

TONFABS COMMUNIQUE



On Wednesday the 27 April, the Federation of Victorian Traditional Owner Corporations (The Federation) hosted a four-hour online forum to engage community feedback on the implementation of the Victorian Traditional Owner Native Food and Botanicals Strategy (the Strategy). This was the second of four Traditional Knowledge Group (TKG) workshops to take place and is open to all Victorian Traditional Owners.

BACKGROUND —

In April 2021, the Federation and Agriculture Victoria launched the Strategy which seeks to “establish an authentic, vibrant and growing Traditional Owner-led industry that respects and recognises the inherent interests and rights of Traditional Owners – and enables and strengthens the social, cultural and economic connections with the lands and resources”. The Strategy endeavours to protect Indigenous Cultural and Intellectual Property (ICIP), through a range of mechanisms including legislative reform, regulation, policy phasing, investment, and co-capacity building. ICIP refers to the rights of Australian First Nations People to their cultural heritage. Heritage comprises all objects, sites, languages, expressions and knowledge, the nature or use of which has been transmitted or continues to be transmitted from generation to generation and pertains to a particular Aboriginal or Torres Strait Islander group or its territory. This includes stories, anecdotes, artwork, and song. Indigenous commercial law firm Terri Janke and Company (TJC) has been commissioned to develop stages of work for the implementation of the Strategy.

These TKG workshops invite participation from all Victorian Traditional Owners to help shape the implementation of the Strategy. The implementation is also being overseen by the TONFABS Project Control Committee (PCC), with the additional leadership of a proposed co-governance group. Building upon the previous session which socialised the Strategy, the second TKG workshop sought to engage feedback on establishing the Strategy's on-going governance arrangements, and on four pieces of work fundamental to implementation of the Strategy:

- Best Practice Cultural Protocol
- Access and Benefit Sharing Agreement
- Accreditation (Labelling) System
- Business Modelling.



ATTENDEES

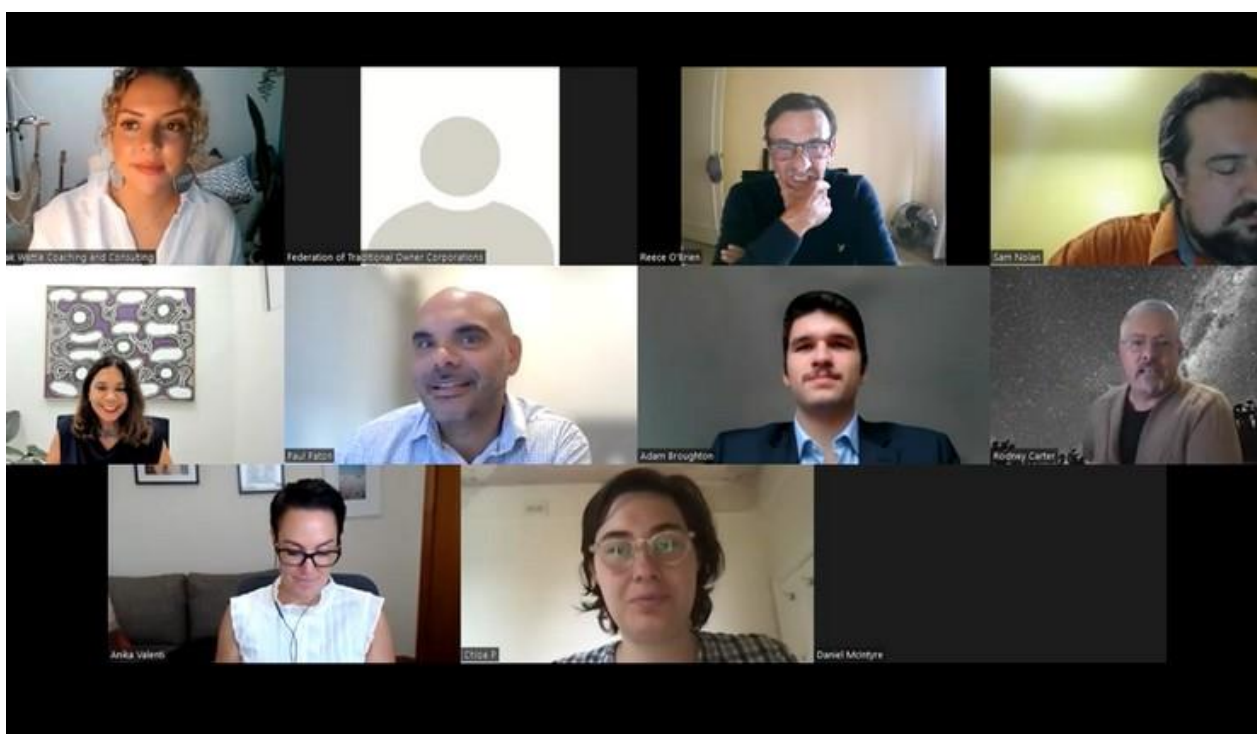
The session was attended by several Victorian Traditional Owners from various Nations and Clans across the state, bringing their cultural and commercial expertise to the discussion.

