowered to do under animal protection legislation) because little evidence of it exists in the Crown record that was researched for this overview. Acclimatisation society files were not researched for this or any other aspect of the relationship between the Crown and the acclimatisation societies.

11. See Waitangi Tribunal, *The Ngai Tahu Report 1991*, 3 vols, vol3, ch17 ‘Mahinga Kai’

12. *Ibid.*, p367

13. *Ibid.*

The research for this chapter mainly investigated the Crown record from 1912 to 1983, specifically statutes, parliamentary debates and reports, and the files of agencies such as the Tourist and Publicity Department, the Wildlife Branch of the Department of Internal Affairs and the office of the Conservator of Fish and Game. Files from National Archives in Auckland and Wellington were consulted. This direct focus on the Crown record was complemented by the major secondary source on the history of the acclimatisation society movement in New Zealand, R M McDowall's *Gamekeepers for the Nation*. McDowall included the files of the acclimatisation societies in his research.¹⁴

The narrative derived from the results of this research is presented in three forms. First, a chronology of the legislative dimension of the relationship between the Crown and the acclimatisation societies between 1912 and 1983 is reviewed. Secondly, specific aspects of the relationship relevant to the indigenous flora and fauna are outlined, such as the rules and powers of the acclimatisation societies and the licensing authority they operated on behalf of the Crown. Thirdly, an account of Maori views, actions and grievances is presented concerning the relationship between the Crown and the acclimatisation societies.

While the review of statutes concerning the Crown's relationship with the acclimatisation societies is comprehensive, the narratives for the specific aspects of the relationship are not. Nor are they detailed in order to provide a fully-researched conclusion. That will need more intensive research into the Crown's relationship with acclimatisation societies. This chapter is part of an exploratory overview. The purpose of these particular narratives is to provide an overview of the instances, incidents and issues in the Crown record regarding acclimatisation societies and the Crown, and out of which laws and policies evolved. Each narrative is presented chronologically, to illustrate the evolution of Crown acclimatisation policies with direct bearing on the indigenous flora and fauna. A few case studies involving particular indigenous fauna, such as eels and shags, are included.

Similarly, the account given of Maori views, actions and grievances concerning the relationship between the Crown and the acclimatisation societies derives from the instances, incidents and issues in the Crown record concerning that relationship. Much of this chapter's reference to Maori is by inclusion in the text of the chapter subsections. A number of instances in the 1912 to 1983 period graphically illustrate some of the more

14. R M McDowall, *Gamekeepers of the Nation: The Story of New Zealand's Acclimatisation Societies, 1861–1990*, Canterbury University Press, 1994

contentious areas between Maori and the acclimatisation societies and their partnership with the Crown. These are dealt with in a separate section within the chapter.

8.2 THE HISTORICAL CONTEXT OF THE CROWN'S RELATIONSHIP WITH ACCLIMATISATION SOCIETIES AT 1912

By 1912, more than 130 species of birds, about 40 species of fish, and more than 50 species of mammal had been brought to New Zealand by the colonists of the mid-nineteenth century. Of these, about 30 bird species, 10 species of fish, and 30 mammals had become established in the wild.¹⁵ By that time, too, the acclimatisation society movement was well established, and the societies' core relationship with the Crown was firmly in place. Although the relationship was strained at times by legislative reviews, such as that which led to the Wildlife Act 1953, it persists into the present era of Fish and Game Councils.

While by 1912, the sense of New Zealand as the 'Britain of the South' was fading, acclimatisation had a strong and broad level of public and political support as a means of enabling a British way of life in New Zealand and of meeting the needs of a British economy. This was reinforced by a broad assumption, by the Crown and general public alike, that natural processes were causing the indigenous life of New Zealand to yield to immigrant species. The Maori population had reached its nadir in the early 1900s and by the 1911 census was increasing again. The 'passing of the Maori',¹⁶ that had once seemed inevitable, never eventuated. However, in 1912, many New Zealanders, Maori and settler alike, still believed that what appeared to be happening to the indigenous flora and fauna would similarly see Pakeha completely replacing Maori.¹⁷

The widespread late nineteenth century and early twentieth century belief that New Zealand's indigenous flora and fauna and people alike would be progressively replaced by, or would assimilate into, a recreated antipodean neo-Europe, was underwritten by colonial science and strongly reinforced by evolutionary thought in the wake of the publication in 1859 of Charles Darwin's *The Origin of Species by Means of Natural Selection*. Darwin himself had observed 'the extraordinary manner in which European productions have recently spread over New Zealand, and have seized on places which must have been previously occupied by the indigenes'. That

15. A H McLintock, pp3–4

16. See the Reverend P Walsh, 'The Passing of the Maori', *Transactions of the New Zealand Institute*, 1908, vol40, and the identically, if ironically, titled paper in the same journal 15 years later by Te Rangi Hiroa (Peter Buck).

17. See Geoff Park, 'Going between Goddesses', in Klaus Neumann, Nicholas Thomas, Hilary Ericksen, *Quick-sands: Foundational Histories in Australia and Aotearoa New Zealand*, UNSW Press, 1999.

observation underwrote the Darwinian principle of natural selection and shaped Darwin's own belief that 'the native plants and animals . . . of Great Britain stand much higher in the scale than those of New Zealand'.¹⁸

The colonial scientific community was aware of the uniqueness of the indigenous flora and fauna, and the vulnerability of what Darwin had called the 'endemic productions of New Zealand . . . perfect with one compared with another, but . . . now rapidly yielding before the advancing legions of plants and animals introduced from Europe'.¹⁹ They believed that the replacement of the indigenous flora and fauna was inevitable. For these reasons they did not discourage the Crown's statutory endorsement of acclimatisation of foreign species in the native ecosystem.²⁰

Initially, the main motive for introducing animals and plants was to establish and ensure a plentiful food supply. Later, new, more sentimental motives of acclimatisation appeared. Colonists brought in song birds that would remind them of their faraway origins, and other birds and animals which they could enjoy the pleasure of hunting. For the most part, the colonists came from a country where taking deer, grouse, partridges, pheasants, salmon, trout, hares and rabbits was the prerogative of a small, privileged class. A founding element in acclimatisation and the formation of the societies which effected it was the opportunity New Zealand presented to establish such species in a landscape perceived to be free of class restrictions. When some of those species became too numerous, as rabbits quickly did, other species such as stoats and weasels were imported to control them. The activities of the acclimatisation societies were matched by a succession of government statutes which protected the imported species and regulated hunting of them and native species alike. These are reported on in chapter 7.

8.2.1 Legislation prior to 1912

By 1912, the Crown had largely eliminated Maori customary rights to the indigenous fauna. It had assigned substantial statutory power to acclimatisation societies with respect to animal protection. As R M McDowall states in *Gamekeepers for the Nation*:

from these very early times, the acclimatisation societies have a foundation in statute, and derived their authority from the laws of the land. (However, it should be noted that they never had the authority to invoke

18. Both quotes are from Darwin's *The Origin of Species by Means of Natural Selection*, John Murray, London, 1859, p309–10.

19. Darwin, p162

20. W T L Travers is a good example of this.

their own regulations – they always had to depend on their ability to persuade the Government of the day to gazette such regulations as they thought were needed to manage their stocks of fish, birds and deer).²¹

Through the statutory partnership the Crown and acclimatisation societies had developed in the latter part of the nineteenth century, acclimatisation societies who introduced game species to a district could, by 1912, call on laws to ensure an introduction was successful and then give them a policing and prosecuting role in the whole domain of animal protection, both indigenous and introduced. The societies were, in effect, registered creatures of the state to the extent that their employees, the acclimatisation society rangers, were agents of the state's laws. As this section will show, in situations where Maori birders found themselves confronted by the law, the face of the law was the acclimatisation society ranger who had apprehended or challenged them.

Underwriting these apprehensions was a pervasive assumption, in the minds of most settler constituents of acclimatisation societies establishing introduced fish and game species, that any traditional Maori connection to the indigenous flora and fauna was an historical matter which had been legislated against. Reinforcing this perspective was the 'nebulous (even subconscious) imperative of Crown officials' that the primary lake and waterway environments and habitats for acclimatisation had become Crown assets.²²

The following is a summary of the legislative provisions by which, in 1912, acclimatisation societies had become creatures of statute, receiving state funding and given authority to police and prosecute in the wider sphere of animal protection.²³

Legislation enabling first the introduction and then protection of alien species preceded the establishment of acclimatisation societies by 20 years or more. The first acclimatisation law, it would seem, was the 1846 Duties of Customs Ordinance, which removed duties on the importation of a variety of animals and plants. This meant there was no longer any discouragement from bringing in new species. Then, in 1861, the Nelson Provincial Council, the effective government of the Nelson region at the time, enacted the Province of Nelson Protection of Animals Act. The Act was designed to protect species which were brought into the province and released into the wild. It placed these introduced species under the jurisdiction of the Act and forbade their destruction, imposing stiff fines for any

21. McDowall, p56

22. White, *Inland Waterways: Lakes*, pvii. This statement was made in relation to lakes. By 1912 the Crown had vested the beds of all navigable rivers in itself. The beds of non-navigable rivers continued to be owned *ad medium filum aquae*.

23. Pre 1912 legislation summarised from McDowall, pp55, 56, 59

contravention. Later in 1861, the colonial Government passed an Act designed to 'provide for the protection of certain animals within the colony of New Zealand'. This Act specifically named and protected animals such as hares, swan partridge, English plover, rook, starling, thrush and black-bird.²⁴ Interestingly, these first animal protection laws were passed before acclimatisation societies were formed. They also offered protection to animals perceived as needing statutory protection, but not yet introduced.

The colonial Government's 1861 Act was the precursor to the repeatedly amended Animals Protection Act, the Animals Protection and Game Act 1921, and eventually the Wildlife Act 1953. These Acts were the chief statutes by which the Crown administered both indigenous and exotic fauna throughout New Zealand's history. They were also the laws that empowered and controlled the acclimatisation societies.

Several acclimatisation societies, including the Nelson society, claim to be the first to be established, but the Acclimatisation Society of Auckland, formed in 1861, is considered to be the original one.²⁵ Many more acclimatisation societies were formed in the following years. Most received recognition and some received financial aid from provincial governments. Statutory recognition of acclimatisation societies was enacted in 1867. The Animals Protection Act of that year was formally described as 'an Act to Provide for the Protection of certain animals & for the Encouragement of Acclimatization Societies in New Zealand'.²⁶

It would seem, then, that acclimatisation societies have had a statutory role in relation to the indigenous fauna since the 1867 Act. In providing for acclimatisation societies with respect to game species, the Act specified 'native game' as distinguished from 'game'. The 1873 amendment of the Animals Protection Act specifically referred to acclimatisation societies in terms of licences to hunt game and ranging:

in the first instance in or towards defraying the salaries and expenses of the ranger or rangers and any other expenses of carrying into effect the provisions of this Act; and subject thereto the balance (if any) shall be handed to the Treasurer of some Acclimatization Society (if any) in the Province.²⁷

The number of acclimatisation societies increased during the latter decades of the nineteenth century, as the fast-growing provincial towns and districts established their own societies. In some parts of the country, such as Auckland and the Waikato, sub-societies of the district

24. 'An act to provide for the protection of certain animals within the colony of New Zealand', 6 September 1861, no28; cited in McDowall, pp54, 470

25. McDowall, pp18-19

26. An Act to Provide for the Protection of certain animals and for the Encouragement of Acclimatization Societies in New Zealand, 10 October 1867, no35; cited in McDowall, pp55,470

27. 1873 amendment of above Act (no42, cl32); cited in McDowall, p57

acclimatisation society were formed. By 1900, virtually the entire country was covered. From 1903, the formation of new societies was controlled by clause 7 of the Animals Protection Amendment Act, as if this was a new provision. For several decades, it would seem, had been no statutory control over the establishment of new societies. Little is known about many small, short-lived rural societies, but it is estimated that at the peak of the proliferation of societies, there were as many as 40. Certainly, there were more than 33 registered societies.²⁸

By 1912, the acclimatisation societies were effectively public bodies that were very much a part of the structure of local government. McDowall has identified four facets of their status:

- ▶ public funds were directly injected into societies' coffers for diverse acclimatisation purposes;
- ▶ societies were using public money when they collected licence revenue from anglers and hunters;
- ▶ the resources the acclimatisation societies managed were public resources occupying public habitats; and
- ▶ the powers held by the societies with respect to licences and policing the Animals Protection Act were delegated by statute and facilitated by Government policies.²⁹

8.3 THE LEGISLATIVE DIMENSION OF THE CROWN'S RELATIONSHIP WITH ACCLIMATISATION SOCIETIES AFTER 1912

8.3.1 1912 to 1953

By 1912, the statutory base of the Crown's relationship with acclimatisation societies was in place. The societies were in a position of considerable power in the landscape with respect to animal protection in general.

Whilst there had been numerous earlier statutes relating to acclimatisation societies (including the Animals Protection Acts of 1907 and 1908 which remained in force until 1921–22, and the Fisheries Act 1908 which remained the principal statute relating to acclimatisation societies and freshwater fishing until 1983) the main laws that controlled and empowered the acclimatisation societies through the 1912 to 1983 period were the Animals Protection and Game Act 1921 and the Wildlife Act 1953.

28. McDowall, p368

29. McDowall, p53

These were also the chief statutes governing the administration of New Zealand's indigenous and exotic fauna between 1912 and 1983, and indeed until the restructuring of environmental legislation in the late 1980s.³⁰

The legislation for which societies had administrative responsibility, and which gave them their authority and executive power through the 1912 to 1983 period, has been grouped by McDowall into four distinct areas:

- ▶ the administration, functions, and authorities of the societies themselves – enacting and empowering legislation;
- ▶ management and conservation of game hunting and associated indigenous fauna and their habitats;
- ▶ management and conservation of recreational angling in fresh water, and conservation of indigenous fishes and their habitats; and
- ▶ controls over the importation of species considered undesirable for New Zealand.³¹

Acclimatisation society laws were revised throughout the 1912 to 1983 period. The first major revision came with the passage of the Animals Protection and Game Act 1921. This Act required the re-registration of every society. Applications for registration had to be accompanied by a new set of rules. The Act also stipulated that every society had to prepare an annual report and send a copy to the Department of Internal Affairs.³² The next major legislative revision for acclimatisation societies came with the Wildlife Act 1953. Part III of this Act included a detailed account of society functions, the most important of which were:

- (a) The protection and preservation . . . of all wildlife, absolutely protected under this Act;
- (b) The protection and preservation . . . of game and the prevention of any unnecessary diminution in the numbers of game or any species of game;
- (c) The ensuring by all possible means that there will be . . . such numbers of game . . . as are necessary for the purposes of this Act, including, with the prior written authority of the Secretary, the breeding and propagation and liberation of such numbers . . . of any existing species as are necessary for that purpose.³³

This Act also listed in detail the additional actions the societies could perform. These included: the issue of licences; the encouragement of true sportsmanship; and the education of hunters, anglers and the public

30. *Ibid*, p55

31. *Ibid*, p56

32. *Ibid*, p58

33. Part III, C1, 24–36, Wildlife Act 1953

generally. Societies were empowered to undertake research, although only ‘with the approval of the Minister [of Internal Affairs] given subject to such conditions as he thinks fit’.³⁴ Many of these powers related to the schedules associated with the Act – in terms of game, partially protected wildlife, and non-protected wildlife.

A significant function of the acclimatisation societies in the first decades of the twentieth century was the undertaking of ‘extermination campaigns’.³⁵ These aimed to eliminate indigenous species considered to pose a threat to introduced species. Often, this involved eliminating from the ecosystem species such as eels, for which Maori had regard as a food source, and those like shags which were integral to the health of the indigenous ecosystem.

Reporting to Parliament on the 1912–13 year, the Department of Internal Affairs described how, following the introduction of rainbow trout to the Rotorua and Taupo lakes and surrounding rivers, the Rotorua and Taupo acclimatisation societies paid a bounty of two shillings and sixpence per shag. In total, £500 was paid to local hunters to work the shores of the lakes, ‘extirpating’ native shags until they ‘were all destroyed’.³⁶ The Department’s report on the 1914–15 year reported that 2064 shags had ‘been accounted for to the Conservator of Fish and Game, and during the coming season further efforts will be made to rid the district of these birds’.³⁷ This was just one facet of the inbuilt imperative of acclimatisation to transform the biological fabric of New Zealand – an imperative with an ‘intimate bearing on national sentiment’³⁸ in which the Crown took a primary role.

Some indication of the extent to which acclimatisation societies were considered virtually proxy arms of the Crown is evident in special legislation enacted in 1914 which empowered a Government department to be an acclimatisation society for the Rotorua Acclimatisation District. The Fisheries Amendment Act 1914 stated that ‘for the purposes of this section the Tourist and Health Resorts Department shall, in respect of the Rotorua Acclimatisation District, be deemed to be a registered acclimatisation society’.³⁹

The same amendment established closed seasons for native and introduced game species. It empowered acclimatisation societies to initiate the declaration of open seasons by the provision:

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34. Part III C1 32 Wildlife Act 1953

35. The ‘extermination campaign’ concept was still active in the 1940s, involving both acclimatisation societies and Crown research. See for example D Cairns, ‘Life-History of the Two Species of Fresh-Water Eel in New Zealand: III Development of Sex. Campaign of Eel Destruction’, *The New Zealand Journal of Science and Technology*, March 1942

36. Appendices to the Journals of the House of Representatives, 1913, H-2. For example, the AJHR, 1914, H-21 ‘Fishing at Lakes Rotorua and Taupo’, stated that ‘[d]uring the season 1,506 shags were destroyed at Taupo and Rotorua’. Parasite introductions were another technique employed with the intent of removing this important Maori taonga so that introduced trout would proliferate the lakes and adjacent streams.

37. AJHR 1915, H-21 ‘Fisheries at Lake Taupo and Rotorua: Destruction of Shags’

38. J Allen Thompson, in *New Zealand Journal of Science and Technology*, 1, 1918, p134

39. Section 93(b) of the Fisheries Amendment Act 1914

that on the written application of any registered acclimatisation society the Governor may, by notice in the *Gazette*, fix other dates for the commencement and duration of the close season, but so that in no case shall the close season be for a less period than five months.⁴⁰

The amendment had immediate and far-reaching effects on the Rotorua lakes, and on Te Arawa's traditional relationship with the indigenous flora and fauna. However, it contained no reference to the possible impacts it might have in this regard. When the Crown introduced legislation of this kind during this period, its concern was for introduced species and their acclimatisation rather than with indigenous species and the Maori customary relationship with them. The Animals Protection Amendment Act 1914, for example, enabled the use of the Public Works Act 1908 to acquire land for acclimatisation purposes:

Land may be taken by the Governor under the Public Works Act, 1908, as a sanctuary for imported or native game or for the breeding and preservation of such game in the same manner in all respects as if such land were taken for a public work under that Act.⁴¹

In 1918, the power of acclimatisation societies to refuse to consent to the taking of introduced fish (trout) in a closed season were confirmed in a court decision: *Southland Acclimatisation Society v Otago Acclimatisation Society*. This power was enforceable against another society. The decision stated that:

an acclimatisation society has no proprietary right to the fish in the streams of its district, yet it is given by the regulation in question a right to refuse its consent to the taking during the close season of trout or their ova from such streams by another acclimatisation society; and this right, though protected by the penal provisions of the Act, is also, in the absence of any negative words in the Act, enforceable by injunction.⁴²

The Crown soon extended the rights of acclimatisation societies to the introduction of other game animals including thar, chamois and deer.⁴³ It reported the fact in a specific section of the Department of Tourist and Health Resort's annual report under the category of 'Liberations'.⁴⁴ The Animals Protection Amendment Act 1920 enabled acclimatisation societies to fund these introductions from the revenue they derived from fishing and shooting licences. Section 6 held that 'the Minister of Finance

40. Section 93(a) of the Fisheries Amendment Act 1914

41. Section 2(1) of the Animals Protection Amendment Act

42. *Southland Acclimatisation Society v Otago Acclimatisation Society* (1918) CA *New Zealand Gazette Law Reports*, p524

43. AJHR 1920, H-2, Report of the Tourist and Health Resorts Department. In 1920 the Government was still advocating the growth and introduction of deer herds in New Zealand.

44. AJHR 1919, H-2

may pay a portion of the proceeds of such fees, royalties, and fines to any acclimatisation society or societies under the principal Act'.⁴⁵

When the protection of indigenous species and environments began in earnest in the early 1900s, with the initial animal protection and scenery preservation legislation, Crown policies concerning the land still tended to treat the indigenous flora and fauna as subservient to introduced species. This was congruent with the attitudes of the wider settler society. But soon after the First World War, Pakeha began seeking to define themselves in relation to New Zealand and the indigenous life of its environments. Despite the Crown's central role in acclimatisation, it began to discern the degree to which its partnership with the settler acclimatisation societies implicated it in the growing plight of the indigenous flora and fauna. Crown legislation and policy soon began to reflect the attitude that New Zealand's indigenous species were at least as valuable as the non-indigenous introduced species. And, by the 1920s, the extent to which many introduced species were seriously threatening the indigenous ecosystem was causing mounting concern.

It would be wrong to interpret the shift from acclimatisation towards the protection of indigenous species and environments as sudden. In fact, it can be discerned as early as the 1880s. But if there was a cusp in time beyond which the Crown's relationship with acclimatisation societies took a different course, it is probably in the period after the First World War. This is exemplified by the parliamentary debate on the Animals Protection and Game Bill 1921.

