

Information Sheet

Biodiscovery

Completing an application form for a collection authority (biodiscovery)

This information will help you complete an application form for a collection authority (biodiscovery) which is issued by the Department of Environment and Science (DES) under the Biodiscovery Act 2004 (the Act). This document contains important information about the application assessment process and collection authority requirements.

Important information for applicants

- Before completing the Collection Authority application form, please;
 - o contact the DES Science Strategy and Partnerships (SSP) team to ensure the appropriate authorities are being applied for, and
 - o read the Information sheet (Biodiscovery collection) and the Compliance code for taking native biological material under a collection authority (the Compliance Code) which are both available via the DES website. The definitions found in Appendix 1 should help in completing the application form.
- This document does not purport to state the law. All applicants should be guided by their own legal advice and be familiar with the *Biodiscovery Act 2004 (the Act)*, available via the Office of Queensland Parliamentary Counsel website <http://www.legislation.qld.gov.au/>.

Collection of native biological resources authorised under a collection authority cannot commence until a Benefit-sharing agreement (BSA) has been negotiated with the State through the SSP team. (<https://www.business.qld.gov.au/industry/science/biodiscovery-business/biodiscovery-benefit-sharing-agreement>). The collection authority (Biodiscovery) is granted for a term of 3 years, but in accordance with S.6(4) of the Act, the authority lapses 1 year after it is issued if a benefit sharing agreement concerning the native biological material the subject of the authority is not entered into with DES within the 1 year period. Collection of materials without a BSA in place is an offence under the Act.

- A collection authority is issued on the understanding that access arrangements are negotiated with appropriate land/water managers during the project planning stage. To maximise your chances of obtaining access approval for the period you require, you should negotiate access before applying for a collection authority. For QPWS managed areas, access approval is granted in the collection authority.
- Collecting within the Torres Strait area, the Great Barrier Reef Marine Park (GBRMP) and the Wet Tropics World Heritage Area (WTWHA) may require additional permits granted under Commonwealth legislation (section 1.4 of the Compliance Code).
- Commonwealth legislation regarding access to areas and the regulation of collection may override certain State authority, even within State lands and waters. Where this occurs, the conditions will be stated on the collection authority.

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- Where collection is proposed for the GBRMP, Torres Strait or the WTWHA, applicants should liaise with and negotiate access as required with the Commonwealth, prior to applying for a collection authority. Collecting threatened species or from ecological communities listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC) may similarly require Commonwealth authorisation.

Part A - Applicant information

Persons or corporations involved in biodiscovery research, the commercialisation of native biological material, or the products of biodiscovery research, can apply for a collection authority. Collection authority holders, and/or their agents, must be competent and possess the necessary certification, licences, training, skills, experience, equipment and qualifications to collect biodiscovery material.

Part A of the application calls for basic details about the individual or corporation applying for the collection authority. Any entity that is engaged in market production, is authorised to distribute profits or surpluses, or keep a full set of accounts, is potentially classifiable as a corporation or a quasi-corporation. These may include proprietary companies, limited liability companies and no-liability companies. Certain types of legal entities that are not registered as corporations but engage in market production are treated as corporations. These include producer co-operatives in which profits are distributed according to shareholdings, or partnerships that enjoy limited liability and behave like corporations, such as large firms. As well, certain trusts and their trustees that operate like corporations are treated as corporations (*Acts Interpretation Act 1954*).

Question 1. Applicant details for an individual

If you are an individual applying for a collection authority, you must complete Question 1 before proceeding to Questions 3–12. Do not complete Question 2 as this is only for use by corporations.

Your residential address is legally required for the serving of notices where required. A post office box will not suffice.

Question 2. Applicant details for a corporation

If you are applying for a collection authority on behalf of a corporation (not a business trading name), you must complete both parts of Question 2: (i) the applicant details for corporations and (ii) details of nominated person in charge.

The corporation must be identified by either the Australian Company Number (ACN) for an incorporated company; Australian Business Number (ABN) for a company or partnership; an Association Number (AN) for an incorporated association; or the title and section of the legislation that gives the statutory corporation its legal status.

The registered corporation address is legally required for the serving of notices where required. A post office box will not suffice.

