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# The Fall and Fall in the Legal Status of Mustelids in New Zealand

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## ABSTRACT

Three species of the family *Mustelidae* (stoats, weasels and ferrets) were initially introduced into New Zealand (and granted statutory protection) in an attempt to control a burgeoning rabbit population. From that point, scientific, political and social debate centred on both the advisability and efficacy of the introduction. Although their legal protection and support was partially removed in 1903, they were not declared statutory 'vermin' for another 50 years. The long road taken by these predators to political perdition signals shifts in political and economic power and reveals dissension and changes in policy direction.

## KEYWORDS

Environment, history, New Zealand, acclimatisation, predators, rabbits

## INTRODUCTION

In the 1840s, in response to the much enunciated desire to re-create New Zealand as a 'Britain of the South', rabbits were introduced to various parts of New Zealand. At the time, little thought was given to the potential environmental consequences of their 'behaving in the proverbial way';<sup>1</sup> what was important was their value to a hunters' paradise, as well as a source of fur and a ready supply of protein in a country that lacked any large indigenous sources. By the latter half of the nineteenth century, farmers in the drier east of the country – most particularly the provinces of Southland, Otago, Canterbury, and Marlborough (in the South Island) and Wairarapa, Hawkes Bay and Gisborne as far as East Cape (in the North) – were suffering from plagues of rabbits. The problems these plagues engendered prompted the New Zealand Government to take the controversial<sup>2</sup> step of providing nation-wide support, protection and participation for the importation, breeding and release of thousands of members of *Mustelidae* species (specifically the stoat and weasel, and the ferret, their domesticated cousin) as biological weapons.



FIGURE 1. Map of New Zealand showing original province location and boundaries

However, the beginning of the twentieth century saw marked changes in social and political attitudes towards mustelids that were reflected in their loss of official endorsement and approval through the 1903 amendment to the Rabbit Nuisance Act. King attributes this change to 'their former supporters'<sup>3</sup> realising that mustelids were no match for the rabbits. More than a century later, the ferret (the only domesticated member of the family present in New Zealand) has been declared an unwanted organism under the Biosecurity Act 1993 (as amended in 2002). On a conceptual level this 'unwanted' status has remained relatively unchanged since 1967, but it is only with this 2002 amendment that it is no longer legal to sell or keep ferrets as pets in New Zealand.<sup>4</sup>

Nevertheless, the historical record of the legal status of mustelids, even after 1903, was distinctly chequered. Active Government involvement in their importation and breeding may have ceased, but the process whereby they would be finally recognised as 'vermin' was both 'glacial ... and torturous',<sup>5</sup> would take more than 50 years, and would involve reversals, hiatuses and debates both inside and outside politics. Even then this re-classification would not be totally categorical and final.

In this context, it is worth noting that commentators on nineteenth century environmental issues refer to 'tensions in New Zealand society',<sup>6</sup> most particularly those between pastoral and small farmers. Isern correlates the introduction of rabbits in the nineteenth century with the 'eruptive'<sup>7</sup> phase of pastoral expansion, their spread rendering 'substantial tracts ... unproductive'. Rabbits were first and foremost an economic problem for farmers with large numbers of (introduced) sheep feeding on extended acreages of (introduced) grasses in the arid or semi-arid areas of New Zealand, but they posed less of a problem for those farming intensively in the wetter regions.

Inevitably, these tensions informed the search for solutions to the rabbit problem, while the decision to utilise 'natural enemies' as the principal weapon against the onslaught was clearly a triumph for the pastoral farmers and a reflection of their social and political power at the time. By analogy, it is reasonable to suggest that shifts in the legal status of the 'natural enemy' that have occurred since that time have their roots not only in changing scientific knowledge but also in social and economic change.

In exploring the legal status of mustelids, and its post 1903 historical context, the approach employed in this paper involves tracing important shifts with reference to changes in political and economic power, the implications of superficially minor statutory change, and the sources of dissension with policy direction.<sup>8</sup> First, by way of providing context and introduction, the legal position between 1903 and 1910 is briefly reviewed. This is followed by a narrative and an analysis of the history up to the promulgation of an Order in Council in 1923, an order that was clearly a response to demands of the agricultural lobby. The third part of the paper traces the efforts of Acclimatisation Societies (which, because they feature prominently through this account will henceforth generally be referred to

as ‘Societies’ or ‘Society’) and others to resist the broad-based protection granted to mustelids through that Order, while the fourth part explains the apparently abrupt change in policy from 1936 onwards. The final two sections of the paper examine the two decades post 1936, with particular emphasis on the debates and events that took place within a somewhat ambivalent legal context.

### 1903 – THE BEGINNING OF THE END?

King identifies the 1903 amendment as a crucial milestone in the process whereby mustelids in New Zealand lost their privileged status. However, it is worth noting that while ornithologists and nature enthusiasts in New Zealand had continued to condemn the devastation associated with their presence since 1881,<sup>9</sup> and even though concerns over their protected status had been raised in a variety of popular media by those who might otherwise have been expected to support it,<sup>10</sup> the relevant change<sup>11</sup> happened almost by chance with the Animals Protection Amendment Bill. In addition, rather than the change emerging from the lively debate on this bill in the House of Representatives,<sup>12</sup> it was championed by members of the Legislative Council, the then parliamentary Upper House. This was somewhat ironic given that in 1881 it had been members of the Legislative Council (dominated at that stage by the pastoral farming sector) that argued energetically for the protection for stoats and weasels to be conferred, while the small farmer majority of the House had resisted it. Now, members of the Council referred to the damage done to both native and imported game<sup>13</sup> in advocating the removal of protection<sup>14</sup> or imposition of a penalty for their destruction.<sup>15</sup> Why the change of heart? Perhaps it was a combination of the disillusionment referred to by King, a shift of power in the Council away from those involved in or with pastoral farming or, more generally, political recognition of the growth of a popular conservationist sentiment from around the end of the nineteenth century.

Gibbons attributes this growth to the readiness of New Zealand-born white generations to identify with, and to appreciate the value of, ‘indigenous phenomena’<sup>16</sup> rather than seeing them, as their predecessors did, as ‘alien’ and frequently worthless. Although it is beyond the scope of this paper to explore the foci and mixed rationale for this sentiment, some examples suffice to indicate its strength and implications.

From 1898, images of native birds and flora had begun appearing on New Zealand stamps and other publicity materials encouraging overseas visitors, and acting as evidence of domestic awareness of the potential attractiveness of the unique landscape. Tongariro and Mt Egmont (later Taranaki) National Parks were created in 1894 and 1900 respectively, thereby reserving these areas in a (more or less) undeveloped state. Also in 1900, the Tourist and Health Resorts Department was established, and was responsible, as its name suggests,

for the administration and management of tourist attractions, while three years later, at the instigation of H. Ell (member for Christchurch), Parliament passed the Scenery Preservation Act 1903.<sup>17</sup> This was somewhat revolutionary in that Parliament was willing to entertain the idea that funds should be allocated to scenery preservation, although decisions on such preservation were limited by a focus on economic benefits to be derived therefrom rather than on any ecological concerns. In addition, the Little Barrier, Kapiti and Resolution Island off-shore sanctuaries were established (a move that was sadly mainly driven by the ravages of the very animals that are the subject of this discussion).

The erosion in the legal status of mustelids had thus begun, although it was neither comprehensive nor unanimously supported. The member representing Hawkes Bay, L. Smith, for example, was able to have the words ‘since been found to be the enemy of all game and poultry’ inserted in the amendment, hence significantly restricting its effect. Arguably, it would not really be until 1910 that those opposed to protection of mustelids could find something significant to celebrate.

#### MODIFIED CONTROL: 1910–1923

The Animals Protection Amendment Act 1910 *prima facie* negated the protection for stoats and weasels under section 28 of the Rabbit Nuisance Act 1908,<sup>18</sup> while retaining protection for ferrets, cats and mongoose (even though there were very few mongooses in New Zealand, and they died out around 1918).<sup>19</sup> Instead of blanket protection for stoats and weasels with exceptions to be granted by The Governor General through Order in Council, it now afforded no such protection unless recommended by the Minister of Agriculture for a designated area (s7). The rationale for the change is worth exploring.

