

Standard Operating Procedure

SC23-09 ETHICAL WILDLIFE PHOTOGRAPHY

Animal welfare is the responsibility of all personnel involved in the care and use of animals for scientific purposes.

Personnel involved in an Animal Ethics Committee approved project should read and understand their obligations under the *Australian code for the care and use of animals for scientific purposes*.

Version 1.1

June 2023



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1 Acknowledgements

This standard operating procedure was originally developed by the Species and Communities Program, with contributions from Allan Burbidge, Mark Blythman, Matthew Swan, Vicki Stokes, Plaxy Barrat, Rob McLean and Roy McFaull.

2 Purpose

Ethical wildlife photographers are adept at getting sufficiently close to their subjects while respecting nature, and consider animal welfare to be of paramount importance. This document provides standards and guidelines for wildlife photographers, both professional and amateur, to operate in a manner that avoids disturbance of wildlife and damage to habitat. When done correctly, wildlife photography can be a useful tool to raise awareness of species and ecological communities in need of conservation. This document also aims to raise awareness of the potential negative impacts that wildlife photography may have upon our fauna.

3 Scope

This document has been developed to provide guidance to both professional and amateur wildlife photographers operating in Western Australia. ‘Wildlife photographers’ (herein ‘Photographers’) are defined as those who document wild fauna using either photography or videography practices and includes both remote and person-operated devices.

4 Legislation

Photographers should be aware of the appropriate sections of the *Biodiversity Conservation Act 2016* (BC Act) and Conservation and Land Management Act 1984 (CALM Act) as well as the respective Regulations and any subsequent amendments.

Under section 149 of the *Biodiversity Conservation Act 2016*, it is an offence to take fauna without lawful authority to take it. Fauna that has been captured by any means, and could apply in circumstances where fauna has been “staged”, is considered take under the Act.

Under Section 153 of the *Biodiversity Conservation Act 2016*, it is an offence to disturb fauna without a lawful authority to do so. A person is disturbing fauna if they engage in an activity that has the effect, whether directly or indirectly, of altering the natural behaviour of fauna to its detriment – these effects can be either short-term or long-term. Higher penalties apply to the unlawful disturbance of threatened and specially protected species and different approvals are required.

Under section 155 of the *Biodiversity Conservation Act 2016*, it is an offence to feed fauna. If a photographer determines that their activities are likely to take or disturb fauna, they must contact the Department of Biodiversity, Conservation and Attractions (DBCA) Wildlife Licensing Section via wildlifelicensing@dbca.wa.gov.au or (08) 9219 9831 to apply for an appropriate licence.

Taking still or motion pictures on land managed by DBCA for commercial purposes is prohibited without lawful authority under Section 108 of the *Conservation and Land Management Regulations 2002*. If a person plans to undertake photography or videography on DBCA managed land for commercial purposes they must complete and submit a commercial filming and/or photography application at least six weeks prior to the intended film dates.

Persons wanting to use remote sensor cameras or “camera traps” on DBCA managed land are required to get an authority to do so and should contact DBCA’s Wildlife Licensing Section.

The use of these types of devices is also regulated by *Surveillance Devices Act 1998* and *Regulations 1999*.

Those using drones or remotely piloted aircraft (RPA) must additionally comply with all legislative and regulatory requirements of the Civil Aviation Safety Authority. There are separation distances for marine mammals that must be observed under the Biodiversity Conservation Regulations. If a flight is planned for areas managed under the CALM Act, DBCA requests that operators contact the relevant district office prior to the activity to ensure there is no impact upon park management operations.

5 Document structure and terminology

This document uses the following terminology:

Standards

These are the minimum standards to ensure fauna is not disturbed. They are clearly identified in the text under the heading 'Standards' and the use of the word 'must'. If a photographer is going to undertake activities that are likely to cause disturbance, you may need to apply for an appropriate licence from DBCA. This can be done by contacting the department's Wildlife Licensing Section via wildlifelicensing@dbca.wa.gov.au or (08) 9219 9831.

