

1928.
NEW ZEALAND.

NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT ACT, 1927.

REPORT AND RECOMMENDATION ON PETITION No. 48 OF 1927, OF W. D. BARRETT AND THIRTY-SEVEN OTHERS, AND PETITION No. 57 OF 1927, OF W. GENET AND THIRTY-SIX OTHERS, RELATIVE TO WHITEBAIT FISHING IN ASHLEY RIVER.

Presented to Parliament in pursuance of the Provisions of Section 63 of the Native Land Amendment and Native Land Claims Adjustment Act, 1927.

Native Department, Wellington, 24th September, 1928.

Petition Nos. 48 and 57 of 1927.—Whitebait-fishing in Ashley River.

PURSUANT to section 63 of the Native Land Amendment and Native Land Claims Adjustment Act, 1927, I forward herewith a report of the Native Land Court upon the two above-mentioned petitions.

The suggestion is that the matter be met by regulation, and I recommend that the matter be referred to the Department of Internal Affairs for consideration and action, if necessary.

No fresh legislation appears to be required.

R. N. JONES, Chief Judge.

The Right Hon. the Native Minister, Wellington.

In the Native Land Court of New Zealand, South Island District.—In the matter of section 63 of the Native Land Amendment and Native Land Claims Adjustment Act, 1927; and in the matter of petitions Nos. 48 and 57 of the session of 1927, praying that the use of set-nets for catching whitebait in the Ashley River may be made illegal, which petitions were referred by the Chief Judge to the Court for inquiry and report.

To the Chief Judge, Native Land Court.

I HAVE the honour to report that the Native Land Court sitting at Kaiapoi on the 23rd and 25th days of May, 1928, inquired into the matters referred to in those two petitions.

The facts:—

1. The Ashley River, on account of its nature, location, and association with salt-water creeks and lagoons, is suitable for whitebait, and from time immemorial whitebait has been plentiful near its mouth.

2. Both Natives and Europeans have for the last fifty years caught quantities of fish there by means of both drag-nets and set-nets.

3. About the year 1895 the growing scarcity of whitebait was noticed, and, such having been attributed to the use of set-nets, these were discontinued for some years; but as the fish became plentiful set-nets again came into general use.

4. The present scarcity of whitebait is said to be due partly to the use of set-nets, and partly to the fact that there is no close season, nor is there a regular period within which whitebait can be taken.

5. In view of the desire to prevent the extinction of the whitebaiting industry, and in order to give all fishermen a fair chance of getting fish, it is asked that regulations be framed—

(a) To prohibit the use of either set-nets or box-nets in rivers or streams wherein whitebait is found:

(b) That a close season for whitebait be declared for one year from the 1st August, 1928:

(c) That thereafter it be permitted to take whitebait only between the 1st August and the 15th November in each and every year.

A copy of the evidence taken by the Court is attached hereto.

M. GILFEDDER, Judge.

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