Conversations were facilitated by Mbarbrum women and founder of Blak Wattle Coaching and Consulting, Caroline Kell. Representatives from Terri Janke and Company (TJC) attended to present on the proposed work stages of the Strategy's implementation. Federation staff were also on hand to provide contextual information on the project.



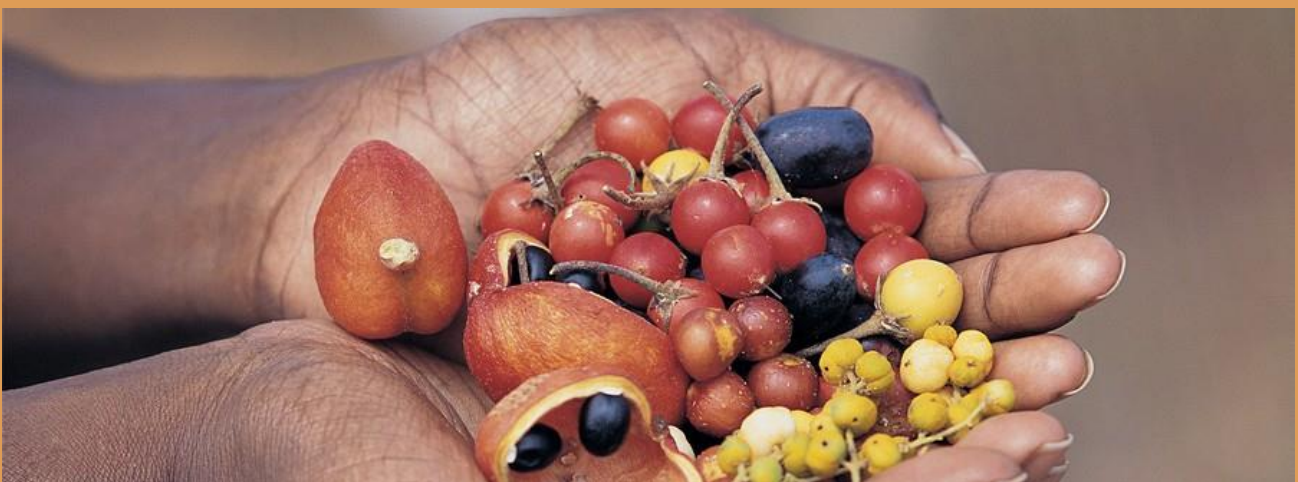
WORKSHOP PROCEEDINGS & INSIGHT

The workshop centred on hearing Traditional Owners feedback on the proposed co-governance model, Cultural Protocol outline and the development of an Accreditation (Labelling) System for use in relation to commercialisation of products in the Victorian native food and botanicals industry. It commenced with an Acknowledgement of Country and culturally informed introductions facilitated by Gunditjmara man and Senior Project Officer at Agriculture Victoria, Sam Nolan. Next, facilitator Caroline Kell grounded the discussions by recognising the impact of colonisation on Aboriginal knowledge systems and the importance of ongoing revival of this sleeping wisdom. She also recognised the ancestral knowledge Elders and Traditional Owners brought with them into these sessions. In this initial stage, TKG participants expressed the importance of the Strategy working alongside existing policy and legislative frameworks such as Treaty, the Victorian Traditional Owner Settlement Act 2010 and Country Plans.



