

# VICTORIAN TRADITIONAL OWNER NATIVE FOOD AND BOTANICALS STRATEGY



The Traditional Owner Native Foods and Botanicals Strategy (the Strategy) will contribute to cultural strengthening and sustainability of First Nations in Victoria.

A Traditional Owner-led native foods and botanicals industry will also strengthen the Victorian economy, Traditional Owner cultural identity, and help to sustain the health of Country. The Strategy will embed and apply Traditional Owner cultural frameworks in the industry, including through diversification of practice, products, knowledge and authority.

Culturally, economically and environmentally, this is a complex space. The Strategy identifies reform of legislation, regulation, policy phasing, investment and co-capacity building in partnership with Traditional Owners as critical to enabling the development of a Traditional Owner led industry. With strategic planning, investment and collaborative action, there is enormous potential for cultural, economic and environmental gain.

The Strategy was facilitated by the Federation of Victorian Traditional Owner Corporations to enable Traditional Owner rights and interests regarding biocultural species and their associated knowledge and practices to be embedded.

The Department of Jobs, Precincts and Regions (DJPR) provided funding to support the project.

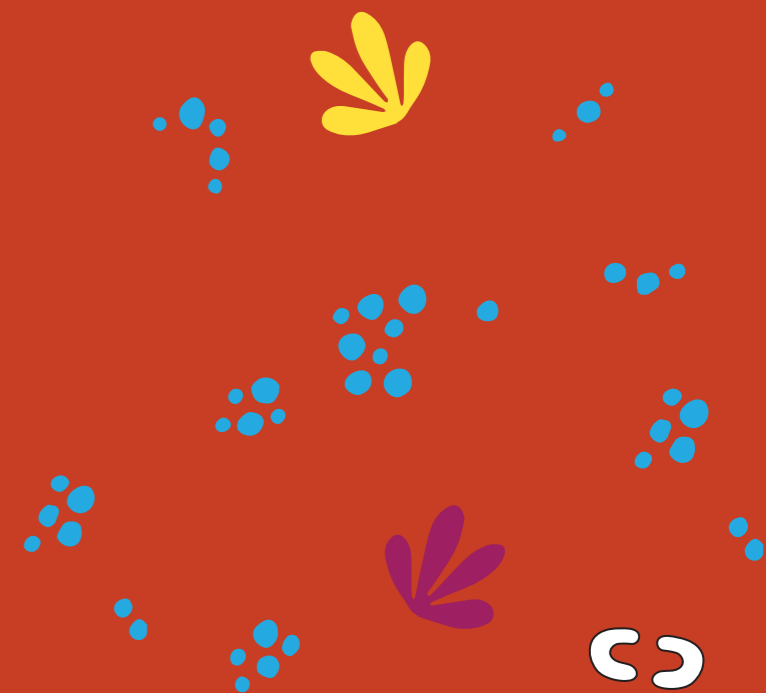
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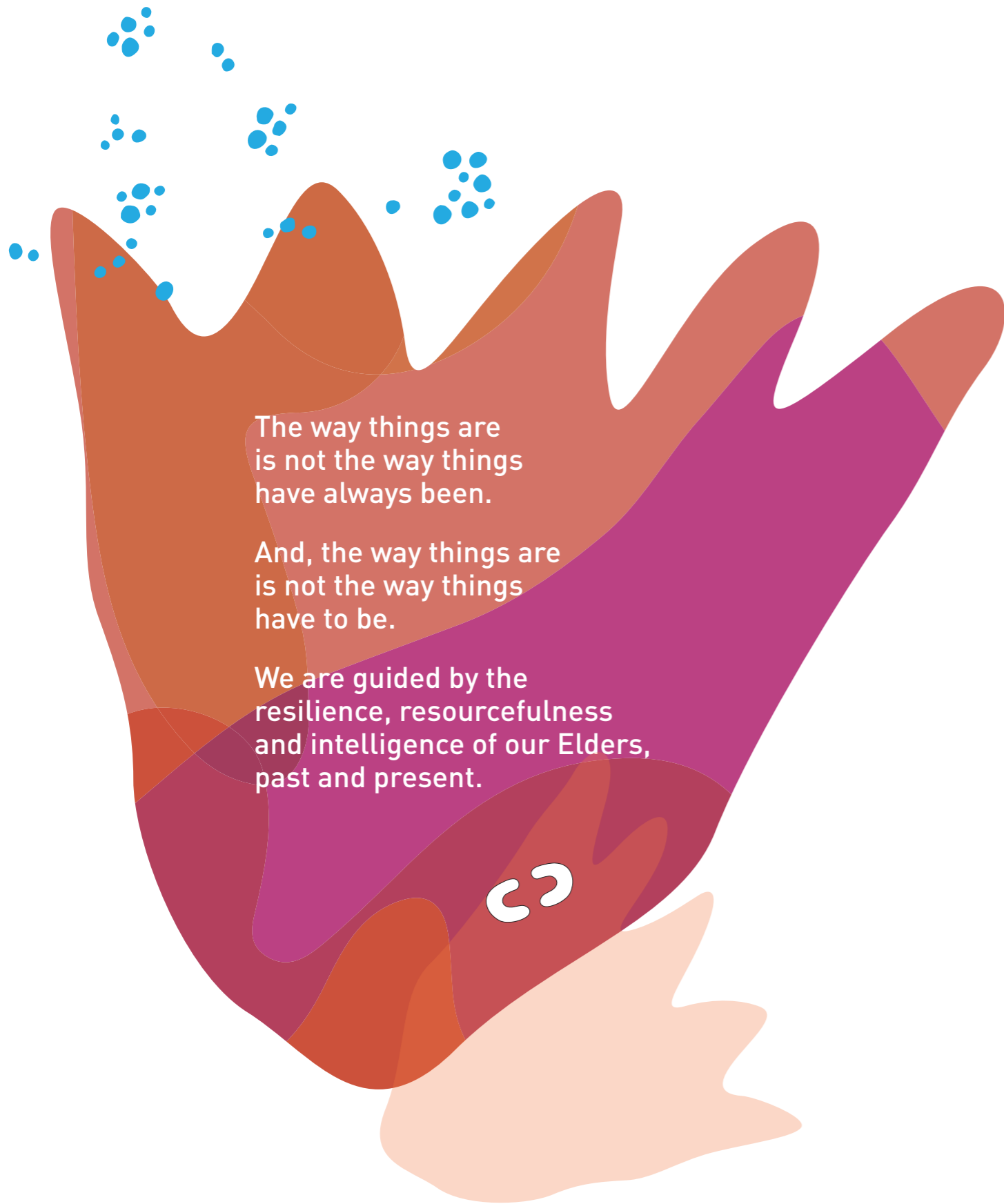


