



## Consultation Paper for Aboriginal People

### What is the WA Biodiscovery Bill about?

A Bill is an idea for a law. There is no law about biodiscovery in WA yet.

The WA Biodiscovery Bill (the Bill) will provide a way of managing biodiscovery in WA.

The main things that the Bill will do are:

- set out a way to manage biodiscovery in WA that follows the Nagoya Protocol (see information below);
- make sure that WA gets benefits when certain types of research into our native plants and animals makes money; and
- make sure that Aboriginal people get benefits when certain types of research into native plants and animals makes money when traditional knowledge was shared with the researcher and used in the research.

### What are the main parts of the Bill?

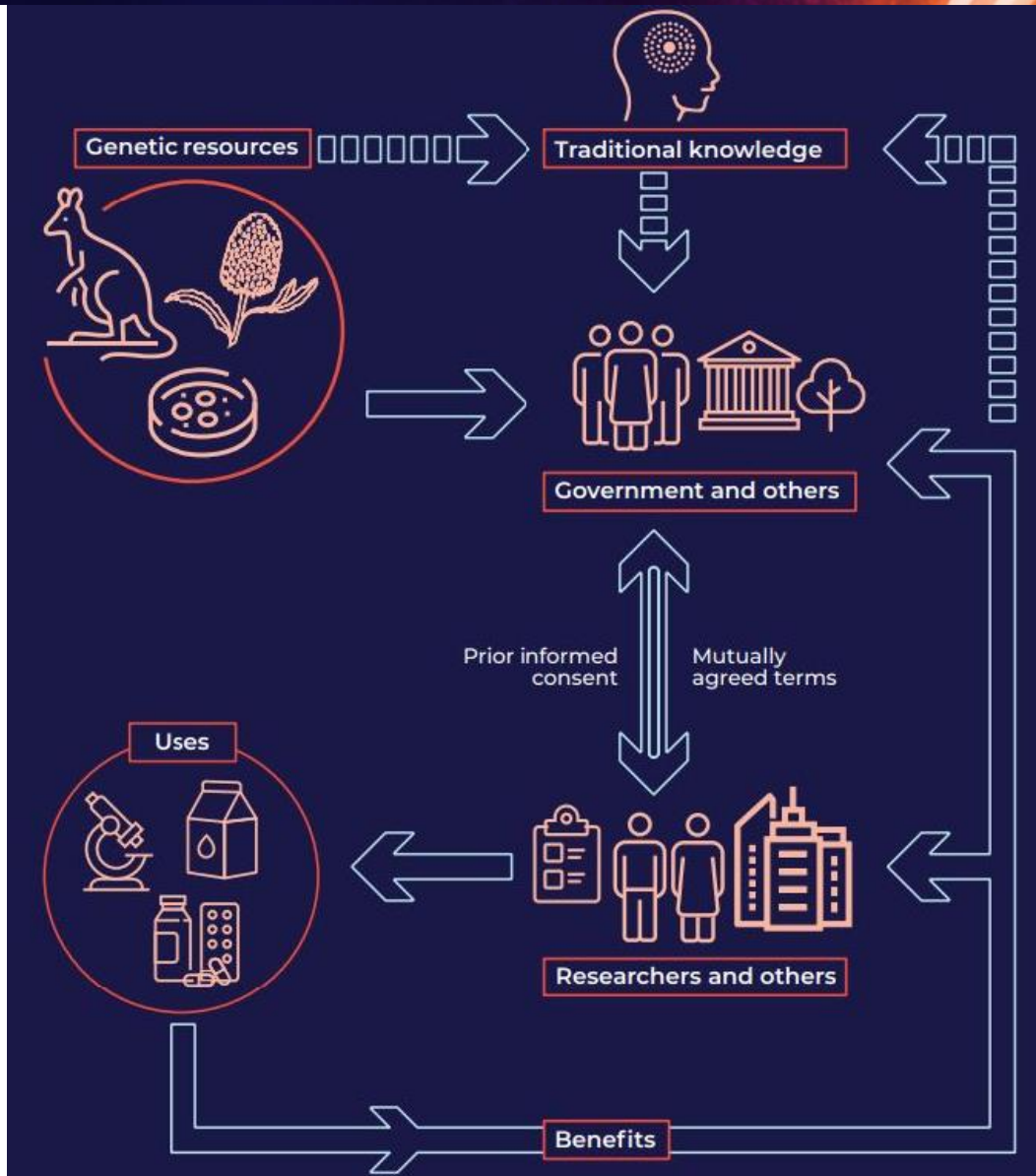
#### Biodiscovery

Biodiscovery is research into things like native plants and animals to take parts that can be used to make new things. WA has many useful native plants and animals. Aboriginal people often hold traditional knowledge about these and their uses. Sometimes Aboriginal people share this traditional knowledge with researchers and the researchers can use the results of biodiscovery to earn money. For example, using parts of native plants to make new medicines that can be sold. Biodiscovery needs to happen in a way that recognises and protects WA's plants and animals and the traditional knowledge of Aboriginal people.

#### Nagoya Protocol

The Bill will follow the [Nagoya Protocol](#). The Nagoya Protocol is an international agreement about how benefits from biodiscovery on native plants and animals should be shared in a fair way. The main parts of the Nagoya Protocol are below.

