

Collection Protocol

Biodiscovery Act 2004

Collecting spinifex (*Triodia pungens*) under a collection authority (biodiscovery) granted to the Dugalunji Aboriginal Corporation

This statutory collection protocol is made by the chief executive of the Department of Environment and Science (DES), under Section 45 of the Biodiscovery Act 2004 (the Act). It applies only to collection activities conducted by the Dugalunji Aboriginal Corporation within the Indjalandji-Dhidhanu Peoples' Native Title Determination Area in Queensland.

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1 Introductory information

1.1 Background

This Collection Protocol should be read in conjunction with the Biodiscovery Act 2004 (the Act), the Compliance code – Taking native biological material under a collection authority (the Code) and a Collection authority (biodiscovery) granted by DES to the Dugalunji Aboriginal Corporation, particularly the Conditions attached to that Collection authority.

Details regarding the Act may be found in the Code.

This Collection Protocol is established under section 45 of the Act by the DES chief executive with respect solely to spinifex (*Triodia pungens*) foliage and resin collection activities undertaken by the Dugalunji Aboriginal Corporation (DAC) within the Indjalandji-Dhidhanu Native Title Determination Area in Queensland (the DAC collection area). The protocol is a statutory instrument under the Act.

1.2 Relationship between Act, Code, Protocol and Collection Authority

This Collection Protocol has effect in accordance with section 48 of the Act.

If there is any inconsistency between a condition of a Collection authority (biodiscovery) granted by DES to DAC and a provision of the code or of this protocol, the authority condition prevails to the extent of the inconsistency (refer to s17 of the Act).

1.3 Purpose

The purpose of this protocol is to promote the collection of spinifex foliage and resin for biodiscovery purposes from the DAC collection area in an ecologically sustainable manner with not more than negligible undesirable environmental impacts caused to the spinifex, other species and that collection area.

1.4 Application of this collection protocol

This protocol applies only to the taking of spinifex (*Triodia pungens*) foliage and resin from the DAC collection area by DAC in north-western Queensland by agents employed, appointed or contracted by DAC. All agents must meet the requirements prescribed in the code (to the extent it is applicable), a Collection authority (biodiscovery) and this protocol. Collection from Protected Areas prescribed under the NCA is excluded.

The Act, the Code, this protocol and a Collection authority (biodiscovery) granted by DES to DAC together regulate the collection of spinifex foliage and resin for biodiscovery purposes by DAC in the DAC collection area.

A collection authority (biodiscovery) authorises its holder to collect quantities of native biological material as prescribed in this protocol, and to keep, move and use the material for biodiscovery.

This protocol sets out the minimum standards that must be complied with during spinifex foliage and resin collection carried out under a collection authority granted by DES to DAC. These standards are presented as both general and activity-specific. These minimal conditions for the protection of environmental values are to be adhered to by all persons engaged in authorised collection.

1.5 Enforcement of the compliance code, collection protocol and the collection authority

The holder of a collection authority granted under the Act is legally accountable for any actions carried out under the authority, such as adhering to conditions attached to the authority. This obligation applies whether the actions are conducted by the holder or a person acting for or on behalf of the holder, including an agent of the holder.

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Where the authority holder is a corporation, responsibility for ensuring compliance with the code rests with all executive officers of that corporation.

Failure to adhere with the requirements of the code (to the extent it is applicable), protocol or other conditions specified on a collection authority may result in suspension or cancellation of the collection authority. Such failures are an offence under the Act, and may leave the executive of an organisation or corporation, the holder and/or their agent liable to penalty should breaches of other legislation such as the Nature Conservation Act 1992 occur (for example, should a protected animal be taken without authority).

Authorised officers of the Queensland Government, or inspectors authorised by the DES chief executive, may require persons on State land involved in taking or interfering with spinifex to establish the legitimacy of their activities. It is in the holders' interest to ensure that they and their agents carry their current collection authority and biodiscovery plan, or copies of those documents, and comply with the conditions therein, when conducting their collection.

The powers of inspectors also extend to the biodiscovery entity's place of business.

1.6 Further information

Further information or advice about this protocol may be obtained from the DES website www.des.qld.gov.au or from the DES Customer Service Team on 1300 130 372.