Twelve years later, Dr C.J. Reakes, Director General of Agriculture, was to attribute this amendment to pressure exerted by the various Acclimatisation Societies around New Zealand.<sup>20</sup> To some extent he was right. The message from the Acclimatisation Societies Annual Conference in July 1910 had been clear – given the destruction of the native bird populations by these animals, Government must remove protection.<sup>21</sup> Ironically, the Acclimatisation Societies were in part responsible for the rabbit introductions in the first place (although, it must be emphasised, not for the introduction of mustelids), but now their call for the removal of protection for the predators tapped into a growing social antipathy towards ill-considered and damaging acclimatisation practices.

In both the House and the Council, some of the speakers (although by no means all) to the amendment reflected that sentiment. In the House, for example, while recognising that some members would support the maintenance of protection in low-lying parts of the country, D. Buddo, Minister of Internal Affairs and the sponsor of the bill, considered that mustelids were ‘as useless in low-lying

country as sparrows<sup>22</sup> while C. Poole (Auckland West) asserted that they were a greater pest than was the rabbit.<sup>23</sup> He therefore advocated, and garnered sufficient support for, a change to the protection regime – albeit with the proviso of area-wide exemption inserted during the committee stage of the legislative process. Similarly, Councillor F. Trask from Nelson dwelt on ‘depredations’ the ‘stoat and weasel pest’<sup>24</sup> had visited upon game birds, particularly quail and pheasants, clearly a concern for the Societies given their traditional focus on the introduction and liberation of game birds.

It should be emphasised, however, that the Societies did not enjoy unqualified support in the Council, with W. Wilson (Auckland) describing their members as ‘a few irresponsible gentlemen who had very little to do with their time except thrash in rivers with fishing rods or play golf, tennis or bowls’.<sup>25</sup> Perhaps, as the Societies had been responsible for many past pest introductions, Wilson’s criticism can also, somewhat ironically, be seen as echoing the growing public antipathy to ill-considered introductions referred to above. Given that, it must have been more than just influence of the Societies that resulted in political support for the change to the protection regime.

Arguably, then, Reakes failed to account sufficiently for historical themes that made the amendment possible. Not only was there the continued shift in economic power from the pastoral to the more intensive farming sector on the backs of the rapidly expanding dairy industry<sup>26</sup> and horticulture,<sup>27</sup> but also the conservation-minded sectors of society (which embraced more than just the Acclimatisation Societies) could claim not inconsiderable political influence. Hon. T. MacKenzie, who had branded the weasel as ‘assassin-in-chief’ of the native birds and denounced the liberation of the predators by the Stock Department in the Upper Wairau<sup>28</sup> in a letter to the Dominion, held the Scenery Preservation and Tourist and Health Resorts portfolios as well as Agriculture, while Ell and G. Thomson, also a strong advocate of conservation and a vocal denouncer of ill-considered acclimatisation, were also members of Parliament.

Support for the move also came from other political, executive and popular quarters. E. Phillips Turner (Inspector of Scenic Reserves) had described mustelids as ‘purely carnivorous’<sup>29</sup> at the same time and in the same medium as MacKenzie’s letter had appeared. Several other articles and letters on the same theme had appeared in daily newspapers. *The New Zealand Tablet*, for example, had described the Australian Minister of Customs as acting ‘well and wisely’<sup>30</sup> in deciding not to admit stoats and weasels, and a petition had called for the removal of protection in New Zealand.

Unfortunately, because relevant official documents have been destroyed, it is impossible to comment on the nature and focus of correspondence on the topic that may have been received by the Department of Agriculture other than to suggest that not all would have been positive.

It is similarly impossible to determine the number of requests that may have been made of the Minister pursuant to the amended section 7. However, it appears

only one was granted – in 1919, to protect stoats and weasels in the Hurunui Rabbit Board area (in North Canterbury). Even this order lapsed with the passage of the Animals Protection and Game Act 1921 only two years later.

*Prima facie*, given the insertion of section 7 in 1910, the paucity of orders made under its terms, and the lapse of the Hurunui area order in 1921, it could be concluded that the conservation-minded sector of New Zealand society had won the battle to have mustelids classified as vermin that could be destroyed. However, the effect of the 1921 legislation was not limited to the lapse of the order: it also repealed the 1910 amendment. It was again open for the Department of Agriculture, with administrative and policy responsibility over the Rabbit Nuisance Act 1908, to take steps to control rabbits, including reinstating protection of ‘natural enemies’. Two years later it did so with the promulgation of an Order in Council.

#### ORDER IN COUNCIL 1923 – RE-APPRAISAL AND REVERSAL

By this Order, the natural enemies of the rabbit (stoats and weasels) were again granted protection. No provision for district-wide exemptions or similar was included,<sup>31</sup> although the Order authorised Inspectors of Stock to permit the destruction of mustelids where it had been established that damage was being done by these animals to birds on island sanctuaries, Acclimatisation Society game rearing farms and poultry farms.

The first hint of support for such a step is a letter written by the Whitehall Rabbit Board to Reakes in February 1922 in which the board asked whether there were any plans to improve the legal status of stoats and weasels. Despite the Board being informed that there were no such plans,<sup>32</sup> within three months of its writing, Reakes had recommended to his Minister that protection for these predators should be re-introduced nation-wide, albeit with provision for district-wide exemptions where appropriate.

What were the reasons for this proposal to revert to the pre-1910 position? Although Reakes did not provide any specific rationale, the expansion of the rabbit population during the 1914–1918 war (with its shortage of rural labour) and the consequent financial implications for the pastoral farming sector in particular (acknowledged in the course of the House debate on the Rabbit Nuisance Amendment Bill in 1921)<sup>33</sup> would have played a significant role. In addition, a Reform Party Government was wrestling with the problems of falling demand for exports and economic stagnation. With W. Nosworthy from Ashburton (Canterbury) as Minister of Agriculture, the pivotal position of agriculture in the economy and an extant policy of ‘rehabilitating’ returned servicemen by funding them into farming blocks carved out of ‘waste’ land, the question of stoats and weasels was re-opened.



This apparent political amenability may in part also be explained by the fact that the Farmers' Union, established in 1902 as a voice for all farmer views,<sup>34</sup> overtly aligned itself with the Reform Party from 1911 onwards, thereby 'helping the Reform Party oust the Liberals in 1912'.<sup>35</sup> Small and more intensive farms may not have been affected by rabbits as seriously as the pastoral blocks, but the urgent common problems and priorities for the industry most likely militated against internecine controversy on the subject of stoats and weasels, leaving the pastoral farmers free to lobby for the change.

The political consequences of the shifts in perception and priority are revealing: in the House debate on the Animals Protection and Game Bill in 1921, W. Downie Stewart (Minister of Internal Affairs) suggested that it was appropriate that mustelids in different districts should be treated in accordance with the needs of those districts<sup>36</sup> and T. Sidey (member for Dunedin South) considered that stoats and weasels would be more effective in controlling rabbits if their numbers were not reduced through legalised destruction.<sup>37</sup> What was said during the short Council debate also implied that the door was not completely closed to such reconsideration.

The tenor of the responses to the proposed Order varied widely. On one hand, officials in the Department of Agriculture clearly supported the re-introduction of blanket protection. For example, the Director of the Livestock Division, A.R. Young, used the traditional argument that the interests of farmers clearly outweighed those of birds. Any exemptions to blanket cover should, therefore, be limited to poultry farms and preserves where Societies were raising young stock.<sup>38</sup> The District Superintendent for Auckland, W.T. Collins, was of similar mind – protection should not be limited to areas infested by rabbits. His experience was that rabbits were almost everywhere (or, if not, would be) and, therefore, it was important to provide comprehensive and on-going protection for their natural enemies.<sup>39</sup>

By way of contrast, the Department of Internal Affairs strongly resisted the idea (commensurate with its responsibility for scenery preservation, Reserves and National Parks, and for the licensing of Societies<sup>40</sup>). Notable in this regard were its efforts to limit the scope of the pending Order to 'parts of the dominion where it is considered absolutely essential'<sup>41</sup> and later, when the battle against the Order was all but lost, to push for island sanctuaries to be exempted from its scope.<sup>42</sup>

Outside Government, it was the Acclimatisation Societies and other organisations that expressed their opposition, albeit neither consistently nor, apparently, universally. Some of those societies and organisations were in rabbit-affected areas, others were not. Specifically, of three organisations seeking extant exemption for their areas from the scope of the Order, Waitaki and Otago Societies were in rabbit-affected areas whereas the Westland Agricultural and Pastoral Association<sup>43</sup> represented small farmers little troubled by the pest. The Bay of

Islands and Taranaki Societies,<sup>44</sup> both of which were in regions acknowledged as rabbit-free or almost so, objected to the whole idea.