Details of nominated person in charge

A collection authority requires the corporation to nominate a person within the business to be the contact for the biodiscovery collection authority, and to oversee the collection project. This person is to be available for contact on any matters relating to the application, the collection authority and collection activities.

The residential address of the nominated person in charge is legally required for the serving of notices. A post office box will not suffice.

Part B – Project and methodology

Part B of the application requires further details about your proposed collection to help process your application, which may include referral to relevant experts. In some instances, more information may be required from you to help assess the application.

Question 3. Project name

The project name should be a concise descriptive text no more than ten words in length. It will be used for reference purposes and to help prevent confusion where more than one collection authority is held.

Question 4. Biodiscovery Strategy Overview

Please provide a brief overview of your biodiscovery strategy. This information assists the department in ensuring the appropriate authority has been applied for. Strategies must be sufficiently developed to warrant submission to the DES SSP team for approval for a benefit-sharing agreement (BSA).

Where DES grants a collection authority, collection cannot commence until you have finalised your BSA with the State through the SSP team. You may either choose to finalise your BSA before the collection authority is issued, or within 12 months of the issue date. If a BSA with the State is not finalised within 12 months of the collection authority being issued, the collection authority will lapse.

Collection for biodiscovery purposes without a valid collection authority and BSA is a serious offence under the Act.

Question 5. Economic, environmental and/or social benefits to the State

Provide an overview of any economic, environmental and social benefits to the state of Queensland that may result from your project.

Question 6. Current or previous collection authority

Only one collection authority can be held for any taxon at any one time (refer to section 3.3 of the Code).

Applications to collect taxa more than once, or to hold multiple Collection authorities for a taxon, are not consistent with the Compliance Code and will be subject to expert assessment. You will be required to provide a rationale for re-collection or multiple collection in Question 10 of the application. This measure is intended to alert DES to potential cumulative effects on the taxa to allow risk assessment and avoid over-collection.

Question 7. Collection Locations

Please provide specific collection location information to assist in the assessment of the collection authority application. Location information is essential to measure any impacts (cumulative or otherwise) on certain areas, and allows the relevant QPWS unit to assess and provide any site specific conditions around the collection.

In addition, various lands and waters are subject to Native Title Claims and other considerations. Where a collection is planned for State land, Queensland waters or a QPWS managed area, DES will undertake a Native Title assessment. Location information is required for these procedures to occur.

Queensland waters include both coastal waters of the State and most inland waters. For a legal definition of Queensland waters, refer to the *Acts Interpretation Act, 1954*.

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Question 8. Issue and expiry of the collection authority (biodiscovery)

Under the Act, the maximum term of a collection authority is three years. When you are deciding whether to apply for a collection authority for three years or less, you should consider the following:

- Access needs to be negotiated with the land/water manager prior to collection taking place (refer to section 2.2 of the Compliance Code).
- You may find it useful to contact the relevant land/water manager prior to submitting your application for a collection authority to discuss possible restrictions on access times so that these can be factored into the required duration of the collection authority.
- Access to proposed collection areas may periodically need to be restricted. Access may also be restricted as a result of extreme weather conditions.

Question 9. Consistency with the Compliance Code

This question requires you to state whether your proposed collection is consistent or inconsistent with the Compliance Code.

The Compliance Code has been developed to ensure that the collection of native biological resources for biodiscovery is ecologically sustainable, with minimal impacts on environmental and social values. It sets out the minimum standards that must be complied with during any collection carried out under a collection authority. All applications received will be assessed for consistency with the Compliance Code. Applications that are entirely consistent with the Compliance Code will undergo streamlined assessment.

If your proposed collection is inconsistent with the Compliance Code, you may still apply for a collection authority. Such applications will be confidentially referred to relevant experts for further advice. You may be contacted by DES and asked to provide additional information or details to enable your application to be assessed. Where approval is granted for collection that is inconsistent with the Compliance Code, it is likely that conditions will be added to the collection authority.

For example, collecting taxa or using methods referred to in section 3.4 of the Compliance Code are not compliant. Applications proposing these activities require the tables for question 10 to be completed before proceeding to question 11 (Declaration).