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## VICTORIAN TRADITIONAL OWNER NATIVE FOOD AND BOTANICALS STRATEGY

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The way things are  
is not the way things  
have always been.

And, the way things are  
is not the way things  
have to be.

We are guided by the  
resilience, resourcefulness  
and intelligence of our Elders,  
past and present.



## FOREWORD

### Victorian Traditional Owner Native Food and Botanicals Project Control Committee Members

Rodney Carter (Chair)

Tim McCartney

Marc Higgins

There was a time – before colonisation – when  
Aboriginal people were sovereign. When we were  
custodians of everything we saw – the waters,  
the lands, the plants, the animals.

That sovereignty never ended.

That custodianship never ended.

That connection never ended – and never will end.

We will always be connected to and responsible for  
native waters and lands and plants and animals.

That is our human right. And rights cannot be stolen.

As sovereign custodians, we spent thousands of  
generations protecting and shaping the water and  
lands and plants and animals.

Country is our creation.

But, since colonisation, we have been kept from  
our Country and our Country has suffered.

That is why we have to reclaim our sovereignty  
and custodianship.

This is why we have to use our knowledge and  
practices to protect native lands and waters  
and plants and animals.

We have to save our Country.

This Strategy shows how we can reclaim our  
sovereignty and custodianship – and save our  
Country.

We can protect the cultural and intellectual  
property created and owned by our people.

We can become not just workers in but leaders  
of bushfoods businesses.

We can share native foods and botanicals with  
Australia and the world.

And, in doing so, we can create jobs and opportunities  
for our communities.

**We can.** Because the way things are is not the way  
things have always been. And the way things are is  
not the way things have to be when we are guided  
by the resilience, resourcefulness and intelligence  
of our Elders, past and present.

Traditional Owners have the right to restore and reclaim custodianship of knowledge and practice, and to gain economic benefits that support our communities.

