


25 November 2024



Tēnā koe 

Thank you for your request to the Department of Conservation received on 17 October 2024 in which you asked for:

Details of any incidents involving the death or serious harm to native penguins (particularly Kororā) reported to DOC in the past 5 years. If DOC has compiled a database of such incidents (as it has done for dolphins here <https://www.doc.govt.nz/our-work/hectors-and-maui-dolphin-incident-database/>) please can we have a copy of that database or spreadsheet, including any records prior to 2019?

Details of any DOC communication with Councils about these incidents (if not already included in the above). We do not require all the communications materials themselves, a summary will suffice.

Details of incidents that have occurred recently, including the dog attacks on Kororā reported at Muriwai, Auckland and Langs Beach, Waipu.

On 30 October 2024 you clarified (or refined) your request as follows (additional clarifications added in square brackets):

- 1. Details of all incidents involving the death or serious harm to kororā reported to DOC in [the Auckland region in] the past two years, including details of any DOC communication with Councils about these incidents. Not all communications materials are necessary; a summary will suffice.*
- 2. Details of DOC 0800 calls regarding dead penguins [nationwide] in the last ten years.*
- 3. Details of dog attacks on penguins reported to Compliance [nationwide] in the last ten years.*
- 4. Permissions reports from Birdcare Aotearoa, Auckland Zoo and Native Bird Rescue Waiheke for the last two years.*

We have considered your request under the Official Information Act 1982.

By way of some context for my response, the Department has responsibilities under many Acts to protect and preserve our unique species, environment and heritage. These laws include the

Wildlife Act 1953 which sets out offences for actions that can harm or affect native wildlife such as the kororā / little penguin.

The Department promotes compliance with the law and recognises that most people want to comply and do the right thing. We also strongly encourage members of the public to report illegal and suspicious activity by calling our emergency hotline (0800 DOCHOT) or contacting their local DOC Office. We receive many thousands of phone calls to the emergency hotline annually.

The Department has a selection of tools to respond to offences which range in strength from warnings through to prosecution. If sufficient evidence of offending is established, the Department's general approach is to look at the seriousness of offending on a case-by-case basis to guide which enforcement tool is used. We consider the circumstances of each offence and offender in order to adopt a reasonable response in each case.

Your questions and our responses are listed below:

- 1. Details of all incidents involving the death or serious harm to kororā reported to DOC in [the Auckland region in] the past two years, including details of any DOC communication with Councils about these incidents. Not all communications materials are necessary; a summary will suffice.*

Summarised details of incidents involving death and harm to kororā reported to the Department in the Auckland region from January 2022 to 30 October 2024 is listed as Item 1 in Table 1 and is attached. The summary includes phone calls and emails received both within business hours as well as a record of phone calls logged by the Auckland Duty Officer (this role is filled by employees of the Department) received outside business hours. Note that calls received outside business hours are generally passed on to the Department from the Department's call centre staff who answer emergency hotline (0800 DOCHOT) calls. Any Auckland Council involvement in the incident has been noted in the 'Detail' (Column E).

- 2. Details of DOC 0800 calls regarding dead penguins [nationwide] in the last ten years.*

I have located information on calls to the Department's emergency hotline (0800 DOCHOT) that fall within the scope of your request. Please note that we are unable to provide any information prior to March 2019 due to a system upgrade that was undertaken at that time, meaning that information from before that date is unable to be located. That information must therefore be refused under section 18(e) of the OIA. Please also note that this information has been summarised in two categories as this is how the data is collated by the Department's call centre: 1) calls received during business hours (see Item 2, Table 1) and calls received outside business hours (see Item 3, Table 1).

The information provided includes all calls regarding penguins, not just calls regarding dead penguins as you requested. Extracting data relating to penguins from the more than 80,000 calls recorded during this period has taken a significant amount of staff time. To further separate out calls related to dead penguins only would take further staff time, which could then

lead to the refusal of this part of your request under Section 18(f) of the OIA: *“the information cannot be made available without substantial collation or research”*.

Advice to callers (see ‘Message/Action taken’ column) in Items 2 and 3 was provided by Department call centre staff, rather than by Departmental staff with experience or specialist knowledge (unless otherwise stated). Call centre staff are provided with instructions from the Department on how to respond to the public on commonly encountered situations and which types of calls should be referred on to local or specialist staff. Please note that call centre staff are only expected to have general knowledge and that their responses may at times be inconsistent with any instructions that may have been provided by a local or specialist staff member with experience in these situations.

