

Crime and punishment: three cases

IAN GREGORY (brother of Northern Maori MP Bruce Gregory) was observed on 13 April 1991 leaving home with a canvas bag, a .22 rifle and a number of dogs. He entered the Herekino conservation area. A number of shots were heard and sometime later that day Gregory was approached in the reserve by two wildlife rangers. He threw the canvas bag into the bush and ran off carrying the rifle. The bag contained four freshly plucked kereru.

DoC has the statutory responsibility for prosecuting wildlife offences, and usually does this through the Crown Solicitor. In order to save money, and because firearms were involved, DoC handed the case over to the police. Gregory was charged with a firearms offence and also charged under section 63 of the Wildlife Act with hunting and unlawfully possessing a protected species. He pleaded guilty to all charges.

The police, understandably, were more interested in pushing the firearms offence. Gregory was convicted on this charge and sentenced to 150 hours community service. He was also convicted on the wildlife charges but discharged without penalty.

IN JULY 1991 Sandy Pihema and Joseph Tahere, both unemployed of Mangamuka, pleaded guilty in Kaitaia District Court to charges that they had killed seven kereru. For one of them it was a second offence.

The defence lawyer, Ken Bailey, argued that the two young men had been asked to do so by older people. "To deny these people the small luxury of hunting these birds at a certain time of year is virtually the same as denying us our Christmas ham," he told Judge McKegg. He argued that it was the loss of habitat rather than hunting pressure which was contributing to the bird's increasing rarity in Northland. Further evidence was received from Maori elders that the real threat to the kereru was from drifting sprays used by pine tree owners.

DoC, again for cost reasons, had let the police handle the prosecution and were not represented. None of the above evidence was contradicted.

The judge, noting that the defendants had no money, convicted them and discharged them without penalty.

LAST NOVEMBER 35-year-old Kaitaia panelbeater Raymond Subritzki pleaded guilty to charges of killing and possessing a native pigeon and of using a firearm in a reserve without authority. He argued that he had taken the bird on the wishes of his dying father-in-law, a local kaumatua.

DoC prosecuted this case itself. Kaitaia Field Centre manager Bruce Waddell told the court of the bird's low breeding success and that numbers were declining. He said the department believed the main offenders were outside the network of iwi control.

Judge McKegg, who had earlier asked DoC to meet with Maori representatives to discuss the possibility of a legal take of kereru for cultural purposes, discharged Subritzki without penalty. He said he did not regard the defendant as a criminal. DoC has decided not to appeal the judge's decision, on the grounds that it was unlikely to be successful.



Court exhibits from the Gregory case (top) and another kereru killing case (below).