As an aside, these efforts by the Acclimatisation Societies to gain exemption from the Order are interesting, not only because they were branded ‘silly and even hysterical (sic) utterances’, from ‘mischievous bodies ... advocating death to stoats and weasels (for the sake of wild duck and quail) caring nothing if the grass is eaten out by rabbits’,<sup>45</sup> and were, therefore, selfish and insensitive to the needs of pastoral farmers. Their main significance lies in their link to the shift in focus for the Societies, a shift that would maintain their social relevance and political profile.

Specifically, the Societies were founded with a range of objectives, the principal ones being to introduce useful or attractive exotic species and to encourage the distribution of useful natives.<sup>46</sup> Although their concern in this instance was originally based on the effect on game, both imported and native, it came to embrace native non-game birds as well. It could be argued, therefore, that their wider focus fulfilled the need for a common, national voice for conservation.<sup>47</sup> In addition, it could be considered a tactical move on the part of the Societies to retain a link with, and therefore some political influence, on the Department of Internal Affairs and with the Minister.

In the end the Order<sup>48</sup> reflected the preference in the Department of Agriculture for maximum levels of protection to guard against the real or at times phantom rabbit menace. This clear prioritisation had two major effects. First, any arguments that mustelids were inefficient in controlling the rabbit problem were either ignored or discounted. Secondly, the blanket protection placed opponents in a difficult position on the periphery. It was necessary to convince the very Department that had responsibility for agriculture and for the Order in Council that exemptions were justified. That this was going to be a difficult challenge soon became apparent.

## ACCLIMATISATION SOCIETIES AND PROTECTION

The strategies and outcomes of the ‘campaign’<sup>49</sup> waged by the Societies and other organisations against the broad-based protection provided under this 1923 Order can be considered with reference to two distinct periods, 1923–28 and 1928–36.

### *District Exemptions 1923–28: Abject Failure*

Almost immediately on the Order being gazetted, Societies began pressuring the Department of Agriculture to lift protection for mustelids in their areas. Despite an apparent belief on the part of many of these Societies that persistence would succeed, all applications were refused, albeit on a variety of grounds.

Apart from the economic pressures facing the Government, Reakes' attitude towards the Societies and their motives (mentioned above) probably did little to assist their case.

First to apply was Hawera (on the west coast of the North Island), on whose request a draft Order in Council exempting both Hawera and Taranaki was sent both to the Society and to various interested Government Ministers for comment. However, it was never granted,<sup>50</sup> despite Taranaki being acknowledged by the Department of Agriculture as unaffected by rabbits. In October 1924 and May 1925, the Otago Society's applications for exemption met similar fates. In the latter instance, the District Superintendent for Dunedin, one J. Snowball, asserted that, contrary to prevailing scientific opinion, the mustelids did little damage to bird life and were numerous only where rabbits were also present in large numbers.<sup>51</sup> North Canterbury's applications (in August 1924 and July 1925), were declined, purportedly over concerns as to their geographical extent. The Hawkes Bay Society tried a somewhat different approach. In requesting an open season on mustelids in the area, it asserted that local farmers suffered more from the depredations of stoats and weasels than those of rabbits.<sup>52</sup> Despite this implied alignment of Society interests with those championed by the Department of Agriculture, Reakes remained unmoved by the assertion and again the request was declined.

In denying Southland's application, Reakes, while acknowledging that there was probably no issue of rabbits on the southern part of the West Coast (an area falling under the auspices of this Society), also considered that the small number of residents on the coast meant any removal of protection for mustelids would have little practical value for native birds anyway,<sup>53</sup> presumably through a paucity of those able to carry out shooting and trapping operations. The opposition of the Wellington District Superintendent (W.C. Barry) to an application by the Wellington Acclimatisation Society justified a refusal because it would 'open the door to a wholesale destruction of these animals'.<sup>54</sup> Finally, Taranaki's application in 1929 (to cover an area recognised even before 1923 as rabbit-free),<sup>55</sup> was refused due to the Department's proactive/precautionary stance. Vigilance could not be dropped for a moment.

From this singular lack of success for those seeking exemptions during this period it would appear that, despite on-going arguments that mustelids had an insignificant effect on the rabbit population while having the opposite effect on native species, the Department of Agriculture was resolved that blanket protection would remain until the last of the rabbits had been eliminated. This suggests quite clearly that the conservation voice (which could be said to include the Societies) had lost much of its early popular and political power to those advocates for development and economic growth, particularly in the rural sector. Although primary supporting evidence is scarce, the lobbying of pastoral farmers in rabbit infested areas, no apparent opposition by other farming sectors and little effective political opposition would have shaped the Department's position.

Nevertheless, it is interesting to note that by 1928, there were hints that this obdurate stance of the Department had begun to relax somewhat. In moving the Second Reading of the Rabbit Nuisance bill in that year, the then Minister of Agriculture, O.J. Hawkins, pronounced what to some may have seemed blasphemy – that the protection of mustelids was unnecessary in areas without rabbits. The Governor-General in Council was to be empowered by clause, later section, 95(2) of the legislation to permit the destruction of enemies (ss1 providing for the declaration and protection of natural enemies). The proposal did not escape criticism – T.D. Burnett, representing Temuka (a seat in Southland), branded this proposal as ‘fatal to our objective – the suppression of the rabbit pest’. The House should not, he opined, ‘entertain for a moment any movement to take off the protection of the rabbit’s natural enemies’.<sup>56</sup> F. Wait, from the Otago electorate of Clutha, was of similar mind. As far as he was concerned, any proposal to relax the level of protection given to mustelids strongly suggested the influence of the same Societies that had brought the rabbits to New Zealand in the first place.<sup>57</sup> If their motives and credibility in promoting such reduction in protection for the enemies of the rabbit were open to question, by implication so must the motives of anyone supporting that change.

The bill passed the House without amendment and without debate in the Legislative Council, a smooth passage that may seem surprising given the criticism described above. However, the wording of section 95(2) was not that dramatic a change to the law. To make the similarity explicit: under section 28 of the Rabbit Nuisance Act 1908, the Governor General was empowered to issue a special permit to allow the destruction of enemies of the rabbit (mustelids included). The 1928 amendment merely dropped the word ‘special’. Secondly, available evidence indicates that even from 1882 and the passage of the original Rabbit Nuisance Act, the killing of stoats and weasels by individuals or organisations tended to be ignored, provided it was not too obvious and did not involve large-scale trading in skins. Perhaps, therefore, the alarm of Burnett and Wait, seemingly not shared by their fellow politicians, is attributable more to their concern over the growing popular antipathy to mustelids than to the provision itself. Dropping the word ‘special’ was the thin end of a wedge that would ultimately allow the erosion of all protectionist structures.

It is at this point, and perhaps in response to the slight shift in stance of the Department of Agriculture reflected in the amendment, that the strategy of opponents to the protection for mustelids begins to change. Although various Societies and others persisted in their attempts to gain an exemption or a review of all protection (examples being those of the Auckland Institute and Museum,<sup>58</sup> the Whangarei Acclimatisation Society in Northland,<sup>59</sup> Waipa County Council (Waikato),<sup>60</sup> Auckland Zoo Society,<sup>61</sup> and a Mr Fryday<sup>62</sup>), attention now began to turn to gaining political and official support for an alternative basis of exemption from the protection regime, one based on forested areas.