The significance of this debate lies in an expression of the need for the Crown to recognise that its acclimatisation activities were at odds with the nascent national imperative to protect the indigenous flora and fauna. George Thomson stated: 'there are an immense number of remarkable and unique animals to be found in this country. . . . It is a sad fact that since Cook's time quite a number of these species which were then to be found have disappeared from New Zealand'. He was 'glad to see that in this Bill the names of nearly all of those are still to be found in the First Schedule'.⁴⁶

Thomson outlined how acclimatisation had come to be such a significant factor in the development of New Zealand. He quoted from an unpublished work that 'expresses these ideas somewhat better':

45. Section 6(2) of the Animals Protection Amendment Act 1920

46. George Thomson 'Animals Protection and Game Bill 1921–22', NZPD date, vol193, pp634–635

The early settlers of New Zealand found themselves in a land which, as far as regards climate and natural conditions, seemed to them to reproduce many of the best features of the Home-land from which they came. They thought with affection and with the glamour of youthful remembrance of the lakes and rivers, the woods and the fields, the hills and the dells of that Home-land. They recalled the sport which was forbidden to all but a favoured few, but which they had often longed to share in – the game preserves, the deer on the mountains or in the parks, the grouse on the heather-clad hills, the pheasants in the copses and plantations, the hares and partridges in the stubbles and turnip-fields, the rabbits in the hedge-rows and sandy warrens, and the salmon of forbidden price in their rivers – and there rose up before their vision a land where all these desirable things might be found and enjoyed. Their thoughts went back to the days when they guddled the spotted trout from under the stones of the burns and brooks, to the song-birds which charmed their youthful ears, to the flowers and trees which delighted the eye. They recalled the pleasant memories of hours passed on the hills in the woods of their beloved native land. Here, in a land of plenty, with few wild animals, few flowers apparently, and no associations, with streams almost destitute of fish, with shy song-birds and few game birds, and certainly no quadrupeds but lizards, it seemed to them that it only wanted the best of the plants and animals associated with these earlier memories to make it a terrestrial paradise. So, with zeal unfettered with scientific knowledge, they proceeded to endeavour to reproduce, as far as possible, the best-remembered and most cherished features of the country from which they came. No doubt some utilitarian ideas were mingled with those of romance and early associations, but the latter were in the ascendant.

Thomson had been on the council of an acclimatisation society and knew well the 'zeal unfettered by scientific knowledge' with which:

these men remembered that a particular bird or beast at Home was pleasing to them, and they got the society to vote money to introduce it . . . Then latterly an extraordinarily active agency was established in the Tourist Department, when it was under the charge of Mr Donne. He introduced – apparently without any restriction from any society or from any one else, but entirely on his own initiative – a very large number of animals, with the idea of providing game in this country.⁴⁷

47. *Ibid*, p635

The fact that the debate on the Animals Protection and Game Bill gave expression to New Zealanders' growing concern at the threat the acclimatisation imperative posed to indigenous species is not to say that this Act itself was a watershed in opinion. The Animals Protection and Game Act 1921 actually increased the power of acclimatisation societies to release any animals in their districts. The Act was also responsible for a considerable extension in the scope of the activities of the acclimatisation branch of the Tourist and Health Resorts Department.⁴⁸ Paralleling the Act, some parliamentarians advocated the adoption of Great Britain-style game laws.⁴⁹ And until 1919, whenever legislators or policy makers spoke about indigenous forestry in New Zealand, they rejected it, certainly in its plantation forms, in favour of establishing forests of introduced timber trees.⁵⁰ It was a perspective that prevailed in New Zealand state forestry, albeit with less unanimity, for many decades.

By 1921, the acclimatisation societies had acquired considerable political clout. With it came responsibility for the management of the species they had introduced, notably possums. Part III of the Animals Protection and Game Act referred specifically to 'opossums'. Section 28 of the Act vested 'any animals turned out in an acclimatisation district, and every animal of a like species in that district, in the acclimatisation society responsible for their release'.⁵¹

Three other Acts with far-reaching implications from an acclimatisation perspective were enacted in the 1920s. The Introduction of Plants Act 1927 set out conditions governing the introduction of certain plants, required any person wanting to import a prohibited plant into New Zealand to obtain the written consent of the Minister of Agriculture, and enabled the Governor-General to declare that any plant be deemed a prohibited plant. The Seeds Importation Act 1927 carried similar provisions for plant seeds. The New Zealand Institute of Horticulture Act 1927 enabled the institute to 'assist in the introduction and acclimatisation of any fruit-tree, flowering tree, or plant, forest tree, seeds, or other form of plant-life which, in the opinion of the Institute, should be established'. None of these statutes contained any provisions relating to the Maori relationship to the indigenous flora. But they were significant in conferring powers for the introduction of introduced plants on acclimatisation and horticultural societies.⁵²

Speaking in the parliamentary debate on the Introduction of Plants Bill, Sir Heaton Rhodes, Deputy Leader of the Legislative Council,

48. AJHR 1921, H-22

49. NZPD, 1921, vol 191, p372

50. A general impression from this author's reading of the Crown record: see also chapter 5.

51. Sections 28–29 of the Animals Protection and Game Act 1921

52. Section 3 of the Introduction of Plants Act 1927; section 7 of the Seeds Importation Act 1927; (h) of the New Zealand Institute of Horticulture Act 1927

described its purpose as 'protecting the farmers and the country generally against the importation of any plant that is likely to be a menace to the Dominion'.⁵³ The same year, similar concern was expressed in Parliament in relation to possum liberations. Parliament was told that 'the importation of these species is only another instance of the acclimatisation efforts all tending to destroy the balance of nature'.⁵⁴

The Fisheries Amendment Act 1936 initiated a requirement for acclimatisation societies to contribute towards the cost of research undertaken in relation to freshwater fisheries. This was to be paid out of licence fees received by the societies.⁵⁵ At about the same time, the Crown's national park authorities were still granting permission to acclimatise trout into trout-free rivers in Tongariro National Park.⁵⁶ Such powers were perhaps what motivated Mr Parry to state in Parliament in 1939 that 'some re-organisation of the responsibilities of the acclimatisation societies should be undertaken with a view to the better preservation of New Zealand's wildlife, native game, and fisheries'.⁵⁷

The advent of the Second World War prevented such political reforms, and its demand for manpower thwarted any action. In the Internal Affairs Department, for example, 'approximately 90 per cent of the men who have been engaged more or less regularly on deer destruction work, as well as six field officers, have gone into the fighting services'.⁵⁸ One result was that populations of introduced animals such as rabbits, deer and possums boomed. This led to increased concern from the general public regarding the discretion and authority of acclimatisation societies to continue to undertake such liberations.⁵⁹ The growing awareness of the impact exotic species were having is evidenced in section 81(1) of the Statutes Amendment Act 1945, which held that:

if deer, opossums, or other wild animals on land which is privately owned or occupied are likely to destroy or damage any trees, shrubs, plants, or grasses, the existence of which may tend to mitigate soil erosion or to promote soil conservation or the control of floods . . . the Minister of Internal Affairs . . . may authorise any person to enter upon the land to kill the deer, opossums, or other wild animals thereon . . .

Such provisions were often justified by reference to 'climatic' and 'soil conservation' issues. However, underlying this particular instance were serious concerns regarding the role and accountability of acclimatisation societies in relation to further liberations.⁶⁰ Increasingly, after World War

53. NZPD, 1927, vol 215, p 613

54. NZPD, 1927, vol 212, p 726

55. Section 2(1) of the Fisheries Amendment Act 1936

56. AJHR, 1938, C-10

57. NZPD, 1939, vol 256, p 24

58. AJHR, H-22, 1942

59. For example, the release of rabbits by acclimatisation societies was seen as a 'tragedy from the Nation's point of view', Denham, NZPD, 1944, vol 266, p 444.

60. Despite this, in the Rotorua and Taupo districts bonuses were still being paid for indigenous black shags and hawks and there were still liberations of trout fry and pheasants throughout New Zealand, AJHR, 1945, H-22.

Two, the Crown took a more direct role in animal liberations. In the 1940s, the Wildlife Branch of the Department of Internal Affairs took over control of the Southern Lakes Acclimatisation District and established the Southern Lakes Conservancy. The move was described as permitting ‘the application of more effective measures for protecting the avifauna of that vast region’.⁶¹ It remains uncertain, however, whether the takeover by the Crown was, in fact, an attempt to eliminate the problems associated with animal liberations by acclimatisation societies. Despite the Southern Lakes Acclimatisation Society being under the control of the Department of Internal Affairs, new introductions continued. In the process, the Department reported to Parliament, ‘thousands of eels were destroyed’ in an attempt to ‘salvage and set free in safer waters’, thousands of introduced fish.⁶²

In other ways, the acclimatisation societies’ role in the introduction of fish species was enhanced during this period. The overhaul of animal protection legislation that led to the 1953 Wildlife Act empowered acclimatisation societies to be involved in freshwater fisheries matters to a degree they had not been previously. The 1908 Fisheries Act, whilst not specifying particular functions for acclimatisation societies, had provided for the management of acclimatised fish under the Freshwater Fisheries Regulations. These regulations gave certain powers to the societies, although they did not specify any explicit functions⁶³. The chief set of regulations were established in 1936 (immediately after the passage of the Regulations Act 1936, which made it possible to gazette regulations of any sort irrespective of whether they were provided for in legislation). These regulations gave acclimatisation societies the power to do things such as issue and sell angling licences. However, what responsibilities the societies had for fisheries, for example in prosecuting offenders, were still not spelt out.

8.3.2 1953–1983

The Wildlife Act 1953 changed the nature of the relationship between the Crown and the acclimatisation societies. The Act imposed a standard system on the societies and their rules, requiring that ‘the functions of the society shall be the functions, responsibilities and obligations placed on every society by the Wildlife Act 1953 and by Part II of the Fisheries Act 1908, and by any regulations under either of those Acts’.⁶⁴

61. AJHR, H-22, 1946. The Southern Lakes Acclimatisation District embraces Fiordland National Park.

62. AJHR, H-22, 1951

63. McDowall, p59

64. Wildlife Act, Rules, Deposit of: Auckland Acclimatisation Society, IA w2578 46/20/8, NA Wellington

The acclimatisation societies were sent drafts of the Wildlife Bill in confidence. They did not welcome the changes. Some societies made public their opposition to the changes the Government intended bringing to wildlife administration and through it, to the acclimatisation societies. In April 1953, the Secretary of Internal Affairs reprimanded the President of the Whangarei Acclimatisation Society for doing so:

A statement attributed to you in your position as President of the above Society and published in the 'Northern Advocate' of 24th April, 1953, has come to my notice. While recognising the right of any Society to comment upon or criticise actions of this Department which have a bearing upon the functions or activities of that Society, the policy of resorting to attacks through the Press is one that has now been encountered for the first time and with much regret.⁶⁵

To coincide with the Wildlife Act coming into force, the Wildlife Branch of the Department of Internal Affairs reviewed the role of acclimatisation societies and the Department's relationship with them in relation to the conservation of indigenous fauna. The review was part of the 'Policy on Fauna Protection' that the Department submitted to the Rare Animals Advisory Committee in April 1954. On acclimatisation societies, the Wildlife Branch stated:

These are the only bodies existing with a New Zealand-wide coverage which could reasonably be used for the purpose of fauna protection. While this is so, there are certain difficulties inherent in their organisation which limit their usefulness . . .

Salient points of the Wildlife Branch's policy regarding acclimatisation societies in respect of fauna protection were:

- (a) Re-organisation of society districts to ensure that suitably sized areas can be 'policed', at least to some extent, by a full-time paid officer with a motor vehicle.
- (b) More careful recruitment of society stipendiary field officers and the raising of their status as technical officers by the institution of suitable training.
- (c) Decisions on whether or not to prosecute for offences to be based on legal advice to the exclusion of other considerations.

65. Secretary for Internal Affairs to S J Snow, President of Whangarei Acclimatisation Society, 28 April, 1953, Game and fully protected species – Conservation, ranging etc of national policy, 1A1 46/179, NA Wellington

(d) Society stipendiary field officers to lead and organise honorary rangers in their work.

(e) Better provision for action by societies towards preservation of protected fauna by:-

1. One of the three persons (outside society members) who may be appointed to society councils to be a suitable person informed on protected birds of the district and knowledgeable of their needs for protection.

2. A special committee of any society council, consisting of the person in 1. above and one ordinary member of the council in sympathy with the conservation of protected birds, to be appointed to further this object.

3. Societies when recommending the appointment of honorary rangers to see that the needs of protected birds are considered equally with game birds.

(f) The cost of provision of ranging by societies as it affects protected birds to be regarded as an obligation imposed by the privilege of shooting native game species which are available to society members.

(g) Extra ranging on a mobile basis to be provided as required to operate in heavily forested areas where seasonal poaching of protected birds is rife and a serious threat.⁶⁶

The 'Policy on Fauna Protection' paid particular attention to Maori. Under the heading 'Education', it stated that it was 'planned specially to investigate ways and means of enlisting a sympathetic interest in fauna protection amongst the Maori people as it is realised that mere effort at law enforcement is not enough and on its own is unlikely to produce the desired results'.⁶⁷

The Wildlife Act also gave acclimatisation societies 'all such functions and responsibilities in relation to freshwater fisheries as are imposed on societies by the Fisheries Act 1908 or any regulations or notifications thereunder'.⁶⁸ This legislation remained in force until the Fisheries Act was rewritten in 1983. In 1983, for the first time, society responsibilities for fish and fisheries were explicitly stated within the fisheries legislation, rather than just in the Wildlife Act. The 1983 Act held that:

acclimatisation societies shall, inter alia, be responsible for the protection, management, and enhancement of all acclimatised fish species and their habitats, as may occur within their districts of administration.⁶⁹

66. Wildlife Branch, Department of Internal Affairs, A policy on Fauna Protection Submitted to the Rare Animals Advisory Committee at its meeting on 9 April 1954, Birds – protected, IA1 47/91/1, NA Wellington

67. Ibid

68. Section 30(j) of the Wildlife Act 1953

69. Section 71 of the Fisheries Act 1983

This provision was of particular significance to the acclimatisation societies themselves in terms of specifying their responsibility for the habitats that fish occupied.⁷⁰ It reflected an increased awareness by the Government and societies alike that habitat protection was of fundamental importance to the preservation of fish populations and the maintenance of recreational fishing. This statement of society functions was actually written by the acclimatisation societies themselves, and was inserted in the revised Fisheries Act at their request. It was an attempt to clarify the societies' role, and to clearly spell out and cement their relationship with the Ministry of Agriculture and Fisheries. McDowall argues that the societies' intention was to have powers assigned to them from the Department of Internal Affairs. Their objective in this was to make it more difficult for Internal Affairs to carry out its threat to radically restructure the societies. Having achieved the inclusion of these functions in the Fisheries Act, the societies unsuccessfully sought the inclusion of similar provisions in the Wildlife Act.⁷¹

There was frustration amongst the societies at having to deal with two Government departments and their separate sets of regulations. Hence there were numerous requests from the societies for all legislation covering the management of fish and game activities to be consolidated. The records of the New Zealand Association of Acclimatisation Societies show that on many occasions the societies sought a consolidation of the Animals Protection Act and the Fisheries Act, for example in 1920 and 1924.⁷² McDowall considers that the failure of these early attempts was due to jealous Government departments, who were reluctant to surrender parts of their jurisdiction. The 1960s saw a more vigorous campaign from acclimatisation societies to consolidate both the legislation and the functions of acclimatisation societies relative to fisheries and game. This was largely prompted by the Hunn Commission on Wildlife Administration in New Zealand, which suggested that responsibility for wildlife and fisheries should be placed in a single Wildlife Commission.⁷³

Although the acclimatisation societies did not favour the Hunn commission's suggestion (because it would have meant that they would have become little more than fish and game clubs) they were in favour of the consolidation of those aspects of fish and game administered by the Government into a single department.⁷⁴ From the mid-1970s, it was general society policy that all Government responsibilities for freshwater fisheries should be transferred to the Wildlife Service. McDowall considers that the

70. McDowall, p59

71. *Ibid*

72. McDowall, p61

73. McDowall, p405

74. McDowall, p61

policy was adopted largely because of the acclimatisation societies' continued frustration at the performance of the Marine Department and the Ministry of Agriculture and Fisheries, rather than any desire to seek greater administrative efficiency. Ultimately, though, the societies' goal was that the Government should not be involved in the administration of fish and game management in any territories. The societies believed they themselves should assume overall responsibility. They thought that the Government should provide legislative, administrative and research backup for the societies' country-wide management role, and not have any involvement in the district administration of fish and game.⁷⁵

Legislation controlling game and game shooting retained its historic separation from that which controlled recreational fish and fishing throughout the period between 1912 and 1983, and in fact until the restructuring of New Zealand's environmental legislation in 1987.

By the 1950s, public and scientific concern at the persistence of New Zealand's historically liberal acclimatisation laws had grown substantially since the Crown first acknowledged the situation in the 1921 Animals Protection and Game Act. In response, the Noxious Animals Act 1956 amalgamated all laws relating to acclimatisation societies. The Act also substantially increased the Crown's control over animal liberations and declared 'noxious' several species that had been established in the wild by acclimatisation societies in the past. All noxious animals were deemed to belong to the Crown. The Act brought in provisions to restrict further liberations, and to control species that had already been introduced. It included provisions concerning the entry of Crown officers on to land to facilitate the Act, and for penalties.

The Wildlife Amendment Act 1956 similarly amalgamated all laws relating to acclimatisation societies, and increased direct Crown involvement where acclimatisation matters concerned the indigenous flora and fauna. It also established a schedule of noxious animals, made the animals listed in the schedule subject to the provisions of Part 4 of the Wildlife Act 1953 that related to injurious birds, and imposed restrictions on the liberation or export of animals, birds and so forth.⁷⁶

When the Wildlife Amendment Act 1956 established a schedule of noxious animals and defined which animals would be destroyed, no indigenous species were included in the schedule. None the less, simply by its eradication function the legislation had a considerable potential impact

75. Ibid

76. Sections 1–7 of the Wildlife Amendment Act 1956

upon indigenous flora and fauna such as kea and shags, as some sectors of the public considered their numbers needed to be controlled.

Although the Crown increased its control of acclimatisation activities, legislation continued to maintain the societies' historic role. Section 6 of the Wildlife Amendment Act 1964 provided for acclimatisation societies to use public moneys to purchase or lease lands for offices of the society. Ministerial approval was required prior to any purchase or lease. It also provided for acclimatisation societies to make grants from their public funds to the widow or dependants of deceased employees of acclimatisation societies, in this case with the approval of the Secretary of Internal Affairs. These powers enabling societies to spend their funds beyond the purposes defined by the Wildlife Act 1953 were further expanded by the Wildlife Amendment Act 1966.⁷⁷

Several specific acclimatisation provisions relevant to protection of the indigenous flora and fauna were introduced in the Animals Act 1967. Under the heading 'Importation' the Act provided for the establishment of quarantine grounds, and enabled the Governor-General to make regulations:

- prohibiting or restricting the importation into New Zealand of any animal or animal product, any fodder or articles which may reasonably be believed to have been in contact with animals, or any soil, sand, clay, earth, or viable plant material;
- prescribing certain ports and airports at which animals may be introduced;
- providing for the issue or revocation of permits for animals, animal products, or fodder or article of any kind to enter New Zealand;
- specifying any conditions upon which permits may be issued to import animals; requiring certificates of health from authorities of the country or place from which any animal or animal product is intended to be introduced;
- providing for the inspection of any importation upon arrival in the country.⁷⁸

Other sections of the Animals Act 1967 prohibited: the introduction of any animal or animal product without the written consent of the Minister of Agriculture; the introduction, importation, or liberation of any snake, venomous reptile, red-vented bulbul, American grey squirrel, red fox or silver fox, musquash (muskrat), hamster, mongoose, coypu, mink, or

77. Section 2 of the Wildlife Amendment Act 1966

78. Sections 11, 12 of the Animals Act 1967

other animal that is likely to become a nuisance or cause damage; the liberation in New Zealand of any venomous reptile, noxious amphibian, noxious fish, or noxious invertebrate.⁷⁹

Similar to the Wildlife Amendment Act 1956, the Animals Act 1967 was enacted to limit the opportunities to introduce animals to New Zealand. Whilst this Act did not introduce any new provisions, it brought legislation regarding the importation of species under a single umbrella and coordinated the relevant regulations.

As Government regulation and involvement in acclimatisation matters increased through the late 1960s and into the 1970s, political debate concerning the Crown's relationship with the acclimatisation societies continued. The Hunn commission of inquiry into wildlife management and research in 1968 proposed all acclimatisation functions of the Crown and the societies be integrated into a single Wildlife Commission.⁸⁰

By 1980, Government funding for acclimatisation was beginning to be queried. Parliamentary questions in 1980 regarding Government assistance to acclimatisation societies led the Minister of Internal Affairs, Alan Highet, to state that:

No direct Government financial assistance by way of a cash contribution is paid to the societies. The Wildlife Service pays a statutory levy on game-bird licence fees to the North Island and South Island councils of the societies, and also assists the societies with technical advice. I have discussed with the Minister of Energy how the acclimatisation societies obtain their income, which is almost entirely from game-bird and fishing licences.⁸¹

By 1980, the acclimatisation imperative of public policy had shifted considerably from the position in 1912, from introducing new species to the maintenance of quality habitat. The concern with habitat included the indigenous flora and fauna. But often, the prevailing concern was with species which had already been introduced. When the Under-Secretary to the Minister of Internal Affairs was questioned in 1980 regarding the liberation of grass carp by the Rangitaiki Drainage Board, he responded that:

the over-riding concern of my department when considering such an application must be for the protection of fisheries and wildlife habitats. At present my department is not prepared to give approval for any more experiments or liberations in the district until the research results on trials

79. Sections 13, 14 of the Animals Act 1967

80. See also section 3.4 of chapter 7.

81. NZPD, 1980, vol 434, p3960

conducted on the Rangitaiki Plains between 1973 and 1975 are fully written up by the Minister for Agriculture and Fisheries for evaluation, and until it is convinced the activities can be adequately controlled.

