

**AUSTRALIAN CAPITAL TERRITORY**  
***NATURE CONSERVATION ACT 1980***

**DETERMINATION OF CRITERIA**

**INSTRUMENT NO. 59 OF 2001**

**EXPLANATORY STATEMENT**

The *Nature Conservation Act 1980* establishes a legislative regime for the protection and conservation of native animals, native plants and native timber.

Section 47 empowers the Conservator of Flora and Fauna (the Conservator) to issue directions to the occupier of land for the protection or conservation of native animals, native plants and native timber on the land. The failure to comply with such a direction is an offence.

The directions given must be in accordance with criteria determined under section 50. Schedule 1 sets out those criteria.

Paragraph 1 sets out the circumstance in which a direction can be given.

Paragraphs 2 and 3 set out examples of circumstances that fall within those described in paragraph 1.

Paragraph 4 makes clear that these are examples only, and do not limit the power to give directions, which is governed by paragraph 1.

Paragraph 5 sets out the considerations that the Conservator must take into account in deciding to make a direction and setting the content of a direction.

Section 49 empowers the Conservator to give directions to the owner of native animals and plants about the treatment of their native animals and plants that are suffering from disease.

The directions given must be in accordance with criteria determined under section 50. Schedule 2 sets out those criteria. The matters that the Conservator must take into account are listed.