*Forested Areas 1928–36: Success at Last*

In 1928, the Director of Forestry wrote to Reakes<sup>63</sup> on the subject of a request by the Fur Trappers Association that protection should be lifted in forested areas throughout the country, using as justification the argument that 'stoats, weasels and ferrets constitute a very real menace to bird life in forested areas within which the protection of the above three should be removed and regarded as forest vermin'. This memo was closely followed by a similar request from L. O. H. Tripp, President of the Wellington Acclimatisation Society.<sup>64</sup> The response by Reakes to Tripp implies that this is the first time that this suggestion had been made, which is probably true of any Acclimatisation Society, although, as indicated above, it was not quite the first ever.

Early the following year, the Minister of Agriculture sent a memo to the Minister of Internal Affairs explaining that a resolution from the Societies' conference calling for forest area-based exemption was 'having consideration'.<sup>65</sup> Although the Board of Agriculture subsequently rejected the proposal,<sup>66</sup> there is some hint of a growing receptiveness in the Department to the idea. In this context it is interesting to note the reference by Snowball to the long-term impact of mustelids on bird life, this being a change from his original stance on the subject,<sup>67</sup> and the support given by Barry to an application by the Wellington Acclimatisation Society, provided it covered forest areas only.<sup>68</sup>

In the latter half of 1930, support for removal of protection on forested land increased, possibly in part due to growing doubt in various circles as to the scientific rationale for mustelid protection as enemies of the rabbit, and the preparedness of organisations such as the Societies to overtly flout the existing regulations. By way of indication of the first of these, a comment was made at the AGM of the Otago Acclimatisation Society<sup>69</sup> that the bounty on rabbits had encouraged farmers to kill them. Hungry mustelids were again allegedly attacking young lambs.<sup>70</sup> As to the second, a report on the AGM of the Wellington Society carried by *The Lyttelton Times* described how the society was waging war on stoats.<sup>71</sup> Despite this being illegal, no punitive action followed. In addition, perhaps, there was a growing realisation that even in the best of all possible scenarios, total control/eradication of the rabbit population was unlikely to be achieved (especially given the financial stringencies imposed by the Depression and a Government policy of retrenchment).

Finally, at the annual conference of the North Island Rabbit Boards Association in June 1930, Lyons proposed that the delegates should consider whether protection should be lifted in 'strictly forested areas'. The Director of the Livestock Division was proposing a relaxation in the protection regime for 'natural enemies of the rabbit'. The Boards endorsed this proposal. The organisations with direct responsibility for rabbit control now agreed that their natural enemies could be killed in forested areas.

Such a shift was overtly politically expedient – as Lyons wrote: 'it might be politic on the part of the department to compromise to this extent and on some

such lines as these ... while such a course will not jeopardize the position to any extent, it would ... please the advocates for the safety of the bird life'.<sup>72</sup> Not only was it increasingly untenable for the Department to deny the mounting evidence that mustelids were wreaking havoc amongst the native bird populations, but also such a conciliatory move might persuade Societies and similar<sup>73</sup> to stop bothering the Department with their demands for more fundamental changes to the status of these animals.

On one level, winning this concession can be seen as a major advance for Societies and others, particularly since they were successful in getting the minimum area of forest in which the exemption would apply reduced from 50 acres to 10. On another level, its continuance was subject to the continued predator-control focus of the Department of Agriculture, a focus indicated by Lyons to Reakes: 'it is incumbent upon us to maintain our long established policy regarding the natural enemy of the rabbit'.<sup>74</sup> That long-established policy, of course, included maintaining protection for mustelids.

The reaction of the Societies to this partial change in status serves to demonstrate their growing disregard for official policy (of general protection). By way of indication, in 1930 the Council of the Auckland Society reported its intention to pay a bounty of two shillings and sixpence per 'vermin' tail as soon as the notice lifting protection in forested areas appeared in the Gazette;<sup>75</sup> and two years later reported, no doubt with some glee (albeit also with trepidation given the amount in a period of mounting financial hardship), that in 1931 about £1000 had been paid, £306/7/6 in the latter half of 1931 (for 2415) and £226 between the beginning of April and the middle of June 1932. This was in open defiance of Lyons' direction to this Society that although the employment of men in forest areas to destroy the predators would be acceptable, any commercialisation (a bounty or purchase of skins) that would encourage their destruction would be both illegal and inappropriate: 'from the point of view of the rabbit pest, the Department cannot on principle countenance any ... inducement to destroy stoats and weasels'.<sup>76</sup> In June 1933 he again warned the Society that any bounty was illegal. However, no action was taken against the Auckland Society for flouting the law and over the years that followed, while it lobbied Government to permit the sale of the skins from these predators, it continued to pay a bounty.

### 1936 – A TURNING POINT?

In 1936 it became legal to kill mustelids through any legal means and in any location, whether it was or was not a rabbit district. As the Minister of Agriculture, W. L. Martin, wrote to the Te Akau Rabbit Board (in Waikato): 'there has been strong agitation for some years to totally remove protection ... on account of the harm that they do to bird life and to poultry. ... In the interests

of bird life of the dominion the government has instructed that the protection be entirely lifted.<sup>77</sup>

What factors contributed to making this year so important in the legal (mis)fortunes of mustelids in New Zealand? Several factors can be identified. First, there was a change in Government. For the first time Labour occupied the Treasury benches with a brief that was worker-focused rather than primary sector. Secondly, the dripping tap approach pursued by the Societies and other bodies over the years seemed now to be having an effect. Thirdly, for the first time since 1910 the Minister for Internal Affairs, Hon. W.E. Parry, moved to exercise power and formulate policy in this context. Finally, the newly appointed Director-General of Agriculture was A.H. Cockayne, botanist and son of L. Cockayne, the man rightly considered the founder of science in New Zealand, and a strong advocate for the conservation cause.

In May 1936, Parry called a conference of representatives of the Departments of Agriculture and Lands as well as Internal Affairs. He described himself as a student of bush and bird life, of which mustelids were 'the real enemy'. It was vital now, he said, to do 'everything possible to preserve the native fauna, bird-life and flora of this Dominion', and claimed the support of the Minister of Lands and several farmer members of the House of Representatives. Any strategy for achieving this required the removal of any protection for mustelids because, although 'some' ... 'considered' that the 'stoat was ... of great assistance in the destruction of rabbits', the pests needed to be controlled.<sup>78</sup> Martin concurred, although at the same time conceding that he was unsure of the views of more experienced officials in the department.

Such 'experienced officials' of his Department expressed reservations as to the advisability of changing the protection regime. However, it should be noted that their reservations were not so much as to the efficacy or otherwise of the predators, but the politics involved. Cockayne, for example, while of the opinion that mustelids did more harm than good and that rabbits could equally be controlled through other means, was nevertheless concerned about the wisdom of lifting the protection 'where the feeling in support of the animals being the natural enemies of the rabbit was strong'.<sup>79</sup> Barry, now in the Livestock Division, referred to the 'feeling among the rabbit inspectors that the stoat and weasel did some good'.<sup>80</sup> As in the case of the earlier forest-based exemption, politics again played a part in shaping departmental positions.

Despite such reservations, the three departments agreed to lift protection as designated 'natural enemies of the rabbit' from these 'pests',<sup>81</sup> thereby allowing both their destruction and sale of their skins. Given the potential for opposition both inside and outside parliament,<sup>82</sup> they also agreed on a carefully worded press release<sup>83</sup> and revocation of previous protection-facilitating Orders in Council<sup>84</sup> rather than on legislative change.

In one sense this decision can be considered a turning point. The Department of Agriculture to some extent supported other departments in a policy change

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affecting mustelids, acknowledging also their ineffectiveness in controlling the rabbit population. In another sense, however, while the selected strategy avoided public debate and opposition, it also preserved intact the delegated powers of the Governor-General in Council to provide for protection of natural enemies under s95(1) of the Rabbit Nuisance Act 1928, a somewhat unsatisfactory and uncertain situation given its similarities to that existing prior to the 1923 order.

In light of that, it is useful to reflect on relevant post-1936 developments and consider what they reveal about changing attitudes and policy towards mustelids. Two distinct periods can be identified; 1936–1950 and 1950–1955.