## INTRODUCTION

**Traditional Owners have cultivated and managed Country for millennia – developing processes for sustainable food and medicinal plant production, as well as holistic cultural and ecological land management.**

These approaches to cultivation and management have been successful and sustainable because they are holistic – reflecting an enduring, deep connection to Country through complex kinship associations that are physical, spiritual and economic.

That deep connection is reflected in Indigenous Ecological Knowledge, which is the foundation of Australia's native foods and botanicals industry. Protection of that knowledge as Indigenous Cultural Intellectual Property (ICIP) is critical.

Traditional Owners have the right to restore and reclaim custodianship of their knowledge and practices associated with native species – and ensure the native foods and botanicals sector is a culturally safe and appropriate industry that benefits custodians and their communities.

With that in mind, the goals of the Traditional Owner Native Foods and Botanicals Strategy (the Strategy) are 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 in ways that reflect their inherent rights and sovereignty.

The Strategy was developed by Victorian Traditional Owners with support from the Federation, through engagement with Elders and Knowledge Holders, Traditional Owner Corporation staff and Government and industry advisors.

The Strategy provides a set of principles and strategic priorities to facilitate greater self-determination for Traditional Owners and to provide a policy and practice framework for an effective Traditional Owner-led Native Foods and Botanicals Industry.

The Strategy, which stems from the work of Victorian Traditional Owners, is divided into three key program areas: Provenance, Market and Practice.

**PROVENANCE** is the recognition of the origin of native species that have been cultivated by Traditional Owners and Indigenous Knowledge systems. The ownership of these practices, knowledge and knowledge systems form ICIP, which is multi-generational and community based.

This program area focuses on the legislative changes, supports and investments needed for Traditional Owners to develop, lead, strengthen, protect and manage ICIP. Ownership, authenticity and equity are essential to the success of industries that are associated with and/or utilise native species, Indigenous Knowledge and cultural identity.

**MARKET** outlines the pathways to enable Traditional Owner leadership of: the market, the cultural use of resources, and the operating environment (in which Traditional Owners are enabled to make decisions founded on cultural obligations and inherent rights).

Traditional Owners must be enabled to connect to market opportunities that reflect cultural and Indigenous Knowledge-based decision making. For that to happen the knowledge and capacity of Traditional Owners must be strengthened in ways that enable self-determination and create community benefits. Mechanisms such as certification and traceability are also essential because they promote authenticity and protect provenance.

**PRACTICE** is about creating opportunities for Traditional Owners to lead the industry through the application of Indigenous Knowledge across the supply chain. This program area is based on the inherent rights of Traditional Owners to care for Country, practice cultural-place based learning and strengthen knowledge systems that inform practices.

Practice is interwoven with Indigenous Knowledge – focusing on how Indigenous Knowledge, culture and self-determination are acted upon and embedded in activities associated with the contemporary uses of native species. This program area relies on support and investment in place-based learning to connect Indigenous Knowledge to the contemporary uses and management of native species.

Traditional Owner practices need to be embedded in holistic agricultural management and the research and development of native species. That means Traditional Owners need to lead the industry and the institutional frameworks and be supported by the Victorian Government, as well as relevant industries and institutions.

The thinking behind the Strategy is simple.

First of all, the bushfoods sector is founded on ICIP – the knowledge, species and practices developed over thousands of generations by First Nations people. That means the industry's cultural and intellectual property belongs to Traditional Owners.

Secondly, Traditional Owners are concerned that Indigenous Knowledge, species and practices are being colonized and commercialized by non-Aboriginal businesses without their consent. That kind of commercial colonisation is theft.

Thirdly, the best way to turn bushfoods into a major, sustainable industry is to protect its integrity, authenticity and sustainability – and that can only be achieved through the leadership of Traditional Owners.

With that in mind, this Strategy sets out the actions that need to be taken to secure the provenance, market and practices of the bushfoods sector.

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### The Strategy is an exciting plan.

It's an opportunity to create a strong, authentic, sustainable bushfood sector that benefits all Victorians – while maintaining the rights of Traditional Owners to control, guide and benefit from their heritage.

And it is a pathway to self-determination, Reconciliation and Treaty.

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## PURPOSE

The best way to turn native foods and botanicals into a major, sustainable industry is to protect its integrity, authenticity and sustainability – and that can only be achieved through the leadership of Traditional Owners.

