



CODE OF CONDUCT FOR THE PHOTOGRAPHY OF BIRDS

The ethical conduct of people undertaking photography of birds in New Zealand has periodically been a topic of conversation amongst members of *Birds New Zealand*. In terms of photographer behaviour there is a strong parallel with the long-established convention applied to bird studies that the interests of birds shall always prevail over the interests of a person, or groups of people, undertaking research. Here we lay out a set of ethical standards to guide members when photographing birds.

The aim has been to keep these principles simple, to limit the code to the topic of photography, and to ensure consistency with the Nature Code of Conduct of the Photographic Society of New Zealand. Some features of this draft Code of Conduct have been adopted from the BirdLife Australia Ethical Birding Guidelines, the American Birding Association Code of Birding Ethics and The Birdwatchers Guide (from various British birdwatching societies).

This target audience of this Code of Good Conduct for the Photography of Birds is the membership of Birds New Zealand. It is expected that members of the Society will accept and apply the provisions of this Code. It is hoped that non-members will also find these guidelines of use, and follow them as best practice for their wildlife photography.

Aim: The aim of this Code of Conduct is (a) to increase awareness of potential negative impacts that photography (the capture of images via still or moving camera, mobile device, drone, trail camera, or other) may have on birds, and (b) to ensure respect for the security and welfare of birds and to minimise interference to birds and to the surrounding environment during observation and photography. The Council of Birds New Zealand is committed to acting with integrity and expects high standards of behaviour from its members in respect to observation and photography of birds.

1. Security and welfare of birds

- A. The security and welfare of a bird, or birds, when being observed or photographed shall always take precedence over the interests of the observer.
- B. With specified exceptions native bird species are legally protected throughout New Zealand regardless of whether they occur in national parks, on reserves, on private land, on any other tenure, or on the sea. The provisions of the Wildlife Act 1953 must be respected; schedules of the names of birds that are not protected or are partially protected are specified in the Act (ref: http://www.nzlii.org/nz/legis/consol_act/wa195393/).
- C. Local or national legislation and/or guidelines concerning birds being observed or photographed must be accepted and be followed.

2. Minimise stress to birds

- A. It is essential to minimise stress to birds and not expose them to danger when approaching. There should be minimal disturbance to the surroundings, or preferably none at all. Exercise restraint and caution during observation and photography of birds.

- B. It is important that a photographer acquire reasonable knowledge of the bird and its habitat before attempting to capture images. Take time to observe the habits of the bird and to understand and evaluate the risks associated with potential disturbance.
- C. It is not the purpose of this Code of Conduct to prescribe specific minimum distances from birds as these can vary greatly depending on species and the habitats in which birds live. Nevertheless, we encourage photographers to maximise distance and minimise the length of time spent in close proximity when taking photographs. Monitor the behaviour of both the subject and other wildlife in the area during photography and move away immediately if a change in behaviour is observed.
- D. Minimise the use of artificial light such as flash sparingly for photography, especially for close-ups, or use none at all. Be mindful when using artificial lights in the vicinity of birds, as this disrupts the ability of nocturnal species to see. Use of red light over white light is always preferable around nocturnal birds. Minimise the length of time during which artificial lights are used around birds, maximise the distance at which these are used, and minimise the power of any such lighting.
- E. Do not use spotlights to increase visibility of birds for photography. Never use laser light devices in the vicinity of birds.
- F. Photographers should take extra care to maintain a reasonable distance and minimise disturbance when photographing nesting or roosting birds to avoid causing disturbance to adults and chicks. Disturbance may cause nest desertion, or might attract predators to a nesting or roosting site. Do not modify the habitat (e.g., removing leaves/branches) to obtain a better image.
- G. Trail cameras in the vicinity of nesting birds or at any other site should only be deployed if this activity is unlikely to cause stress to birds or lead to nest abandonment. Regularly monitor bird behaviour when trail cameras are deployed and remove the equipment immediately if a change in behaviour of birds in the vicinity is observed, or if it is suspected that desertion of a site might occur.
- H. Do not deliberately flush or disturb birds in order to get a good view of the underwing or any other part of the bird not usually seen. Do not modify a nest site or its surroundings to force a bird into a more photogenic position. Do not physically manipulate birds to force a bird into a more photogenic position.
- I. Do not handle birds or eggs unless engaged in recognised research activities where touching birds or their eggs is both necessary and (for protected species) authorised under appropriate Wildlife Act authority and animal ethics permits.

3. Attracting birds to a specific site

- A. Play-back of calls (audio calling mechanisms), feeding attractants, or any other means of attracting birds to a site for photography, research or for recreational bird watching are generally discouraged. Audio calling should never be used when birds are breeding. These practices may increase territorial disputes and/or aggressive behaviour by birds, and may affect mate choice or nesting behaviour in some species.

4. Use of bird photography on social media

- A. If posting photos or videos showing direct interactions with birds as part of research, conservation, or animal welfare activities on social media must include captions that specify that Wildlife Act Authority and/or animal ethics permits were obtained to undertake such activities that involve handling wild animals. The use of detailed captions indicates to the audience that trained individuals interacting with wildlife are doing so in an ethical and safe way.

- B. Only post images of birds in their natural habitat while they are free to move around and at a safe distance from the photographer.
- C. Do not post images that facilitate the identification of sensitive and/or protected areas (e.g., breeding areas). Ensure that geospatial data (i.e., GPS locations) are removed from photographs of images of endangered birds where these data are considered sensitive. Mobile devices often automatically capture geospatial data (i.e., geotags) when capturing images, and we encourage photographers to be mindful of this when posting images to social media.

5. Use of drone aircraft for photography

- A. The Society does not recommend the use drone aircraft for any purposes in the vicinity of birds, nesting colonies or roosting areas without appropriate animal ethics permits and/or Wildlife Act authority.
- B. Drone aircraft MUST keep well back from birds, especially at nesting sites, roosts, display areas and important feeding sites. Hovering of drone aircraft near birds and their nesting sites should be kept to a minimum.
- C. Any *Birds New Zealand*-funded studies requiring intrusive methods to facilitate photography, and specifically the use of drones near colonies, roosts or nest sites, require prior support by the Scientific Committee of *Birds New Zealand*.
- D. Photographers and operators of drone aircraft planning photography on land administered by the Department of Conservation and Territorial Land Authorities have an obligation to ensure that their proposals conform to agencies' policies and local legislation, and that appropriate permission is obtained.

6. Permission to enter land

- A. Permission should always be requested from private and Māori landholders for bird observations and bird photography before entering onto their land. Do not trespass onto land. Stay on roads and paths on private land where they exist, unless the landowner gives permission to move to specific sites on the private land.
- B. Secure appropriate permits when observing birds in restricted areas, irrespective of land tenure.
- C. Always follow the laws, rules and regulations governing public land and the protection of wildlife.

7. Respect the interests of others when observing and photographing birds

- A. Practice common courtesy in contacts with other people who are observing and photographing wildlife. Considerate behaviour will generate goodwill amongst birdwatchers and the wider community.
- B. Always respect the interests, rights and knowledge of others watching birds, especially inside and near observation hides.
- C. Do not approach birds either for observation or for photography to the point where they are disturbed if the same bird, or flock of birds, is being observed by others.
- D. Follow and promote this Code of Conduct and encourage others to do the same. Lead by good example to others.