

# **Biodiscovery and Other Legislation Amendment Act 2020**

Explanatory notes for SL 2020 No. 210

made under the

*Biodiscovery and Other Legislation Amendment Act 2020.*

## **General Outline**

### **Short title**

*Biodiscovery and Other Legislation Amendment Act 2020.*

### **Authorising law**

Section 2 of the *Biodiscovery and Other Legislation Amendment Act 2020*.

### **Policy objectives and the reasons for them**

The objective of the Proclamation is to commence provisions of the *Biodiscovery and Other Legislation Amendment Act 2020* (the Amendment Act) on 30 September 2020.

Commencement of these provisions will ensure the *Biodiscovery Act 2004* (the Act) is contemporary, effective and equitable, by reflecting international standards that include providing an obligation for the use of traditional knowledge. This will help Queensland's biodiscovery industry to remain globally competitive and ensure that the benefits of biodiscovery are shared equitably throughout Queensland, including with First Nations peoples.

The provisions in the Amendment Act will:

1. recognise and protect traditional knowledge used for biodiscovery by including provisions for consent to be provided, and benefit sharing on mutually agreed terms to be negotiated, with traditional knowledge custodians prior to commencing biodiscovery activities;
2. simplify approvals under the Act by removing the requirement for a biodiscovery entity to apply for and obtain an approved biodiscovery plan; and
3. clarify the relationship between the Act and relevant international protocols, including the Nagoya Protocol.

## **Achievement of policy objectives**

The policy objective is achieved by fixing the commencement date of 30 September 2020 for the provisions of the Amendment Act.

## **Consistency with policy objectives of authorising law**

The Proclamation is consistent with the policy objectives of the authorising law.

## **Inconsistency with policy objectives of other legislation**

The Proclamation is not inconsistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

There are no costs associated with making the Proclamation.

Information about the costs and benefits of the Amendment Act was provided in the explanatory notes accompanying the Bill.

## **Consistency with fundamental legislative principles**

The Proclamation is consistent with fundamental legislative principles.

## **Consultation**

No specific stakeholder consultation was undertaken on the Proclamation because it is considered administrative in nature.

In developing the Amendment Act, the Department of Environment and Science conducted extensive community consultation including publicly releasing an Options Paper, and holding workshops with a Stakeholder Roundtable on Traditional Knowledge and biodiscovery entities, and one-on-one meetings with stakeholders across Queensland. Consultation within Government was undertaken through a Government Reference Group established in 2018.

In accordance with *The Queensland Government Guide to Better Regulation*, further regulatory impact analysis was not required for the Proclamation (Category (g) – Regulatory proposals that are of a machinery nature). Consequently, consultation with the Office of Best Practice Regulation was not required.