To the question of whether the Minister would give 'an assurance that when he gets these long delayed reports he will take into consideration both the economic advantages of carp and the overwhelming importance of preserving the habitat for trout', the Under-Secretary replied that the 'overwhelming concern' of the Wildlife Service was 'to ensure adequate protection of hatcheries and trout in the streams and lakes'.⁸²

The debate illustrated that while the liberation of exotic animals into New Zealand ecosystems was largely under the control of the Crown and subject to rigorous research requirements, in the case of fisheries the Crown's primary concern was still for introduced species over the indigenous fauna.

The areas that acclimatisation societies used for acclimatisation work were a subject of the Wildlife Amendment Act 1983, which repealed the section of the principal Act which stated that no licence issued under that Act authorised a licence holder to hunt game on any land used by acclimatisation societies exclusively for acclimatisation purposes, or on any wildlife sanctuary, wildlife refuge, scenic reserve, or public domain.

8.4 THE CHANGING ROLE OF ACCLIMATISATION SOCIETIES

In the early part of the years from 1912 to 1983, the principal role of the acclimatisation societies changed little from what it had been since their inception in the 1860s: the introduction of mammals, birds and fishes for recreational hunting and fishing. The Crown was aware of these introductions, but left the work of introducing the species almost entirely to the societies.

The acclimatisation societies continued unfettered in this role until the 1920s, when public and scientific opposition to acclimatisation emerged. This led to successive Governments placing constraints on the introduction of further species. The acclimatisation societies subsequently shifted their role to focus on the administration and management of the exploitation of game birds and freshwater fishes by recreational hunters and anglers.

82. NZPD, 1980, vol 433

In the 1970s, Crown legislation and policy began responding to the growing national sentiment for maintaining the quality of the indigenous environment. In the process, the Crown began giving legal recognition to the natural qualities of environments like wetlands and their indigenous fauna. These were things the acclimatisation societies had historically considered to be their domain to administer. This led the societies to mount a defence of their historic role in these environments. The way the acclimatisation societies expressed their role in the landscape, and thus in the life and regulation of its indigenous flora and fauna, is evident in a 1977 application by the Otago Acclimatisation Society for a Local Water Conservation Notice for the Pomahaka River. The society stated:

The Otago Acclimatisation Society is a body corporate specifically constituted by and under the Wildlife Act 1953. The Societies' general powers and functions are set out in section 30 of the Wildlife Act 1952 and (inter alia) include:-

- (a) The protection and preservation . . . of all wildlife absolutely protected under the Act.
- (b) The protection and preservation . . . of game and the prevention of any unnecessary diminution in the numbers of game or of any species of game.
- (c) All such functions and responsibilities in relation to freshwater fisheries as are imposed on it by the Fisheries Act and regulations thereunder.

The Council of South Island Acclimatisation Societies reinforced the Otago society's application.⁸³ The council was empowered by regulations under Section 72 of the Wildlife Act 1953 to deal with any matters affecting acclimatisation societies arising under the Wildlife Act, or any other Act, and to act for any society or societies in the South Island in matters affecting those societies. The council also pointed out that these regulations gave it authority to coordinate the management of game and freshwater fisheries, and to promote matters relating to game, freshwater fisheries and wildlife.⁸⁴

From the 1950s, the Crown's environmental and resource management became more professional with trained, salaried, specialist staff. In parallel, the acclimatisation societies became more professional in their role. Part of this came about through acclimatisation societies liaising with the growing ranks of trained staff in the Wildlife Service and other agencies. For example, field staff of acclimatisation societies undertook residential

83. North and South Island Councils of Acclimatisation Societies were empowered under the Wildlife Act 1953 to coordinate and represent the member societies in each island.

84. AAZU W3619 31/08/77 box34, National Wild Rivers Legislation, NA Wellington

courses with the Wildlife Service.⁸⁵ Similarly, a close liaison role with the Crown was maintained by the acclimatisation societies' presence on the Freshwater Fisheries Advisory Council, and by Crown officers attending meetings of the North and South Island Councils of Acclimatisation Societies.⁸⁶ It should be noted, of course, that the entire acclimatisation society role in the two main trout fishing acclimatisation districts – the Rotorua and Southern Lakes districts – had come under the administration of the Department of Internal Affairs early in the period from 1912 to 1983 as the Central North Island Wildlife Conservancy and Southern Lakes Conservancy respectively.⁸⁷

8.5 THE RULES AND POWERS OF ACCLIMATISATION SOCIETIES

By 1912, the partnership with the Crown from which acclimatisation societies' derived their unique autonomy and power had been established. The Government had already legislated for the societies to recommend their own regulations, charge fees for fishing and shooting licences, and receive and manage the income from licence sales.⁸⁸ The acclimatisation societies were registered firstly under the Animals Protection Act and, after 1953, the Wildlife Act. The societies' rules reflected the fact that their purpose and powers derived from Crown law. The rules of the Auckland Acclimatisation Society after 1953, for example, stated that:

the society shall exercise its powers and functions throughout the Auckland Acclimatisation District having the boundaries described in the First Schedule hereto (as amended from time to time by Order in Council under section 24 of the Wildlife Act 1953) and throughout any other district the control of which may at any time be vested in the society under the said section 24.⁸⁹

The acclimatisation societies continued to exercise their powers and functions on this basis until they were disestablished with the restructuring of environmental legislation in 1987, and replaced by the network of fish and game councils.

At the centre of the acclimatisation societies' powers, historically, has been their independence to appoint their own staff, many of whom were warranted to carry out significant law enforcement activities which could lead to prosecutions. All of these functions were funded directly from

85. AJHR, H-22, 1958

86. AJHR, H-15, 1958

87. AJHR, H-22, 1961

88. McDowall, p31

89. Wildlife Act, Rules, Deposit of: Auckland Acclimatisation Society, IA w2578 46/20/8, NA Wellington

revenue from licences. Even fines imposed on offenders found guilty in the courts of offences against the regulations established and/or administered by societies were sometimes, in part, paid to the societies.⁹⁰ These powers were adjusted by statutory amendments throughout the 1912 to 1983 period, as section 12.2 below sets out. The Animals Protection and Game Act 1921, for example, required all existing registered acclimatisation societies to re-register under the Act. Every registered acclimatisation society had to forward annual balance sheets to the Minister. The Act also provided for the establishment of acclimatisation districts, the geographic basis for the application of the societies' powers.

Acclimatisation societies have been numerous. Many have come and gone, or amalgamated, as the reasons why they were first established waned. Acclimatisation district boundaries have had to change accordingly. The Crown maintained its oversight. In 1960, for example, when the Waiapu Acclimatisation Society was amalgamated with Gisborne-East Coast Acclimatisation Society, the Secretary of Internal Affairs told the Secretary of the Gisborne-East Coast society that under the circumstances, he could not:

support a recommendation that the Waiapu district be again established as a separate acclimatisation district. Even if the requisite number of licence holders were obtained to make such a recommendation, the establishing of a small isolated uneconomic unit is contrary to the existing policy of creating units from which sufficient revenue can be derived to ensure adequate wildlife management and protection measures through ranging.⁹¹

The Waiapu Acclimatisation Society had been dissolved by an Order in Council on 23 June 1955. After it was abolished, its registration was cancelled and 'all fines, fees, and other money, whether payable pursuant to the Wildlife Act 1953, or the Fisheries Act 1908, or otherwise whatsoever' became payable to the Gisborne-East Coast Acclimatisation Society. Similarly, 'all levies, charges, or other money due and payable by the Waiapu Acclimatisation Society' were payable to the Gisborne-East Coast Society. Subsequently, both the Gisborne-East Coast Acclimatisation Society and the Gisborne-East Coast Acclimatisation District were dissolved and amalgamated with the Crown-administered Central North Island Wildlife Conservancy.

90. Ibid

91. Wildlife Act, Amalgamation, East Coast and Waiapu: A/S's IA1 46/16/4, NA Wellington

Initially, and indeed through much of the 1912 to 1983 period, acclimatisation societies had considerable autonomy with respect to their rules. The requirement for societies to have the same uniform rules was introduced with the Wildlife Act 1953. There was opposition, as a 1955 letter from the Secretary of the Auckland Acclimatisation Society to the Secretary of Internal Affairs shows:

I am sorry to say that members were very disappointed that you considered it necessary to have apparently the same rules for all Societies. All the major points appeared to be covered in the Act, and we fully agree they should be, but members did consider they should be able to decide on the minor points themselves.⁹²

The societies were coordinated to some degree by the establishment under the Wildlife Act of two Acclimatisation Society Councils, for the North and South Islands respectively, as a further means of bringing standards and accountability to the acclimatisation societies' structure. The two councils comprised delegates from each of the acclimatisation societies in each island. Each council exercised its powers and functions throughout the whole of each island, except for the Rotorua and Southern Lakes Acclimatisation Districts which were, by then, conservancies under the jurisdiction of the Minister of Internal Affairs.

The North Island council set out the powers and functions of its member societies as follows:

- (a) The protection of native birds.
- (b) The conservation of imported game and native game and fish.
- (c) The propagation and liberation of imported game and native game and fish.
- (d) The ranging of native birds and game, imported and native, and fish; and control of all factors harmful to native birds, imported game, native game and fish.
- (e) The destruction of vermin.
- (f) The adjustment of boundaries of societies' areas.
- (g) Research and scientific investigations of all matters pertaining to the conservation of native birds, imported game, native game and fish.
- (h) The augmentation of the revenue of Societies where necessary to enable functions to be coordinated and to be better carried out by the Societies.

92. Wildlife Act. Rules, Deposit of Auckland Acclimatisation Society, IA w2578 46/20/8, NA Wellington

(i) To procure that the rules of all Societies be suitable amended where necessary to ensure so far as possible continuity of policy and fair representation of all interested.⁹³

It is significant that by 1953, indigenous fauna, as ‘native birds’ and ‘native game and fish’, were identified as having major importance for the acclimatisation societies’ powers and functions.

While the rules of individual acclimatisation societies have differed slightly, there have always been general guidance mechanisms, like the North Island Acclimatisation Societies’ Council’s constitution, objects and rules:

(a) The objects of the Council shall be the co-ordination of the functions, responsibilities and obligations placed upon all Acclimatisation Societies by the Wildlife Act 1953 and Part II of the Fisheries Act 1908 and regulations under those Acts.

(b) The consideration of the scientific reports of fish and game research officers with the object of drawing Societies’ attention to the matters therein.

(c) The appointment of delegates to other bodies concerned with or affected by the responsibilities and obligations referred to in 2(a) above.⁹⁴

The Wildlife Act specifically provided for empowering the acclimatisation societies to carry out many of their functions. It said: ‘the functions of the society shall be the functions, responsibilities and obligations placed on every society by the Wildlife Act 1953 and by Part II of the Fisheries Act 1908, and by any regulations under either of those Acts’.⁹⁵ While legislation largely dictated these powers and functions, their constituency was derived from the various interests within the geographic span of each society’s legal domain – the local acclimatisation district. Section 11(1) of the Wildlife Act provided for specific representation from the farming community:

A representative of farming interests in the district may from time to time be appointed by the Council under the provisions of section 27(1) of the Wildlife Act 1953, and shall be appointed for a term of one year and shall be eligible for re-employment. Only one such person shall be a member of the Council at any one time.⁹⁶

93. North and South Islands Acclimatisation, 1954, IA1 46/1/23, NA Wellington

94. Wildlife Act, North and South Islands Acclimatisation Societies Councils, IA w2578 46/1/9, NA Wellington

95. Ibid

96. Ibid

No instance was seen, in the research for this report, of specific Maori membership of any board or council, or of any reference to Maori views being expressed in relation to acclimatisation and the indigenous flora and fauna.

The provisions of the Wildlife Act pertaining to acclimatisation societies and their administration reduced the societies' autonomy, just as they increased the Crown's control of acclimatisation in general. The Council of South Island Acclimatisation Societies took the societies' concern at their declining powers to the Government. In response, the Under-Secretary of Internal Affairs reminded the societies of the extent to which they were creatures of the state:

When you speak of the "powers of societies" I assume you refer to Sections 30–33 of the Wildlife Act 1953. As you say there are many of these powers and functions that are resident in each Society, but many of them also require either my approval or that of the Minister. It should be observed that many of these powers are not automatic, even though they would appear to be so . . . I think you will agree that the autonomy of individual societies is not as wide as is normally supposed, although most of their autonomy springs from the wide delegations of authorities by the Minister and the Department to societies.⁹⁷

The Under-Secretary told the council that the objective of the Wildlife Act in this regard was 'efficiency in wildlife administration'. He reminded them that the Minister of Internal Affairs had 'over-riding power to co-ordinate the activities of acclimatisation societies', and 'power to channel the recommendations of any individual society through an Island Council if that were his desire'.⁹⁸

After the Wildlife Act was passed, until the 1980s, the powers of acclimatisation societies progressively diminished. A parallel contraction of the power that acclimatisation societies derived from the Fisheries Act was foreshadowed during debate about the prospective restructuring of freshwater fisheries administration by the 1983 Fisheries Bill. The Director of the Wildlife Service told the National Director of the Acclimatisation Societies that 'the society movement should realise that its fisheries responsibilities under the Wildlife Act could be removed by the stroke of a pen'.⁹⁹

Increasingly, after the 1950s, the acclimatisation societies had to adapt to growing Crown control of environmental conservation, which

97. Wildlife Act, North and South Islands Acclimatisation Societies Councils, IA w2578 46/1/9, NA Wellington

98. Ibid

99. McDowall, p63

embraced what had once been largely the societies' domain. An example of this occurred in the late 1970s concerning wetlands conservation. Acquisition of swampland for wetlands conservation began, in the main, from local acclimatisation society initiatives.¹⁰⁰ Concern that the drainage of swamps left no habitat refuges for wetland birds led to a remit at the 1978 conference of the Council of North Island Acclimatisation Societies that a National Conservation Council be set up for the preservation of wildlife habitat. However, after a discussion established that another body to control wildlife was unnecessary, the remit was withdrawn and the conference passed an amended resolution. This directed that:

all societies report immediately to the Wildlife Division any cases of the development of land or water areas in their districts which may reduce the natural habitat of wildlife so that Game Management officers can examine the proposition and endeavour to remove or reduce the effects on wildlife of such proposals.¹⁰¹

8.6 ACCLIMATISATION SOCIETIES BECOMING CROWN ENTITIES

In two districts where acclimatisation societies had been active in establishing trout fisheries – the Southern Lakes and Rotorua Lakes acclimatisation districts – the nationally economic significance of the resource led to the Crown taking them over as Wildlife Conservancies.

In the Rotorua case, for example, the administration of Rotorua Lakes Acclimatisation District was taken over from the local acclimatisation society by the Department of Tourism and Health Resorts on 1 February 1907 and the district became the Central North Island Wildlife Conservancy. The conservancy was administered by a senior Crown official, who was given the title of Conservator of Fish and Game or the Conservator of Wildlife. Shortly afterwards, the Crown sought control of acclimatisation activities in the Whakatane and Wairoa acclimatisation districts, and amalgamated the districts within the Central North Island Wildlife Conservancy. In 1914, the control of all freshwater fisheries was assumed by the Department of Internal Affairs. The administration of acclimatisation, however, remained with the Tourist Department. In 1927, the Taupo Fishing District was transferred to the Internal Affairs Department. In 1929, the District of Opotiki was added to the Government-administered

^{100.} See section 2.6 of chapter 2.

^{101.} Game-control – game conservation suggested formation of advisory council. Abstract from minutes of meeting, 17 October 1978, IA W25 7846/33/38, NA Wellington

conservancy, and in June 1930, the entire operation of the Rotorua Acclimatisation District was transferred to the Internal Affairs Department.¹⁰²

8.7 ACCLIMATISATION SOCIETIES AND THE DEVELOPMENT OF NEW LEGISLATION

One of the main features of the Crown's relationship with the acclimatisation societies was the societies' dependence on the legislative process for their power-base, and their active participation in the legislative process to maintain and enhance it. In the main, this involvement centered around the core acclimatisation objective of species introductions. However, from the 1920s, the political influence of acclimatisation societies waned, as the objective of acclimatisation became subject to other concerns such as the protection of the indigenous flora and fauna and their habitats.

Late in the 1912 to 1983 period, as the public and political interest in environmental management grew and the acclimatisation societies' power-base diminished, the societies began taking a more proactive role in the debates over new legislation. Perhaps the classic example of this is the way the societies' interest in the habitat of waterfowl and other game birds led them to lobby the Government in relation to waterways. In particular, they focused on the issue of wild and scenic rivers, a major theme of environmental conservation in the late 1970s and early 1980s.

Before wild and scenic rivers became an issue, the councils of North and South Island acclimatisation societies had made a submission on the Water and Soil Conservation Bill 1967. The societies' submission was spurred by their concern for waterfowl habitat. Its detailed and often penetrating analysis criticised the existing system of river control and was aimed at strengthening the societies' powers in the management of New Zealand's rivers, lakes and wetlands, and water quality in general.¹⁰³ In particular, the submission sought to demonstrate:

The Statutory functions and responsibilities of [the acclimatisation societies] with respect to natural water and its uses;

The size and importance of the Acclimatisation movement to the public of New Zealand;

102. Acclimatisation General file – 1937–45; letter of 1 May 1942, TO1 25/1, NA Wellington

103. McDowall, p63

The failure of past governments and administrations to recognise the magnitude of the recreational values of rivers, lakes and coastal waters.¹⁰⁴

The 1981 wild and scenic rivers amendment to the Water and Soil Conservation Act 1967 enabled some rivers to be protected from the prospect of control for uses such as hydroelectricity, on the basis of their non-productive values. The amendment arose as a result of the acclimatisation societies combining with the Government in a national angling survey to identify the rivers that were most valued by anglers. The survey was undertaken at a time when rivers were increasingly being threatened by plans for the construction of small hydroelectricity dams. There was also strong pressure from farmers to allow them to take more water from the Canterbury Plains rivers to stimulate production on dryland farms.¹⁰⁵

In the 1960s, the Government had offered substantial monetary subsidies to plan, construct and operate local hydroelectricity and irrigation schemes. Efforts to irrigate and to dam rivers for electricity generation were strongly promoted by the Ministry of Works and Development, whose engineering staff showed scant regard for other values in the rivers, such as the indigenous flora and fauna with which the acclimatisation societies and other environmental organisations were concerned.¹⁰⁶ McDowall describes one Ministry of Works and Development engineer, for example, going so far as to publicly say that if the wrybill plover (a scarce bird of these river valleys' open gravel environments) was so rare, then perhaps all of those left should be 'stuffed and put in museums'.¹⁰⁷

Up until the 1967 Act, the acclimatisation societies and environmental groups that sought better protection for birds like the wrybill plover had no means of providing long-term protection for their prime waterfowl and fish habitats. Instead, they had to endeavour to defeat each attempt to exploit the waters of the rivers they valued for angling and hunting, and as rivers in their wild state, and as habitats for native fauna.

The national angling survey of rivers was followed by a similar, wider survey of river recreation.¹⁰⁸ This was largely a response to widespread public concern about the Lake Manapouri hydroelectricity development and the potential threat of hydroelectricity development on other rivers. That concern had led the Minister of Works and Development to revoke the Government policy that favoured construction by local authorities of small hydroelectricity schemes by abandoning the financial incentives. It

104. Submission to Party Select Committee on Water and Soil Conservation Bill from the Councils of North and South Island Acclimatisation Societies, 22 February 1967, quoted in McDowall, p 63

105. McDowall, p 64

106. Ibid

107. Ibid

108. G D and J H Egarr, *New Zealand Recreational River Survey*, eg pt II North Island Rivers, published for NZ Canoeing Society by NWASCO, Water and Soil Miscellaneous Publication, no 14, 1981

culminated in the 1981 amendment to the Water and Soil Conservation Act. This allowed people, through organisations such as acclimatisation societies, to apply for a Water Conservation Order to be placed on a river. If granted, a Water Conservation Order prohibited developments that could interfere with the natural water flow.

The 1981 wild and scenic rivers amendment met the societies' concerns, because it meant the habitat of threatened indigenous fauna like the wrybill plover gained legislative protection, in addition to the protection the Wildlife Act provided for the birds themselves.

The wild and scenic rivers legislation led to acclimatisation societies and others rapidly seeking conservation orders to protect their interests.¹⁰⁹ Often they worked in association with the Wildlife Service, and the conservation of indigenous flora and fauna habitat was a primary consideration. Following the passage of the wild and scenic rivers amendment, acclimatisation societies successfully applied for a substantial number of Water Conservation Orders. This resulted in protection being afforded to significant waterways in diverse parts of the country.¹¹⁰

8.8 LIBERATION AND ACCLIMATISATION OF ANIMALS

Most of the species which have been introduced to New Zealand arrived in the late nineteenth century.¹¹¹ By 1912, the major phase of introductions was largely over. Within the next decade, unquestioned support for the acclimatisation imperative from the public, politicians and the growing scientific community had also gone. It was replaced by growing anxiety about the impact of acclimatisation on the indigenous flora and fauna.