This Strategy maps out the actions that need to be taken for Victorian Traditional Owners to reclaim their rights and interests regarding biocultural species and associated knowledge and practices. The purpose of those actions is – through the recognition of the Indigenous provenance of biocultural species – to enable Traditional Owners to lead the development of practices associated with the native foods and botanicals industry and for Indigenous Knowledge to lead innovation in the industry.

## OUR VISION

Establish an authentic, vibrant and growing 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.

## PRINCIPLES

The actions detailed in the Strategy are guided by four principles: culture, country, community and commercial.

These four principles were developed through engagement with Traditional Owners and their communities, including Elders, Knowledge Holders and Traditional Owner Corporations.

The principles build on the guiding criteria developed at a workshop facilitated by Terri Janke in Melbourne in January 2020<sup>1</sup>.

### CULTURE

#### PRINCIPLE 1

Traditional Owner cultural knowledge and practice leading the industry.

Traditional Owners are enabled to lead a native foods and botanicals industry through the reinvigoration of cultural knowledge and practices related to native foods and botanicals.

This principle is underpinned by Traditional Owner, Custodian and Knowledge Holder community cultural protocols and standards.

### COUNTRY

#### PRINCIPLE 2

Restorative and holistic care for Country led by Traditional Owners.

Through their leadership Traditional Owners are enabled to practice and embed place-based Indigenous Knowledge and care for Country in the native foods and botanicals industry.

### COMMUNITY

#### PRINCIPLE 3

Benefits are co-created with community to maintain ongoing connection with biocultural species.

Traditional Owners are engaged appropriately. Sovereignty is recognised and a nation-building approach is adopted that is responsible to relationships and future generations. Benefit sharing and equity are shared by supporting Traditional Owner communities – enabling Traditional Owner communities to strengthen and activate their connection with biocultural species.

### THE STRATEGY'S PRINCIPLES

- CULTURE
- COUNTRY
- COMMUNITY
- COMMERCIAL

### COMMERCIAL

#### PRINCIPLE 4

Traditional Owners and custodians have the right to economic participation and benefits arising from natural resources.

Traditional Owners are engaged on a nation-to-nation basis – recognising their collective and individual ownership and their right to participate in and benefit from economic activity and developments arising from natural resources and Indigenous Cultural and Intellectual Property.

# INDUSTRY SNAPSHOT

## The Australian native foods and botanicals industry has experienced rapid growth over the past decade.

While data from official sources is limited and varies in quality and scope, it was estimated that the industry was valued at \$22 million in 2006<sup>2</sup>. According to current estimates, the farm-gate value of the sector is now closer to \$50 million.

There is potential – through investment in innovation and value adding – to increase the industry’s value fivefold to \$250 million.

Currently, the industry employs between 500 and 1,000 people. Half of that workforce are Indigenous Australians in remote communities<sup>3</sup>. The involvement of Indigenous people in the native foods and botanicals industry is strongest in the wild harvest of species such as wattleseed, bush tomato and Kakadu plum.

Commercial native food production takes place in all Australian states and territories and there is an equal number of tropical or semi-tropical ‘rainforest’ species and arid or semi-arid ‘desert’ species.

Typically, native food producers are small and production is dominated by commercial macadamia species – *macadamia integrifolia* and *macadamia tetraphylla*. However, since 2012, lemon myrtle, bush tomato and mountain pepper have significantly increased their market share<sup>4</sup>.

Native food’s rapid growth is attributed to a maturing of the industry as it transitions from wild harvest to the development of viable cultivation and post-harvest management systems. Most native species are now sourced from cultivated harvests, although wild harvest remains the dominant source of supply for mountain pepper, bush tomato and Kakadu plum.

Increased demand has also been driven by innovations in food and beverage product technology, with research and development extracting oils and essences from native plant species for nutraceutical and pharmaceutical producers<sup>5</sup>.