Guidelines

Guidelines describe agreed ethical best practice based on scientific information, accumulated experience and consultation. Guidelines are identified in the text by the heading 'Guidelines' and the use of the word 'should'.

6 Principles

6.1 Foster wildlife conservation and animal welfare

6.1.1 **Respect wildlife**

Standard

Photographers must not photograph wildlife if doing so may expose it to threats, stress, physical harm, predation, or impairment of reproduction. It is paramount that animals are left with their routines and habitats undisturbed.

Guidelines

Photographers should be familiar with the biology/ecology of their subjects and should **monitor their subjects for signs of stress** and abandon their pursuit if signs of stress are noted.

Keep an appropriate distance from their subjects. Where possible, stay on marked trails; do not push through dense vegetation and do not enter restricted areas, no matter how tempting it may be to venture closer. Exercising patience may allow the subject to feel more secure in the photographer's presence and it may venture closer on its own.

Take extreme care when photographing **wildlife with young**. Disturbance caused by the establishment of hides, camera noises, flashes, or too frequent visits may cause animals to abandon their young.

Avoid photographing **nesting/denning fauna**. Stress and disturbance can cause the parents to move their young to a location that may not be as safe as the original one. Photographers spending time at a nest/den, even if the person is not disturbing the wildlife, can open the nest up to an increased risk of predation. Recognise that the photographer's presence at a nest/den will reduce the likelihood of a parent returning with food thereby causing the young to go without food and warmth.

Reputable forums should prohibit members from posting/publishing images of nesting animals or images gained unethically.

Do not manipulate or handle wildlife in any way for the purposes of photography. Where a photograph is otherwise not attainable, an authority must be obtained, and a trained expert enlisted for any wildlife handling.

Be aware that different species (and even individuals within a species) will have different **distances at which they will be disturbed**. Digiscoping or using a telephoto lens allows for great photos from great distance.

Avoid smoking in areas where wildlife is present. Animals can be sensitive to smells and cigarette smoke may disturb their natural behaviour, not to mention the potential fire risk.

6.1.2 Do not disturb habitat

Standard

Photographers must not manipulate the environment to the detriment of habitat to get the perfect shot; removing branches or other objects that interrupt the view to the subject has the potential to remove important shelter and increase the exposure of the subject to predation and weather.

Guidelines

Photographers should not push through dense vegetation or enter restricted areas.

Driving off road (including on beaches) must only be done in designated areas. If driving on beaches is authorised, keep close to the shoreline, avoid sand dunes and the high side of the beach (outside the tidal zone) that nesting birds use to breed.

Photographers should minimize any disturbances to the natural environment that could occur before recording, during recording, or even after recording is complete.

In south-west Western Australia, *Phytophthora dieback* affects more than 40 percent of the native plant species and can devastate bushland by changing the landscape and driving rare species toward extinction. Dieback is spread through the movement of soil and mud, especially by vehicles and footwear. Photographers should do their utmost to prevent the spread of the disease by observing signage in affected areas and following instructions; staying out of quarantined areas, not entering disease risk areas during or for a minimum of three days after rain and using washdown and boot cleaning stations.

6.1.3 Do no harm

Standard

Photographers must not feed fauna. It is an offence under the Biodiversity Conservation Act 2016 to feed fauna and fines apply for non-compliance. Using food to attract animals can disrupt their natural diet and behaviour and may increase their chances of predation by encouraging them to move from appropriate shelter or remain in a particular location for an extended period of time

Guidelines

Photographers should not use call playback to attract wildlife during the species' breeding season as it may cause distress, disturb natural behaviour and attract the attention of predators. Use of call playback during the non-breeding season is discouraged as this can also cause distress (particularly if distress calls are unknowingly used).