The liberation and acclimatisation of animals in the early decades of the twentieth century was surrounded by disputes between Crown agencies and acclimatisation societies. In the main, the disputes were caused by the mounting evidence that some introductions, like possums and deer, were having a major ecological impact. Increasingly, people were of the opinion that the history of acclimatisation was a domain of mistakes that New Zealand would regret in years to come. This was also the period when the first attempts at organised control of introduced species were made. These took the form of hunting and introducing further species for biological control (another form of acclimatisation), and the forced

109. For example, the National Trust's conservation order on the Motu River in the eastern Bay of Plenty.

110. McDowall, p64

111. Ibid; also Joan Druett, *Exotic Intruders: The Introduction of plants and animals into New Zealand*, Heinemann, 1981, Auckland

relaxation of protection orders that had been placed on acclimatisation species.

These issues are illustrated most clearly in the debate between the Crown and the acclimatisation societies over the further liberation of possums. The possum, an Australian species that today is widely considered to be among the greatest risks to New Zealand's indigenous flora and fauna, illustrates graphically how perceptions of acclimatisation have changed since the early twentieth century. At that time, the species was considered an asset for the fur trade. Significant among those who regarded the possum in this light were the biological scientists from whom the Crown sought advice in order to develop its policy.

In the Auckland Acclimatisation Society's 1917 annual report, the society stated 'we shall be doing a great service to the country in stocking these large areas with this valuable and harmless animal'.¹¹² Just a year earlier, the Crown had commissioned a scientist to advise on whether possums constituted a danger to New Zealand's native forests. He said the risk would be 'negligible and is far outweighed by the advantages that already accrue to the community'. Possums, in his opinion, 'may with advantage be liberated in all forest districts except where the forest is fringed by orchards or has plantations of imported tree species'.¹¹³ Ten years later, the other major scientific adviser to the Crown on the ecology of the indigenous flora and fauna, Leonard Cockayne, argued persuasively against control of the possum in a monograph for the State Forest Service. Cockayne's advocacy of the possum as beneficial in a range of indigenous New Zealand environments, was based on his own 'wide experience of New Zealand forests of all types – both prior to the coming of the opossum and at the present time'¹¹⁴

Possoms had been successfully liberated in New Zealand since 1858. Most liberations had been by local acclimatisation societies in the 1890s. But by 1910, disputes had developed between the acclimatisation societies – who favoured further liberations – and farmers and fruitgrowers whose crops were sustaining damage from possums. However, in an indication of the strength of the acclimatisation societies' partnership with the Crown, an Order in Council was gazetted declaring the possum protected game under the Animals Protection Act 1907. It was a brief victory. In 1912 the level of dispute forced the Government to remove the protection order.

112. Quoted in Druett, p188

113. *Ibid*, p190

114. *Ibid*, p191

The dispute simmered into the war years, during which the Crown consulted all acclimatisation societies by circular whether 'possums should be liberated in other parts of the Dominion', and if so, where would be most suitable. The replies were overwhelmingly in favour of continued liberation.

So solid was the acclimatisation societies' support for the scientific advice to the Crown, many adopted a policy of illegal possum liberation in indigenous state forests. It has been claimed they were secretly assisted by the Forest Service.¹¹⁵ In 1929, the Department of Tourist and Health Resorts was still enacting a close season for possums. The possum, the department held, was

the most valuable wild fur-bearing animal in the Dominion, [and] it will be necessary, in the interests of preservation of this asset, to have a close season in 1929. Those societies that were far-sighted enough to introduce opossums into their respective districts in the earlier years have reaped and are reaping rich profits from the fur industry. Now it is recognised that the opossum thrives best in rough bush country, where it does little or no harm to indigenous timber-bearing trees, and costs nothing for up-keep and increase, other acclimatisation societies are endeavouring to seek ways and means of stocking up suitable areas with a good class of animal, as a future source of revenue.¹¹⁶

The same year, the Minister of Internal Affairs told a parliamentary debate on the possum problem that 'the question of the further liberation of these animals is under consideration, and a scientific investigation is being conducted with a view to determining whether they are inimical to bird-life'.¹¹⁷ In 1931, when Parliament was debating whether to liberate possums into areas of New Zealand where the species was not already established, the Crown advice was that the 'opossum does little, if any, damage to native bush, [and] does not eat native birds or their eggs'.¹¹⁸

The Crown's policy of protecting the possum continued until 1949, when public opposition finally forced the introduction of unlimited trapping and a bounty system.¹¹⁹ It was the forerunner of today's massive, costly and ongoing possum control programme.

Animal liberation created other confusions concerning major game species and their management and control. In 1928, for example, the Department of Tourist and Health Resorts' annual report, while acknowledging that deer and thar were detrimental to the health of New Zealand's

¹¹⁵ Ibid, p192

¹¹⁶ AJHR, 1929, H-2 Department of Tourist and Health Resorts

¹¹⁷ NZPD, 1929, vol221, pp761-762

¹¹⁸ NZPD, 1931, vol228, pp775-776.

However, by 1933 the Department of Internal Affairs was resisting the importation of any other fur animals into New Zealand (AJHR 1933, H-22).

¹¹⁹ Druett, p192

forest ecosystems, presented the size of heads of game species as a main parameter of value. But while the Department was keen to report on the high quality of wild animal hunting that tourists could experience in New Zealand's forests and mountains, other Crown agencies were fast beginning to see the same species in a very different light. The State Forest Service, in particular, was very concerned at the health of the indigenous flora and fauna in the face of the spread of some acclimatised animals. Its 1929 report to Parliament described deer and possum bounties and the deer destruction operations it was undertaking. Deer destruction, it reported, had

not yet overtaken the annual increase of the herds. Notwithstanding the efforts made by some of the acclimatisation societies to control this pest, it has reached such proportions, and constitutes such a grave danger to the perpetuation of our native flora and fauna, that it is now a national problem and should be nationally controlled.¹²⁰

The manpower demands of the Second World War forced the cessation of animal control operations, but the ensuing destruction that deer and possums caused to indigenous ecosystems in the interim – particularly the onset of erosion in high-rainfall mountain catchments which paralleled the population explosion in the deer herds – led to public outrage.¹²¹ Subsequently, the Wildlife Act 1953 and its successive amendments (see section 12.2 above) dramatically increased Crown accountability for the control of a host of introduced species that by then were reaching pest proportions.

Yet acclimatisation societies continued to press for more species to be liberated. They also continued to recruit interest from the Crown. A good example concerns the Mangonui-Whangaroa Acclimatisation Society, which resolved at its annual meeting in 1957 to seek permission from the Government for foreign fish species to be introduced to the district's coastal lakes. In reply, the Secretary for Marine agreed fully with the proposal. He stated that:

we should determine as soon as possible what is the most suitable species of fish for our coastal lakes, and then proceed with the introduction. Consideration is still being given to the best way of finding out the most suitable species and I have every hope that a decision as to this will be made during this year and that we will be able to decide what fish to

^{120.} AJHR, 1929 C-3 State Forest Service

^{121.} K A Wodzicki, *Introduced Animals of New Zealand*, DSIR, Wellington, 1950

bring in soon afterwards. If your Society wishes to make a trial liberation of trout in one of your lakes I should be glad to assist you by arranging for my technical officers to advise you on the selection of a suitable lake and on the quantity of fish to liberate. I would point out, however, that trout stocks can only be maintained in your lakes by regular liberations and that it is for this reason that we are trying to arrange the introduction of a game fish which can be self-supporting under these conditions.¹²²

In reply, the Secretary of the Mangonui-Whangaroa Acclimatisation Society told how:

During 1939–1940, we endeavoured to establish trout in the streams and one lake, but met with failure, and requested permission to import a trial quantity of Bass, which was refused. The above is evidence that this Society has been interested in stocking the coastal lakes for a considerable period, and perhaps, explains the attitude of our members in criticising the Department for what appears to them to be unnecessary delays in the introduction of a suitable game fish.¹²³

The Secretary for Marine's referred in his reply to this previous request to introduce bass, saying it had been turned down because the area was considered unsuitable in terms of the breeding requirements of bass. His letter went on to state that 'it is hoped that a Departmental officer will be able to visit the U.S.A. early next year to observe the most promising fish in their natural habitats. A strain of a well-known game fish may be found having less critical requirements suitable for New Zealand conditions and then the importation and acclimatisation can proceed'.¹²⁴

8.9 CONSERVATION OF INDIGENOUS FAUNA

Acclimatisation societies have had a statutory role in relation to indigenous fauna since the 1867 Animals Protection Act. In providing for acclimatisation societies with respect to game species, the 1867 Act specified 'native game' as distinguished from 'game'. The 1873 amendment of the Animals Protection Act specifically referred to acclimatisation societies in its provisions regarding licences to hunt game and regarding ranging.¹²⁵

122. Letter from G L O'Halloran (Secretary for Marine) to the Secretary, Mangonui-Whangaroa Acclimatisation Society, 3 May 1957, Acclimatisation Societies – General inquiries – Mangonui, Whangaroa, M1 W1833 1/2/8 NA Wellington

123. Ibid

124. Ibid, 10.5.1957 letter

125. See section 8.2.1 of this chapter.

The conservation (from indiscriminate shooting) of indigenous fauna was a subject of debate among acclimatisation society members in 1910. The Chairman of the New Zealand Association of Acclimatisation Societies, Leonard Tripp, told delegates to the association's conference that year that 'unless they preserved the native game from indiscriminate shooting, and kept down the natural enemies such as stoats and weasels, there would certainly soon be few native birds left'.¹²⁶

Through the years between 1920 and 1950, the acclimatisation societies' role in indigenous fauna matters caused concern to many in the nature conservation movement, notably the Royal Forest and Bird Protection Society. None the less, the conservation of indigenous fauna continued to be provided for in the Wildlife Act 1953 as a statutory function of acclimatisation societies. In some aspects of indigenous fauna conservation, notably the protection of certain wetland habitats (a theme which will be developed later in this section), acclimatisation societies were effective agents in the period after the passing of the Wildlife Act.

Initially, the acclimatisation societies' role in the conservation of indigenous fauna was with respect to maintaining populations for the hunters they had licensed. This is evident in correspondence between the Wanganui Acclimatisation Society and the Premier, Thomas McKenzie, in 1912. The members of the society were opposed to the Crown's proclamation of a closed season for kereru by which, under the 1910 Animals Protection Act, the species was given statutory protection except in districts where the Governor declared it native game and fit for hunting.¹²⁷ A General Meeting of the society had resolved to 'communicate with the Premier on the subject of Shooting Native Pigeons'. The society urged the Premier:

to have the question reconsidered so far as the Districts of the following Societies are concerned – Taranaki, Stratford, Hawera, Waimarino, and Wanganui.

1. These Districts there are hundreds of thousands of acres of untouched Native Bush and the reports of those who live in the vicinities are that the pigeons were never more plentiful. It must be understood that as the bush is cleared the pigeons having no feed on that particular part go further back from the advances of civilisation.

The effect of your proclamation is and will be – that those residing in the back blocks and particularly the Natives will shoot them just the

^{126.} Cited, and elaborated, in McDowall, p66

^{127.} See section 7.4.1.1 of chapter 7

same – and it will debar just the few members of the society who respect the law. As a matter of fact Bushmen will continue to shoot them and who is to bring them to book – and the Natives are even now shooting them up the river in considerable quantity.

The next season is a statutory close season.

The conditions in the North and South Island are altogether different. The areas of unsettled bush in the vicinity of occupied land in the North Island are very much larger than those of the South Island.

I respectfully suggest that a warrant issued a few years ago under similar circumstances was modified after the season had commenced and I would ask that you issue a warrant exempting the Districts I have named from the Provisions of the Warrant you have just been issued – and if it seems to you meet you could altogether prohibit the sale to dealers and others.¹²⁸

The society wanted to assure the Premier that:

a very large number of people in the Districts I have mentioned feel much aggrieved at the proclamations and I am desired to say that the Members of the Society feel certain that if you were fully aware of the conditions in these districts the Proclamation would not have been issued, but the Society were never asked for any information on the subject. I therefore on behalf of the Members of my Society respectfully ask you to gazette a Notice exempting the Districts I have named from the operation of your proclamation.¹²⁹

The aspect of this situation concerning Maori is further developed in section 13 of this chapter.

An interesting gauge of the extent to which the acclimatisation societies can be seen as being active in the conservation of native species is their relations with other organisations who claimed to represent the interests of the indigenous flora and fauna.

In 1930, a circular sought the support and involvement of those interested in 'the protection of our native birds . . . acclimatisation matters, and poaching'. The circular caused considerable resentment among acclimatisation societies. The societies perceived the circular as holding them 'responsible for all the damage done to the native plant and animal life'. At the time, the acclimatisation societies were appointing some of the country's most eminent ornithologists as scientific advisers to their

¹²⁸. Secretary of Wanganui Acclimatisation Society to the Premier, the Hon T McKenzie, 30 April 1912. Suspension of s10 Animals Protection Act, IA1 25/75/pt1 pt 1, NA Wellington

¹²⁹. Ibid

national organisation.¹³⁰ Soon afterwards, the Auckland Acclimatisation Society, still bitter about the criticisms, affirmed that the 'protection and preservation of our native birds' was to be 'foremost among the Society's objectives'. But the Native Bird Protection Society contended that acclimatisation societies were inappropriate organisations to have a legal role in indigenous fauna conservation. They continued saying so throughout the 1930s and 1940s.¹³¹ In 1948, the Native Bird Protection Society published a bulletin entitled *A Plea for New Zealand for New Zealand – The Dangers of Acclimatisation*. The bulletin asserted it was

the duty of every New Zealander to do his best towards the permanent preservation of those natural beauties with which this country is so lavishly endowed . . . it is inevitable that country which is permanently settled should in time take on the semblance of an English landscape without the mellow beauty which is England's own; in reserves and national parks it is not, however, inevitable but a sin against posterity, and an everlasting reproach to New Zealand, that such a process should not only be allowed but should actually in many cases be deliberately and actively encouraged by persons in authority whose patriotism, scorning those natural glories which embody the very spirit of our country, rises no higher than a desire to create in New Zealand a paltry replica of other lands . . .

Can the smug complacency which sets out to paint the lily and gild refined gold rise to greater heights or arrogant imbecility! . . . Taking the economic viewpoint for a moment, and considering the case of blackberry, gorse, rabbits, and several other major pests, we realise that the annals of 'acclimatisation' are a record of national disaster brought on us and our posterity by wilful ignorance . . . New Zealanders, are you content with a New Zealand as Nature has made her, or shall the 'acclimatisers' continue their mischievous policy until not a vestige of the real New Zealand exists outside the pages of history!¹³²

Despite the reproaches of the nature conservation movement, the acclimatisation societies pointed out that they were spending at least a third of their income from licences and fines on 'ranging and protecting native birds'.¹³³ The Wellington society argued that it was:

almost entirely due to Acclimatisation Societies in the field that the destruction of native birds is kept in check. If one peruses the annual

^{130.} McDowall p154

^{131.} As the Auckland Acclimatisation Society stated, in its 1933 annual report; cited in McDowall, p154

^{132.} Bulletin, no6, c 1948, New Zealand Native Bird Protection Society Publication, copy in Miscellaneous – Native birds, E 2 1948/14b (E 29/61/1/pt1), NA Wellington

^{133.} Wellington Acclimatisation Society, 1938; quoted in McDowall, p155

reports of this Society, it will be found that almost invariably convictions are recorded for offenses against our native birds.¹³⁴

In this regard, the societies considered they had a particular responsibility for kereru. By 1912, kereru had become one of the most favoured game species of many acclimatisation society members. In 1915, the *Auckland Star* reported a council meeting of the Auckland Acclimatisation Society. The paper stated that:

Mr Noakes brought up the question of the shooting of native pigeons, which he said was carried on freely by natives, settlers, bushmen, and road hands, although a close season had been declared by the Minister for Internal Affairs. He had heard of a party of Maoris bringing in four or five kerosene tins of pigeons, with about 70 birds in each tin . . . The chairman remarked that probably the natives had no right to shoot pigeons although it was generally supposed that they had, under the Treaty of Waitangi, which appeared to be a dead letter. He personally would prosecute any native he found shooting them. It was decided to send the following remit to the Acclimatisation Societies' conference at the end of July:— 'That the position with regard to the shooting of pigeons is unsatisfactory, and that it be a recommendation to the Government that they be placed on the same footing as other native game'.¹³⁵

The Auckland society considered there was a problem with kereru hunting. The society expressed its concern at continued excessive shooting, and argued the need for more kereru sanctuaries. But it did not consider the kereru problem to be one that could be solved by Crown protection orders. Many years later, in 1935, the Auckland Acclimatisation Society's ranger could still report that kereru accounted for a major part of his ranging time.¹³⁶

The Wildlife Act 1953 strengthened the acclimatisation societies' native bird conservation function, and made it much more explicit. The Act stated that each society's function would include 'the protection and preservation in that part of its district that does not comprise or form part of a wildlife district under this Act of *all* wildlife absolutely protected under this Act' (emphasis added).¹³⁷ Well into the 1970s, the Crown department responsible for the Crown's own wildlife protection agency, the Department of Internal Affairs, considered the acclimatisation societies to be the main agent enforcing the Wildlife Act with regard to indigenous fauna. In

134. Ibid

135. *Auckland Star*, 9 June 1915, cutting in file: Netting at the mouths of rivers – Canterbury, M1 1/7/67, NA Wellington

136. McDowall, p155

137. Sections 24–36 of the Wildlife Act 1953

1971, when there was some confusion between Crown agencies in Northland concerning the apprehension and prosecution of kereru hunters, the Secretary of Internal Affairs told local Forest Service staff that while the Department's Wildlife Branch had specialist fauna conservation staff in Northland, 'strictly speaking law enforcement in the Northland Region is the responsibility of the Acclimatisation Societies . . . although wherever possible our officers assist'.¹³⁸

Under this same power to effect indigenous fauna conservation, acclimatisation societies were often involved with the Wildlife Branch to promote the protection of native birds. An example in 1958 concerned promoting the wildlife significance of the offshore islands in eastern Northland and the Bay of Plenty to the Maori communities who had ancestral muttonbirding rights on the islands. In Northland, the Wildlife Branch's parent department sought the help of the Mangonui-Whangaroa Acclimatisation Society to distribute the pamphlet, *A Message to the Maori People of the North-East Coast*, amongst local marae.¹³⁹

Until quite recently, individual societies were placing great emphasis on their role in conserving indigenous species. In 1982 for example, the Southland Acclimatisation Society stated:

In respect of the absolutely protected species of wildlife, both in fulfillment of the Society's statutory obligations and in the interests of the Society's standing within the community, the Society shall implement to the fullest possible extent the protection and maintenance of these species and shall encourage other agencies to cooperate in this respect.¹⁴⁰

Societies also played an innovative role in native fauna conservation by seeking to have additional species added to the schedules of fully protected birds under various statutes. Many of these species were birds that societies had, in earlier times, campaigned to eradicate. A good example is the kea. As early as 1946, the Southland Acclimatisation Society suggested the bounty on the species should be removed.¹⁴¹

The criticisms from the wider nature conservation movement that, acclimatisation societies were less interested in the growing plight of the indigenous fauna than in the success of their imported game species, persisted into modern times.¹⁴² In 1980, in an endeavour to counter the criticisms, the acclimatisation societies proposed to the Crown that the revenue from their game hunting licences be used to fund the protection of indigenous birds. The Director of the Wildlife Service supported the

138. Secretary for Internal Affairs to K H Hoff, Puketi Forest, 20 November 1973, in BAHT5118/1B, NA Auckland

139. Secretary of Internal Affairs to the Secretary, Mangonui-Whangaroa Acclimatisation Society, 6 November 1958, re Northern Muttonbird Information Leaflet: Publications to the Maori people, AANS W3546 Wil 13/10/10, NA Auckland

140. Annual Report of the Southland Acclimatisation Society, quoted McDowall, p156

141. Ibid

142. McDowall p155

proposal in principle, telling the Westland Acclimatisation Society that he thought the Government had 'some duty on behalf of all New Zealanders to help bear the cost associated with protected fauna management, currently the responsibility of the acclimatisation societies'.¹⁴³ Whilst they never received such state funding, societies continued to support the Crown's Wildlife Service in its task of protecting indigenous birds.

8.9.1 Protection of indigenous faunal habitat

Acclimatisation society hunters were particularly interested in waterfowl. Of all the environments in which acclimatisation societies have had an interest, swamps and wetlands have been among the most important. It is not surprising, therefore, that the acclimatisation societies were the first element of the Anglo-settler culture to recognise the crucial ecological link between waterfowl and their swamp and wetland habitats, and to actively seek to protect swamps from drainage and development.

