

Cultural Protocol 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 access 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 TONFABS CULTURAL PROTOCOL?

The Protocol sets out best practice for engagement, understanding and agreement-making between the industry and Traditional Owners based upon self-determination and custodianship.

With the implementation of the Protocol, TONFABS aims to increase cultural competency within the industry and establish ongoing good faith collaboration. Those who adopt and follow the Protocol should feel confident engaging with Traditional Owners in relation to research and development, commercial uses and biotrade of Biological Resources and associated Indigenous Knowledge.

The Protocol is informed by the authorities of the:

- United Declaration on the Rights of Indigenous Peoples (2007)- acknowledging that Indigenous peoples have a sovereign right to their cultural heritage, traditional knowledge and cultural expression (also known as Indigenous Cultural and Intellectual Property or ICIP);
- United Nations Convention on Biological Diversity (1992-1993) and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization – acknowledging the rights of Indigenous peoples in the use of Biological Resources, including entering into appropriate and fair access and benefit sharing agreements; and
- 2018 Indigenous Data Summit Key Principles Communique from the Maïam nayri Wingara Indigenous Data Collection and the Australian Indigenous Governance Institute on Indigenous Data Sovereignty and Indigenous Data Governance principles – acknowledging the rights of Indigenous peoples to control the collection, ownership and application of data about themselves and their cultures.

The Protocol is for general use only. Traditional Owners also have their own specific cultural protocols in relation to community, culture and Country which must be respected and complied with when working with Biological Resources and ICIP.

WHO DOES THE TONFABS CULTURAL PROTOCOL APPLY TO?

This Protocol applies to the industry, including all those that interact with it (e.g. producers, suppliers, researchers, investors, retailers and consumers and government).

WHAT ARE THE BEST PRACTICE GUIDES IN THE PROTOCOL?

There are 7 best practice guides incorporated in the Protocol to guide the Victorian native foods and botanicals industry in their engagement with Traditional Owners and their Indigenous Knowledge and ICIP:

1. Working with Traditional Owners in Victoria – this guide provides practical considerations when engaging with Traditional Owners.
2. Conducting Research, Developing and/or Using Biological Resources – this guide provides practical considerations when conducting research, collecting and using Biological Resources, biochemical derivatives and extracts, as well as digital sequencing information.
3. Commercialising Biological Resources – this guide provides practical considerations when commercialising Biological Resources that incorporates Indigenous Knowledge and ICIP.
4. Using Aboriginal Language, Story or Art – this guide provides practical considerations when using Aboriginal language, story or art in relation to a project or activity.
5. Labelling Biological Resources – this labeling provides practical considerations when labeling and packaging Biological Resources and associated ICIP.
6. Sharing Benefits with Community – this guide provides practical considerations to ensure appropriate benefits are shared with Traditional Owners for use if Biological Resources and ICIP.
7. Empowering Culture – this guide provides practical considerations to ensure that culture is empowered by industry stakeholders.

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.