



ROYAL BOTANIC GARDENS SYDNEY

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House of Representatives Standing Committee on Primary Industries and Regional Services
Parliament House
Canberra ACT 2600

Primary.Industries.Reps@aph.gov.au

Dear Sir/Madam,

Re: Commonwealth Parliamentary Inquiry into the development of high technology industries in regional Australia based on bioprospecting.

Please find attached a response from the Royal Botanic Gardens, Sydney to the above inquiry. If you have any questions relating to this please feel free to contact me about it.

Yours sincerely,

Dr Brett Summerell
Acting Director Plant Sciences
4th January 2001



ROYAL BOTANIC GARDENS SYDNEY

RESPONSE TO THE COMMONWEALTH PARLIAMENTARY INQUIRY INTO THE DEVELOPMENT OF HIGH TECHNOLOGY INDUSTRIES IN REGIONAL AUSTRALIA BASED ON BIOPROSPECTING

In general the Royal Botanic Gardens Sydney is supportive of developing high technology industries based on bioprospecting activities. We recognise that the high level of diversity found within the flora, fauna and micro-organisms of Australia have a significant potential to be used in bioprospecting and consequently through industries such as the pharmaceutical industries, agrochemical industries and applied chemical and medical uses. There are significant potential benefits for Australia through the application of such uses. We are also aware that the Royal Botanic Gardens Sydney, through our collections of living plants, herbarium specimens and fungi are a significant potential resource that may be useful in such endeavours. In addition the intellectual resources of the Royal Botanic Gardens Sydney through the knowledge of its staff and the information stored on its databases are a resource that could be of significant interest in the development of such industries.

The main concerns that the Royal Botanic Gardens Sydney have in relation to these activities are outlined below:-

1. Ensure that the collection and use of a particular organism, or part there-of, does not prevent or restrict research activities on that organism by an organisation such as ourselves. This is particularly important given the paucity of knowledge relating to the majority of organisms in Australia.
2. That representative samples of all plants, animals or micro-organisms sampled for bioprospecting are lodged in appropriate herbaria or museum collections and that processing and identification of these organisms be funded as part of a bioprospecting program.
3. That these activities be consistent with the guidelines outlined under the Convention on Biological Diversity. The Royal Botanic Gardens is developing a policy to guide us on the use of biological resources that relates to our own activities and those of other organisations that we collaborate with. This policy will be drafted by early February 2001. Attached below is a framework of the policy which may be of interest when developing guidelines for bioprospecting. These '**Principles on Access to Genetic Resources and Benefit-Sharing for Participating Institutions**' were developed by an international group of botanical institutions including the Royal Botanic Gardens Sydney.
4. That the inquiry take into account the submissions to, and the findings of, the inquiry into Access to Biodiversity Resources on Commonwealth Land, which raised issues relevant the uses of biodiversity more generally. In particular that there be a functional differentiation between non-commercial scientific research and commercial scientific research so that arrangements for the latter do not impact on the former.



ROYAL BOTANIC GARDENS SYDNEY

PRINCIPLES ON ACCESS TO GENETIC RESOURCES AND BENEFIT- SHARING FOR PARTICIPATING INSTITUTIONS

Participating Institutions endorse the following Principles on access to genetic resources and benefit-sharing:

Convention on Biological Diversity (CBD) and laws related to access to genetic resources and associated traditional knowledge and benefit-sharing

- Honour the letter and spirit of the CBD, The Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) and laws relating to access and benefit-sharing, including those relating to traditional knowledge.

Acquisition of genetic resources

- In order to obtain prior informed consent, provide a full explanation of how the genetic resources will be acquired and used.
- When acquiring genetic resources from *in situ* conditions, obtain prior informed consent from the government of the country of origin and any other relevant Stakeholders, according to applicable law and best practice.
- When acquiring genetic resources from *ex situ* collections (such as botanic gardens), obtain prior informed consent from the body governing the *ex situ* collection and any additional consents required by that body.
- When acquiring genetic resources from *ex situ* sources, whether from *ex situ* collections, commercial sources or individuals, evaluate available documentation and, where necessary, take appropriate steps to ensure that the genetic resources were acquired in accordance with applicable law and best practice.

Use and supply of genetic resources

- Use and supply genetic resources and their derivatives on terms and conditions consistent with those under which they were acquired.
- Prepare a transparent policy on the commercialisation (including plant sales) of genetic resources acquired before and since the CBD entered into force and their derivatives, whether by the Participating Institution or a recipient third party.

Use of written agreements

- Acquire genetic resources and supply genetic resources and derivatives using written agreements, where required by applicable law and best practice, setting out the terms and conditions under which the genetic resources may be acquired, used and supplied and resulting benefits shared.

Benefit-sharing

- Share fairly and equitably with the country of origin and other Stakeholders, the benefits arising from the use of genetic resources and their derivatives including non-monetary, and, in the case of commercialisation, also monetary benefits.
- Share benefits arising from the use of genetic resources acquired prior to the entry into force of the CBD, as far as possible, in the same manner as for those acquired thereafter.

Curation

- In order to comply with these Principles, maintain records and mechanisms to:
 - record the terms and conditions under which genetic resources are acquired;
 - track the use in the Participating Institution and benefits arising from that use; and
 - record supply to third parties, including the terms and conditions of supply.

Prepare a Policy

- Prepare, adopt and communicate an institutional policy setting out how the Participating Institution will implement these Principles.