These swamps and wetlands were habitats in which many indigenous bird species existed in large numbers. For very similar reasons, Maori too had learned the same ecological relationships. They had customarily treated swamps with the respect merited by some of the most productive ecological taonga in Aotearoa.¹⁴⁴

Notwithstanding the fact that many acclimatisation society members were, as settler farmers, active destroyers of indigenous habitat, acclimatisation societies were quick to realise from the onset the importance of habitat protection. Unless there was good habitat there could not be good fish and bird populations for their licence holders to fish and hunt.¹⁴⁵ As they saw wetlands drained, waterways dammed and channeled, and catchments deforested, the societies increasingly realised that habitat resources like rivers, lakes, wetlands and forests were finite. Of all the many changes the acclimatisation societies underwent through their long history, the shift from being introducers of species to being protectors of those species' habitats is perhaps the most profound.¹⁴⁶

Beginning in the 1960s, habitat protection became a primary issue, replacing the societies' prior preoccupation with introducing species or enhancing populations by captive rearing and releasing stock into the wild. In 1982, the acclimatisation societies' National Director, Bryce Johnson, told the Prime Minister Robert Muldoon that the societies' role in recent times had

143. McDowall, p156

144. Wendy Pond, *The Land with All Woods and Waters*, Waitangi Tribunal Rangahaua Whanui Series national theme report, 1997

145. McDowall, p164

146. Ibid

centred upon the protection of the habitat of those species for which it is statutorily responsible. Concern for the extinction of species has now been superseded by a concern for the extinction of habitats, simply because of the realisation that the former is invariably a product of the latter.¹⁴⁷

It was a role that invariably led to conflict with other natural resource managers, developers and users.

One of the earliest initiators of the conservation of wetland habitat was the Auckland Acclimatisation Society. Long aware that agricultural advances were reducing the swampland available to duck throughout the district, and that numbers of the indigenous grey duck were declining, the society began to tackle the problem in 1950. It negotiated the purchase of 800 acres of islands in the Waikato River (in the Franklin Acclimatisation Sub-Society's district). These initiatives were part of wider moves to maintain a high duck population for hunting purposes. As part of the waterfowl habitat scheme, as it was called, the society also called for an increase in the construction of artificial ponds by member bodies, and began working on a complementary scheme to encourage farmers to use existing ponds and potential ponding areas for duck habitat. As part of the initiative, it appealed successfully to the Crown for a reduction in the limit bag for duck from 15 to 10, and increased its members' shooting fees to help finance the waterfowl habitat scheme.

In 1960–61, the Auckland society formed a swampland committee responsible for investigating how to better use the permanent wetlands in the district for further ponding projects. Consequently, more swampland was purchased by the society in 1962–63: a 340 acre block of the Whangamarino swamp near Rangiriri in the Waikato. Efforts were also made to get transfers of ownership from the Crown to the Wildlife Branch of Internal Affairs of about 5000 acres of adjoining swampland straddling the Whangamarino River, and another 8000 acre swampland block at Patetonga on the Hauraki Plains. More of the Whangamarino Swamp was acquired in three 1964 purchases.

Further swampland purchases in the 1960s caused much reflection in the society's records on the difficulty of finding and acquiring privately owned wetlands. Just before the Wildlife Branch initiated a new Crown policy for promoting wetlands protection in 1969, the Auckland society voted considerable funds towards a survey, in cooperation with the

147. McDowall, p165

Wildlife Branch, of all wetlands within the society's boundaries. This revealed that 'a rather staggering 50,000 acres of swampland had been drained and lost to duck in the preceding 10 years'.¹⁴⁸

Wetland protection is the subject of a section in chapter 2 of this report.

8.10 LICENCES

A key premise of Crown acclimatisation policy historically was that anybody should be able to take fish and game. This was underwritten by a very strong imperative to establish a system of game laws in New Zealand that did not have the restrictions which applied in Britain, where hunting and angling were pastimes of privilege. A licence system operating on the basis of a partnership between the acclimatisation societies and the Crown was instituted to regulate exploitation of this resource. Before long, the Crown's animal protection laws had extended the licensing system to include the hunting of native game species like kereru.

Despite the equity principle that was meant to characterise this licensing system, it was criticised for creating barriers between people who wanted to fish the lakes and rivers and hunt the forest. It is in this sense that licensing has been the cornerstone of the Maori dispute with the whole acclimatisation system. The requirement implicit in licensing is that the right to fish or hunt a resource has to be paid for in cash. It is no longer something to which Maori have customary usufruct privilege by ancestry.

Licence sales have historically been the primary source of acclimatisation society income and a major factor in their financial wellbeing.¹⁴⁹ When deer licences were terminated in 1931 with the Government's decision to begin a programme of deer extermination to protect the country's forests, there was an immediate decline in the acclimatisation societies' financial fortunes.¹⁵⁰ The removal of possum hunting licences in the 1950s, when the Government finally determined they were pest species and removed all forms of legal protection, had a similar effect. Some aspects of the history of licensing are germane to this report. These include the distinction that was made until 1953 between imported game and indigenous fauna, and the Crown's control of the licensing system.

148. Clifton R Ashby, *The Centenary History of the Auckland Acclimatisation Society, 1867–1967*, Auckland Star, 1967, pp29–32

149. Licensing is an aspect of acclimatisation with an exceedingly complex history that is beyond the scope of this overview. It is dealt with in Chapter 6 of McDowall.

150. McDowall, p67

Maori rights to fish and hunt have always been a major problem for the acclimatisation societies and their rangers, especially when Maori-owned land and its indigenous fauna have been involved. The licensing system instituted by the Crown and the acclimatisation societies was based on licences being allocated to individuals. The system had a considerable problem with the collective ownership that prevailed with Maori land. Furthermore, while Maori fishers did not need a licence to harvest native fish, they did to fish for introduced species like trout. When Maori without a licence caught trout in the process of fishing for native species, as of course happened, they could be prosecuted. Other sections of this report (notably section 13 in this chapter and the section in chapter 4 that concerns Te Arawa's efforts to gain title to the lake beds of Rotorua and Rotoiti) deal with different aspects of this problem. A 1950 incident concerning the East Coast Acclimatisation Society illustrates the point.

Under the heading, 'Property Owner's right to shoot without licence', the society's secretary asked the Crown for 'a ruling as to the above position with regard to Maori owned land. As you are aware, Maori Blocks are held on the basis of joint ownership and some Maoris maintain that any one of them holding an interest in a block may shoot without a licence. This appears to be stretching the statute too far and hitherto my Society has ruled that the Manager only of the block is entitled to the exemption from licence'. In reply, the Under-Secretary stated that it was a question of title and who was the actual 'occupier' of the land rather than multiple owners all having exemption rights.¹⁵¹

8.11 RANGERS

Acclimatisation society rangers and their power to carry out the Crown's animal protection laws with respect to indigenous fauna have been provided for in statute since the 1860s. Since the early animals protection legislation which specified 'native game' alongside introduced 'game' species, the indigenous fauna has been statutorily part of the scope of acclimatisation society rangers.

The powers of rangers appointed by acclimatisation societies were defined by the Acts governing the societies' responsibilities for fish and game. These Acts were the much-amended Animals Protection Act, the Wildlife Act 1953, and the Fisheries Acts of 1908 and 1983.¹⁵² The statutory

^{151.} Game – landowners etc, Letter re: Section 14(3) Animals P and G Act 1921–22, IA1 46/1/1 pt 1, NA Wellington

^{152.} McDowall, p89

authority of acclimatisation society rangers always came directly from the relevant Government departments, and never from the societies themselves. In this sense, in carrying out law enforcement duties the acclimatisation society staff were strictly speaking servants of the Crown. The same applied to honorary rangers. These rangers were appointed from amongst acclimatisation society members and were an important facet of the law enforcement activities of the societies. They were appointed as honorary rangers under the Wildlife Act 1953 and the Fisheries Acts of 1908 and 1983.¹⁵³ The Department of Internal Affairs also had its own system of wildlife rangers, who were members of its Wildlife Service.

On the ground (or in the water, as was often the case) the mantle of Crown authority carried by the acclimatisation society rangers pitted them against any Maori indifferent to the laws on which acclimatisation in New Zealand was based. In many instances involving legally contentious environments, such as lakeshores and the beds of tidal streams and estuaries, prosecution was made difficult by the Crown's failure to resolve Maori grievances in relation to those environments, especially in terms of the Treaty of Waitangi. Compounding this common situation, Maori who fished in the years when trout were being introduced and were competing with the indigenous fish species commonly caught trout inadvertently, but illegally none the less, as by-catch. And in the early part of the period between 1912 and 1983 at least, and particularly in the more remote parts of the country, many Maori still practised their traditional ways in relation to the indigenous flora and fauna.

These circumstances led to a common perception among acclimatisation rangers that Maori were 'poachers'. A consequence of that was that the acclimatisation societies came to consider Maori could not be trusted to comply with, let alone administer, the laws of animal protection. As this was a task required of the honorary rangers of acclimatisation societies, Maori were excluded from active participation and representation in the wildlife ranger role. A further reason was the fact that Maori were seriously underrepresented throughout the public service. As a consequence, there was little opportunity for the customary Maori understandings of sustainability and conservation of indigenous fauna to enter the system of animal protection that evolved under the Crown.

A very clear expression of the fact that acclimatisation society rangers were legally appointees of the Crown was provided by the Minister of

153. *Ibid*

Internal Affairs in 1921, during a debate on the Animals Protection and Game Act. The member of Parliament for Westland, Thomas Seddon, was concerned at the influence that acclimatisation societies appeared to have over Crown policy under the Animals Protection and Game Act. The Minister replied that:

Rangers are appointed by the Minister of Internal Affairs, but, no doubt, on the recommendation of the acclimatisation societies . . . The acclimatisation societies, for example, hold the view that it should be necessary for a man to have a licence for shooting native game, in the same way as he has to have a licence for shooting imported game.¹⁵⁴

Taking issue with the same Act, but in a different vein which suggested the problems that might arise for acclimatisation rangers prosecuting Maori, was this statement from the member of Parliament Mr Geddes. Under the proposed Act, Geddes said,

a man wearing a huia-feather in his hat is liable to prosecution for having in his possession the feather of a protected bird . . . A person may also be prosecuted for having in his possession the eggs of a native bird . . . How can they possibly prove their innocence of a breach of the Act?¹⁵⁵

The kind of issue Geddes may have had in mind is illustrated by a case from the central North Island. At that time, the appointments of rangers for the indigenous fauna were commonly made through acclimatisation societies. In February 1929, Christina Jefferson perceived the need for a local ranger in the central North Island country between Mokai and Mangapehi. On her return she wrote to the Secretary of the Auckland District Acclimatisation Society. She described:

traversing a wide stretch of country over which there is apparently little control as far as native and imported game is concerned. Mr George Watson who lives about halfway between the two places that I mentioned is interested in the preservation of game. Might I suggest that it would be to your advantage to appoint him ranger. It would certainly help to preserve our native flora and fauna if he were given some authority over this district. Less than a fortnight ago, I heard this remark in the Pukemarka [sic] district, out from Mangapeehi, "Many a good feed of pigeons we have had from that bush". Could you not do something there to prevent

154. NZPD, 1921, vol 191, pp 365–366. Mr Downie-Stewart's reply was in response to a question from Mr Seddon (Westland) regarding the appointment and powers of Acclimatisation Societies.

155. NZPD, 1921, vol 193, p 637

such destruction? I heard similar stories in the Mamaku district and hear that the nearest policeman was not averse to pigeon pie.¹⁵⁶

The Under-Secretary of Internal Affairs considered the letter of sufficient importance to bear looking into, and Ranger Cobeldick was instructed 'to visit the Mokai locality, and make enquiries relative to the subject of the alleged shooting of native pigeons'.

He saw Mr Geo Seymour an Honorary Ranger, and Mr W Gillibrand (whose appointment as an Honorary Ranger is recommended) and both stated that according to their general knowledge, shooting parties of Maoris, numbering six to twelve, go away into the bush and shoot pigeons when such are fat. They stay out several days, and return with bags of anything from seventy to one hundred and fifty pigeons at a trip. A ranger would have to be living on the spot, and even then there would be great difficulty in such remote bush country, in getting evidence and identification, which would ensure conviction. Ranger Cobeldick would not mind staying out in the bush all night, in an effort to catch them, but it is difficult to know just exactly when the natives make these expeditions. They will not go while a ranger is in the locality, and they always ride by bush tracks known only to themselves . . . A good deal of this illegal shooting is done under the guise of pig hunting, and the ranger thinks that all that can be done is to appoint some more honorary Rangers in this locality, as one man (Seymour) cannot accomplish much. He becomes known to the natives and they keep a watch on his movements . . . Because of the isolation of the locality, it does not seem that much more can be done than suggested, and the only alternative I think is that someone with considerable influence among the Maoris, should go into the locality and make an appeal to them to stop this slaughter of a protected bird but this is not very practicable.¹⁵⁷

Following a couple of character references, Watson was made an honorary ranger for the Department in the area concerned, under the Animals Protection and Game Act, 1921–22. After this, the local police were informed of the issue to enable them to act on it if necessary.¹⁵⁸

156. Honorary Forest Rangers, 1930, BAFK 1466/8b, NA Auckland

157. Birds protection of native 1928–58, Department of Tourist and Health Resorts, TO1 25/6, NA Wellington

158. Ibid

8.11.1 Maori as rangers

An indigenous system of customary hunting and resource management already existed in the landscape into which, in the 1860s, the Crown and acclimatisation societies inserted the system of laws and regulations that they developed for New Zealand. However, if the research for this study is any gauge, there is negligible acknowledgment in the Crown record of the possibility that some Maori (for example, those who might have inherited a customary kaitiaki role) might have an appropriate role as rangers over the indigenous fauna.

The prospect of Maori rangers was discussed in Parliament in 1926 in the context of the Native Land Amendment and Native Land Claims Adjustment Act, which legislated the settlement between the Crown and Tuwharetoa over Lake Taupo and its waters. A M Samuel, the member for Ohinemuri, considered that ‘the principle is wrong for the Natives to be made rangers when a number of them are in habit of taking . . . fish.’¹⁵⁹ In the same debate, Apirana Ngata, the member for Eastern Maori, stated that ‘in dealing with the Maori as possible ranger, this must not be forgotten: the Maori mind cannot understand the psychology of the Pakeha in regard to sport, particularly fishing’.¹⁶⁰ Ngata’s point was that while Pakeha fished for sport, Maori did so strictly for food.

Another of the rare instances when Maori rangers were proposed concerns ‘pigeon poaching’ in Tai Tokerau in 1959. A senior wildlife ranger reported to the Conservator of Wildlife in Wellington that ‘the question of appointing Maori Wardens as Honorary Rangers for wildlife was discussed with Mr Pihema, District Welfare Officer [Department of Maori Affairs], Whangarei. He thought the idea had considerable merit’.¹⁶¹

It is very difficult to quantify how many Maori were appointed as rangers from the limited evidence that appears to have survived in the Crown record. What is available is only on a name basis, and only nine of over 900 names were Maori in a list of rangers appointed to New Zealand’s acclimatisation societies between 1959 and 1962 under section 38 of the Wildlife Act.¹⁶² In 1959, negotiations were under way between the Crown and the Maori owners of the newly formed Waitangarua Lake to have it declared a Wildlife Refuge. One of the owner’s stipulations was that the managers of the two properties concerned (both Maori) be made honorary rangers. This was eventually agreed to.¹⁶³

A related Crown record concerning Maori as forest rangers that mentions the Animals Protection and Game Act, although not specifically in

159. NZPD, vol211, 1926, p287

160. Ibid

161. Letter, 25 September 1959, re Maori Wardens, IA1 46/12/117 p 1 Pigeons – protection of, NA Wellington

162. Rangers appointment of – Gisborne, IA1 46/15/70 pt1, NA Wellington. However, this can only be a most approximate estimate, given Maori adoption of European names.

163. Ibid

acclimatisation terms, is perhaps worth mentioning in this regard. A 1930 list of 12 patrolmen and forest caretakers includes five Maori names. An attached letter from the Director of Forestry to the Conservator of Forests in Rotorua, states 'I see from the list of Patrolmen forwarded that you have included the names of five Maoris for appointment; three for Whakarewarewa and two for Waiotapu Plantations. In appointing patrolmen [and] Honorary Rangers, I had not considered appointing members of the Native race as such, and before going further, I would appreciate your views on the matter'.¹⁶⁴ In reply, the Conservator of Forests stated that 'as the native patrolmen concerned only patrol the plantation areas [that is, exotic forest], and it is very unlikely indeed that it will ever be necessary for them to have authority under the Animals Protection and Game Act, it is hardly necessary to have them appointed'.¹⁶⁵

8.12 DESTROYING INDIGENOUS 'VERMIN'

The way in which acclimatisation societies used the term 'vermin' derived from the period between about 1860 and 1890, when the societies were trying to establish founder populations of introduced species into alien environments in which they had to compete with indigenous species. But the term has persisted into modern times, coming to mean, as one acclimatisation society historian put it: 'any carnivorous animal, bird of prey, or scavenging fish, which by means of its habits, constitutes a threat or menace to Imported Gamebirds of New Zealand, their eggs and their young, and to Imported Freshwater Fish, ie Trout, Salmon, Perch, etc, their ova and young'.¹⁶⁶

For acclimatisation societies, the major vermin were a number of indigenous faunal species, notably eels, shags and hawks. But at different times kingfisher (kotare), kea, harrier (kahu) bittern, blue heron, morepork, black-billed gull, pukeko, weka and whitebait have been on schedules under the Animals Protection and Wildlife Acts as vermin. Shags and harrier, for example, were listed as vermin on the fifth schedule of the Wildlife Act 1953. Listing species on this schedule was intended to encourage their destruction by the payment of bounties from the public purse.¹⁶⁷

These declarations of species of the indigenous fauna as vermin were not necessarily made on the basis of any scientific data. There was no empirical evidence that shags, for example, were preying on and reducing

164. Honorary Forest Rangers, 1930, BAFK 1466/8b, NA Auckland

165. *Ibid*

166. McDowall, pp117–118

167. *Ibid*

the stocks of introduced trout. There is some evidence in the Crown record that Maori criticised the killing of shags on these grounds (see section 13.2 below). Vermin destruction tended to be on the basis that it was taken for granted that it should be carried out.¹⁶⁸

In many instances, attacks and extermination campaigns were undertaken against indigenous fauna without regard to the Maori relationship with such species. This was the case even when the indigenous species were an important traditional and contemporary food source. Eels are a prime example.

The vermin most consistently under attack from society field staff between 1912 and 1983 were probably shags. Several societies commissioned annual shag-shooting forays by their staff on known rookeries, often in river gorges. Societies published statements encouraging members, when in the outdoors, to undertake vermin destruction. They offered practical advice. Trout could be gutted at stream margins so that the blood and offal would attract the eels in the vicinity and thus provide an opportunity to capture and slaughter them. Some societies even organised vermin control competitions, often between angling or shooting clubs in their districts, and offered prizes to the club that killed the most. Ultimately, however, effective vermin destruction depended mostly upon paying bounties to those who presented 'tokens' to their local society. These included the heads, beaks and feet of indigenous shags and hawks, and the tails of eels. This was done partly to encourage participation amongst children during school holidays, and partly because it was thought people would become involved with vermin destruction if they could make money from it.¹⁶⁹

In 1939, the North and South Island councils of acclimatisation societies decided to form vermin control boards to coordinate their extermination efforts. Soon, the North Island Vermin Control Board had been formed. It was instituted through an amendment to the Animals Protection and Game Act 1921. Under the regulations issued pursuant to the Act, the board received five shillings for every licence it sold. This money was redistributed to societies according to the bounty payments they had made. The process was repeated when the South Island Vermin Board was formed in 1945.¹⁷⁰

168. *Ibid*, p118

169. All above from McDowall, p118–119

170. McDowall, p120

8.12.1 Case Study: Eels

There are frequent instances in the Crown record from 1912 to 1983 of major efforts by the Crown and acclimatisation societies to rid the country of eels. These were usually referred to as 'campaigns'.

In their natural state, New Zealand's rivers and many of its lakes abounded with eels. Although eels were the most important freshwater fish in many Maori economies, this was not considered to be a significant issue by those trying to establish introduced fish species.¹⁷¹ Because eels were considered to be piscivores (eaters of fish), the acclimatisation societies regarded them as a threat to the success of their attempts to establish trout and salmon in New Zealand. There was also concern over eel predation of ducklings and other aquatic birds. The acclimatisation societies logically concluded that reducing the number of eels would remove a serious threat to their trout and ducks, and thereby improve trout fishing and duck shooting. This depreciative perception of eels was so strongly held that, in the 1930s, complete extermination of eels from New Zealand waters was considered.¹⁷²

Campaigns of eel destruction were soon a feature of Crown and acclimatisation society policies in respect of inland waterways. Reporting on a 1940s Southland research study, the Marine Department fisheries biologist David Cairns warned that a successful eel 'campaign' had to catch eelers migrating upstream each spring into the rivers from the sea in order to effect a long-term reduction of the eel stock. 'Extensive campaigns by acclimatisation societies', Cairns wrote in the *New Zealand Journal of Science and Technology*, 'could reduce the damage [to trout populations] caused by eels considerably, and it would seem that the expenditure of some of the money available for fish conservation could be made in this direction'. Cairns presented a table of evidence from 'the Southland campaign of 1937-38' to support his claim.¹⁷³

In the 1940s, one of the sub-societies of the Auckland Acclimatisation Society formed an 'eel club' to promote the destruction of eels. This soon led to the commercialisation of eels, and an export trade to Europe was developed. The Auckland society attempted to combat this commercialisation by having the Public Works Department install electric barriers on the Karapiro dam, which they hoped might at least stop eels from reaching the lakes upstream. At another dam in the Auckland region, eels migrating downstream and trying to get to sea to spawn were stunned as they passed across the dam. The Society proudly reported that on one night

171. Ibid

172. Ibid

173. D Cairns, 1942. Life-History of the Two Species of Fresh-Water Eel in New Zealand: III Development of Sex; 'Campaign of Eel Destruction', *The New Zealand Journal of Science and Technology*, March 1942. Cairns's table included a list from the Hedgehope, Dunsdale and Otapiri Streams in Southland, where a total of 11,624 eels were taken between November 1937 and April 1938.