## ROLE REVERSAL, 1936–1949

By the end of the 1940s, official policy on mustelids had shifted significantly from that of the 1920s, a shift reflected in more than just the 1936 Order. The ‘truth’ structure that shaped policy had also changed. Rather than the Department of Agriculture justifying protection for stoats and weasels because of their beneficial effect in areas lightly populated by rabbits, mustelids instead were now generally devalued politically in accordance with a now-accepted truth that they ‘have little effect ... in heavily infested areas’,<sup>85</sup> or because ‘some extraordinary claims are made regarding [their] good work’.<sup>86</sup> The Government went further than merely declaiming the usefulness of mustelids as natural enemies and depriving them of protection. In 1939, Internal Affairs finally acceded to the North Island Societies’ request for a compulsory pool, supported by licence fees, from which ‘payment bonus[es] for the destruction of ... stoats, ferrets, pole-cats [and] weasels’<sup>87</sup> were to be paid. Finally, in 1948 an Ecology Division of the Department of Scientific and Industrial Research was established. Its stated focus was on extensive studies of rabbit population dynamics and was intended to help replace traditional attitudes with objective data and to inform official agricultural policy.<sup>88</sup> Although the research emphasis for this Division remained on means of controlling rabbits, this did not improve the position of mustelids.

Despite the unsatisfactory legislative position, the consequences of the shift from protection to delegitimation and active destruction quickly became apparent. In the 1920s it was mainly the Societies that sought, and largely failed to gain, exemptions from the protection regime. Now it was the turn of the Rabbit Boards and others to argue and agitate, without success, for reinstatement of some level of protection.

The earliest to make a request under the altered regime was the Te Akau Rabbit Board within a month of the order,<sup>89</sup> while the first agitation emerged from a meeting of the Farmers’ Union of Wairarapa in September 1936. The report of proceedings of that meeting described ‘some opposing views’ expressed about the ‘Government [who], mainly at the prompting of Societies



and bird life protection societies, with the aid of a sympathetic Minister, had seen fit to remove the protection of the natural enemies of the rabbit'.<sup>90</sup> A year later various groups and individuals submitted a petition to Parliament also requesting reinstatement.<sup>91</sup> Most prominent and persistent in this context was the South Island Rabbit Boards Association (SIRBA) who between 1936 and 1939 wrote a total of seven times on the subject<sup>92</sup> and twice sought for a ban on the sale of skins.<sup>93</sup>

Some efforts continued through the 1940s to win at least some protection for mustelids. However, the evidence suggests that despite a population explosion of rabbits after a decade of neglect (from a shortage of manpower and money), by now the efforts were both piecemeal and erratic, indicative of pessimism as to their likely success and to some extent a consequence of the policy shift to more direct means of rabbit control (shooting and trapping).

In 1944, for example, the New Zealand Farmers' Union pushed unsuccessfully for a prohibition on the sale of skins,<sup>94</sup> but it appears that nearly three years were to elapse before any further (and uniformly unsuccessful) attempts were made: those of the South Island Rabbit Boards Association (calling for protection for mustelids in Otago),<sup>95</sup> the Meat and Wool Council of Federated Farmers (for prohibition on their destruction)<sup>96</sup> and a deputation to the Minister of Agriculture in 1948.<sup>97</sup> However, it is not only the (small) number, source and tenor of these requests that are significant in evidencing the declining political fortunes of mustelids during this post-1936 era, but also the reaction of Government departments to them.

First, despite the Department of Agriculture having jurisdiction under the Rabbit Nuisance Act, it seems to have consistently deferred to the Department of Internal Affairs on the matter. When the SIRBA had proposed the reintroduction of protection in Otago in 1947 (the proposal being sent not to Agriculture but to Internal Affairs), R.B. Tennet, the acting Director-General of Agriculture, was inclined to agree. However, the question was not pursued, with the Assistant Undersecretary for Internal Affairs responding to Tennet thus: 'there is good reason to believe that the control of the rabbit pest will not be achieved by any re-imposition of protection of the natural enemy'.<sup>98</sup>

Such was the level of deference that it appears to have generated some confusion as to where responsibility lay for determining the protective status for mustelids – in 1949, the SIRBA wrote to the Minister of Agriculture as follows: 'My association has been pressing for this protection for years but no headway has been made with the Minister of Internal Affairs ... . It was decided to ask that jurisdiction over the control of the natural enemy ... be vested with the Department of Agriculture as it was felt that your department would be more sympathetic in this matter',<sup>99</sup> despite the fact that thanks to section 95 of the Rabbit Nuisance Act, jurisdiction did technically lie with Agriculture.

Secondly, Agriculture maintained a somewhat ambivalent and passive position when it came to the existing 'natural enemy' statutory regime. This was

particularly the case in relation to the sale of skins. In 1944 the Minister, Hon. B. Roberts, wrote to the New Zealand Farmers' Union to the effect that a prohibition on sale of skins would make little difference to the present situation,<sup>100</sup> implying that the Department had no plans to push for any Order that might re-activate section 96 of the Rabbit Nuisance Act, the section that prohibited the sale of skins of declared natural enemies. The position remained unchanged although it is interesting to note the tenor of a letter from the Minister to the SIRBA at the end of this decade, in response to its proposal, mentioned above, that jurisdiction and enforcement of the Act be vested in Agriculture rather than Internal Affairs. In responding to the call by the Association that sales of mustelid skins be banned, the Minister mentioned section 96<sup>101</sup> then went on to foreshadow a pending change which would vest 'all power ... with rabbit boards ... . [It would] then be up to them to decide whether to allow the sale ... . If not, it would be tantamount to prohibition anyway'.<sup>102</sup> This latter wording would imply a degree of discomfort with the passive stance and perhaps a hint to the boards that this is the action they should take.

Finally and by way of contrast, while Agriculture seemed resigned to defer to Internal Affairs, the latter Department maintained overt opposition to any reinstatement of protection. For example, in 1948 W. E. Parry wrote to the Rabbit Destruction Council applauding the decision of the council not to recommend any increased protection for mustelids, as that would be a 'retrograde step'. He also made it clear that he was unwilling to interfere in the payment of bounties on their skins.<sup>103</sup> Internal Affairs also opposed the request for reinstatement of protection made by the deputation to the Minister of Agriculture in that year.

Overall, therefore, the 1940s was a decade in which the legal position of mustelids remained unchanged from that provided by the 1936 Order in Council, despite the powers that remained vested in the Minister of Agriculture under the Rabbit Nuisance Act to initiate improvements in that position. Arguably, the 1950s, with the post-war privileges granted the agricultural sector, offered a last chance for supporters of mustelids to reclaim protection for them as enemies of the rabbit. What happened and why is the subject of the final part of this paper.

## THE 1950S – THE END OF THE END?

This era can be considered a high point for New Zealand agriculture, including (or perhaps especially) the pastoral sector. The National Party, traditionally more sympathetic to the agricultural industry, was again in government as a result of the 1951 elections. A post-war boom in the production of a variety of agricultural commodities and a seemingly inexhaustible market in Britain for wool and mutton<sup>104</sup> gave the sector significant economic and political power.

During this time both the 'social' and legal status of mustelids remained anomalous. One context in which 'social' anomalies emerge was a series of meetings held in rabbit affected areas in Otago during the early 1950s between delegates from Rabbit Boards, concerned farmers and representatives from the (National Party) Government – K. Holyoake, the then Minister of Agriculture, and A.W. Bodkin from Internal Affairs. In Alexandra,<sup>105</sup> discussion focused on 'natural enemies of the rabbit'. The resultant press statement referred to the 'majority of opinion that they should be rigidly protected', and to the claims by one speaker that stoats accounted for more rabbits than all professional rabbiters combined.<sup>106</sup>

Farmers and other interested parties queried the logic of Societies and Internal Affairs paying bounties on mustelids, while at the same time moves were afoot to remove similar bounties on rabbits.<sup>107</sup> The sentiment behind this comment appears to be that the consequences of this shift would be dedication to killing the one family of animals having an effect on the rabbit population, while the rabbits themselves escaped such attention. Bodkin responded that even when mustelids were protected, there had always been a black market in their skins. The payment or otherwise of bounties would not make any difference, particularly as rabbiters were the ones who 'had always killed them'. At the same time, however, he expressed doubt as to the benefit a bounty for mustelids would have on native bird populations – his doubt suggesting that, at least since 1936, Internal Affairs policy had been shaped more by a political agenda than by a conservation one.<sup>108</sup> It is also worth noting that at this same meeting, and despite support for their protection, concern was expressed as to the disproportionate numbers of these 'vermin' caught in traps (as opposed to their prey), an interesting choice of term and perhaps indicative of conflicting views towards mustelids even amongst members of this group.