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2 General Standards

- 2.1 Please refer to the compliance code and the collection authority conditions for details. Under the Act, where there is inconsistency between the code and an authority condition, the authority condition prevails.
- 2.2 Collection must be aimed at healthy, abundant and secure populations of spinifex rather than isolated individuals or populations under stress.
- 2.3 Non-target taxa and habitat surrounding target specimens must be protected from the impacts of collection.
For example, avoid trampling, driving on or depositing soil on plants or animal burrows.
- 2.4 Accidental (unauthorised) killing or destruction of restricted taxa (see section 3.5 of the code) must be reported to DES, consistent with Appendix 2 of the code. This information must be stored and provided consistent with section 2.11 of the code.
- 2.5 Collection must not be undertaken in any area that is prescribed as an Essential Habitat (refer to <https://www.qld.gov.au/environment/plants-animals/plants/ecosystems/>).
- 2.6 Collection must not be undertaken in a Regional Ecosystem having a biodiversity status of 'endangered' (refer to <https://www.qld.gov.au/environment/plants-animals/plants/ecosystems/>).
- 2.7 Species prescribed as 'endangered wildlife', 'vulnerable wildlife' or 'near threatened wildlife' under the provisions of the *Nature Conservation Act 1992* must not be taken during collection activities unless specifically authorised under that Act (refer to https://www.legislation.qld.gov.au/acts_sls/acts_sl.htm).
- 2.8 Note that in accordance with s332 of the *Nature Conservation (Wildlife Management) Regulation 2006*, a person must not, without a reasonable excuse, tamper with an animal breeding place that is being used by a protected animal to incubate or rear the animal's offspring. Please refer to s332 for further details.
- 2.9 Records that are required to be made and maintained by DAC in accordance with this protocol must be kept at the DAC registered office for the period that spinifex collection for biodiscovery purposes is undertaken by DAC, and must be made available for inspection by the chief executive, DES (or delegate), on request.
- 2.10 The period that spinifex collection for biodiscovery purposes is undertaken by DAC includes the period of validity of the initial collection authority (biodiscovery) for spinifex granted to DAC by DES, as well as the periods of validity of any subsequent collection authorities (biodiscovery) similarly granted.

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3 Activity-specific standards

The authority holder and their agents must adhere to the following collection standards.

3.1 Collection zones

- 3.1.1 Spinifex and resin may only be collected for biodiscovery purposes in Queensland from the DAC collection area.
- 3.1.2 The DAC collection area is to be notionally divided by DAC into 'collection zones'. DAC is to undertake mapping and maintain mapping records to accurately specify the location of each collection zone by use of GPS coordinates.
- 3.1.3 The size of each collection zone is to be approximately 100 hectares in area.
- 3.1.4 Each collection zone is to be uniquely and sequentially identified, for example, Z1, Z2, ...

3.2 Collection Equipment

- 3.2.1 All collection is to be undertaken using either hand-operated equipment, such as motorised hedge trimmers, or machinery no larger than a utility tractor with an engine producing no greater than 80 horsepower. The utility tractor may include a sickle bar (or other attachment suitable for trimming grasses), rake and baler.
- 3.2.2 The above requirement does not exclude the use of a vehicle with trailer to hold and transport spinifex material from a collection zone.

3.3 Method and frequency of collection

- 3.3.1 Prior to the commencement of leaf and resin collection in a collection zone, an agent must first check whether that zone has previously been cut. If so, the agent must take and record photos and measurements, per 3.5.3 below. Collection in that zone may proceed only if the monitor plants have regained an average of 70% of their pre-collection height.
- 3.3.2 The top portion of each plant from which collection is to occur, including inflorescences and seed, is to be cut and allowed to fall to ground where it is cut, and must remain where it falls.
- 3.3.3 Each plant may be trimmed no lower than 125mm from ground level.
- 3.3.4 Not more than 70% (by ground cover) of the pre-collection extent of spinifex may be cut in any given collection zone.
- 3.3.5 After cutting has been completed in a collection zone, no further cutting from that zone may be undertaken until leaves of all cut plants in the collection zone have regained an average of at least 70% of their pre-cut height.

3.4 Monitoring – permanent monitoring sites

- 3.4.1 Permanent monitoring sites are to be set aside as areas from which spinifex leaf collection is never to be undertaken during DAC biodiscovery activities, whether for biodiscovery or another purpose. These sites will act as benchmarks sites to assist in assessing and monitoring collection sustainability.
- 3.4.2 Across those parts of the DAC collection area from which collection is to be undertaken, DAC is to establish two monitoring sites per regional ecosystem that is present. These sites are to be located in the vicinity of collection zones.

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- 3.4.3 Each monitoring site is to measure 50 metres by 10 metres and is to be marked using GPS coordinates, with the datum of that derived position recorded. The four corners of each monitoring site are to be visibly marked.
- 3.4.4 DAC must ensure that spinifex collection – for any purpose, including collection of cattle fodder, but excluding cattle grazing - must not occur at each permanent monitoring site.
- 3.4.5 DAC must record the precise location of each monitoring site using GPS coordinates.