‘over 2000 eels weighing about 2 tons were caught while during the season they caught about 3000 eels with another 500 destroyed in the turbines’.¹⁷⁴

In several parts of the country in the 1930s and 1940s, the joint policy of the Crown and acclimatisation societies was to exterminate all eels from certain rivers. In 1946, the Conservator of Fish and Game in Queenstown told the Under-Secretary of Internal Affairs how:

During the summer of 1938, with the help of others, I took more than 200 eels out of this same pond and kept setting pots until no further eels were to be caught. The pond is only connected with the river during a flood and it is apparent that the eels have not come back to it.¹⁷⁵

The same year, the local hatchery supervisor reported to the Conservator of Fish and Game for the Southern Lakes that the ‘Eel Campaign’ in the Lindis River, the Clutha River, Lake Hawea and River, Lake Wanaka and Matukituki River area (including swamps and flats) had taken over 1000 eels by traps. A summary of reports received by the secretary of the Council of South Island Acclimatisation Societies from G Friend of Invercargill recorded that 39,230 eels had been taken between October and March from the Apirima Lagoons. Further north, the South Taranaki Acclimatisation Society was ‘organising a campaign against eels and is having a trap made weighing 30lbs at an estimated cost of thirty shillings’.¹⁷⁶

The eel campaigns commonly had a commercial aspect. Acclimatisation societies led the design of traps and pots for ‘dealing with eels to improve fish stocks’ in the southern lakes and the Lindis River. The eels were sold commercially for export. Commercialisation of eels was not investigated further in this overview. However it is an aspect of the indigenous flora and fauna that merits further research.

Late in the eel campaigns era, the prospect that the campaigns might be based on false ecological premises was raised. A Marine Department scientist, Max Burnett, investigated the interrelationships of trout and eels in the Waimakariri River. The results of his 1968 study found that when eels were present there was a moderate population of good-sized trout. When the eels were removed there were large populations of small trout. Slowly, Burnett’s findings began to change the views and practices of the societies, although some such as the Wellington Acclimatisation Society

174. McDowall, p122

175. Fisheries – Southern Lakes District – Eels – General file, IA1 180/10 pt 1, NA Wellington

176. Ibid

ignored them and continued eel eradication campaigns well into the 1970s.¹⁷⁷

There is evidence that, throughout the 1912 to 1983 period, acclimatisation societies and the Crown were aware of the great value Maori placed on eels, and that Maori considered their customary rights to them to have been guaranteed by the Treaty of Waitangi. In 1929 for example, the Auckland Acclimatisation Society advised the Marine Department of the failure of a trout introduction to Lake Ngaroto in the Waikato. Eels were held responsible. Consequently, the acclimatisation society made an application 'to take eels for fertiliser from the lakes in the vicinity of Ohaupo'. However, the Department noted that:

certain families of natives have been accustomed and still are accustomed to fish for eels in Lake Ngaroto, and to a certain extent rely on these Lakes for food supply . . . In view of recent claims made by natives against the Government regarding infringement of native rights, the local club consider it unwise to grant any exclusive licence to take eels in these lakes.¹⁷⁸

The Chief Inspector of Fisheries subsequently declined the application. In doing so he added that he 'would like some time to see an attempt made to exterminate eels in some lake for the purpose of studying the effects upon other fishes, native and indigenous; but such an experiment would not be carried out in a Maori District'.¹⁷⁹ In 1948, at the peak of the 'eel campaigns', the Hawera Maori Welfare Officer drew the Secretary of Marine's attention to 'the possibly adverse effects on food supplies of the Maori people' of south Taranaki if eels were 'destroyed by acclimatisation societies'. The Secretary of Marine considered it would be reasonable that:

eeling activities by such societies might be confined to areas where young trout are abundant and that other waters should be left to the Maori people to fish. I am, therefore, asking the Secretary of Marine to send up for discussion with you and the societies concerned, a senior fishery officer sympathetic with the views of the Maori people and familiar with the particular waters.

In parallel, the Senior Fisheries Officer in Wellington wrote to the Secretary of the Hawera Acclimatisation Society, advising him that:

177. McDowall, p123

178. Ohaupo Eels – Exclusive for, 1929–29, M1 1/7/90, NA Wellington

179. Chief Inspector of Fisheries, 29 November 1929, Ohaupo Eels – Exclusive for, M1 1/7/90, NA Wellington

on the instructions of the Hon Minister I am also to see the Maori Welfare Officer at Hawera who has raised the question of whether eeling operations carried out by the Stratford Society and your own threaten the interests of local Maoris who use eels as food. The approach from the Welfare Officer was fair and reasonable and suggested the possibility of the societies confining their operations to the vicinity of trout spawning areas or liberation points and reserving certain other waters for exploitation by the Maoris. The letter was not in any sense a complaint. I would be pleased if you would consult with Stratford on this matter in advance of my visit, but at the same time I would ask you to avoid giving it any publicity as I feel sure that the matter can be quite amicably adjusted when I arrive.

Consequently, on the instructions of the Minister of Marine, the Secretary of Marine advised the Department of Maori Affairs Maori Welfare Officer in Hawera that he had arranged for the Senior Fishery Officer to visit Hawera 'to consult with you regarding any possible infringement of Maori interests arising from eeling operations carried out by acclimatisation societies'.¹⁸⁰

There was a similar episode in Canterbury in 1961. The Senior Fishery Officer reported to the Chief Inspector of Fisheries on an interview with Mr Karetai at his home at Little River concerning the hapu's anxiety at the commercialisation of eels. The fishery officer recounted how he had:

pointed out that the Department was against the commercialisation of the eel fishery at Lake Forsyth and was behind him [Karetai], and would do all in its power to ensure that the traditional Maori fishing rights for eels in this system were preserved for Maoris. I stated that the probable procedure would be that as it would be necessary for persons wishing to sell eels to hold a licence the taking of eels at Forsyth would be prohibited. On explaining the Departmental view that eel populations should [only] be exploited where they were not fished by Maoris for traditional foods, even for sale as an export, he appeared further assured.¹⁸¹

The Marine Department's support for Maori retaining their eel fisheries stands in contrast to the campaigns by the Department of Internal Affairs and the acclimatisation societies to eradicate eels.

When advocacy of customary Maori resource rights began to re-emerge in the 1970s, the depleted state of the country's eel fishery was

¹⁸⁰. All passages from Eels 1942–62, M1 W1833 1/7/5, NA Wellington

¹⁸¹. Memorandum of 6 February 1961, Eels 1942–62, M1 W1833 1/7/5, NA Wellington

significant matter of concern. In 1971 the Government passed the Fisheries Amendment Act, which enabled commercial harvesting from waterways, swamps, lakes, rivers, streams and canals. Many iwi were concerned about the commercialisation of eels. The Chairman of the Ngatiawa Maori Executive Council advised Matiu Rata, the Minister of Maori Affairs, of 'the concern felt by the people of this area, at the serious depletion of the eels and the continuing rape of the natural resources of this country'. He proceeded to set out the effects of the commercialisation of their eel fishery:

- (1) No eels in the above-mentioned waterways
- (2) Natural source of food for both Maori and Pakeha being depleted
- (3) Maoris from all over the Bay of Plenty complaining about the lack of eels.

As a result, the Ngatiawa Maori Executive Council felt:

that there should be an immediate suspension of commercial harvesting of eels until research shows that there is justification, both economically and biologically for such harvesting to continue. In our opinion and experience, we have found that:-

- (1) No one can definitely say what is the eel reproduction and life cycle
- (2) So-called experts say that it takes a period of three years for a producing eel to go to sea and its young to return as elvers or glass eels
- (3) The nets used by commercial harvesters have a mesh of 1 inch area constructed as to catch all the fish in the waterways. These include trout, carp and other smaller fish
- (4) Commercial operators have taken less than six months to take all the eels from the King Country area, two years to clean the Hikurangi swamp in Northland and information to date shows that all eels in the Rangitaiki-Whakatane Rivers areas will be taken in approximately six months from now. We also believe that the eels in the Waikato River have disappeared due to commercial harvesting.
- (5) The above picture is rather grim to behold and apart from the food value to New Zealanders, the ecological effects must be immense when one considers that eels keep waterways free of slime and other natural pollutants.

The submission concluded that until these questions were answered satisfactorily, immediate steps ought to be taken by Government ‘to halt these operations’.¹⁸²

By the 1970s, Crown attitudes to the taking of eels were becoming influenced by conservation imperatives. On the West Coast of the South Island, national park rangers acting under the National Parks Act 1952 and the Reserves and Domains Act 1953 stopped two local companies from harvesting eels from rivers and lakes within Westland National Park and scenic reserves. The problem went to the National Parks Authority, which administered both the national park and scenic reserves. The authority decided against the eel harvesting companies, but it indicated that it was prepared to review its decision if it could be shown ‘that the large-scale removal of eels from rivers and lakes will not seriously alter the biological balance’.¹⁸³ The Director of the Fisheries Research Division subsequently told the Secretary for Marine that he could not see any objection to eel exploitation in national park areas, ‘provided that precautions are taken to ensure that other native fishes taken in the fyke nets are returned to the water’. He was, all the same, of the opinion that some national park areas should be ‘retained in [an] undisturbed state’.¹⁸⁴ The issue caused the Minister of Science to advise the Prime Minister that no commercial exploitation of eels should be permitted in national parks, since the effects on other fauna were not adequately known, and since ‘it is desirable to retain the Parks as centres of breeding stocks’.¹⁸⁵

8.12.2 Case Study: Shags

There are considerably more species of native shag than there are eels. But because of similar beliefs among acclimatisation societies that they selectively predated trout, the societies and the Crown embarked on a long campaign against them.

Shags were listed on earliest schedules of vermin species under the Animals Protection Act, well before to 1912. Shag eradication was initiated by the North Canterbury Acclimatisation Society in 1875 and soon became a matter taken seriously by nearly all the societies. Throughout New Zealand, there was indiscriminate destruction of several shag species. Although it was known that only the black shag (*Phalacrocorax carbo*) preyed significantly on trout, at the 1915 meeting of the New Zealand Association of Acclimatisation Societies the Chairman, Leonard Tripp, moved

182. Eels – general 1963–64, M1
W1833 74/1, NA Wellington

183. Ibid

184. Ibid

185. Ibid

that the statutory protection of all species of shag should be removed.¹⁸⁶ However, as part of the campaign against the shag species that predated trout, the societies prepared newspaper articles and pamphlets advising caution when killing shags, noting that there were many other shag species that were not a danger to trout and were on the list of absolutely protected species.¹⁸⁷

The killing of shags was particularly prevalent in the early twentieth century in the Rotorua and Taupo lakes district, in the immediate wake of trout introductions to the local waterways. In the 1912–13 reporting year, the Rotorua and Taupo acclimatisation societies paid bounties totalling £500 to 'extirpate' native shags until they 'were all destroyed'.¹⁸⁸ Parasite introductions were another technique employed with the intent of removing this important Maori taonga so that introduced trout would proliferate in the lakes and adjacent streams. In the 1914–15 year, 2064 shags were accounted for to the Conservator of Fish and Game.¹⁸⁹

Hawke's Bay Acclimatisation Society records show that in 1914 the Minister of Marine approved a scheme whereby the government would reimburse acclimatisation societies for every pound they spent on shag bounties. This policy lasted until 1918.¹⁹⁰ In addition to encouraging others to kill shags by paying bounties, the societies took responsibility for shag destruction themselves. This happened to a much greater degree than with most other 'vermin' species. The reason was probably because shags occurred in concentrated roosting places, and major damage could be done to the shag populations by carefully timed and well-executed raids. Occasionally, this was backed up with specific campaigns of vermin destruction by specially employed men, whereby nests were also raided and chicks and eggs destroyed.¹⁹¹

As was the case with other acclimatisation society campaigns against vermin, on several occasions there were moves to develop a nationwide and coordinated programme of shag elimination. This was a feature of discussions at the New Zealand Association of Acclimatisation Societies' conferences from the early 1900s until the 1930s. But as with other vermin, nothing much came of these proposals until the Vermin Control Boards were established by the two Island councils in the 1940s.¹⁹²

In 1951, the societies' Crown-funded bounty scheme on shags was suspended. None the less, some societies persisted in paying bounties for shag destruction from their own funds until the 1960s, even though the

186. McDowall, p125

187. Shags – destruction of, IA1 47/51 p1, NA Wellington

188. AJHR, 1913, H-21. For example, the AJHR, 1914, H-21, Fishing at Lakes Rotorua and Taupo 1914, stated that 'During the season 1,506 shags were destroyed at Taupo and Rotorua'. Parasite introductions were another technique employed with the intent of removing this important Maori taonga so that introduced trout would proliferate the lakes and adjacent streams.

189. AJHR, 1915, H-21 'Fisheries at Lake Taupo and Rotorua: Destruction of Shags'

190. McDowall, p126

191. Ibid

192. Ibid, p127

vermin control boards had long since ceased to exist. In 1968 the bounty schemes in all forms were finally abandoned.¹⁹³

For a considerable part of the 1912 to 1983 period, acclimatisation societies held 'shag drives' in shag rookeries.¹⁹⁴ In 1928, the Nelson Acclimatisation Society applied for a permit to shoot Large Black Shags in rookeries in the Lake Rotorua Scenic Reserve, which was also a bird sanctuary. Before the area was made a scenic reserve, the Nelson society had liberated trout fry into the lake. The New Zealand Native Bird Protection Society opposed the shag destruction. It told the Minister of Internal Affairs that it would be 'no party to the protection of any bird which does more harm than good to the general well-being'. The society said that 'any such interference with sanctuaries, which we think you will agree that it is essential should be left as Nature designed them, must not be permitted except on conclusive evidence that harm is being done.' The Department of Lands and Survey refused permits to shoot the shags, but added that 'if a thorough scientific investigation proves clearly that the shags are the menace they are alleged to be, then, of course, the Department would review the position'.¹⁹⁵

Three years later, the Chief Inspector of Fisheries wrote to the Secretary of Marine about the issue of shags at Lake Rotorua and their effect on trout populations. He stated that 'there is still no comprehensive data regarding the feeding habits of the black shag available as far as I know', and referred to recent experience with the Large Pied Shag of the Kaipara Harbour. He suggested that

the black shag in Lake Rotorua district might be dealt with similarly. As the district is a scenic reserve it is not possible to issue general permits to shoot shags, but it seems to me that there is no reason why a properly organised shoot or series of shoots under the joint control of the local Society or the Departments concerned should not be carried out, as in the case of the Kaipara last year. The object would be not merely to destroy a certain number of shags but also to make observations as to their feeding habits.¹⁹⁶

Although the chief inspector would not 'advocate extreme measures until the question has been properly and scientifically settled', he was inclined to think that 'from all the evidence that has been brought forward the black shag is probably in many places a menace to the trout fisheries'.¹⁹⁷

193. *Ibid*, p135

194. Shags – destruction of – general file, IA1 46/31/1, NA Wellington

195. Lakes Rotorua and Rotoiti – Nelson A/S protests against sanctuaries, M1 25/2327, NA Wellington

196. *Ibid*

197. *Ibid*

Not only were shags regarded as a menace that preyed on trout, it was also thought that they were the host of a parasite found in trout. For these reasons, the Under-Secretary of Internal Affairs told the Conservator of Fish and Game in Rotorua in 1932, 'the destruction of the shag as far as practicable has been called for and the Department pays a considerable sum per annum therefore'.¹⁹⁸ In the same letter, he noted that 'when in Tokaanu it was reported by M Robert Chase that the Department was making a mistake in killing the shags – the Maoris believing that they were of service to the fish instead of being inimical to them.'¹⁹⁹

Underwritten by policy to protect trout habitat, black shags continued to be killed by the Crown's Wildlife agency into the 1960s. In 1963, for example, D A Neal, a field officer at Murupara, reported to the Conservator of Wildlife in Rotorua that he had killed 31 large black shags at a nesting site on the Rangitaiki river:

The shag shot on this occasion fell on the bank where I was standing and I was able to open up the stomach and see what the bird had been eating. It contained the remains of a trout . . . approximately 11 inches in length.²⁰⁰

8.13 THE CROWN–ACCLIMATISATION SOCIETY RELATIONSHIP, AND MAORI

In spite of the Treaty of Waitangi, and the customary interest of Maori in the same prime environments in which most acclimatisation activity focused, Maori have rarely, if ever, been included in decision making or management processes undertaken by the acclimatisation societies and the Crown. As far as this study could ascertain, the formal record of the Crown's relationship with acclimatisation societies (for example statutes and policy decisions) between 1912 and 1983 contains very little reference to Maori. The few instances that were found reveal much about the acclimatisation societies' and the Crown's perceptions of Maori and their claim of rights under the Treaty of Waitangi to indigenous birds and fish.

In the early part of the period, the Crown did not anticipate the impacts of the acclimatisation societies' policies and actions on Maori. It simply reacted to problems as they arose. It was not uncommon for aggrieved acclimatisation society rangers to directly approach the government. For

198. Under-Secretary of Internal Affairs to Conservator of Fish and Game, Rotorua, 1932, Fisheries – shags – Protest against destruction of, IA1 26/15/4 NA Wellington

199. Ibid

200. Native Birds General, BAHT5119/6H, NA AUCKLAND

example, in 1912, T W H James, a Wanganui Acclimatisation Society ranger, took his concern over Maori hunting of kereru in his district to the Minister of Internal Affairs – who had just decreed a closed season for the species. James told the Minister that:

according to the Wellington papers you declared a close season for pigeons throughout New Zealand. This means that in the Wanganui District and the district up the Manawatu line as far as Taumaranui the maori [sic] will as usual go through the bush and kill thousands while the pakeha is to calmly look on. In the districts I have just mentioned the pigeons are *very plentiful* though I believe there are some districts where these birds are scarce . . . I am one of the rangers in this district and do my utmost to see the law strictly observed and am the last to advocate shooting where birds are scarce.²⁰¹

Three weeks later, James wrote publicly about his Ministerial correspondence in a letter to the Editor of the *Wanganui Herald*. He stated that:

Some days ago when in communication with the Minister for Internal Affairs I mentioned that as this season was declared closed for the shooting of native pigeons I would like to know if the Maori would be allowed to shoot these birds, and if so, was it fair that the pakeha should be prohibited, especially when it is so well known that the Maori hunts in dozens together and makes a clean sweep of the patch of bush. Certain of those taking great interest in the protection of game have been from time to time appointed rangers by the Government; and I was seeking information to guide us in our duties, especially taking into consideration the ‘Treaty of Waitangi’. As I received no reply to this important question – although I received other information – I wired on Saturday: ‘Does the Treaty of Waitangi allow the Maori to shoot the native pigeon this year although it is a close season?’, to which I received the following: ‘Question you raise re pigeons is a legal one which this Department is not prepared to answer’.²⁰²

From this, James told the newspaper’s readers, it appeared the Government was ‘absolutely indifferent as to their legal position with regard to the Treaty of Waitangi in relation to the protection of game’:

Can it then be wondered why certain rangers and leading members of the Wanganui Acclimatisation Society have decided to treat the

201. T W H James to Minister of Internal Affairs, April 1912, IA1 25/75 pt 1, NA Wellington

202. Letter to the editor, *Wanganui Herald*, 9 May 1912, from T W James, IA1 25/75 pt 1, NA Wellington

Government manifesto to prohibit the shooting of pigeons (by the pakeha) with little respect?²⁰³

In 1914, the Wanganui Acclimatisation Society itself sought the views of the Crown on how they should deal with a worsening pigeon-shooting problem:

The natives are shooting them in quantities in the up-river districts, claiming under the same right – and the resident whites feel the proclamation protecting pigeons absolutely useless – as the natives shoot persistently and the settlers feel aggrieved that while they are debarred the pigeons are nevertheless decimated. The Rangers are asking for instructions.

In a memo briefing the Minister, the Under-Secretary of Internal Affairs recommended 'that the Society be informed that as pigeons may not be legally taken or killed during the present open season, any person so doing, either European or Maori, is breaking the law and should be prosecuted'.²⁰⁴

An equivalent situation developed in Westland in 1915, with regard to fishing. The Westland Acclimatisation Society sought the advice of the Wellington Acclimatisation Society on how to deal with Maori fishing and catching the trout that the society had introduced to the river:

In our district we have a stream called the Arahura River and the few Maoris living on the banks are getting rather troublesome in regards taking our trout and besides ordering our anglers off the banks as they claim that this river has never been given over to the Pakeha (white man) and everything in the stream is their property. Now as an Acclimatisation Society how do we stand in regards to these people, can they take trout out of the stream in season and out of season without any redress? The anglers have appealed to us for an opinion and I now appeal to you as head of the Acclimatisation Societies to give the best legal opinion of how we stand in this matter. Kindly look carefully into the case as I know the Arahura River has special Maori rights, but can they go so far as to take our trout and defy our licensed anglers from fishing in the said stream.²⁰⁵

203. Ibid

204. Material on Pigeons, in Fisheries – freshwater – Fishing rights of Maoris, IA1 26/42, NA Wellington

205. Fisheries – freshwater – Fishing rights of Maoris, IA1 26/42, NA Wellington

The request was forwarded to the Crown, and although no record of any reply appears to have survived, the question was clearly a far-reaching one for the acclimatisation societies.

