



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. The Manual for the society is silent on the issue of maintaining good behaviour during observation and photography, whether it is for the popular enjoyment of birds or for research. 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.

In order to address this topic with a view towards gaining the acceptance by Birds New Zealand of a set of ethical standards that may guide members who wish to photograph birds the following set of principles comprising a “Code of Good Conduct for the Photography of Birds” has been drafted.

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).

The 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 other photographers 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 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 of 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 being photographed, including recording videos, shall have high priority and 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 conservation requirements 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 a bird, or birds, and not expose them to danger when approaching closely. There should be minimal disturbance to the surroundings, or preferably none at all. Exercise restraint and caution during observation and photography of birds. 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.
- b) Use artificial light including flash sparingly for photography, especially for close-ups, or none at all. Photographs made in natural light are often of better quality than are flash-illuminated images.
- c) Photographers should use their common sense when photographing nesting birds to avoid causing needless disturbance to adults and chicks. It might cause nest desertion, or might attract predators to a nesting or roosting site. Do not approach birds or nests any closer than is necessary to take photographs or videos.
- d) Trail cameras in the vicinity of nesting birds or at any other site should only be deployed if this practice is unlikely to cause stress to birds or lead to nest abandonment. This is especially important at the nest of some shorebirds during egg laying. Regularly monitor bird behaviour when trail cameras are deployed and remove the equipment immediately if the behaviour of a bird, or birds changes, or if it is suspected that desertion of a site might occur.
- e) Do not deliberately flush 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 in order to force a bird into a more photogenic position.
- f) 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.
- g) It is important that a photographer acquire a reasonable knowledge of the bird and its habitat before attempting to take pictures or videos. Take time to observe the habits of the bird and to understand and evaluate the risks of disturbing the bird.
- h) Do not use spotlights in order to increase visibility of birds. Never use laser light devices or laser light pointers in the vicinity of birds. Laser lights can damage eyesight.

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 or increase aggressive behaviour, or may affect mate choice or nesting behaviour in some species.

4. Use of drone aircraft for photography:

- a) The use of drone aircraft for carrying a still or video camera in the vicinity birds, or nesting sites be they colonies or individual nesting sites, shall have respect for all other parts of these guidelines.
- 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, no longer than is needed to obtain photographs or videos. Use common sense in this regard.

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) The use of drone aircraft must be in accordance with Civil Aviation Rules regarding unmanned aircraft. Part 101 of the Civil Aviation Rules define 12 specific obligations in respect of the operation of drone aircraft (ref: https://www.caa.govt.nz/rpas/index-2/#Part_101).

e) 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 that appropriate permission is obtained.

5. 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) Follow the laws, rules and regulations governing public land and the protection of wildlife.

6. Respect the interests of others when observing and photographing birds:

a) Practice common courtesy in contacts with other people who are observing and photographing birds. Considerate behaviour will generate goodwill amongst bird watchers and in the wider community.

b) Always respect the interests, rights and knowledge of others watching birds, especially, inside and near observation hides. 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.

c) Follow and promote this Code of Conduct and encourage others to do the same. Lead by good example to others.

Updated: 17 July 2017