In the second of these meetings, a clear message from attendees was that 'natural enemies' should be protected, with a Mr L. Groves from Glenorchy protesting the notion that 'the birds should be protected and the rabbits let go', while Sanders from the Manuherikia Rabbit Board called for protection to be reinstated, even though it had been accepted as official 'truth', that mustelids were far more damaging natural enemies to birds than to rabbits,<sup>109</sup> and that their use appeared at odds with the employed killer policy now required of the Boards.<sup>110</sup>

The other context in which anomalies emerge is their legal position. First is the matter of commercialisation/incentive to destroy mustelids. By way of reminder, a ban on either possession or sale of mustelid skins had been included in the Rabbit Nuisance Acts from 1882 onwards. The official logic behind these bans at the time was to deter hunters from killing these protected predators for commercial gain. By way of contrast, the 1936 Order permitted the sale of mustelid skins to encourage efforts at eradication (or at least remove a ban more honoured in its breach than in its observation and near impossible to enforce).

Now R.A. Jopp, farming Moutere Station, called for this ban to be reinstated.<sup>111</sup> So it was; under section 15 of the 1953 amendment to the Rabbit Nuisance Act (section 103 under the 1955 Act), it again became illegal to sell or possess their skins. *Prima facie* this ban is reminiscent of the previous protective era and seemingly at odds with a policy of mustelid elimination, a point noted with some alarm by R. Nelson (the then secretary of the Forest and Bird Protection Society). However, Major G. F. Yerex, then of the Wildlife Branch, Department of Internal Affairs, cast a slightly different light on it when justifying its re-imposition. It was, he said, a response to the tendency for rabbiters to kill mustelids for their skins (for which most Societies paid a bounty) in preference to rabbits (for which no bounty was payable). Not only did this practice mean the ranks of the predators were depleted; far fewer rabbits were destroyed than could reasonably be expected. Therefore, although it was recognised and acknowledged that ‘most societies still pay a bounty’<sup>112</sup> for the skins of mustelids, rabbits had to be the priority for the rabbiters hired to kill them.

More fundamentally, the scope, objectives and administration of the Rabbit Nuisance Act 1928/Rabbit Act 1955 conflicted with those of another important piece of relevant legislation, the Wildlife Act 1953. Such conflict could, at least in theory, cause problems for a consistent policy towards the control and destruction of mustelids. This explains the concern expressed by (the now-retired) Yerex to the Forest and Bird Protection Society about the alleged provision of protection for stoats in the current Rabbit Destruction Regulations.<sup>113</sup> Steps would be needed, he said, to remove it.

Secondly and more generally, the extent and implications of protection/non-protection for mustelid species was uncertain. The Wildlife Act 1953, Schedule 5, listed those animals not protected under its provisions – including the ferret, polecat, stoat and weasel. However, they were not classified as noxious under Schedule 6. This failure meant that the New Zealand Forest Service (NZFS), while purportedly anxious to do all possible to reduce the stoat population in Fiordland,<sup>114</sup> reacted only when and if they were present, as opposed to pursuing a concerted well-resourced eradication strategy.<sup>115</sup> Furthermore, an amendment to the Wildlife Act in 1956 included the Rabbits Act 1955 in Schedule 7, the list of statutes not affected by its provisions. Section 102 of the Rabbits Act preserved the power of the Governor General-in-Council to declare specific species to be natural enemies of the rabbit and thereby provide for their protection – a power potentially exercisable in favour of mustelids. This legal anomaly was not finally to be resolved until the passage of the Agricultural Pests Destruction Act 1967, which, in replacing the Rabbits Act 1955, finally eliminated the statute-conferred power for the Governor-General to declare protection for ‘natural enemies’.

This ambivalence offered those favouring legal protection for mustelids possibly the best opportunity since 1923 to seize the initiative. However, it would appear that even from 1950 there was little political enthusiasm or interest in reinstating protection. Perhaps more than anything, this lack of interest

demonstrates how completely the focus of rabbit control had shifted. The best evidence that protection for natural enemies would play no future part from that point in history comes via the failure of any members of the House to find a role for mustelids within the policy framework.<sup>116</sup>

## CONCLUSION

In 1903 the first step was taken to remove the legal protection granted to Mustelidae in New Zealand, members of which were introduced in an attempt to control the burgeoning population of wild rabbits which were threatening to ruin the pastoral farming industry. Instead of controlling the rabbits, the mustelids soon showed themselves to be adept and efficient killers of the native birds, a talent that had ornithologists and others viewing the situation with alarm.

However, the political reaction to this alarm, and demands for change to political policy, were far from consistently progressive during the twentieth century. Instead events can better be described as frequently responsive to changing economic realities, sometimes politically cynical and only occasionally as manifestations of conservationist integrity. Even at the end of the 1950s, the legal situation remained less than certain. It is true that efforts by those advocating a reinstatement of protection failed. However, perhaps that failure was attributable more to the growing political influence of a conservation sentiment in the latter part of the twentieth century than to any categorical and irrevocable legal resolution.

## NOTES

<sup>1</sup> C. King, *Immigrant Killers – Introduced Predators and the Conservation of Birds in New Zealand* (Auckland: OUP, 1984), 82.

<sup>2</sup> The tenor and implications of the controversy that preceded, accompanied and followed this move has been well documented and described elsewhere. Examples (in no particular order) include J. Druett, *Exotic Intruders, the Introduction of Plants and Animals into New Zealand* (Auckland: Heinmann, 1983); R.A. Galbreath, 'Colonisation, Science, and Conservation: the Development of Colonial Attitudes toward the Native Life of New Zealand, with Particular Reference to the Career of the Colonial Scientist Walter Lawry Buller (1838–1906)' (D. Phil. Thesis, University of Waikato, 1989); King, *Immigrant Killers – Introduced Predators and the Conservation of Birds in New Zealand*; P. Star, 'From Acclimatisation to Preservation: Colonists and the Natural World in Southern New Zealand 1860–1894' (Ph.D. Thesis (History), University of Otago, 1997); P.K. Wells, "'An Enemy of the Rabbit": The Social Context of Acclimatisation of an Immigrant Killer', *Environment and History*, 12 (3) (2006): 297–324, Star "'Nature's Trump Card": Confronting the Rabbit Problem in Southern New Zealand, 1867–1897' *ENNZ: Environment and Nature in New Zealand* (2006) first retrieved from [http://cres.anu.edu.au/envirohist/newzealand/newsletter/2006/nznews06august\\_star.pdf](http://cres.anu.edu.au/envirohist/newzealand/newsletter/2006/nznews06august_star.pdf), 16 April 2008.

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<sup>3</sup> King, *Immigrant Killers*, 88.

<sup>4</sup> It is possible to continue to farm 'fitches' (domesticated ferrets), but only for the export market.

<sup>5</sup> Wells, "An Enemy of the Rabbit", 312.

<sup>6</sup> P. Star, "Nature's Trump Card".

<sup>7</sup> T.D. Isern, 'Companions, Stowaways, Imperialists, Invaders', in *Environmental Histories of New Zealand*, eds. E. Pawson and T. Brooking (Melbourne: OUP, 2002), 237

<sup>8</sup> Where possible, reference is made to relevant original government materials. However, it should be noted that some important Department of Agriculture materials from 1903–1922 were destroyed by fire some years ago. For that reason, it has been necessary to rely to some extent on secondary sources as support for statements made, and at times to make assumptions for lack of supportive or contradictory evidence.