Part of the problem was due to the simple principles of the ecology of biological invasion. By 1912, the acclimatisation imperative had brought massive biological change to New Zealand's waterway, lake and swamp ecosystems, not least from the perspective of Maori customary freshwater fisheries. Most Maori food fish were rapidly yielding to competition from the desired game fish of the well-resourced acclimatisation societies. This was happening in water bodies throughout New Zealand.²⁰⁶ Fishing rights which Maori had had for generations and widely considered were guaranteed by the Treaty of Waitangi were being abrogated. By the First World War, Maori were confronted by a massive loss in the biotic constitution of their traditional mahinga kai. Maori could fish for the remnants of their native fisheries in what they considered their own rivers and lakes, without a licence. But if as they caught, as a by-catch, the foreign fish that were responsible for the ecological transformation of their fishery, they were in breach of the law and liable to prosecution.

There can be no doubt that Maori determination to exercise their customary rights often significantly impeded the Crown and acclimatisation societies from exercising their legal responsibilities. Often the Crown was called in to consult and give advice on the legality of Maori statements that they were 'exercising their Treaty of Waitangi rights' in opposing and contravening the practices, rules and regulations of the acclimatisation societies. This conflict between the values of the Crown and the acclimatisation societies on one hand, and Maori on the other, often resulted in major debate. This is evident in the incidents that are reported below.

8.13.1 Breaches of Shooting Regulations, Rotorua district

Maori who have been arrested by acclimatisation society rangers have frequently claimed an ancestral interest in the land where they were hunting or fishing, and consequent rights regarding its indigenous flora and fauna. In 1927, for example, three Te Arawa Maori were apprehended under the Animals Protection and Game Act 1921 for shooting native birds without a licence. They claimed ancestral rights through their mother to the land upon which they were shooting. The case caused the Rotorua District

²⁰⁶ For example, in the Waimarino District, 'the trout-fry was liberated not only in rivers and streams throughout the district, but also in the rivers in Tongariro National Park', AJHR 1915, H-22, Fisheries at Lake Taupo and Rotorua.

Manager of the Department of Tourist and Health Resorts to anxiously consult his General Manager in Wellington:

This is a revival of the vexed question of Maori ownership of land and whether a Maori who may have only a tenth or twentieth interest in a piece of land is entitled to the privileges given to land owners, or occupiers, under Section 14 of the Animals Protection and Game Act. The matter has been the subject of two different decisions by two magistrates, so that it is evidently a doubtful point. I think, on being satisfied as to the actual offence, the ranger should be allowed to prosecute, if for no other reason than to bring into prominence the unfairness of native owners with microscopic interests in land, claiming privileges which were not contemplated when Section 14 of the Act was framed.²⁰⁷

Two months later, he again wrote to the General Manager of the Department concerning a similar 'Breach of Shooting Regulations' under Section 4(1) and Section 14(2) of the Animals Protection and Game Act 1921, this time near Wairoa. In this case, 'convictions were secured on all charges and accused were ordered to pay costs but the magistrate did not inflict any fines, preferring that the proceedings should stand as warnings to natives generally. Asst Ranger Kean considers that the refusal to inflict fines was very unsatisfactory'.²⁰⁸

The issue was again brought to the attention of the General Manager in 1930. In February of that year, the Wairoa Rod and Gun Club's secretary complained that the Wairoa District was 'not receiving fair and just treatment under the jurisdiction of the Rotorua Acclimatisation Society'. He considered that 'the natives [were] not being adequately fined and that many of them were shooting without licences'. The problem, he said, stemmed from the ownership of the land. The land concerned had not been partitioned or individualised by its Maori owners. The Wairoa Road and Gun Society considered the Maori involved were using the situation to take game out of season. By 1930, there were no exemptions under the Animals Protection and Game Act regarding absolutely protected species such as kereru. To catch offenders, the society requested financial assistance and support to employ extra rangers, and to replace their previous ranger for whom 'this Native question was a most difficult and delicate task'. They wanted the Crown:

207. Internal Department of Tourist and Health Resorts memo from the District Manager, Rotorua, to the General Manager, Wellington, 11 May 1927, IA1 25/246/8, NA Wellington

208. Internal Department of Tourist and Health Resorts memo from the District Manager, Rotorua, to the General Manager, Wellington, 8 July 1927, IA1 25/246/8, NA Wellington

to fully recognise that this matter is most important from your point of view, and I would suggest that you endeavour to persuade the Hon A T Ngata together with Mr G C Ormond and some of our most prominent Natives, whom I could get to hold an impromptu meeting at one of the pas, and point out the Maoris' position regarding taking native game. Hoping you will not gather from this letter that we are complaining solely from our own point of view, but only trying to bring a question definitely to a head in its infancy before it affects probably other districts which may come under your jurisdiction.²⁰⁹

8.13.2 River netting, Whanganui

The Fisheries Act 1908 included the provision that 'nothing in this Act shall affect any Maori fishing rights', but no allowances were made for Maori fishing methods, devices like nets or the customary management of fisheries. Under the Act, netting on the Whanganui was prohibited. In 1914, the Wanganui Acclimatisation Society sought the view of the Crown as to 'the effect of the Treaty of Waitangi where natives are concerned', specifically with regard to netting prohibitions on the Whanganui. The society stated that notwithstanding the legal prohibition:

the natives have set nets at various points on the river and defy the Society to interfere, claiming they had a right under the Treaty of Waitangi. The Society ask that if it is competent to take action the Official Fishery Officer for the District be instructed to take measures to prosecute those offending as the persistent netting is notorious.²¹⁰

The Under-Secretary of Internal Affairs advised the Minister that he was referring the matter to the Marine Department and would point out to them that 'the fishing rights (if any) reserved by the Treaty of Waitangi are limited to indigenous fish and cannot be deemed to include salmon, trout or any other imported fish.'²¹¹

Knowing the costs of prosecuting the fish-netters would mean 'ruination to the funds of our struggling Society' the acclimatisation society unsuccessfully approached both the Government and Wanganui's Town Clerk. The society criticised the Government for not funding their prosecution attempt:

We have the same excuse used when the native shoots protected birds – the 'Treaty of Waitangi'. Our Society would prosecute the Maori if

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209. Letter from the Secretary, Wairoa Rod and Gun Club to the General Manager, Tourist Department, Wellington 8 February 1930, IA1 25/246/8, NA Wellington

210. Wanganui Acclimatisation Society to Minister of Internal Affairs, 1914, Fisheries – freshwater – Fishing rights of Maoris, IA1 26/42, NA Wellington

211. Under-Secretary of Internal Affairs to Minister of Internal Affairs, 1914, Fisheries – freshwater – Fishing rights of Maoris, IA1 26/42, NA Wellington

reimbursed by your Department for legal expenses incurred upon prosecution against the Maori for poaching protected birds and netting fish, but we cannot afford to do so without your financial assistance.²¹²

Funds were not forthcoming from the Town Clerk or the Government.

In April 1917, the Secretary for the Wanganui Acclimatisation Society reported to the Crown that:

the Maori in the neighbourhood of the Wanganui River are still netting fish, and they are also determined to shoot pigeons should the season be a closed one for these birds. Several have called me and notified me to that effect. I trust that the Minister will take some decided steps to stop the poachers who defy the law – while the pakeha generally speaking endeavours to abide by the law of the country.²¹³

The Minister advised that the Collector of Customs would issue a warning, and asked the society to 'be good enough to caution them and let me know a little later on whether they have discontinued the practice'.²¹⁴ Forwarded with this reply was a letter from the Police warning 'all the Maoris, at the different Pas on the Wanganui River about netting fish in the River, above the netting limit at Sandy Hook. I have also posted copies of the attached notice, on buildings at each of the Pas, and informed the Maoris that they will be prosecuted if they are caught committing a breach of these regulations'. He added, however, that the notices kept disappearing.²¹⁵

The following year, the Marine Department questioned whether 'a prosecution against Maoris for netting above the limits would succeed if there are indigenous fish which can be taken by netting, and which are required for the Maori food. It seems to me that this is a matter for the Acclimatisation Society to deal with if the Maoris are taking trout'. The Department advised the Collector of Customs that it was in fact 'a matter solely under the jurisdiction of the Acclimatisation Society'.²¹⁶

The acclimatisation society's response was to seek an extension on the restrictions on netting on the Whanganui from the Crown. This was achieved eventually, in 1928, by an Order in Council revoking the previous regulations and instead making it 'unlawful to use a set net for taking fish in any portion of the Wanganui River'.²¹⁷ Ongoing uncertainty meant the order was soon amended so as not to impact on whitebait fishing. Following that, there was settler discontent that their flounder fishing was being

212. Fisheries – freshwater – Fishing rights of Maoris, IA1 26/42, NA Wellington

213. Secretary of Wanganui Acclimatisation Society to Minister of Internal Affairs, April 1917, Fisheries – freshwater – Fishing rights of Maoris, IA1 26/42, NA Wellington

214. Wanganui River – Fishing rights of Maori, M1 1/7/10, NA Wellington

215. Ibid

216. 11 January 1918 letter, in Wanganui River – Fishing rights of Maori, M1 1/7/10, NA Wellington

217. Order in Council 5 March 1928, Wanganui River – Fishing rights of Maori, M1 1/7/10, NA Wellington

restricted. In 1931, the netting boundary was relocated to enable flounder fishing.²¹⁸

8.13.3 Koura: Rotorua Lakes

Those who acclimatised trout in the Rotorua Lakes soon came to believe that a key factor in the widely admired quality of Rotorua lakes trout was the koura, or native freshwater crayfish, which abounded in the lakes' shallows, and on which the trout fed. So it was with some anxiety that the Conservator of Fish and Game in Rotorua told the Secretary of Internal Affairs in July 1927 that 'some thousands [of koura] were taken away alive during last season, and which were purchased from a native living in the old township of Rotorua, and have been liberated in the Auckland district'.²¹⁹

The buyer was the Auckland Acclimatisation Society. It was apparent that other societies were also planning to send their rangers to Rotorua to obtain koura. In Rotorua, concern grew that if large numbers of koura were allowed to be removed, 'it will greatly reduce the trout food-supply in these waters, and counteract the very things that we have for years past been striving to overcome, ie the shortage of trout feed'.²²⁰ The question was 'whether regulations could be made prohibiting the taking of indigenous fish by Europeans from these waters, and prohibiting the natives from selling the same'.²²¹

In 1922, the Crown had signed a settlement with Te Arawa concerning the title to the Rotorua lake beds. One result was that the Crown funded the establishment of the Arawa District Maori Trust Board. Section 27(2) of the Native Lands Amendment and Native Land Claims Adjustment Act 1922 reserved to Te Arawa their fishing rights in respect of indigenous fish, but precluded the selling of such fish.²²²

However, in his reply to the Conservator of Fish and Game the Under-Secretary of Internal Affairs advised that he did not consider it possible to 'entirely prohibit the Natives selling indigenous fish provided they have the consent of the Board [the Arawa District Maori Trust Board]'. He added that the Crown proposed to issue a regulation 'prohibiting an Acclimatisation Society from taking, purchasing or otherwise acquiring whether by gift or otherwise any Koura or other indigenous fish either alive or dead, caught or taken from any Lake, River, Stream or other waters

218. Ibid

219. Conservator of Fish and Game, Rotorua, to Under-Secretary of Internal Affairs, July 1927, Fisheries – Rotorua – taking koura out of Rotorua Lakes, IA1 26/90/2, NA Wellington

220. Ibid

221. Ibid

222. See section 4.3 of chapter 4.

in the district which will include both Rotorua and Taupo waters'.²²³ This eventually happened.

The Crown's agreement with Te Arawa specified that koura were a matter of considerable importance. But the Crown considered that while it would probably be an infringement of the Treaty of Waitangi to prevent Maori taking koura for food purposes, it was undesirable that koura be taken for purposes of sale. That is what appears to have happened. The Crown adopted the principle that it would only allow koura to be taken from the lake for Maori food purposes. The Under-Secretary stated that it was 'obvious that as our Department is responsible for the stocking and keeping up of food supply etc it must also control such matters as the taking out of food supply, except of course where it is native fish taken for food supply by Maoris'.²²⁴

It was obvious to the Crown that neither its settlement with Te Arawa nor the Native Lands Amendment and Native Land Claims Adjustment Act that had legislated for the settlement had allowed for the prospect that koura or other indigenous fish might be taken in a wholesale manner by acclimatisation societies for liberation in other districts. No less obvious was the fact that taking large quantities of koura would very greatly reduce the food supply available for trout. Accordingly, the Crown drafted a regulation prohibiting any acclimatisation society, without written Ministerial consent, from 'taking Koura or other indigenous fish from the Rotorua or Taupo districts, and also prohibiting the purchasing, acquiring whether by way of gift or otherwise any such fish taken within such waters'. By this means, it stated, 'the rights of the Maoris under the Treaty of Waitangi have been safeguarded, and the Regulation will not prevent the Maoris taking the Native fish, but it will be illegal for them to take the fish for disposal to an Acclimatisation Society'.²²⁵

The Arawa District Maori Trust Board supported the action, advising the Department of Tourist and Health Resorts in Rotorua that 'Infringement of this section [section 27(2) of the Native Land Amendment and Native Land Claims Adjustment Act, 1922] would immediately be followed by prosecution and your Department can, therefore, rest assured that the matter will receive the attention merited'. The board added that it would be glad 'of the co-operation of your Department by bringing those who sell Kouras to our notice, and we are indeed grateful for the information you have submitted'.²²⁶

223. Conservator of Fish and Game, Rotorua, to Under-Secretary of Internal Affairs, July 1927, Fisheries – Rotorua – taking koura out of Rotorua Lakes, IA1 26/90/2, NA Wellington

224. Ibid

225. Ibid

226. Arawa District Maori Trust Board to Department of Tourist and Health Resorts, Rotorua, August 1927, Fisheries – Rotorua – taking koura out of Rotorua Lakes, IA1 26/90/2, NA Wellington

But the Department of Tourist and Health Resorts in Rotorua believed it was powerless to act against local Maori fishers. It advised that:

so long as the Natives take inanga or any other indigenous trout food in our waters, for food supply, we cannot prevent them. This right is reserved to them by the Treaty of Waitangi, but it is illegal to sell such fish, unless under certain definite restrictions. Possibly, a closed season for Whitebait should be introduced, in order to prevent undue taking, and to conserve the food supply, but the statutory right to the Natives to take this fish, constitutes a difficulty, and a close season could only be arranged with the full knowledge, and consent of the Natives, or such a body as say, the Arawa Trust Board.²²⁷

The following year a similar situation arose in Hawke's Bay. The local acclimatisation society claimed that by harvesting inanga, local Maori were jeopardising trout populations in the Tukituki River by reducing their food supply. The Hawke's Bay Acclimatisation Society sought a regulation from the Crown 'framed to prohibit or restrict the taking of inanga in the Tuki-Tuki river as it is felt some measure of protection at least must be adopted for the purpose of preserving and propagating young trout'. The Under-Secretary of Internal Affairs replied that the Crown would do what it could do to 'protect the interests of the Society when fishing in the local rivers'.²²⁸

8.13.4 Torch fishing

When visiting his constituents at Wairewa (Lake Forsyth) near Little River in 1919, the member of Parliament for Southern Maori, J H W Uru, received a complaint from them that they had been prevented by an acclimatisation society ranger from torch fishing for eels in the lake. This, he subsequently told the Minister of Native Affairs:

is a right which the Natives have exercised from the very earliest times; and the lake has thus been a constant supply of food for them, as the eels in it are very plentiful. This source of food supply having been cut off is really a very serious matter for the Natives. The Natives wish to know as soon as possible whether the Ranger is acting legally in thus prohibiting them, as in the meantime this source of food supply is withheld from them. I shall be glad, therefore, if you can let me have a reply at your

227. Ibid
228. Under-Secretary of Internal Affairs to Secretary, Hawke's Bay Acclimatisation Society, 1928, in Fisheries – Rotorua – taking koura out of Rotorua Lakes, IA1 26/90/2, NA Wellington

earliest possible convenience; and if the Ranger is acting within his rights, I would ask to have the prohibition (if any such exists) withdrawn.²²⁹

The acclimatisation society ranger had acted under regulations issued as a result of an Order in Council signed by the Governor-General in 1917 under part II of the Fisheries Act 1908. The Order in Council empowered any acclimatisation society, with the approval of the Minister of Marine, to prohibit the use of torches for eel fishing in any river within its district. This power was granted to all the acclimatisation societies that requested it. This included the North Canterbury, Nelson, Fielding, Marlborough, Waimate, and Wellington acclimatisation societies. In 1918, acetylene torches and other artificial lights were banned.

The Minister of Marine replied to Mr Uru that he had consented to the Canterbury Acclimatisation Society

prohibiting the use of the lights referred to in its district, in which Lake Forsyth is situated, and therefore the society is acting within its powers in prohibiting their use . . . The Department is, however, communicating with the Acclimatisation Society in connection with the matter, with a view to ascertaining whether any relief can be given to the Natives.²³⁰

Advised of this, the North Canterbury Acclimatisation Society Council decided 'that torches be prohibited in all other but tidal waters in this Society's Districts, during the close season for trout', but that such a prohibition should 'not apply to Maoris'.²³¹

This decision had repercussions. When, in 1921, the South Canterbury Acclimatisation Society sought the permission of the Crown to absolutely prohibit the use of lights on any water within the limits of the Milford Lagoon Sanctuary, they were refused. In doing so, the Crown referred to advice from the Chief Inspector of Fisheries, who was

of the opinion that this regulation should not be made without the matter being put before the Natives in the district and other residents who get a supply of fish, eels, flounders, etc from the lagoon. I recommend that the Society be advised that the Department cannot agree to making the regulation asked for owing to the fact that such a regulation will interfere with the rights of the Natives and other inhabitants in procuring indigenous fish for food.²³²

229. Eel fishing regulations – Prohibiting the use of torches, M1 1/7/25, NA Wellington

230. Minister of Marine to Mr J H W Uru, MP for Southern Maori, 1919, Eel fishing regulations – Prohibiting the use of torches, M1 1/7/25, NA Wellington

231. North Canterbury Acclimatisation Society Council to Minister of Marine, 1919, Eel fishing regulations – Prohibiting the use of torches, M1 1/7/25, NA Wellington

232. Chief Inspector of Fisheries to Secretary of the Marine Department, 1919, Eel fishing regulations – Prohibiting the use of torches, M1 1/7/25, NA Wellington

Similar attempts to prohibit the use of torches for eel fishing in the Mangatera and Whakaruatapu streams, in Hawke's Bay in 1923, were blocked by the Chief Inspector of Fisheries. He advised the Secretary of the Marine Department that 'as the eel is a favourite and important food of the Natives, and as there is a considerable Maori population in the Hawkes Bay District, I do not think anything should be done in the matter without first consulting the leading Natives or Maori Council'.²³³

8.14 RESEARCH ON THE INDIGENOUS FAUNA

Research has been an important aspect of the acclimatisation societies' relationship with the Crown. This research commonly had a bearing on the indigenous flora and fauna, although it was largely undertaken for the benefit of non-indigenous, acclimatised species. When research was undertaken directly into indigenous fauna, as part of the eel campaigns between 1940 and 1960 for example, it tended to be done in order to determine the ecological impact of indigenous fauna on introduced fauna such as trout and salmon.

The great majority of research with which acclimatisation societies were involved and that directly involved the indigenous fauna was undertaken after the societies were empowered to undertake research by the Wildlife Act 1953. In many instances, especially in freshwater fisheries environments, it was a partnership between the societies and government research agencies within the former Ministry of Agriculture and Fisheries, the Wildlife Service, and the Department of Scientific and Industrial Research (DSIR).

Research by acclimatisation societies began as a response to a dramatic deterioration of the introduced trout fisheries early in the 1912 to 1983 period. Since then, it has involved biological research across a wide range of fronts, from the biology of the spawning and establishment of introduced fish to habitat surveys of swamp and wetland remnants. It expanded into examining the ecology of indigenous fauna, such as eels which were considered 'vermin', only in order to improve habitat for introduced species. While the acclimatisation societies' rangers had a long and sometimes major role in the conservation of indigenous fauna, the societies' research did not. In the main, the Crown has undertaken research into the indigenous fauna within its own agencies such as the former Wildlife Service,

²³³ Chief Inspector of Fisheries advising the Secretary of the Marine Department, 1923, Eel fishing regulations – Prohibiting the use of torches, M1 1/7/25, NA Wellington

the DSIR and New Zealand Forest Service, or through partnerships between these agencies and other parties such as the universities.

Acclimatisation society-based research was concerned with the indigenous flora and fauna through its initial focus on freshwater environments which had become trout habitat. This began in about 1912, when Leonard Tripp of the Wellington Acclimatisation Society stated 'the time had come when the Government should engage . . . an expert with scientific training to study its fish, and advise the authorities what to do to keep up the standard of the fishing'.²³⁴ At this early stage, acclimatisation research was centred entirely on trout fisheries as a result of the sudden decline in trout populations that occurred between 1910 and 1920. The prevailing perception was that the decline was caused by inadequate food supplies for trout. The Government brought aquatic entomologists to New Zealand to study and advise on trout food sources.²³⁵

A flurry of research activity followed in the 1920s, when Atlantic salmon were established in New Zealand. This was initiated by the New Zealand Association of Acclimatisation Societies, which called for nationally funded research, but various individual societies also developed their own research initiatives. The Crown was actively involved in some of this research, and these studies were often published by the Marine Department. The DSIR soon developed a research partnership with the acclimatisation societies, and established grants for research into salmon.

