

**ATTACHMENT C**

**AUSTRALIAN CAPITAL TERRITORY**

**NATURE CONSERVATION ACT 1980**

**DETERMINATION OF LICENSING CRITERIA**

**DETERMINATION NO. 102 OF 1995**

**EXPLANATORY STATEMENT**

The *Nature Conservation Act 1980* (the Act) protects native animals and plants in the ACT, provides for the management of trade in flora and fauna and controls activities in nature reserves, national parks and wilderness areas.

A range of activities are prescribed as prohibited without authorisation by a licence from the Conservator of Flora and Fauna. They are concerned with the handling of plants and animals or are related activities with potential to cause environmental harm.

Under section 64 of the Act, the Conservator shall not grant a licence, or impose or vary a condition of a licence, except in accordance with criteria determined by the Minister as a disallowable instrument. This is the instrument to which the section refers.

The objectives of licensing criteria are to allow prescribed activities to be managed in a way that will enhance conservation of the native plants and animals of the Territory and contribute to regional, national and international nature conservation goals through the application of agreed guidelines and standards.

Licensing criteria recognise recreational, scientific, educational and commercial interests in plants and animals as legitimate pursuits and are designed to accommodate them consistent with nature conservation objectives. Species may be declared by the Conservator in recognition of special conservation or management requirements and licensing criteria may be modified accordingly. Standards for the handling of animals in relation to their movement and keeping conditions are addressed.

Considerations for the determination of licence applications are framed around the activity and its purpose, the competence or suitability of the applicant to undertake the proposed activity and the conservation or

management requirements of a species or implications for the natural environment of a proposed activity.

A licence may include conditions that accompany the authorisation. Conditions may specify how the activity is to be conducted, including handling procedures, record keeping and reporting requirements, constraints on the activity, and where and when it is to be conducted.

The Conservator may amend conditions attached to a licence where the conditions or circumstances that relate to an authorised activity change.