



Speech By  
**Hon. Leeanne Enoch**


**MEMBER FOR ALGESTER**

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## **BIODISCOVERY AND OTHER LEGISLATION AMENDMENT BILL**

### **Introduction**

 **Hon. LM ENOCH** (Algester—ALP) (Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts) (3.30 pm): I present a bill for an act to amend the Biodiscovery Act 2004 and the Right to Information Act 2009 for particular purposes. I table the bill and the explanatory notes. I nominate the Innovation, Tourism Development and Environment Committee to consider the bill.

*Tabled paper:* Biodiscovery and Other Legislation Amendment Bill 2019 [2125](#).

*Tabled paper:* Biodiscovery and Other Legislation Amendment Bill 2019, explanatory notes [2126](#).

I am pleased to introduce the Biodiscovery and Other Legislation Amendment Bill 2019. Queensland is home to both Aboriginal and Torres Strait Islander peoples, representing the world's oldest continuously living cultures. Aboriginal and Torres Strait Islander communities are the custodians of thousands of generations of traditional knowledge—knowledge that has been passed through the millennia and continues to be central to many First Nations communities and to society more broadly.

This bill will amend the Biodiscovery Act 2004—the act—and the Right to Information Act 2009 to ensure the use of traditional knowledge in biodiscovery is protected and to support economic opportunities for First Nations communities in Queensland. The bill will also help us meet our international obligations, fulfil the government's commitment to support the commercialisation of new bioproducts and improve the business environment for biodiscovery in Queensland.

Biodiscovery is the take and use of minimal quantities of native biological material from state land or waters for molecular, biochemical or genetic analysis for commercial purposes. Practical applications for biodiscovery include pharmaceuticals, foods and bioplastics. Queensland was the first jurisdiction in Australia to introduce legislation about biodiscovery. The act establishes an access and benefit-sharing framework for use of the state's native biological material and was established in part to meet the requirements of the Convention on Biological Diversity, which deals with access to genetic resources.

Since the act commenced in 2004 the biodiscovery industry has grown, and international regulation of access and benefit sharing evolved with the introduction of the Nagoya protocol in 2014. The Nagoya protocol provides a framework for the fair and equitable sharing of benefits arising from the utilisation of genetic resources, including the use of traditional knowledge associated with genetic resources. Access and benefit sharing in accordance with the Nagoya protocol acknowledges and involves the contributions of Indigenous peoples and local communities. An independent statutory review of the act, and extensive public consultation with biodiscovery entities and First Nations peoples, has identified that improved alignment with the Nagoya protocol is necessary. In order to align with the Nagoya protocol, the act must provide for First Nations peoples to consent to, and negotiate benefit sharing for, the use of their traditional knowledge.

Biodiscovery entities in Queensland unable to demonstrate compliance with the Nagoya protocol are at this very moment at risk of failing international checkpoints and not having access to global markets. Importantly, without formal recognition and legal protection, First Nations peoples cannot prevent the unauthorised use of their traditional knowledge or their resources.

The bill will amend the act to ensure that it is contemporary, effective and equitable by reflecting international standards, including an obligation to obtain the agreement of traditional knowledge custodians for the use of their traditional knowledge for biodiscovery. Amendments are also proposed to simplify approvals under the act and clarify the relationship between the act and other relevant international protocols for access and benefit sharing. This bill will help to ensure that Queensland's biodiscovery industry remains globally competitive and the benefits of biodiscovery are shared equitably throughout Queensland, including with First Nations peoples and regional communities.

To recognise and protect traditional knowledge used for biodiscovery, the bill establishes an overarching obligation requiring biodiscovery entities to take all reasonable and practical measures to ensure that traditional knowledge is used for biodiscovery only with the agreement of the custodians of the knowledge. This traditional knowledge obligation will apply to any person using native biological material for biodiscovery, whether or not the material has been taken from state land or Queensland waters. This recognises that as a consequence of past government policies that removed custodians of traditional knowledge from country, traditional knowledge about native biological material is not always associated with the land where the material is collected.

The bill provides for a traditional knowledge code of practice which will outline how biodiscovery entities can comply with the traditional knowledge obligation. This code will state the minimum steps required, that is, obtaining the free and prior informed consent from—and negotiating benefits on mutually agreed terms with—the traditional knowledge custodian. Outlining requirements in a code of practice ensures that both industry and First Nations communities have the information needed to fulfil the traditional knowledge obligation. Furthermore, guidelines will be produced to further support industry engagement with First Nations peoples by identifying culturally appropriate ways to negotiate free and prior informed consent and benefit sharing.

