




Speech By
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MEMBER FOR THEODORE


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**ENVIRONMENTAL PROTECTION AND OTHER LEGISLATION AMENDMENT
BILL**

BIODISCOVERY AND OTHER LEGISLATION AMENDMENT BILL

 **Mr BOOTHMAN** (Theodore—LNP) (12.59 pm): I rise to make a contribution in this cognate debate, but I will specifically deal with the Biodiscovery and Other Legislation Amendment Bill. From the outset, I thank my fellow committee members and the secretariat staff for all their work on this bill.

As many other speakers in this House have spoken about, the biodiscovery industry is certainly expanding and evolving throughout Australia and the world. Different countries are getting on board and participating in this industry. As other members have said, the Nagoya protocol was updated in 2014. The idea of the Nagoya protocol is to create a fair and just system that allows traditional owners and community groups that potentially used genetic research and genetic resources to benefit from that.

 **Mr BOOTHMAN** (Theodore—LNP) (2.56 pm), continuing: Before the lunch break I was talking about the importance of adhering to the Nagoya protocol to give First Nation peoples the benefit of their traditional knowledge when it comes to medicines and other fibres et cetera. The bill does have an honourable intent but, as we found during the committee process, it lacked detail on how it was going to follow-through with that intent. Unfortunately, it created more questions than it answered. It also highlighted the lack of knowledge from the environment department about the legislation's framework and it seemed that the submitters had a lot more knowledge about the legislation itself than the department. As the member for Scenic Rim highlighted, that is very concerning.

Fundamentally, when it comes to this legislation my personal fear is how the code of practice would follow through and how that would deal with disputes. For instance, there could be two groups of individuals that would lay claim to a certain traditional medicine or a traditional fibre which could then be potentially caught up in the legal system for decades. If there is a potential medicine which could alleviate a modern illness or an illness which has been around for many years, if it gets tied up in the legal framework the only people who will make money out of it are the lawyers unfortunately. This is something which I found deeply concerning simply because there was no mention in the committee hearings how this could be addressed. It was simply stated that there would be discussions between the parties. As we know, sometimes these discussions can boil over and progress can be very slow. That is my major concern with this bill. As stated in our statement of reservation—

The department advised that clause 27 may reverse the onus of proof, but somehow this breach of fundamental legislative principle was justified. Then less than three weeks later, the department provided new advice that it now suddenly did not consider that clause 27 involved any reversal of proof in criminal proceedings ...

It seemed to the committee that the department did not do its homework. We felt that there were a lot of questions left unanswered. The member for Noosa, in her statement of reservation—which was a very good statement of reservation—certainly hit the nail on the head. It was similar to what we put together. As I said, we had serious concerns around this.

One of my residents, an individual who has a fair bit to do with my local Aboriginal community, said, 'Don't we elect MPs to make decisions on legislation? Why are we leaving it to bureaucrats all the time to come up with these codes of practice?' It is a concern for many in our communities who say, 'They are not accountable; you guys are. Therefore, you should be putting up legislation which we deem appropriate and we can actually have our say through the ballot box.' As he rightly says, a bureaucrat does not stand for election; we as members of parliament do. We need to make sure that when we put legislation through it is going to work in the best interests of all Queenslanders. While the bill does contain an honourable intent, unfortunately it falls far short of what it should actually do. I have deep concerns as to how this will progress in the future. It worries me that we may get medical treatments that will potentially be held up in years of litigation.