<sup>9</sup> The Rabbit Nuisance Act 1881 provided specific political support for their importation and breeding.

<sup>10</sup> *Otago Witness* 29 Jan. 1902, 17., in 'Agricultural and Pastoral News' reprinted a report from the North Otago Times that weasels could be seen everywhere around Oamaru and were as 'numerous as rabbits', while the *Evening Post* 11 Oct. 1902, 4., reported that 'several Dannevirke farmers are complaining that their lambs are being killed by stoats'.

<sup>11</sup> Which involved the insertion of a new clause empowering the Governor in Council to authorise the killing of any 'enemy of the rabbit ... within any district defined by the order'.

<sup>12</sup> For a detailed account of the debate, see Wells, "An Enemy of the Rabbit", 313.

<sup>13</sup> NZPD (LC) 126, (1903): 586–7.

<sup>14</sup> NZPD: 586–7, per Trask.

<sup>15</sup> NZPD: 588, per Baillee.

<sup>16</sup> P. Gibbons, "Going Native": A Case Study of Cultural Appropriation in a Settler Society, with Particular Reference to the Activities of Johannes Anderson in New Zealand During the First Half of the Twentieth Century' (PhD Thesis, University of Waikato, 1992), 11.

<sup>17</sup> P. Star and L. Lochhead, 'Children of the Burnt Bush, New Zealanders and the Indigenous Remnant, 1880–1930', in *Environmental Histories of New Zealand*, eds. Pawson and Brooking (OUP: Melbourne), give credit for the successful passage of this legislation to 'a decade of lobbying ... by the scenery preservation societies' (127).

<sup>18</sup> This Act reiterated the protection regime established in 1882. It should be noted that the date 1908 reflects the constitutional changes associated with the granting of Dominion status in 1907.

<sup>19</sup> Indian grey mongooses were imported by an Indian Army officer in the South Island, and escaped mongooses were sighted in 1912, 1914 and 1918 (*The Handbook of New Zealand Mammals*, 2nd edn, ed. C.M. King (Melbourne: OUP, 2005), 307.

<sup>20</sup> Dr C.J. Reakes, Director General of Agriculture, 1922.

<sup>21</sup> *Evening Post*, 21 July 1910, 8., Remedy Worse than Disease, Proposal to Remove Disease .

<sup>22</sup> NZPD (HR) 151, (1910):269.

<sup>23</sup> NZPD: 256.

<sup>24</sup> NZPD (LC) 152, (1910): 587.

<sup>25</sup> NZPD: 502.

<sup>26</sup> Figures from the period indicate that in 1881 (the year before refrigerated shipping), New Zealand earned NZ£2,909,760 from wool exports as compared to only £14,608 for dairy products. By 1903 these respective figures were £4,041,274 for wool (a 72% increase) but for dairy, £1,513,065 (an increase of over 10,000%!) (*Statistics of New Zealand*, 1903). This was despite the fact that the percentage of occupied land in holdings of more than 5,000 acres increased between 1891 and 1903 from 53.67% to 58%.

<sup>27</sup> The tenor of some of the speeches delivered suggest that despite the land reforms of the 1880s and 1890s and despite the formation of the Farmers' Union, the traditional conflict between large and small landowners continued to be reflected in political rhetoric. It is indicative that proponents of protection for mustelids looked to their perceived benefits for pastoral farmers, speaking of the 'many thousands of pounds [that] have been saved' (NZPD: 266 per W. Buchanan (Wairarapa), by the 'greatest blessing [for] sheepfarmers ... in coping with the rabbit-pest', (NZPD: 259 per R. Scott (Tuapeka)). By way of contrast, G. Laurenson representing Lyttelton (outside Christchurch) articulated the on-going issue of land holding, use and ownership with his declaration that rabbits 'are no menace to the small settler with a large family ... but a curse to people who have thousands of acres of land – to the man who has too much land.' (NZPD: 267).

<sup>28</sup> *The Dominion*, 21 July, 1909, 8.

<sup>29</sup> *The Dominion*, 24 July, 1909, 10. Phillips Turner was the first Secretary of the Forestry Department and one of the founders of the Native Bird Protection Society, later the Forest and Bird Protection Society of New Zealand, and later still the Royal Forest and Bird Protection Society of New Zealand.

<sup>30</sup> *New Zealand Tablet*, 'Stoats, Weasels, Rabbits', 6 May, 1909, 698.

<sup>31</sup> Reakes originally proposed (2 May 1922) that Taranaki district should be excluded from the scope of the Order. The draft Order sent to Internal Affairs (3 Nov. 1922) provided for District-wide exemptions. The final order was silent on both.

<sup>32</sup> F.S. Pope on behalf of Reakes, 21 Feb. 1922.

<sup>33</sup> NZPD (HR) 191, (1921): 736.

<sup>34</sup> Federated Farmers of New Zealand (Inc) (2006) 'The History of Federated Farmers of New Zealand', first retrieved from <http://www.fedfarm.org.nz/history.html>, 14 April 2008.

<sup>35</sup> *Ibid.*

<sup>36</sup> NZPD (HR) 191, (1921): 366.

<sup>37</sup> NZPD: 367.

<sup>38</sup> A.R. Young to Reakes, 20 Feb. 1923.

<sup>39</sup> To Reakes, 13 Feb. 1923.

<sup>40</sup> Animals Protection and Game Act 1921–2, Ss 22 and 23.

<sup>41</sup> From J. Hislop, Undersecretary of Internal Affairs, to Reakes, 31 May 1922.

<sup>42</sup> From Hislop to Reakes, 8 Nov. 1922.

<sup>43</sup> Waitaki, 5 February 1923; Otago, 3 February; Westland A and P, 7 Feb.

<sup>44</sup> Bay of Islands, 12 April 1923; Taranaki, 16 April.

<sup>45</sup> To Reakes, 10 April 1923.

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<sup>46</sup> W.T.L. Travers, 'Acclimatisation in Canterbury, Part I', *New Zealand Country Journal* 8(5) (1884), 408–412. A useful exemplar of the rules can be found in the constitution of the Wairarapa Acclimatisation Society as quoted in J. Druett, *Exotic Intruders, the Introduction of Plants and Animals into New Zealand* (Auckland: Heinmann, 1983), 93

<sup>47</sup> Perhaps more than by coincidence, the Native Bird Protection Society was founded in 1923.

<sup>48</sup> No. Ag. 2290, 24 Aug. 1923.

<sup>49</sup> This term is used with caution, as it is arguable that the campaign had neither a single focus nor supporting structure, at least initially.

<sup>50</sup> To the Society, 16 June 1924.

<sup>51</sup> 1 July 1925.

<sup>52</sup> To Reakes, 23 June 1927.

<sup>53</sup> Reakes to Southland Acclimatisation Society, 13 June 1928.

<sup>54</sup> To the Director, Livestock Division, 23 Oct. 1928.

<sup>55</sup> 19 July 1928. This is of particular note given the original proposal to exempt the area from coverage of the 1923 Order – see n. 30.

<sup>56</sup> NZPD (HR) 217, (1928): 793–4. His electorate was in South Canterbury, an area significantly affected by rabbits.

<sup>57</sup> NZPD: 805.

<sup>58</sup> 28 Oct. 1930.

<sup>59</sup> 17 Oct.

<sup>60</sup> 15 Sept.

<sup>61</sup> 12 Sept.

<sup>62</sup> A farmer from Ngaere, 19 Nov. 1929.

<sup>63</sup> Phillips Turner to Reakes, 25 Oct. 1928.

<sup>64</sup> Tripp to Reakes, 8 Nov. 1928.

<sup>65</sup> Agriculture (Forbes) to Internal Affairs, 16 Feb. 1929.

<sup>66</sup> Agriculture to Internal Affairs, 13 April 1929. Unfortunately I have not been able to obtain records that would indicate what rationale the Board gave for its decision. I assume these records were destroyed in the fire.

<sup>67</sup> To Lyons, May 1929.

<sup>68</sup> 29 Aug. 1929.

<sup>69</sup> June 1929.