Question 10. Consistent with the Compliance Code – details of collection

This table requires you to list all species you require, their conservation status, and the sample types and collection methods you are proposing, where they are fully consistent with the Compliance Code. Please see Attachment 1 for examples to help you fill out this table.

Where some required taxa will be collected consistent with the Compliance Code, but others will not, list the Compliance Code-compliant taxa for Question 9, and continue on to Question 10 for taxa that are affected by non-compliance.

Question 11. Inconsistent with the Compliance Code – details of collection

If your collection of any taxa will not comply with the Compliance Code, or your collection project does not comply with the Compliance Code in any manner, you must fill in the tables in Question 10. Table 10(i) requires you to list the species, sample types and methods of collection effected by non-compliance with the Compliance Code, Table 10(ii) requires you to provide location details for the species listed in 10(i), in addition to the rationale for proposed non-compliances. Table 10(iii) requires you to list the sections of the Compliance Code

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with which your project will not comply. Please see Attachments 2, 3 and 4 for guidance on how to fill out Question 10 parts (i), (ii), and (iii).

Question 12. Declaration

Make sure you have systems in place to ensure that all people involved in collection and processing of the biological material have the appropriate training for the tasks they may be required to perform. It is the applicant's responsibility to identify all other licences/certificates/endorsements required for the proposed collection.

By signing the declaration, you declare that the information provided in the application is true and correct to the best of your knowledge. You may be liable to prosecution under a number of relevant Acts or Regulations if you have not provided truthful information. Without this signature, your application cannot be processed.

Checklist for attachments

- Have you attached all necessary documents to your application?
- Your application cannot be processed without the mandatory attachments, such as ethics or biosafety committee approval.
- Ensure that additional pages required for the tables are attached.
- If you wish, you may choose to attach documents supporting the information provided in your application, for example a BSA with relevant Native title holders or claimants or further detail about your Biodiscovery strategy.

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Attachment 1: Example table where collection is consistent with the Compliance Code

Details of proposed collection: taxa consistent with the Compliance Code

- Note: Applicants must complete a new line for each combination of: sample x taxon. Where micro-organisms are to be collected, please include details of the collection environment or host. **Please remember to attach copies of this table if there is insufficient room below.**

Item	Scientific name of taxon to be collected and where applicable, the collecting environment (such as soil or water for micro-organisms), or the host taxon. State the lowest taxonomic level known.	Common name (where known)	Conservation status under the <i>Nature Conservation Act 1992</i> E = extinct EW = extinct in the wild CE = critically endangered E = endangered V = vulnerable NT = near threatened LC = least concern NL = not listed in NCA	Nature of sample to be collected <i>Non-lethal collection:</i> AF = fluid (animal) AT = tissue (animal) PB = bark PG = gums/resin/exudate/sap PR = roots/rhizomes PL = leaves/flowers PF = fruit/spores/seeds <i>Lethal collection:</i> M = micro-organism I = whole aquatic invertebrate T = whole terrestrial invertebrate F = whole fish P = whole plant/algae MF = whole macrofungi O = other, please specify	Method of capture/collection <i>Fish and invertebrates:</i> NR = net and return NE = net and euthanase TR = trap and return TE = trap and euthanase CR = catch/collect and return CE = catch/collect and/or euthanase <i>Invertebrates and micro-organisms:</i> S = soil sample W = water sample H = host organism <i>Plants, macro-algae, macrofungi:</i> HP = harvest parts HW = harvest whole O = other, please specify
1	<i>Leptospermum petersonii</i>	Lemon-scented ti-tree	Common	PB, PL, PF	HP
2	<i>Gyrodactylus spp</i> from <i>Salmonidae spp</i>	Ectoparasite from fish in the salmon family	NL	M	NR of fish, removal of ectoparasites in field and release at point of capture
3	<i>Castanospermum australe</i>	Black bean	Common	P	HW seedlings<5cm
4	<i>Amphimedon terpenensis</i>	Sea sponge	NL	T	CE
5	<i>Tremella fuciformis</i>	White jelly fungus	NL	MF	HW

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Attachment 2: Example table where collection is inconsistent with the Compliance Code

Details of proposed collection: taxa effected by inconsistency with the Compliance Code

Complete a new line for each combination of: taxon x sample. Include details of the collection environment or host for micro-organisms. Note: Attach further copies of this table if there is insufficient room for your information below.

