

Guideline for preparing a biodiscovery plan

This guideline is provided to assist biodiscovery entities prepare a biodiscovery plan for approval by the Chief Executive of the Department of Environment and Science (DES) in accordance with the Queensland *Biodiscovery Act 2004* (the Act).

Introduction

Biodiscovery under the Act involves the collection and analysis of native biological material (e.g. plants, animals, fungi and microorganisms) from State land or Queensland waters to use for commercial purposes (e.g. a bioactive compound for pharmaceuticals). This includes native biological material obtained outside of its natural habitat (*ex-situ*) but originated from State land or Queensland waters (e.g. culturing bacteria collected from State land).

A biodiscovery entity must have the correct approvals before biodiscovery can commence. This includes an approved biodiscovery plan, collection authority and benefit sharing agreement (BSA). A biodiscovery plan outlines proposed activities to facilitate access to and take of native biological material, and commercialisation.

Much of the terminology used in this guideline is defined in the Act. This document does not purport to state the law. All applicants should be guided by their own legal advice and be familiar with the Act, available via the Office of Queensland Parliamentary Counsel website <http://www.legislation.qld.gov.au/>.

Purpose of a biodiscovery plan

A biodiscovery plan is the first step of the biodiscovery approvals process. A biodiscovery plan (in either draft or approved form) must also accompany an application for a collection authority. These two approvals serve to ensure sustainable take of native biological material from State land or Queensland waters.

An approved biodiscovery plan is also required before the biodiscovery entity can enter into a BSA with the State.

Under the Act (sections 50 and 54) it is an offence to collect native biological material for biodiscovery without an approved collection authority and BSA.

Content of a biodiscovery plan

A biodiscovery plan describes the way native biological material will be collected and analysed to develop a product or process of commercial value. The biodiscovery plan also provides the State with an indication of the benefits of biodiscovery that will result.

Section 37 of the Act mandates certain minimum content in a biodiscovery plan including:

- the commercialisation activities proposed, including any activities to be carried out under any subsequent use agreement (if known)
- a proposed timetable for carrying out the activities
- the parts of any of the activities proposed to occur outside the State
- the types of activities the entity proposes engaging another entity mentioned in section 35(2)(a) to carry out for the entity

- an outline of the likely benefits of biodiscovery for the State under a BSA, and the grounds on which this is based.
- any grants or other financial assistance given, or to be given, to the entity for the activities (if the entity is not prohibited from disclosing the details under another law or contract)

The template available at <https://www.business.qld.gov.au/industries/science-it-creative/science/biodiscovery/plan> can be used to ensure that your proposed biodiscovery plan contains this minimum content.

Changing a biodiscovery plan

Only activities described in an approved biodiscovery plan may be carried out (see section 35[1] of the Act). However, a biodiscovery plan may be amended at any time to ensure that the plan remains current using the same application process as for a new biodiscovery plan. Minor changes, such as a timetable adjustment, do not require amending an approved biodiscovery plan.

It is recommended that an approved biodiscovery plan be reviewed each year to ensure its currency and continued compliance with the Act.

If satisfied with the information provided, the Chief Executive of DES will make a decision (i.e. approve, approve with conditions or refuse) within 20 business days of receiving an application.

Further information

Please contact DES for further information regarding preparation of a biodiscovery plan or other biodiscovery enquiries via email qldscience@dsiti.qld.gov.au or 13 QGOV (13 74 68).

More information about biodiscovery in Queensland is also available at www.business.qld.gov.au such as guidelines for what biodiscovery is, preparing a BSA and enforcement.

Disclaimer

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Prepared by: Science Policy and Evaluation Services, Department of Environment and Science © State of Queensland, 2017

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