<sup>70</sup> As mentioned in this paper, this claim had been made at different times in the past (e.g., 1902 and 1927) and had been either ignored or dismissed.

<sup>71</sup> 19 Sept. 1930.

<sup>72</sup> To the District Superintendent for Auckland, 7 Nov. 1930.

<sup>73</sup> The Acclimatisation Societies and the recently formed Native Bird Protection Society were on the same side re mustelids despite the fact the Acclimatisation Societies had been responsible for many of the problems facing the native birds – 29 September 1930 the Secretary of the Auckland Soc (C.M. Gordon) wrote to Sanderson thanking him for support in the Society's efforts to get political support for the removal of protection, given despite Sanderson's views of the Acclimatisation Societies generally (as indicated in a



letter sent to Tripp 21 June 1929), his pessimism as to how effective such a move would be over the wide geographical distribution of the predators, and despite his refusal to commit the Native Bird Protection Society to contributing to the payment of a bounty.

<sup>74</sup> 28 Nov. 1934 in reference to yet another request by the New Zealand Acclimatisation Societies that protection for mustelids be lifted.

<sup>75</sup> C.R. Ashby, *The Centenary History of the Auckland Acclimatisation Society* (Auckland: Auckland Acclimatisation Society, 1967), 98.

<sup>76</sup> Lyons to the Auckland Acclimatisation Society, 12 Aug. 1931. Perhaps Lyons believed that paying by the hour would discourage the hunters from ranging further afield (that is, out of forests and into farmland) to increase their productivity and therefore their income.

<sup>77</sup> 5 June 1936.

<sup>78</sup> Notes of a Conference held in the Office of Minister of Internal Affairs (Hon. W.E. Parry), at Wellington on 21 May 1936, 1–2.

<sup>79</sup> Notes of Conference, 7.

<sup>80</sup> *Ibid.*

<sup>81</sup> This term rather than ‘enemies of the rabbit’ was used reasonably consistently by the participants at this conference – perhaps some indication also of the movement in perception since earlier in the century.

<sup>82</sup> Martin considered that it would be a ‘mistake’ to make the changes through legislation (notes of conference, 12).

<sup>83</sup> A thorough search up to the end of June 1936 of the two papers most likely to carry such a press release (*The Dominion* and the *Otago Daily Times*) failed to reveal one. This may be because it was never issued or because the editors considered there to be little interest in the issue!

<sup>84</sup> No. Ag. 3392, New Zealand Gazette, No 40, 12 June 1936 revoked the following previous Orders in Council: 21 Dec. 1886 (cats); 13 May 1890 (stoats, weasels and mongooses); 6 July 1931 (ferrets, stoats and weasels).

<sup>85</sup> Martin to SIRBA, 17 Nov. 1938.

<sup>86</sup> Martin to Director, Livestock Division, 7 Nov. 1938.

<sup>87</sup> Animals Protection and Game Regulations Am. No. 1, New Zealand Statutory Regulations (1939/252).

<sup>88</sup> J.A. Gibb and J. M. Williams, ‘The Rabbit in New Zealand’, in *The European Rabbit: the History and Biology of a Successful Coloniser*, eds. H.V. Thompson and C.M. King (Oxford: OUP, 1994), 158–204, usefully summarises the hundred years of arguments about rabbit control that took place within both the scientific community, and between scientists and bureaucrats. Of particular note is their description of how the Department of Agriculture had since 1910 preferred research into means of eradication of rabbits rather than into population dynamics, a position that would not change (even with the establishment of the Ecology Division) until after it became apparent that Rabbit Board strategies were failing (1969) and only two years prior to the official abandonment of the rabbit eradication policy in favour of control (Gibb and Williams, 168).

<sup>89</sup> To Agriculture, 14 July 1936.

<sup>90</sup> *Wairarapa Age*, 22 Sept. 1936, page unknown, ‘The Rabbit Pest. Removal of Protection from Enemies. Farmers’ Union Protest. Some Opposing Views’.

## THE FALL AND FALL IN THE LEGAL STATUS OF MUSTELIDS

<sup>91</sup> To the Minister of Agriculture, 1 Dec. 1937.

<sup>92</sup> SIRBA to Minister Internal Affairs Aug. 1936 (answered by Martin (Min of Agriculture) 25 Aug.); to Min Ag. 3 April 1937; to Director, Livestock Division, 25 Oct. 1937; to Min Ag. 8 Feb. 1938; to Min Ag. 6 April 1938; to Min Ag. 23 Aug. 1938; to Min IA 21 Aug. 1939 (again answered by Martin, 6 Sept.).

<sup>93</sup> 28 Oct. 1938; 4 Sept. 1940.

<sup>94</sup> To the Minister of Agriculture (Hon. B. Roberts), Dec. 1944.

<sup>95</sup> To the Minister of Internal Affairs, 30 July.

<sup>96</sup> To the Minister of Agriculture and forwarded to the Undersecretary of Internal Affairs for comment, 24 Nov.

<sup>97</sup> Deputation of the SIRBA and Rabbits' Union to the Minister of Agriculture, 20 Dec. 1948.

<sup>98</sup> 1 Oct. 1947, in response to Tennent's letter of the 26 Aug. 1947.

<sup>99</sup> SIRBA to Minister of Agriculture, 24 Aug. 1949.

<sup>100</sup> Roberts to NZ Farmers' Union, 14 Dec. 1944.

<sup>101</sup> It would have been logistically and politically difficult to reinstate regulations under this section – in 1946 in Dunedin alone, 39,695 ferret and 14,258 stoat skins were sold at auction. In 1947 those figures were 38,714 and 13,591 respectively. The offering of bounties was overtly condoned by Internal Affairs (letter, n. 102) and supported by regulation (n. 83).

<sup>102</sup> Roberts (Minster of Agriculture) to SIRBA, 7 Sept. 1949.

<sup>103</sup> Parry (Minister Internal Affairs) to RDB, 1 Dec. 1948.

<sup>104</sup> In 1950, Britain purchased 60% of New Zealand's total exports (most of which were agricultural) (M. Roche, T. Johnston and R. Le Heron, 'Farmers' Interest Groups and Agricultural Policy in New Zealand During the 1980s', *Environment and Planning A* 24 (12) (1992): 1749–1767.

<sup>105</sup> March 1950.

<sup>106</sup> MS papers 1814 11/3, Holyoake papers.

<sup>107</sup> It is important to realise that these meetings took place in a new policy context – one in which rabbits were to be entirely decommercialised with a periodic increase in the levy on each skin sold (effectively a tax on their sale) and a ban on their domestication. The aim of this policy was total eradication, a faint hope in light of their numbers and range!

<sup>108</sup> It should be noted that the policy did change by virtue of the Rabbits Act 1955 (s103) –briefly discussed.

<sup>109</sup> On 21 August 1950, Parry had written to Roberts thus: '[mustelids] are "unnatural" (exotic) enemies of the native birds of this country which lack all powers of resistance to and defence from them'.

<sup>110</sup> Despite Roberts' earlier hint (n. 100) that the position of mustelids could be improved by the boards banning the sale of skins, the focus for the rabbit boards shifted to trapping by individuals employed for that purpose. The utilisation of wild animals did not apparently fit within that framework.

<sup>111</sup> Alexandra, 22 Mar. 1950. This had also been argued at a meeting at Kurow on the 21st.

<sup>112</sup> 11 May 1958.

<sup>113</sup> Minutes of Forest and Bird Protection Society Executive Council Meeting, 6 May 1958. However, I could not find such a regulation, despite a detailed and careful search.

<sup>114</sup> NZFS to Forest and Bird Protection Society, 25 Oct. 1957.

<sup>115</sup> NZFS to Forest and Bird Protection Society, 21 June 1957.

<sup>116</sup> NZPD (HR), 290 (1950):1029 (per W. Girling (Blenheim)); 292:3808 (per F. Jones (St Kilda)); 3809 (per Hon. C. Skinner (Buller)); 3809 (per Hon. K. Holyoake (note that he did not refer to the calls by the farmer groups for reinstatement of protection)) and 3811–3812 (per P. Kearins (Waimarino)).