

AUSTRALIAN CAPITAL TERRITORY

NATURE CONSERVATION ACT 1980

DETERMINATION OF CRITERIA

NO. 47 OF 1997

Pursuant to section 50 of the *Nature Conservation Act 1980* (the Act), I determine that the criteria for the purposes of paragraph 49(2A) of the Act are as set out in the Schedule.

Dated this... ^{23rd}.....day of January 1997



CONSERVATOR OF FLORA AND FAUNA

DETERMINATION FOR THE GIVING OF A DIRECTION, BY NOTICE, UNDER SECTION 49 OF THE NATURE CONSERVATION ACT 1980

- 1 A direction shall be by notice in writing.
- 2 A direction shall be signed and dated by the Conservator.
- 3 A direction shall specify the period within which the direction is to be complied with.
- 4 Before deciding whether to issue a direction, the Conservator shall:
 - a) in respect of a native animal, have the animal examined by a veterinary surgeon;
 - b) in respect of a native plant, have the plant examined by a person with appropriate botanical or horticultural qualifications or experience;
 - c) consider whether an effective means of preventing the impact or spread of the disease exists;

to determine the existence, nature and extent of disease and what treatment is appropriate.

Appropriate treatment

- 5 (1) In determining directions about appropriate treatment, the Conservator shall have regard to advice provided under 4(a), 4 (b) and 4(c).
- 5.(2) In the case of a native animal, the Conservator shall consider.
 - a) the potential for the disease to spread to wild or captive populations of native animals;
 - b) the likely impacts of disease spread including to other species and ecosystems both inside and beyond the ACT, especially on the conservation of endangered, vulnerable, protected or special protection status species;
 - c) the likely impacts of disease spread including to commercial and other companion animals;
 - d) any risks posed by the disease, or potential spread of the disease, to the health of the human community;
 - e) the effectiveness of preventing the impact or spread of the disease;



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- f) the likely timing of response of the animal to treatment and the need to monitor response,
- g) animal welfare concerns.

5.(3) In the case of a native plant, the Conservator shall consider:

- a) the potential impacts on wild or cultivated populations, including nursery stocks;
- b) any risks posed by the disease, or potential spread of the disease, to the health of other individuals and communities either directly, or as a host or source of further disease events; especially to the conservation of endangered, vulnerable, protected or special protection status species, or to the conservation of endangered ecological communities;
- c) the effectiveness of preventing the impact or spread of the disease,
- d) the likely timing of response of the plant(s) to treatment and the need to monitor response;
- e) the possible impact of any proposed treatment on non-target species.

5 (4) The Conservator shall also consider the costs likely to be incurred by the owner in carrying out treatment.



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