3.5 Monitoring – collection zone monitoring transect

- 3.5.1 The aim of collection monitoring is to determine whether spinifex plants in a collection zone in which collection has previously occurred have regained an average of 70% of their pre-cut height.
- 3.5.2 In each collection zone where it is proposed to collect leaf and resin, DAC is to establish one line transect that is selected at random, and is located by use of GPS coordinates (and clearly marked on the ground) at the beginning and end of each transect.
- 3.5.3 Prior to the commencement of leaf and resin collection in each collection zone, and also before re-cutting in any collection zone, three clear plant measurement photos are to be recorded. Each photograph must include a height measurement staff indicating height above ground level with clear markings that can be read from the photograph – one photograph at each end of the transect, and one in the middle.
- 3.5.4 DAC must record and maintain the following details with each set of photographs – name of collection zone; the date photographs are taken; position along the transect line where each photograph was taken; compass bearing of each photograph; a transcription of average plant heights recorded in each photograph, in centimetres; name of agent recording the information.

3.6 Sample identification and management

- 3.6.1 Each bale/bag of spinifex leaf, and each bucket of spinifex resin, must be labelled in accordance with this section.
- 3.6.2 Spinifex leaf and resin must be labelled with a unique identifier as soon as practical after it is collected, and must remain labelled for the period it is held by or for DAC. Labelling may only be removed when the leaf or resin is not held by or for the collection authority holder.

For example, a bar code, or an alpha-numeric code such as WCAB1234/17/Z1-1, where WCAB1234 is the identification code for the collection authority, 17 is the year of collection, Z1 is the collection zone, and 1 is the unique number of the sample from that zone.

- 3.6.3 Label records must be maintained by DAC, together with the date of each sample collected, and these records must remain available or readily accessible with the samples or any derivatives of the samples at all times.
- 3.6.4 All sub-samples or substances sourced from a sample must carry the same identifier as the original sample, or should otherwise allow accurate tracking to the original sample.
- 3.6.5 Samples must be transported and stored to reduce the risk of spoilage and to promote the maximum usefulness of each sample.

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Appendix 1 - Definitions, acronyms and abbreviations

Agent	Staff or contractors authorised by the holder of a collection authority (biodiscovery) to collect, or assist in the collection of, spinifex for biodiscovery.
Authority	See collection authority
Bale	A bound sample of spinifex leaf having a size similar to that of a wool bale.
Biodiscovery	Has the same meaning as in the <i>Biodiscovery Act 2004</i> .
Biodiversity	Has the same meaning as Biological Diversity as defined in the <i>Nature Conservation Act 1992</i> .
BSA	Benefit sharing agreement established under section 33 of the <i>Biodiscovery Act 2004</i> .
Code	Means the <i>Compliance code for collection of native biological resources for biodiscovery</i> , made by the chief executive of the Department of Environment and Science (DES), under Section 44 of the <i>Biodiscovery Act 2004</i> (the Act). The Code applies only to collection activities outside of the protected area estate, marine parks and forest reserves.
Collect	Collection and collection activities relating to spinifex.
Collection authority	Has the same meaning as in the <i>Biodiscovery Act 2004</i> . Includes the collection authority (biodiscovery) issued by DES and any conditions imposed therein, the <i>Compliance code for taking native biological material under a collection authority</i> made by the chief executive of DES (to the extent it does not conflict with a collection authority), and this protocol.
Collection authority holder	In this Protocol, means DAC.
DAC registered office	Dugalunji Aboriginal Corporation, Camooweal Camp, Camooweal, Queensland, 4828.
DES	Means the Department of Environment and Science.
GPS coordinates	Geographic coordinates derived using a Global Positioning System. For example, World Geodetic System, 1984.
Held for the Collection Authority holder	Spinifex leaf or resin is held for the collection authority holder if the collection authority holder remains entitled to exercise rights over those specimens. That is, if the person holding the material is holding it on behalf of the collection authority holder and not for their own purposes then it is held for the collection authority holder.
Holder	As defined by the <i>Biodiscovery Act 2004</i> .
Land	As defined by the <i>Biodiscovery Act 2004</i> .
NCA	<i>Nature Conservation Act 1992</i> .

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Population	Organisms of the same species occupying a given area. For the purposes of biodiscovery, a population is defined as the members of a species occupying the collection site at the time of collection.
Sample	A quantity of spinifex grass obtained from one or more individual plants from one collection zone.
State land	As defined by the <i>Biodiscovery Act 2004</i> . Note: this includes but is not restricted to leasehold lands, council lands, stock routes and bed and banks of watercourses as defined by the <i>Water Act 2000</i> .
Take/Taken	This definition has been derived from the <i>Nature Conservation Act 1992</i> . To bring ashore or aboard a boat, catch, cut, dredge for, destroy, dig up, gather, harm, hunt, injure, kill, lure, net, pluck, poison, pull up, pursue, remove, shoot, skin, snare, spear, or trap a native plant or animal; or attempt to do one of these actions.

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Version	Effective date	Description of changes
1.00	14 MAR 2017	Original protocol published.
1.01	23 APR 2019	Updated clause 3.2.1 to reflect new authorised collection equipment.