The code of practice and guidelines will be developed in consultation with First Nations peoples and biodiscovery entities within 12 months of the bill passing and before the provisions commence. To assist the further growth and development of biodiscovery in Queensland, the bill provides for a simplified approvals process by removing the requirement for biodiscovery entities to apply for and obtain an approved biodiscovery plan. This can be done without affecting the state's capacity to effectively regulate biodiscovery activities as the information is already contained in the application for a collection authority or in the negotiation of a benefit-sharing agreement with the state. It will reduce the time required to comply with the act by making the process more efficient and will encourage new biodiscovery activities in Queensland.

Finally, the bill clarifies the relationship between the act and international protocols, namely the Convention on Biological Diversity, the Nagoya protocol and the plant and genetic resources for food and agriculture—known as the FAO—treaty. Clarifying these relationships was a key recommendation of the statutory review and was reinforced through subsequent stakeholder consultation. The FAO treaty was ratified by Australia in 2005 and establishes a multilateral benefit-sharing system for the sustainable use and equitable sharing of key farming crops. The different permit requirements to transfer and use material under the FAO treaty compared to those under the act have caused confusion for biodiscovery entities when specific material is subject to both access and benefit-sharing regimes. Resolving this confusion is critical both to support development of the biodiscovery industry and to support the sharing of crucial food and agricultural crops.

To provide greater regulatory clarity for biodiscovery entities, the bill will provide an exemption for a range of plants that are crucial for global food security that are subject to the FAO treaty's multilateral access and benefit-sharing framework, which includes traditional knowledge. This exemption will only apply on the basis that these plants are used for food or agricultural purposes and subject to the FAO treaty. Minor amendments are also proposed to the Right to Information Act 2009 to remove reference to 'biodiscovery plans', which will become obsolete.

In relation to a very practical application of what is before the House in terms of the introduction of this bill, I was privileged to recently see firsthand what First Nations communities sharing in the economic opportunities presented by biodiscovery actually looks like. Recently I visited Camooweal, just west of Mount Isa, and met with traditional owners who operate the Myuma Group, which includes the Dugalunji Aboriginal Corporation. The Dugalunji Aboriginal Corporation is commercialising Indigenous intellectual property rights in exciting new technologies derived from harvesting spinifex grass.

The corporation has constructed processing infrastructure to harvest and extract oils and resins from spinifex based on traditional knowledge in uses of the grass, something that has been used for millennia. In partnership with the University of Queensland, the Dugalunji Aboriginal Corporation uses a bio-industrial process to convert the spinifex grass itself into cellulose nanofibres. These strong, stretchy microscopic fibres have the potential to be used in a range of products including stronger, more durable latex and as an industrial biological thermoplastic.

The potential economic benefits for traditional owners are immense, as are the job creation opportunities. The jobs that have been created already in Camooweal are significant. The managing director of the Dugalunji Aboriginal Corporation, Colin Saltmere, and other traditional owners, including Cody Saltmere, were great hosts in Camooweal. I met the half a dozen or so young men already employed as a result of this great project. John, Anthony, Sajahn, Neil, Patrick, Jeremy and Maverick are involved in harvesting spinifex grass and operating the new machinery for the pilot plant being installed as I speak. These young men have incredible stories. They have seen some real challenges in their life. They spoke to me and others as scientists in the creation of this pilot plant in Camooweal. I extend huge congratulations to all those involved. Of course, that is just an indication of what we might be able to see right across this state in terms of economic opportunities for First Nations people.

The bill is further proof of the Palaszczuk Labor government's commitment to economic growth and opportunity. It will amend the act to recognise and protect the use of traditional knowledge in biodiscovery, simplify approvals processes and clarify the relationship between the act and relevant international protocols. This will enable biodiscovery entities to collaborate with international partners, attract global investment and commercialise new products as well as ensure that benefits are shared more fairly and equitably with Queenslanders, including First Nations peoples and regional Queenslanders. I commend the bill to the House.

### **First Reading**

**Hon. LM ENOCH** (Alger—ALP) (Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts) (3.41 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

### **Referral to Innovation, Tourism Development and Environment Committee.**

**Mr DEPUTY SPEAKER** (Mr McArdle): In accordance with standing order 131, the bill is referred to the Innovation, Tourism Development and Environment Committee.