

Information sheet

Biodiscovery

Completing an application form for a Collection authority (biodiscovery) – collection outside of a Protected Area, outside of a Forestry Reserve, and outside of a Marine Park

This information will help you to complete an application form for a Collection authority (biodiscovery), issued by DES under the Biodiscovery Act 2004 (the Act) with respect to areas outside of a Protected Area, outside of a Forestry Reserve, and outside of a Marine Park. This document also contains important information about the application assessment process and Collection authority requirements.

Important information for applicants

- This information relates to collection that is proposed to be undertaken outside of the Protected Area Estate (such as a National Park), outside of a Forestry Reserve, and outside of a Marine Park. **If you propose to collect within the Protected Area Estate (such as a National Park) and/or within a Forestry Reserve and/or within a Marine Park, please contact the Queensland Parks and Wildlife Service (QPWS).**
- Before completing this application form, please read the *Information sheet (Biodiscovery collection)* and the *Compliance code for taking native biological material under a Collection authority* (the Code) which are both available via the Department of Environment and Science (DES) website <http://www.DES.qld.gov.au/licences-permits/plants-animals/biodiscovery.html>. 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, available via the Office of Queensland Parliamentary Counsel website <http://www.legislation.qld.gov.au/>.
- Section 11(2) of the Act requires that your proposed or approved biodiscovery plan be attached to your application for a Collection authority. Guidelines for developing a biodiscovery plan are available from Science Office of the Chief Scientist (SOCS).
 - 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 SOCS (<https://www.business.qld.gov.au/industry/science/biodiscovery-business/biodiscovery-benefit-sharing-agreement>).
- A *Collection authority* is issued on the understanding that access arrangements are negotiated with appropriate land/water managers prior to collecting. To maximise your chances of obtaining access approval for the period you require, you may begin negotiations before any *Collection authority* has been issued.
- Most State resource management agencies have district-level management. Where collection is to take place on tenures managed by the State, the district level may be the appropriate point of contact when negotiating access in one or two districts. Where collection is to take place over a larger number of

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districts, or the appropriate district cannot be identified, contact at the regional management level may be appropriate.

- 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 by QPWS or under Commonwealth legislation (section 1.4 of the 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*.
- 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 to QPWS 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

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.

The signatory to the Collection authority must also be the person to whom the benefit-sharing agreement with the State is issued.

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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 Plan

You must attach a biodiscovery plan to your application for a Collection authority. A Collection authority cannot be granted without a suitable biodiscovery plan. Plans at the draft stage must be sufficiently developed to warrant submission to SOCS for approval for a benefit-sharing agreement (BSA). If you have a biodiscovery plan approved by SOCS for the collection you are applying for, this is the plan (and not a draft plan) that must be attached to your application.

Draft biodiscovery plan	<input type="checkbox"/>
Approved biodiscovery plan	<input type="checkbox"/>

Where DES grants a Collection authority, collection cannot commence until you have finalised your BSA with the State through SOCS. 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. 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 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 6. Collection within Queensland waters

Various lands and waters are subject to Native Title Claims. Where a collection is planned for Queensland waters, DES undertakes Native Title notification. Location information is required for this procedure.

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 7. 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 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.

- If you do not already have your BSA with the State, you will need time to finalise this before you can start collecting under your authority (refer also Question 3 of the application form).

Question 8. Consistency with the Code

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

The 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 Code. Applications that are entirely consistent with the Code will undergo streamlined assessment.

If your proposed collection is inconsistent with the 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 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 Code are not compliant with the Code. Applications proposing these activities require the tables for question 10 to be completed before proceeding to question 11 (Declaration).

Question 9. Consistent with the 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 Code. Please see Attachment 1 for examples to help you fill out this table.

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

Question 10. Inconsistent with the Code – details of collection

If your collection of any taxa will not comply with the Code, or your collection project does not comply with the 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 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.

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Table 10(iii) requires you to list the sections of the Code 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 11. 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

- **Is any proposed collection site located on a Protected Area or Forestry Reserve or Marine Park? If yes, STOP! You will need to apply separately to QPWS on a QPWS application form for these sites.**
- Have you attached all necessary documents to your application?
Your application cannot be processed without the mandatory attachments, such as your draft or approved biodiscovery plan, and 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.

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

Details of proposed collection: taxa consistent with the 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> EW = extinct in the wild E = endangered V = vulnerable NT = near threatened C = common 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>Stichopus horrens</i>	Flemfish	NL	PF	CR
3	<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
4	<i>Castanospermum australe</i>	Black bean	Common	P	HW seedlings<5cm
5	<i>Amphimedon terpenensis</i>	Sea sponge	NL	T	CE
6	<i>Tremella fuciformis</i>	White jelly fungus	NL	MF	HW

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

Details of proposed collection: taxa effected by inconsistency with the 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>	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	vulnerable	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	common	PL	HP (external to host plant only)

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Attachment 3: Example table for inconsistent collection location

Location of proposed collection sites where collection is inconsistent with the Code (taxa listed in table (i))

Complete a new line for each combination of: taxon x sample x collection site. *Note: If your project involves vertebrates (other than fish), cephalopods or disease-causing organisms, it will not be processed without appropriate ethics or biosafety committee approvals. Please attach copies of all relevant approvals. Also attach further copies of this table to your application if there is insufficient room for your information below.*

Item from 10(i)	Proposed collection site/s (name of collection site location; for example, Xyz National Park)	GPS or lat/long co-ordinates)	Collection details
1	2 Locations in Paluma Range NP: 1) Rainforest site, Little Crystal Ck 2) Rainforest, Mount Spec Road	1) AMG Zone 55, E 422116, N 7897179 2) AMG Zone 55, E 423616, N 7898179	STOP – you will need to apply to QPWS for a Collection authority for this activity.
3	Scientific National Park 2, 1 sample from the only known site at Diggers Camp, 1 sample from each of 4 other sites if sites located (that is, a total of 5 samples).	1: Lat -19.067635, Long 146.266256, 2,3,4,5 sites are unknown, but data will be recorded and provided to the Herbarium if found, and to DES in a Biodiscovery collection report if required.	STOP – you will need to apply to QPWS for a Collection authority for this activity.

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Attachment 4: Example table for inconsistent collection aspects

Aspects of proposed collection where inconsistent with the Code

*For all combinations of taxon x sample listed in 10(i): record details of your proposed inconsistent action, the 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	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 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, fungi restricted under Code. Possibly collecting within Aboriginal occupation sites/ other Indigenous sites.	3.5 2.8.1	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 (see Table 3 and biodiscovery plan attached). Although fungi are restricted by the 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 (see biodiscovery plan). 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).
3	Collection on a national park (scientific), collecting more than the allowed amount.	3.5.1, 3.3.1	STOP – you will need to apply to QPWS for a Collection authority for this activity.

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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:
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1.00	07 April 2016	Approved by R.D. Williams, A/Executive Director, Nature Conservation Services.
1.01	08 July 2016	Approved by Director, Wildlife Management see CTS17168/16