²³⁶

There was tension between acclimatisation societies and the Government in the early 1930s with regard to the commercialisation of salmon fishing. This was largely due to acclimatisation society concern that the fishery would be unable to sustain commercial exploitation, but also because the societies themselves had largely financed all the releases of salmon. However, the Government confounded its own plans to commercialise the salmon industry when it dammed the Waitaki River – the largest spawning ground for salmon in New Zealand. Although a minor attempt at a fish path was constructed, it was a failure and salmon were not able to reach their spawning grounds.

Throughout this period there were also instances where the Crown refused to participate in some of the freshwater fisheries research schemes adopted by acclimatisation societies. It was not until at least 1934 that the Government contributed funds to societies when their research programmes were threatened by a lack of funds. In 1936, the Minister of

²³⁴. McDowall, p196

²³⁵. McDowall, pp195–196

²³⁶. *Ibid*

Finance agreed to assist with funding society research to prevent the societies from terminating it. Even so, in 1937 the central research committee of the New Zealand Association of Acclimatisation Societies was formally wound up. The Government assumed responsibility for continuing research. Under this arrangement, the societies and the Marine Department agreed that the societies should contribute 10 per cent of their gross angling licence revenue to the costs of research. The basis of the arrangement was that the Crown and the societies would contribute equal amounts of funding to this research.²³⁷

In the event, the acclimatisation societies found themselves paying for research but with little say in what research was undertaken. In later years, the societies' dissatisfaction with Crown control of research to which they were contributing funds led them to seek more direct input into the supervision of research work.²³⁸ The acclimatisation societies' contribution of 10 per cent of their licence fee earnings was maintained until 1990, although it was briefly raised to 15 per cent in 1963 when the Government required that the societies restore their contribution to half of the freshwater fisheries research costs being incurred at that time. Throughout the period from the late 1930s to the 1980s, the societies were rarely, if ever, content with the Government's research work. And, although they financed much of the work, the societies' requests to be represented on the research advisory committees were largely unsuccessful.

Only when the Freshwater Fisheries Advisory Council was formed, in 1946, were acclimatisation societies included in an advisory role in Crown-based research. The committee included two acclimatisation society representatives: one each from the North and South Island councils of acclimatisation societies. Coordinated by the Marine Department, the Freshwater Fisheries Advisory Council was established to advise the Minister of Marine on matters relating to the management and research of New Zealand's freshwater fisheries. It was largely a response to calls from the societies for better involvement in research, and greater accountability with respect to their funding expenditure.

Theoretically, the acclimatisation societies' involvement in the Freshwater Fisheries Advisory Council brought them into direct contact with a wider range of research into freshwater fisheries than was evident in the societies' own operations. Whilst there was still dissatisfaction that the societies only had an advisory role, the council provided an excellent mechanism for societies to communicate with the Government on various

237. *Ibid*

238. *Ibid*

administrative and technical matters affecting freshwater fisheries. The council was disbanded in 1988 when New Zealand's environmental management was restructured.

In 1952, the acclimatisation societies' North and South Island councils recognised the limitations of their own research programme, with its focus on fisheries to the exclusion of other wildlife. In response, they agreed to allocate funds from society accounts for vermin control to finance research on game birds. A Game Management and Research Fund was established that replaced the Vermin Control Fund. The levy of five shillings on every licence sold that had previously been allocated to vermin control was paid into the Game Research and Management Fund. The new fund was administered by the North and South Island councils. Its purpose was to subsidise the Department of Internal Affairs' wildlife research and management.²³⁹ The fund continued until the Wildlife Service was incorporated into the Department of Conservation in 1987. Interestingly, despite the fact that the acclimatisation societies' origins lay in the introduction of game birds, they never had the degree of influence in game bird research that they had in freshwater research through the Freshwater Fisheries Advisory Council. This was notwithstanding the establishment of a wildlife research liaison group by the DSIR, which brought the societies together with other agencies interested in wildlife, including game birds.²⁴⁰

8.15 CONCLUSIONS

The main purpose of this chapter has been to provide an account of the relationship between the Crown and the acclimatisation societies between 1912 and 1983, in order to facilitate the Waitangi Tribunal's hearing of the indigenous flora and fauna claim. One of the particulars of the claim concerns 'the delegation by the Crown of regulatory powers over native species to Acclimatisation Societies, Fish and Game Councils, and their agents through delegation to Departments of the Crown the responsibility and right to exercise management in all respects, over native fauna, flora and the genetic resource contained therein'.²⁴¹ The indigenous flora and fauna claim states that this constitutes 'conduct or omission by or on behalf of the Crown that have prejudicially affected te tino rangatiratanga or te iwi Maori in respect of indigenous flora and fauna *me o ratou taonga katoa* which have been in breach of the Treaty'.²⁴²

239. Ibid, p213

240. Ibid, p193

241. Wai 262 ROI, claim 1.1(b), 4.2(f)

242. Wai 262 ROI, claim 1.1(b), 4.1

The chapter has endeavoured to address these issues. First, it briefly outlined how 50 years before 1912 the acclimatisation imperative was instituted in New Zealand as part of the establishment of an agricultural economy and for recreational hunting and fishing by the Anglo-settler culture. To facilitate the introduction of foreign plants and animals, settlers in the 1860s began forming acclimatisation societies, which the Crown empowered via statutes it enacted for animal protection and game laws. The chapter makes the important point that the primary environments for the anglers, hunters and rangers of the acclimatisation societies – the lakes, rivers and coastal and swamp ecosystems – also tended to be those customarily significant to Maori as taonga in indigenous flora and fauna terms.

Many of these land-and-water environments have been so comprehensively changed by the introduction of alien species that they are now effectively different ecosystems. Most of the species introductions that effected this transformation occurred in the nineteenth century. By 1912, some 130 or more species of birds, about 40 species of fish and over 50 species of mammal had been brought to New Zealand. Of these, about 30 bird species, about 10 species of fish and about 30 mammals had become established in the wild.²⁴³ As a result, some of New Zealand's lake, river and swamp ecosystems are among the most ecologically transformed on earth. Among them are many that were customary taonga at the time the Treaty of Waitangi was signed. The Crown's assumption of ownership in these ecosystems and its use of legislation to effect that assumption is the subject of the chapters in part I of this report.

The Crown played a major role in this ecological transformation, by way of the legislation and policies that facilitated the establishment of foreign species in the wild. The acclimatisation societies' efforts in that regard were also encouraged and funded. The Crown enacted a succession of laws in the 1860s by which the acclimatisation societies of recreational hunters and anglers, and their rangers, became effectively agents of the Crown. The Crown has at all times retained ultimate legislative control in this partnership with the acclimatisation societies. But the position of privilege of the acclimatisation societies historically, and the power the Crown gave them to carry out the law regarding native and introduced fauna alike, has been described by Robert McDowall in his definitive history, *Gamekeepers of the Nation*, as without peer anywhere else in the world.

243. McLintock, pp3–4

Statutory recognition of acclimatisation societies was first enacted in an 1867 'Act to Provide for the Protection of certain animals & for the Encouragement of Acclimatization Societies in New Zealand'.²⁴⁴ The initial acclimatisation laws were intended to safeguard foreign species being established in the wild from poachers. The legislation was concerned almost entirely with the welfare of introduced species. It was commonly believed that these introduced species would eventually replace New Zealand's native species. But by the beginning of the twentieth century, the animal protection laws, as they were called, were adjusting to reflect the idea that the native species themselves needed Crown and settler protection. In the process, the acclimatisation societies' functions were extended to embrace the welfare of native species.

The first animal protection laws of the 1860s were passed a few years before acclimatisation societies were formed. They actually offered protection to animals perceived as needing statutory protection, but not yet in fact introduced. The colonial Government's 1861 Act formed the precursor of the repeatedly amended Animals Protection Act, the Animals Protection and Game Act 1921, and eventually the Wildlife Act 1953. These were the chief statutes by which the Crown administered both indigenous and exotic fauna until 1983; they also empowered and controlled the acclimatisation societies.

The statutory role that acclimatisation societies had between 1912 and 1983 and the empowering of acclimatisation society rangers as agents of the Crown would seem to derive from the legislation of the 1860s and 1870s. In providing for acclimatisation societies with respect to game species, the 1867 Animals Protection Act specified 'native game' as distinguished from 'game'. The 1873 amendment of that Act specifically referred to acclimatisation societies in terms of licences to hunt game and ranging, in providing for 'defraying the salaries and expenses of the ranger or rangers and any other expenses of carrying into effect the provisions of this Act'. Public funds for the purpose were to be 'handed to the Treasurer of some Acclimatization Society (if any) in the Province'.²⁴⁵

The effect of these early laws was that by 1912 acclimatisation societies were effectively public bodies; they were very much part of the local government structure. The powers that the societies exercised with respect to licences and policing the Animals Protection Act were delegated by statute and facilitated by Government policies. Public funds were directly injected into society coffers for diverse acclimatisation purposes. Societies

244. An Act to Provide for the Protection of certain animals and for the Encouragement of Acclimatisation Societies in New Zealand, 10 October 1867, no35; cited in McDowall, pp55, 470

245. 1873 amendment of above Act, no42, cl32; cited in McDowall, p57

used public money when they collected licence revenue from anglers and hunters. Furthermore, the land and water resources and animal habitats the acclimatisation societies managed were public resources occupying public land and water and habitats.²⁴⁶

In later years, the acclimatisation societies were exempted from the principle that, as public bodies, they should contribute their earnings from licence fees to the Consolidated Fund. The Animals Protection Amendment Act 1920 enabled acclimatisation societies to fund introductions out of the revenue they derived from fishing and shooting licences. Section six held that ‘the Minister of Finance may pay a portion of the proceeds of such fees, royalties, and fines to any acclimatisation society or societies under the principal Act’.²⁴⁷ These same funds were later also used to finance ‘vermin control’ operations involving the destruction of indigenous fauna such as eels and shags. The money was also used to finance acclimatisation society research and the societies’ contribution to Crown administered wildlife research.

In the early part of the 1912 to 1983 period the principal role of the acclimatisation societies remained the same as it had been since their inception in the 1860s: the introduction of mammals, birds and fishes for recreational hunting and fishing. The Crown was aware of these introductions, but left the work of introducing the species almost entirely to the societies.

The acclimatisation societies continued unfettered in this role until the 1920s, when public and scientific opposition to acclimatisation emerged and the government began placing constraints on further species introductions. The acclimatisation societies subsequently shifted their role to emphasise the administration and management of the exploitation of game birds and freshwater fishes by recreational hunters and anglers.

The early animal protection legislation specified ‘native game’ alongside introduced ‘game’ species. As a result, control over hunting the indigenous fauna has been a statutory part of the work of acclimatisation society rangers carrying out the law on behalf of the Crown.

By 1912, this meant that acclimatisation society rangers were often apprehending and prosecuting Maori who hunted kereru. The 1910 Animals Protection Act had given kereru statutory protection, except in districts where the Governor declared it native game and fit for hunting.²⁴⁸ The Crown proclaimed a closed season on kereru, despite the opposition of many acclimatisation societies, notably the Wanganui Acclimatisation

^{246.} These are summarised in McDowall, p53

^{247.} Section 6(2) of the Animals Protection Amendment Act 1920

^{248.} This subject is reported in section 7.4.1.1 of chapter 7.

Society. It is one of the few episodes encountered in the research for this chapter in which acclimatisation society rangers raised the Treaty of Waitangi. No clear resolution of the issue was forthcoming, however. A ranger asked the Minister of Internal Affairs: 'Does the Treaty of Waitangi allow the Maori to shoot the native pigeon this year although it is a close season?' He was told that his question was 'a legal one which this Department is not prepared to answer'.²⁴⁹

Circumstances such as the Whanganui episode led the acclimatisation rangers to perceive Maori as 'poachers' in a domain for which they, the rangers, were effectively what McDowall has called the 'gamekeepers for the nation'. One consequence of that perception was that the acclimatisation society movement came to regard Maori as unable to be trusted to comply with, let alone administer, the laws of animal protection as was required of the societies' honorary rangers. For these reasons, together with serious under-representation of Maori throughout the public service, Maori were excluded from active participation and representation as rangers. As a consequence, was very little opportunity for Maori customary understandings of sustainability and conservation of indigenous fauna to enter the system of animal protection that evolved under the Crown in New Zealand.

The role of acclimatisation society rangers as agents of the Crown in protecting the indigenous fauna began in earnest in the early 1900s, with the initial animal protection and scenery preservation legislation. Crown policies concerning the land still tended to treat the indigenous flora and fauna as subservient to introduced species. This reflected the attitudes of the settler society. But while the ties to Britain as 'home' were still powerful, it was also a time when the assumption that the country's new Anglo-settler culture would make New Zealand a 'Britain of the South' was beginning to be replaced by a nascent nationalism. The young Dominion was striving for its own identity, and the indigenous flora and fauna was beginning to be perceived as an integral element of that identity. Government policy and public opinion alike were beginning to attach particular value to indigenous fauna like the kereru. Securing their protection became a desirable end.

Soon after the First World War, the advocates of acclimatisation – and there were multitudes in the acclimatisation societies – were having to adjust to the fact that an increasing number of New Zealanders were attaching significance to New Zealand's indigenous species and their

249. Letter to the editor, *Wanganui Herald*, 9 May 1912, from T W James, IA1 25/75 pt 1, NA Wellington

environments. From this nascent nationalism, a vociferous public movement grew. It reproached acclimatisation and the power to effect it in the landscape that the Crown had given the acclimatisation societies. This was most evident, perhaps, in a long-running dispute from 1910 until well into the 1950s concerning the possum. Despite the Crown's long and central role in the acclimatisation of species like possum and deer, it began, in the 1920s, to recognise the extent to which many introduced species were seriously threatening the indigenous ecosystem. In part this was a response to mounting public concern. The shift in animal protection legislation, from an emphasis on acclimatisation and introduced species to indigenous species and their environments being accorded equal significance, was not sudden. But this shift is most evident in the Crown record at the time of the Animals Protection and Game Bill 1921.

By the late 1930s, the acclimatisation societies were spending at least a third of their income from licences and fines on 'ranging and protecting native birds'.²⁵⁰ Some societies were countering growing public disquiet at their role in indigenous fauna matters with the argument that it was 'almost entirely due to Acclimatisation Societies in the field that the destruction of native birds is kept in check'.²⁵¹ Yet for some native birds, notably shags (which many acclimatisation society anglers and hunters considered to be 'vermin'), acclimatisation societies continued to be the destroyers. Eels, too, were the subject of eradication campaigns by the acclimatisation societies and the government. As late as the 1930s, the acclimatisation societies were advocating the complete extermination of eels from New Zealand waters.²⁵²

But public criticism of acclimatisation and the Crown's empowering of acclimatisation societies as guardians of the indigenous fauna was mounting, especially from the New Zealand Native Bird Protection Society, the precursor of today's Royal Forest and Bird Protection Society. The result was increasing regulation of the acclimatisation societies. The Wildlife Act 1953 imposed a standard system on acclimatisation societies and their rules, requiring that 'the functions of the society shall be the functions, responsibilities and obligations placed on every society by the Wildlife Act 1953 and by Part II of the Fisheries Act 1908, and by any regulations under either of those Acts'.²⁵³ The changes were not welcomed by the acclimatisation societies.

Even in the wake of the 1953 Act, the Crown's own agency for the protection of indigenous fauna, the Wildlife Branch of the Department of

250. Wellington Acclimatisation Society, 1938; quoted in McDowall, p155

251. Ibid

252. McDowall, p120

253. Wildlife Act, Rules, Deposit of: Auckland Acclimatisation Society, IA w2578 46/20/8, NA Wellington

Internal Affairs, while acknowledging 'certain difficulties inherent in their organisation which limit their usefulness', still considered the acclimatisation societies to be 'the only bodies existing with a New Zealand-wide coverage which could reasonably be used for the purpose of fauna protection'.²⁵⁴

While the 1953 Wildlife Act constrained and standardised the acclimatisation societies, its overhaul of animal protection legislation led to the societies being empowered in freshwater fisheries in a way they had not been before. The Act provided the acclimatisation societies with 'all such functions and responsibilities in relation to freshwater fisheries as are imposed on societies by the Fisheries Act 1908 or any regulations or notifications thereunder'.²⁵⁵ This legislation remained in force until the Fisheries Act was re-written in 1983. That year, for the first time, society responsibilities for fish and fisheries were explicitly stated within the fisheries legislation, rather than just in the Wildlife Act. The 1983 Act provided for acclimatisation societies to be 'responsible for the protection, management, and enhancement of all acclimatised fish species and their habitats, as may occur within their districts of administration'.²⁵⁶

Acclimatised fish were largely confined to the freshwater fisheries of lakes and rivers. As chapter 4 of this report sets out, these are ecosystems which had enormous customary significance as taonga. But once the ecological competition from introduced species like trout had decimated the native fishery, Maori commonly found themselves disenfranchised from access to customary fishing grounds by the licensing laws that the Crown, in partnership with the acclimatisation societies, developed to manage the new fishery. The retired land court judge Gilbert Mair summed up the situation for Te Arawa in the Rotorua lakes in the years between 1912 and 1918: 'through the introduction of trout their bounteous food supply of Native fish has been destroyed'. 'These European fish', said Mair, 'swarm in these lakes so numerously . . . merely . . . to give sport (so called) to tourists in knickerbockers while the Native owners are sometimes on the verge of starvation'.²⁵⁷

Consequently, the relationship between Maori and the Crown-acclimatisation society partnership has rarely been one of cooperation. As the Waitangi Tribunal has already observed concerning Ngai Tahu, the societies' emphasis on introduced species, based on European views of what was suitable for food and sport, differed greatly from Maori who wanted to retain their own food resource.

254. Wildlife Branch, Department of Internal Affairs, A policy on Fauna Protection Submitted to the Rare Animals Advisory Committee at its meeting on April 9th 1954; Birds – protected, IA1 47/91/1, NA Wellington

255. Section 30(j) of the Wildlife Act 1953

256. Section 71 of the Fisheries Act 1983

257. 'Memo on Subjects re Te Arawa Tribe', Gilbert Mair Papers, MS–Papers 0092–15 ATL, cited in Manatu Maori, *History of the Rotorua Lakes Settlement and resource materials*, Wellington, Research Unit Manatu Maori, Wellington, 1990, p16; quoted in Ben White 1998, *Inland Waterways: Lakes Waitangi Tribunal Rangahaua Whanui Series*

While this undoubtedly led to acclimatisation society rangers prosecuting Maori fishers and hunters (as they were empowered to do under animal protection legislation), little evidence of this exists in the Crown record that was researched for this overview. This chapter has therefore presented very limited material of this kind. None the less, it is an aspect of the Crown's relationship with acclimatisation societies that is pertinent to the indigenous flora and fauna claim and requires more in-depth research. Any research would need particularly to examine acclimatisation society ranger reports and court records.

What can be said is that the particular cultural foundation of the acclimatisation imperative – the mid-nineteenth century settler urge to replace the indigenous life of Aotearoa with things British in origin and purpose – tended to make Maori and the acclimatisation imperative inimical to one another. From the inception of the historic statutory partnership between the acclimatisation societies and the Crown in the 1860s, Maori have been largely excluded from activities under the heading of acclimatisation. The chief exception is that they were apprehended and prosecuted under its laws. This climate of exclusion of Maori is most evident in relation to acclimatisation society systems of rangers and licensing.

Despite the equity principle that was meant to characterise licensing the taking of fish and game in New Zealand, the licence system created barriers for people who wanted to retain their privileges to fish the lakes and rivers and hunt the forest. These were privileges descendent from customary Maori usufruct rights. If there is a cornerstone to the Maori dispute with the acclimatisation system, it lies in the requirement implicit in licensing that the right to fish or hunt a resource has to be paid for in cash. Furthermore, the licensing laws were based on the principle of a licence per individual, in profound contrast to the customs of collective ownership that prevail in Maori kaitiakitanga.

There can be no doubt that Maori determination to exercise their customary usufruct rights often significantly impeded the Crown and acclimatisation societies from exercising their legal responsibilities. There are numerous instances in the Crown record researched for this study where acclimatisation societies asked the Crown for advice on the legality of statements by Maori that they were 'exercising their Treaty of Waitangi rights' in opposing and contravening the practices, rules and regulations

of acclimatisation societies. Conflict between the values of the Crown and the acclimatisation societies and Maori often resulted in major debate.

In instances such as kereru hunting, breaches of shooting regulations on lakes or river-netting the acclimatisation societies were often critical of the Crown for being too lenient on Maori offenders and not sufficiently supporting the societies' attempts to prosecute. Although the Crown told one society it would do what it could do to 'protect the interests of the Society when fishing in the local rivers',²⁵⁸ it also told it that 'so long as the Natives took inanga or any other indigenous trout food in our waters, for food supply, we cannot prevent them. This right is reserved to them by the Treaty of Waitangi'.²⁵⁹ The Crown added that it was illegal to sell such fish, unless under certain definite restrictions. Similarly, the Crown resisted attempts by acclimatisation societies to have regulations enacted to prohibit torch fishing in rivers and lagoons, advising the societies that such regulations would 'interfere with the rights of the Natives and other inhabitants in procuring indigenous fish for food'.²⁶⁰

258. Under-Secretary of Internal Affairs to Secretary, Hawke's Bay Acclimatisation Society, 1928, in Fisheries – Rotorua – taking koura out of Rotorua Lakes, IA1 26/90/2, NA Wellington

259. Ibid

260. Chief Inspector of Fisheries to Secretary of the Marine Department, 1919, Eel fishing regulations – Prohibiting the use of torches, M1 1/7/25, NA Wellington

