**Statement of Confirmation**

**Section 7A Relationship with International food and agriculture treaty**

***Biodiscovery Act 2004* (Qld)**

This Statement of Confirmation concerns section 7A of the *Biodiscovery Act 2004* *(Qld)* (the **Act**)*.*

A person is exempt from the requirements of the Act where section 7A of the Act applies.

**7A Relationship with International food and agriculture treaty**

1. This section applies to a person taking or using a plant if—
2. the plant is listed in the International food and agriculture treaty, Annex 1; and
3. the taking or using involves biodiscovery or using traditional knowledge for biodiscovery.
4. The person is exempt from the requirements of this Act to the extent the plant is taken or used—
5. for a food or agriculture purpose; and
6. in a way that is consistent with the International food and agriculture treaty.
7. In this section—

***International food and agriculture treaty*** means the agreement—

1. called the ‘International treaty on plant genetic resources for food and agriculture’; and
2. adopted at the Conference of the Food and Agriculture Organization of the United Nations on 3 November 2001; and
3. entered into force on 29 June 2004.

The biodiscovery entity confirms that the criteria outlined in section 7A of the Act (above) are intended to be met or are being met and, on that basis, the biodiscovery entity is exempt from the requirements of the Act for the biodiscovery activity.

The activity is described below:
*[insert description of the activity and how the project meets the requirements of section 7A(2)]*

The biodiscovery entity will contact the State should the criteria in section 7A of the Act no longer apply to the biodiscovery activity, to ensure any requirements under the Act will be met.

Signed for and on behalf of the *[biodiscovery entity]* by its authorised signatory:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name and role title of signatory

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date

Email the completed form to Department of Environment and Science: qldscience@qld.gov.au.

**General guidance**

The following is provided as general guidance only. Biodiscovery entities are required to consider their own circumstances to determine whether section 7A of the Act applies to them.

In considering whether you are exempt from the Act for the purpose of section 7A, you need to satisfy every limb of section 7A. In summary, this means you must satisfy the following:

* The entity is taking or using a plant.
* The plant is listed in Annex 1 of the International food and agriculture treaty.
* The take or use of the plant involves:
	+ Biodiscovery, which is defined in the Schedule to the Act; or
	+ using traditional knowledge for biodiscovery, which is defined in the Schedule to the Act.
* The plant is to be taken or used for a food or agriculture purpose.
* The plant is to be taken or used in a way that is consistent with the International food and agriculture treaty.

***biodiscovery entity***means an entity that engages in biodiscovery.

***biodiscovery***means—

1. biodiscovery research; or
2. the commercialisation of native biological material or a product of biodiscovery research.

***biodiscovery research***means the analysis of molecular, biochemical or genetic information about native biological material for the purpose of commercialising the material.

***commercialisation***, of native biological material—

1. *Commercialisation*, of native biological material, means using the material in any way for gain.
2. The term does not include using the material to obtain financial assistance from a State or the Commonwealth, including, for example, a government grant.

***traditional knowledge*** means information based on Aboriginal tradition or Island custom.

*Note—*

See the *Acts Interpretation Act 1954*, schedule 1 for the meaning of *Aboriginal tradition* and *Island custom*.