The Rural Industries Research and Development Corporation (RIRDC) has identified 13 priority species for the industry:

1. Lemon myrtle (leaf and oil)	<i>Backhousia citriodora</i>
2. Mountain pepper (leaf and berry)	<i>Tasmannia lanceolata</i>
3. Bush tomato	<i>Solanum centrale</i>
4. Anise myrtle (leaf and oil)	<i>Backhousia anisata</i>
5. Finger limes	<i>Citrus australasica</i>
6. Kakadu plum	<i>Terminalia ferdinandiana</i>
7. Desert limes	<i>Citrus glauca</i>
8. Quandong	<i>Santalum acuminatum</i>
9. Muntries	<i>Kunzea pomifera</i>
10. Wattleseed	<i>Acacia victoriae</i>
11. Riberry	<i>Syzygiumleuhmanii</i>
12. Davidson plum	<i>Davidsonia spp.</i>
13. Lemon aspen	<i>Acronychia acidula</i>

Currently, native foods are predominately used as raw material for processed foods – suppressing the price growers and/or wild harvesters can charge. Despite increases in wholesale and retail prices, growers are maintaining low farm-gate prices of produce to stimulate demand and build the market. Therefore, to remain viable producers must find innovation and productivity gains to drive down the cost of supply.

At a commercial scale, several native food species are traded on the open market. In 2010, the production of 12 of the 13 priority species (including Davidson plum, riberry, wattleseed, native citrus varieties, quandong and Kakadu plum) averaged eight tonnes a year. The standout priority species has been lemon myrtle leaf, with annual production ranging between 575 tonnes and 1,100 tonnes.

According to industry sources, these 12 species are successful because they have developed reliable production, supply chain management systems, food standards and trade compliance – and built confidence within national and international markets.

Government-supported research is also focused on expanding the commercial potential of other native food species. For instance, native citrus varieties (such as fingerlimes, desert, red centre and sunrise limes) produce increased tonnages of high-quality fruit. However, lemon myrtle production is vulnerable to myrtle rust. The Australian Government has advised that myrtle rust research is a priority for the industry given that it attacks multiple native food crops, including lemon and anise myrtle and riberies<sup>6</sup>.

Like any developing industry, the cultivation of native food species must overcome a range of challenges – including production variability. In 2010, variable production was an issue for eight of the 13 priority species. Wild-harvested and, to an extent, orchard-grown products are heavily reliant on year-to-year climatic variations. For example, seasonal volumes of Kakadu plum can range from as little as six tonnes to

as much as 25 tonnes due to weather conditions such as cyclones and insect infestation in new monoculture orchards. Wild quandongs and bush tomato crops can also suffer from waves of insect invasion, which reduces crop quality and volume. In 2010, producers indicated that supply outlook to 2016 was either stable or that modest production increases were planned<sup>7</sup>.

For most native food species, production tends toward oversupply for current niche markets and undersupply for potential scale-based opportunities. To date, bulk markets for constantly supplied low-cost native foods have not been developed. According to the Australian Government, the failure to develop these markets is a function of the industry’s limited technology and current structure.

Some producers have value-added their native foods and/or joined buying or marketing cooperatives. Other producers have gone for scale and linked into mainstream processors and major retailers. Both enterprise models service different native food markets and both are sustainable.

At present, native food producers service farmers markets, online sales, processors, wholesalers and a range of domestic retailers, although the number and importance of Australian native food export markets is starting to emerge<sup>8</sup>.

As the industry matures and production moves from wild harvest to cultivation new opportunities will emerge for Indigenous Australians to become industry leaders and bring cultural authority, authenticity and integrity to native foods.<sup>9</sup>