Photographers should not use attractants such as scent or visual lures to attract animals as their altered behaviour may increase their chances of predation by encouraging them to move from appropriate shelter or remain in a particular location for an extended period of time.

6.1.4 Protect rare and threatened species

Guidelines

Photographers should be aware of the potential consequences of sharing the location of a rare sighting with the broader community. Many species are shy and can easily be disturbed by a sudden increase in human presence. Other species are subject to illegal poaching and it is thus inadvisable to release information pertaining to the location and date of a sighting. Removing EXIF data from a photo will ensure that GPS coordinates will not be attached to it.

Photographers should report threatened species sightings to DBCA using a Fauna Report Form available on the DBCA website. This information assists in protecting and managing threatened species.

6.1.5 Support conservation

Guidelines

Photographers should recognise that all fauna are protected by legislation in Western Australia so they can be appreciated by future generations. Wildlife photographers can support fauna conservation not only by ensuring their actions have no negative impacts, but also by using their work to raise awareness and appreciation of Western Australia's unique fauna.

6.2 Respecting others

6.2.1 Respect private property

Guidelines

Photographers must respect the rights of the landowners and obtain permission prior to entering private property or other lands that do not have public access. Indigenous traditional lands may be subject to additional regulations and photographers must respect the rights of traditional owners and seek permission to enter Indigenous owned lands.

6.2.2 Respect other wildlife photographers

Guidelines

Photographers should be aware of the sightlines of other photographers in the area and treat others as they would wish to be treated

Photographers should promote these Standards and Guidelines and encourage fellow photographers to do the same.

6.2.3 Respect other professionals in the field

Guidelines

Photographers should not disturb the work of others in the field. There may be researchers or conservation officers undertaking work in the area and photographers should be mindful of these activities

6.3 Safety

6.3.1 Do your research

Guidelines

Photographers should be knowledgeable about the species and environment that they are recording in as well as the weather conditions they will encounter and plan accordingly.

6.3.2 Safety procedures

Guidelines

Photographers should always let someone know where they are going, and when they expect to return.

7 Further Reading

Birdlife Australia. (2012). Ethical birding guidelines. Available at <http://www.birdlife.org.au/documents/POL-Ethical-Birding-Guidelines.pdf>

Royal Photographic Society. The nature Photographers' Code of Practice. Available at <http://rps.org/special-interest-groups/nature/about/the-nature-photographers-code-of-practice>

8 Glossary of Terms

Breeding season: A period during which a species breeds. This includes activities such as mate searching, courtship display, mating, incubation of eggs, feeding and raising of young. This will differ between species and even within the range of a species. Some species are continuous breeders meaning they can breed year-round, and others are opportunistic breeders meaning they can breed whenever conditions of their environment become favourable.

Call playback: The use of a pre-recorded animal call to elicit a response from a target species.

Disturb: To chase, drive, follow, harass, herd or hunt fauna by any means, or to engage in an activity that has the effect, whether directly or indirectly, of altering the natural behaviour of fauna to its detriment. This may include causing the animal to stop feeding or drinking, leave a nest/den (that it is building or has eggs/young), cease social interactions (such as preening, feeding young, mating) and/or leaving the area all together.

Fauna: An animal that belongs to a native species or taxon. All fauna in Western Australia, including birds, mammals, reptiles, amphibians, and some fish and invertebrates are protected under the *Biodiversity Conservation Act*. The term wildlife is also used in this and has the same definition.

Photograph: Includes digital images or moving visual records.

Stress: An animal is considered to be in a state of stress if abnormal behaviour or extreme adjustments in its behaviour or physiology are necessary in order to cope with adverse aspects of its environment. This includes increased alertness, erratic or repetitive movements or calling, displays of aggression and/or distress calls, flushing or becoming motionless (freezing). Different species will display different signs of stress.

Take fauna: To kill, injure, harvest or capture fauna by any means or to cause or permit any of these to be done.