Item	Scientific name of taxon to be collected and where applicable, the collecting environment (such as soil or water for micro-organisms), or the host taxon. State the lowest taxonomic level known.	Common name(s) (where relevant)	Conservation status under the <i>Nature Conservation Act 1992</i> E = extinct EW = extinct in the wild CE = critically endangered E = endangered V = vulnerable NT = near threatened LC = least concern NL = not listed in NCA	Nature of sample to be collected <i>Non-lethal collection:</i> AF = fluid (animal) AT = tissue (animal) PB = bark PG = gums/resin/exudate/sap PR = root matter/rhizomes PL = leaves/flowers PF = fruit/spores/seeds <i>Lethal collection:</i> M = micro-organism I = aquatic invertebrate T = terrestrial invertebrate F = fish RF = restricted fish V = vertebrate (excludes fish) P = whole plant/seaweed FF = fungal fruiting body O = other, please specify	Method of capture/collection <i>Vertebrates or invertebrates:</i> NR = net and return NE = net and euthanase TR = trap and return TE = trap and euthanase CR = catch/collect and return CE = catch/collect and euthanase <i>Invertebrates and micro-organisms:</i> S = soil sample W = water sample H = host organism <i>Plants, macro-algae, fungi:</i> HP = harvest or collect parts HW = harvest whole O = other, please specify
1	<i>Ornithoptera richmondia</i>	Richmond birdwing butterfly	V	T	CE
2	<i>Omphalotus nidiformis</i>	Luminescent fungus	NL	FF	HW
3	<i>Bloggs bloggsopus</i> on <i>Acacia</i> sp. xyz	Acacia mistletoe	NL	PL	HP (external to host plant only)

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Attachment 3: Example table for inconsistent collection aspects**Aspects of proposed collection where inconsistent with the Compliance Code**

For all combinations of taxon x sample listed in 10(i): record details of your proposed inconsistent action, the Compliance Code section it relates to, and your reasons for requesting the inconsistent action. **Note: Please attach additional copies of this table if there is insufficient room below.**

Item from 10(i)	Incompatible action	Compliance Code Section	Rationale (where not due to species restricted under Code section 3.5)
1	Collect a threatened species, that is, a category restricted by the Compliance Code.	3.5	Our research into rainforest butterflies is lacking samples of the Richmond Birdwing from this part of Queensland. We would like to complete this collection to ensure we have covered all major environmental gradients. Richmond Birdwings, though threatened due to habitat loss, are locally quite common at the proposed collection locations.
2	Collecting fungi restricted under Compliance Code. Possibly collecting within Aboriginal occupation sites/ other Indigenous sites.	3.5 2.8.1	<p>Fungal survey have not been conducted in this area, an outcome of this collection will be provision of voucher specimens from all locations required by the Qld Herbarium to contribute to taxonomic knowledge. The Qld Herbarium has provided us with conditions for allowable collection intensity.</p> <p>Although fungi are restricted by the Compliance Code, species closely related to this one can be very common under appropriate conditions. We therefore believe that this collection will not pose a conservation risk to the species. We propose to remove whole fruiting bodies as we and the Qld Herbarium agree this is the best collection method for this species.</p> <p>We will collect with local traditional custodians on a knowledge-sharing field trip. Some of the collection sites may be within their traditional camp areas). We will defer to decisions on collection made by the traditional owners (see letters and BSA with Traditional Owners attached). If using traditional knowledge for biodiscovery, we will comply with the traditional knowledge obligation under section 9B of the Act.</p>
3	Collection on a national park (scientific), collecting more than the allowed amount.	3.5.1, 3.3.1	<p>The target species is only located within the specific area.</p> <p>Analysis method requires a larger amount of sample material to provide accurate data.</p>

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Human Rights Act 2019

The department is committed to respecting, protecting and promoting human rights. Under the [Human Rights Act 2019](#), the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. When acting or making a decision under this policy, officers must comply with that obligation (refer to [Comply with Human Rights Act](#)).

Disclaimer

While this document has been prepared with care, it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment and Science should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

Approved By

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Signature

Enter approved date here

Date

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