3. Details of dog attacks on penguins reported to Compliance [nationwide] in the last ten years.

I have located information on dog attacks reported to the Department’s National Compliance Team that is within scope of your request. This information is listed as Item 8 in Table 1 and is attached. Please note that the time period covered by this information starts from May 2021, which represents the information contained on dog attacks on penguins since the Department created a national centralised database of compliance incidents. The Department does not hold a single source of information about dog attacks referred to the Department’s compliance team from before this date. To obtain this information would require substantive collation and research, and if you requested this information the request may be declined due to the amount of staff time that would be required to collate and research such information.

4. Permissions reports from Birdcare Aotearoa, Auckland Zoo and Native Bird Rescue Waiheke for the last two years.

Authority holders with authorities issued under the Wildlife Act to undertake the rescue and/or rehabilitation of native wildlife are normally required to submit an annual report to the Department reporting on their activities for the previous year (1 July to 30 June).

Birdcare Aotearoa holds two authorities, one for the rehabilitation of birds (permit reference 78072-CAP) and one for holding dead native wildlife for research purposes (permit reference 101991-DOA). I have located one report for Authority 78072-CAP, dated 26 June 2024, for the time period 1 July 2023 to 30 June 2024. This report is listed as Item 4 in Table 1 and is attached. A report for the time period 1 July 2022 to 30 June 2023 has not been able to be located. I have also located one report for Authority 101991-DOA, dated 26 June 2024, for the period 13 October 2023 to 30 June 2024 which is listed as Item 5 in Table 1. Note that this Authority (101991-DOA) was only issued to Birdcare Aotearoa in October 2023.

The scope of your request could be considered to also include any reports from Auckland Zoo pursuant to an authority it holds under the Wildlife Act relating to the rehabilitation of native species (permit reference 36038-CAP). I am refusing this request under Section 18(e) of the OIA. We have searched the Department’s Permissions Database and ascertained that we do not hold reports for the periods 1 July 2022 to 30 June 2023 and 1 July 2023 to 30 June 2024.

This is likely because there are no reporting requirements in this authority, which is currently being renewed, including with respect to annual reporting requirements.

Auckland Zoo holds 19 other authorities issued under the Wildlife Act for various activities including catching, handling, holding, exporting and rehabilitating native wildlife, both live and dead specimens. I am refusing to provide reports from these authorities for the last two years under Section 18(f) Official Information Act as the collation of reports under the Zoo's multiple permits cannot be made available without substantial collation or research.

Karen Saunders holds an authority issued under the Wildlife Act (permit reference 78200-CAP) for bird rehabilitation on Waiheke Island. She has submitted reports for the time periods 1 July 2022 to 30 June 2023 and 1 July 2023 to 30 June 2024. These reports are listed as items 7 and 8 in Table 1 and are attached.

I have decided to release the relevant parts of the documents listed above, subject to information being withheld under one or more of the following sections of the Official Information Act, as applicable:

- personal contact details of officials (and other persons), under section 9(2)(a) – to protect the privacy of natural persons, including deceased people.

In making my decision, I have considered the public interest considerations in section 9(1) of the Official Information Act and determined there are no public interests that outweigh the grounds for withholding.

You are entitled to seek an investigation and review of my decision by writing to an Ombudsman as provided by section 28(3) of the Official Information Act.

Please note that this letter (with your personal details removed) and attached documents may be published on the Department's website.

If you would like to discuss this response with us, please contact [REDACTED], Senior Ranger Biodiversity, by email to [REDACTED]

Nāku noa, nā

[REDACTED]

Alex Rogers
Director Regional Operations, Auckland
Department of Conservation
Te Papa Atawhai

Table 1 - Schedule of documents

Item	Date	Document description	Decision
1	8 November 2024	Summarised details of incidents involving death and harm to kororā reported to DOC in Auckland during the past two years	Released in full
2	30 October 2024	Summarised details of calls to the DOC emergency line (0800 DOCHOT) regarding penguins in Auckland during the last five years in business hours.	Released in part
3	30 October 2024	Summarised details of calls to the DOC emergency line (0800 DOCHOT) regarding penguins in Auckland during the last five years outside business hours.	Released in part
4	1 November 2024	Summarised details of dog attacks on penguins reported to DOC's National Compliance Database	Released in part
5	26 June 2024	Report from Birdcare Aotearoa for Authority 78072-CAP for period 1 July 2023 to 30 June 2024.	Released in full
6	26 June 2024	Report from Birdcare Aotearoa for Authority 1011991-DOA for period 13 October 2023 to 30 June 2024.	Released in full
7	3 July 2023	Report from Karen Saunders, Waiheke Bird Rescue for Authority 78200-CAP for period 1 July 2022 to 30 June 2023.	Released in full
8	25 September 2024	Report from Karen Saunders, Waiheke Bird Rescue for Authority 78200-CAP for period 1 July 2023 to 30 June 2024.	Released in full