

19-E-0130 / Doc- 5738072

15 March 2019



Thank you for your Official Information Act request to the Department of Conservation, dated 26 February 2019. You requested the following:

*I hereby request under the Official Information Act the following information relating to the dead birds left on Parliament steps by protestors on 12 September 2018:*

- 1. A complete copy of all the toxicology results including: who they were done by; by what method; the date; whether the birds were frozen or not at time of arrival at the lab; and all things tested for.*
- 2. A copy of all original necropsy reports, including:*
- 3. All documentation showing upon what basis was it concluded by a person carrying out the necropsy on the dead weka that it was likely that the weka was shot by a .22 rifle or other ballistic missile. For example: was any bullet or part thereof recovered from the dead weka? Was there any gunpowder residue? Was there an entry wound? An exit wound?*
- 4. All documentation relating to conclusions drawn regarding window strike and vehicle strike of any of the birds (and what makes these forensics different from each other).*

*Also:*

- 5. Have any or all of the birds been destroyed? If so, documentation relating to this.*
- 6. Any documentation supplied by DOC to the Forest & Bird Society and/or Kevin Hague about the dead birds.*
- 7. Was that information provided as a result of a request by Forest and Bird and/or Kevin Hague? If so, please supply the request by Forest and Bird and/or Kevin Hague for such information.*

The responses to your queries, using the same numbering are listed below:

- 1. The toxicology testing in relation to all birds was completed by Landcare Research between 19 and 26 September 2018. This was undertaken on muscle*

tissue samples for each bird, extracted by the veterinarian surgeon who performed the necropsies, and forwarded to Landcare Research in a frozen state. The samples were only tested for the presence of sodium fluoroacetate (1080) with the method used being "TLM005, the assay of fluoroacetate in water, soil and biological materials by GLC. The method detection limit (MDL) is 0.001ug/g and the uncertainty (95%c.i.) is +/- 9%." All samples gave the result of <MDL.

I have decided not to release the full toxicology reports and they are being withheld under the following section of the Official Information Act 1982:

- Section 6 (c) - to make available that information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.
2. The necropsies on the birds were carried out at Wildbase Hospital, Palmerston North on the 14 and 17 September 2018. The birds had been frozen but were thawing out when arriving at Wildbase Hospital. No other tests were carried out other than the extraction of the skeletal muscle sample for the toxicology testing.

I can advise that the cause of death for the six birds that are absolutely protected pursuant to the Wildlife Act 1953 is as follows:

- Bird 1. Adult male kereru – Cause of death "Musculoskeletal Trauma" the injuries being consistent with a window strike.
- Bird 2. Adult female kereru – Cause of death as listed for Bird 1.
- Bird 3. Adult male weka – Cause of death "Severe Musculoskeletal Trauma" the injuries consistent with a collision with a motor vehicle.
- Bird 4. Adult male weka – Cause of death "Musculoskeletal Trauma consistent with ballistic injury." Entry wound would indicate a ballistic calibre of .22 should be considered.
- Bird 5. Adult red-billed gull (Sex unknown) – Cause of death "Severe Musculoskeletal Trauma" consistent with being struck by a motor vehicle.
- Bird 6. Adult male kingfisher – Cause of death unable to be definitively determined due to decomposition.

In respect to the remaining unprotected species there were various causes of death identified being compression type injuries to the chest, spine or head, gout or cat predation. The cause of death to a number of these birds was unable to be determined due to decomposition.

I have decided not to release the full necropsy reports and they are being withheld under the following section of the Official Information Act 1982:

- Section 6 (c) - to make available that information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.

3. With Bird 4, the weka that had been shot, there was an entry and exit wound identified. A radiograph showed the presence of metallic ballistic material. The indication of a .22 calibre weapon being involved is based on the size of the entry wound. No gun powder residue was readily apparent.
4. The conclusions in regard to window strike versus vehicle strike are based on the injuries found. Where most of the damage is to the chest area this is indicative of window strike whereas more extensive damage to other areas are indicative of vehicle strike. The veterinarian surgeon has informed DOC that he cannot definitively say whether it was window or vehicle strike, this is his opinion based on previous experience.
5. The birds are presently in secure storage in a freezer on the Wildbase Hospital premises.
6. DOC has received one request on 03 December 2018 from the Senior Communications & Media Advisor for Forest & Bird. This request was,  
  
*“Were any photos taken of the birds left on parliament steps – either after they were retrieved, or as part of the “cause of death” investigations? If so, can you please provide them in original jpg form, highest resolution possible.”*

This request was declined under the provisions of the Official Information Act 1982:

- Section 6 (c) - to make available that information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.
7. Refer to Response 6 above. The person in charge of the investigation into this matter, who holds the file, informs me that he has not personally supplied any other information directly to the Forest and Bird Society and/or Kevin Hague. He is unaware of any other DOC staff who may have done so.

In making my decision to withhold some documents, I have considered the public interest considerations in section 9(1) of the Official Information Act.

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.

If you wish to discuss this with the Department, please contact Principal Compliance Officer Alan Christie on 027 5749257 or by email [achristie@doc.govt.nz](mailto:achristie@doc.govt.nz)

Yours sincerely



Hilary Aikman  
Director National Operations