- Authorised access – Researchers must have the right approval to access and take native plants and animals. In some cases, Aboriginal people will be the ones to allow access.
- Mutually agreed terms – Researchers and the WA Government will need to sign an agreement about how native plants and animals can be collected and used. Researchers and Aboriginal people will need to agree on how any traditional knowledge that has been shared with the researcher can be used. Researchers must follow the agreements that they will have with the WA Government and with Aboriginal people.
- Benefit sharing – Any benefits that come from using native plants and animals must be shared in a fair way. Benefits might be money or other things like education and training. These benefits will be in the agreement that says how native plants and animals, and traditional knowledge if it has been shared, can be used.
- Recognition and protection of traditional knowledge – Researchers must acknowledge if any traditional knowledge has been shared with them. If researchers use this traditional knowledge and their research makes money, they must share the benefits with the Traditional Knowledge Holders.



## Collecting and benefit sharing

Researchers will need to do certain things before they can collect a native plant or animal to use it for biodiscovery.

1. If researchers want to collect a native plant or animal and use their research to make money, they must get a WA Biodiscovery Certificate first. The researcher must show that they have permission to collect the native plant or animal to get a WA Biodiscovery Certificate. The researcher must also say if any traditional knowledge has been shared with them about the native plant or animal.
2. If the researcher thinks that their research will make money and traditional knowledge has been shared with them, they must agree to share the benefits with the holders of the traditional knowledge. First, the researcher and holders of the traditional knowledge will need to agree on what these benefits are. After that, these benefits will then need to be put in detail in an agreement. These agreements are called benefit sharing agreements.
3. The researcher will need to prove to the WA Government that they have a benefit sharing agreement with the holders of the traditional knowledge. The Government won't find out what



the benefits are though as this is between the researcher and the holders of the traditional knowledge.

4. Researchers won't need to agree on benefits if they don't think that their research will make money. But they must still tell the Government if traditional knowledge has been shared with them about the native plants and animals that they want to use.
5. If a researcher first says that their research won't make money but changes their mind and the research will make money, they will need to come back and do steps 1 and 2. They will need to agree to benefits with the holders of any traditional knowledge that has been shared with them and that they have used in the research.

## How can you have your say about the Bill?

We want to hear what you think about how the Bill should be set up. There are a few different ways that you can have your say.

### Workshops

Come along to a face-to-face workshop where there will be lunch and refreshments. The workshops are listed in the table below.

<b>Kununurra</b>	2 September 2022	9am - 3pm	Mirima Dawang Woorlab-gerring Language and Culture Centre	Button Drive (off Speargrass Road) KUNUNURRA 6743
<b>Broome</b>	16 September 2022	10am - 4pm	Liyan-ngan Nyirrwa Cultural Wellbeing Centre at Nyamba Buru Yawuru	55 Reid Road CABLE BEACH 6726
<b>Karratha</b>	22 September 2022	9.30am - 3.30pm	Pilbara Universities Centre	Level 1, The Quarter (enter ground floor and use lift) 20 Sharpe Avenue KARRATHA 6714
<b>Geraldton</b>	29 September 2022	9.30am - 3.30pm	Fitzgerald Room The Gerald Apartment Hotel	25 Cathedral Avenue GERALDTON 6530
<b>Kalgoorlie</b>	11 October 2022	9.30am - 3.30pm	Function Room Goldfields Art Centre	35 Cheetham Street KALGOORLIE 6430
<b>Albany</b>	18 October 2022	9am - 3pm	Kalyenup Studio Albany Entertainment Centre	2 Toll Place ALBANY 6330
<b>Perth</b>	31 October 2022	10am - 4pm	Department of Jobs, Tourism, Science and Innovation	Level 11 1 William Street PERTH 6000

Please contact the Project Team if you can't make it in person and want to connect to the workshop online.



## Online survey and written submissions

You can have your say by answering questions in an online survey or you can send a written submission. The online survey is on the WA Biodiscovery Bill webpage

[www.wa.gov.au/biodiscoverybill](http://www.wa.gov.au/biodiscoverybill) and written submissions can be sent to [biodiscovery@jtsi.wa.gov.au](mailto:biodiscovery@jtsi.wa.gov.au)

## What are the consultation questions?

We would like to know what you think about the things below.

### Definitions

- The Bill will need to define 'traditional knowledge'. The use of traditional knowledge will need approval from traditional knowledge holders and benefit sharing with traditional knowledge holders. How do you think the Bill should define the key concepts of 'traditional knowledge' and 'traditional knowledge holder'?
- Do you think it would be helpful for any of these definitions to be linked to similar concepts used in other laws, like laws to do with native title and Aboriginal heritage protection?
- Do you think that 'Traditional Knowledge Holder' is a good way to describe an Aboriginal person who has or owns traditional knowledge? Or is there another name that would be better?

### Identifying Aboriginal groups for benefit sharing

- What do you think is the best way for researchers to identify the Aboriginal people that they should share benefits with for biodiscovery activities?
- There are organisations that already deal with other rights and interests based on traditional law and custom, like native title and Aboriginal cultural heritage. Do you think that these organisations could help researchers identify the Aboriginal people that they should share benefits with for biodiscovery activities?
- What do you think should happen if more than one Aboriginal group have the same traditional knowledge?

### Traditional knowledge that is published

- How do you think the Bill should deal with traditional knowledge that is already published, like in a book or research paper?

## What happens next?

- We will talk to any PBCs and NTRBs that want to talk over Microsoft Teams.
- The workshops with Aboriginal people will be held.
- We will talk to universities in WA and some businesses.
- We will talk to the Aboriginal Advisory Council of WA.
- We will put together what everyone has told us.
- The Bill will be written and sent to Parliament and hopefully become a law.
- We will talk to people again to develop some rules to help make the Bill work.

## How do you contact the Project Team?

Phone: +61 8 6277 3050

Email: [biodiscovery@jtsi.wa.gov.au](mailto:biodiscovery@jtsi.wa.gov.au)

[www.wa.gov.au/biodiscoverybill](http://www.wa.gov.au/biodiscoverybill)