



VICTORIAN TRADITIONAL OWNER
NATIVE FOOD AND BOTANICALS STRATEGY

Access and Benefit Sharing FACTSHEET

WHAT IS THE FACT SHEET ABOUT?

The Victorian Traditional Owner Native Foods and Botanicals Strategy (**TONFABS**) provides a framework for Traditional Owners in Victoria to play a leading role in the native foods and botanicals industry.

The TONFABS Cultural Protocol (the **Protocol**):

1. describes Traditional Owners' assertions of cultural ownership of their Indigenous Knowledge and Biological Resources, and
2. details best practice for industry when seeking and accessing Country and/or appropriate Indigenous Knowledge or Biological Resources.

Providing a pathway between the industry and Traditional Owners are fair and equitable Access and Benefit Sharing (**ABS**) Agreements.

WHAT IS TONFABS?

TONFABS aims to recover and reclaim knowledge and practices, as well as strengthen and restore Traditional Owner leadership of Victoria's dynamic and growing native foods and botanicals industry.

Colonisation stripped Aboriginal people of their rights to practice customs, consume traditional foods and care for Country. Victoria acknowledges the dispossession and destruction of colonisation through the *Yoorrook Justice Commission* and the residual sovereignty of Aboriginal people through its *Treaty for Victoria* movement.



WHAT ARE THE GUIDING PRINCIPLES?

The actions detailed in the TONFABS are guided by four principles:

1. **Culture** – Traditional Owner cultural knowledge and practice leading the industry.
2. **Country** – restorative and holistic care for Country led by Traditional Owners.
3. **Community** – benefits are co-created with community to maintain ongoing connection with biocultural species.
4. **Commercial** – Traditional Owners and custodians have the right to economic participation and benefits arising from natural resources.

These four guiding principles inform the Protocol and ABS Agreement, which provide international and national best practice for the industry.

WHAT IS THE TEMPLATE ABS AGREEMENT?

The Protocol contains best practice guidance for agreement-making with Traditional Owners. To support this, an ABS Agreement template has been prepared for use by Traditional Owner groups, specifically drafted for the fair and equitable sharing of benefits arising from the access or use of Biological Resources and associated Indigenous Knowledge and ICIP.

WHAT IS THE ABS FLOWCHART?

The ABS Flowchart below suggests a process for negotiation of an ABS Agreement and the obligations industry has to Traditional Owners when negotiating access and/or use of Biological Resources and associated Indigenous Knowledge and ICIP.

WHAT IS ACCESS AND BENEFIT SHARING?

The colonisation of Aboriginal Peoples' Indigenous Knowledge and Biological Resources is ongoing. The industry has experienced wide-spread commercial gain from the appropriation of Indigenous Knowledge and Biological Resources at the expense of Aboriginal people.

This is no longer accepted at a national and international level. Aboriginal people have a right to share in the benefits in exchange for access to, and use of, their Biological Resources pursuant to the *Convention on Biological Diversity* and the *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization*. Appropriate access and benefit sharing, research and projects relating to Biological Resources and Indigenous Cultural and Intellectual Property (ICIP) must be documented in a fair agreement, such as an ABS Agreement.

WHO DOES AN ABS AGREEMENT APPLY TO?

An ABS Agreement applies to the industry, including all those that interact with it (e.g. producers, suppliers, researchers, investors, retailers and consumers), government, and Traditional Owners.

WHO TO CONTACT FOR MORE INFORMATION?

If you have any queries or would like more information on the TONFABS, the Protocol and/or the ABS Agreement, please contact the Federation of Victorian Traditional Owner Corporations via the 'Contact Us' section of our website.