GOVERNANCE

Reece O'Brien, Principal Advisor of Economic Development at the Federation presented an overview of the governance arrangements proposed by the PCC. The PCC have proposed that a co-governance group be established; composed of representatives from government, Traditional Owner Corporations (TOCs) and the TKG, as well as experts by invitation. Some participants noted the similarities to the governance arrangements of the The Victorian Traditional Owner Cultural Fire Strategy which were said to be an effective model of leadership. Issues around representation were raised, with participants highlighting the importance of involvement by Traditional Owners not represented by the 11 TOCs. Reece affirmed the possibility for those to still participate in higher-level governance by serving as representatives of the TKG on the co-governance group.



BEST PRACTICE --- CULTURAL PROTOCOLS

Next, representatives from TJC, Senior Associate Anika Valenti, Wamba Wamba, Dja Dja Wurrung, and Yorta Yorta solicitor Neane Carter and Yuin paralegal Adam Broughton presented on the development of the best practice Cultural Protocol template. As the first native food and botanicals industry standard in Australia, it has been drafted to support and enable respectful engagement with Traditional Owners, biological resources and ICIP. The protocol can also serve as a template for further adaptation by Traditional Owner groups to suit their specific cultural context. TKG participants engaged in a rich evaluation of the draft outline, emphasising the need for further review and clarification of terminology to ensure holistic meaning. They raised the importance of developing a principle relating to dialogue between Traditional Owner groups for the use of plants found across Nation boundaries, such as the Murnong. Current and future TKG participants are encouraged to review the draft Cultural Protocol outline for further discussion in subsequent sessions.

ACCREDITATION (LABELLING) SYSTEM

Representatives from TJC presented on the rationale behind the accreditation process and associated labelling system, which serves to incentivise compliance to the cultural protocol and access and benefit sharing process and agreement through market driven mechanisms. In practice, this would be easily identifiable labels through which consumers could identify products which complied with the cultural protocol and complied with access and benefit sharing obligations to Nations and Clans. Given the increasing consumer call for ethical and socially responsible products, this system would encourage businesses to opt-in to best practice standards. Two models were proposed - a tiered rating system (i.e. up to 5 different ratings dependent on engagement and compliance) or a simplified two-tiered system (i.e. signifying products developed by TOs and products developed in collaboration with TOs), with respective advantages and limitations discussed. The tiered rating system was preferred by almost all participants for depth and clarity for Traditional Owners and consumers. Highlighted was the need to ensure that the cost of accreditation to smaller producers did not prohibit their participation. Participants also acknowledged the need to incentivise accreditation for businesses already operating in the industry.

Next, a discussion was held on the nature of the entity responsible for managing the accreditation (labelling) system. Its function would be to manage accreditations, as well as raise awareness within industry and consumer markets. Participants evaluated the options of creating a new, independent body or relying on existing entities to assume the responsibility. Considerations of resourcing, capacity and strategic priorities were discussed, with the need for further engagement in subsequent TKG workshops agreed.

NEXT STEPS

The next workshop will be held on 25 May 2022 and Victorian Traditional Owners can register their interest in attending by contacting Reece O'Brien via on 0434 129 603 or reece.obrien@fvtoc.com.au. Community are strongly encouraged to share the opportunity to participate in the TKG with their families and networks to ensure a diversity of voices are heard.

Participants are encouraged to review the attachments including the draft outlines of the Cultural Protocol ([Attachment D](#)), ABS Agreement Outline ([Attachment F](#)) and Accreditation System and Business Model Outline ([Attachment E](#)) and present their feedback in the next session.