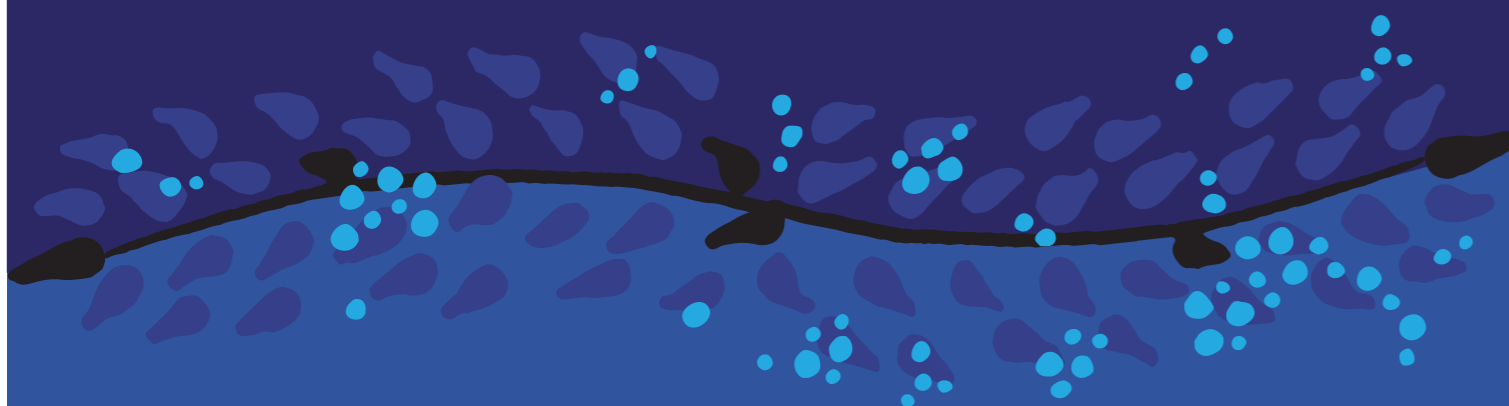


## GLOBAL ESTIMATED VALUE OF INDIGENOUS KNOWLEDGE

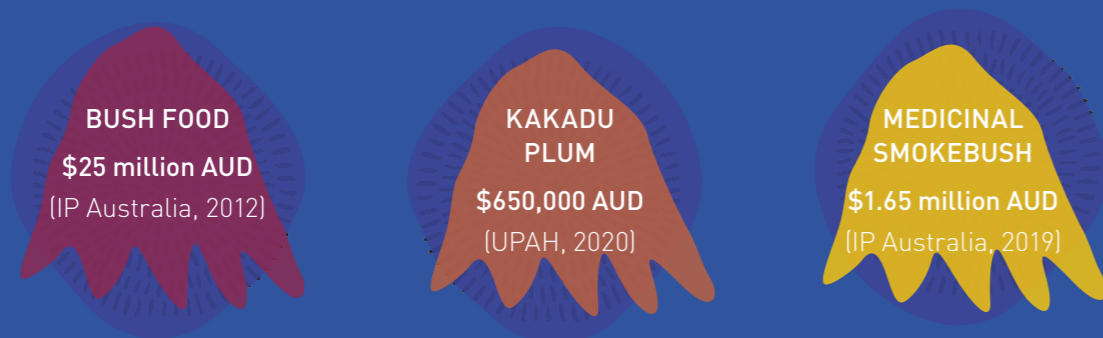


IK in genetic and natural resources in all markets (excludes subsistence or locally traded products)

Developed from: Methods of Estimating the Market Value of Indigenous Knowledge IP Australia Report 2019. This graphic is an indication as identified in the report.



## ESTIMATED VALUE OF NATIVE FOOD



Gross value of farm gate of 13 native species being sold.

UPAH & Co reported NAAKPA harvested over 20 tonnes of Kakadu Plum with the above farm-gate value.

The value indicated is from the research and access payment made to the WA Government from an Australian pharmaceutical company.

Developed from: UPAH & Co Report 1, 2020 and Methods of Estimating the Market Value of Indigenous Knowledge, IP Australia Report 2019. This graphic is an indication as identified in the reports.

## NATIONAL INDIGENOUS BUSHFOOD SYMPOSIUM

The Strategy is one of several significant recent developments for Traditional Owners in the industry.

On November 27-28, 2019, the inaugural National Indigenous Bushfood Symposium was held in Barangaroo – the new Sydney suburb named after the iconic Cammeraygal fisherwoman and community leader.

More than 120 First Nations people from across Australia attended the Symposium.

The Symposium heard that less than two per cent of bushfood providers were Indigenous Australians, but 98 per cent of Traditional Owners wanted to become leaders in the native foods and botanicals industry.

The Symposium also discussed the untapped potential of the sector.

The turnover of Australia's native foods and botanicals industry is currently around \$50 million. With value-adding investments and innovation, the value of the sector could increase fivefold to as much as \$250 million.

At the end of the Symposium, the attendees issued this statement:

'Our Indigenous Knowledge, plants and animals have ended up in supermarkets, databases and research projects without our consent or participation.

'Culture and country have been exploited by the food, pharmaceutical, cosmetic and agricultural industry, research institutions and universities. We reclaim our cultural heritage, rights to water and country and our right to ethical, principled engagement with us.

'We have the right to pass on this knowledge to our children in accordance with our Indigenous Knowledge systems, including the requirements for privacy and secrecy required by those ancient systems.

'This is a key pathway to economic independence and equality. We assert our rights to continue to develop our pre-existing Indigenous economies, carry them forward in accordance with our Knowledge systems, caring for country and creating intergenerational wealth, locally and in international markets.'

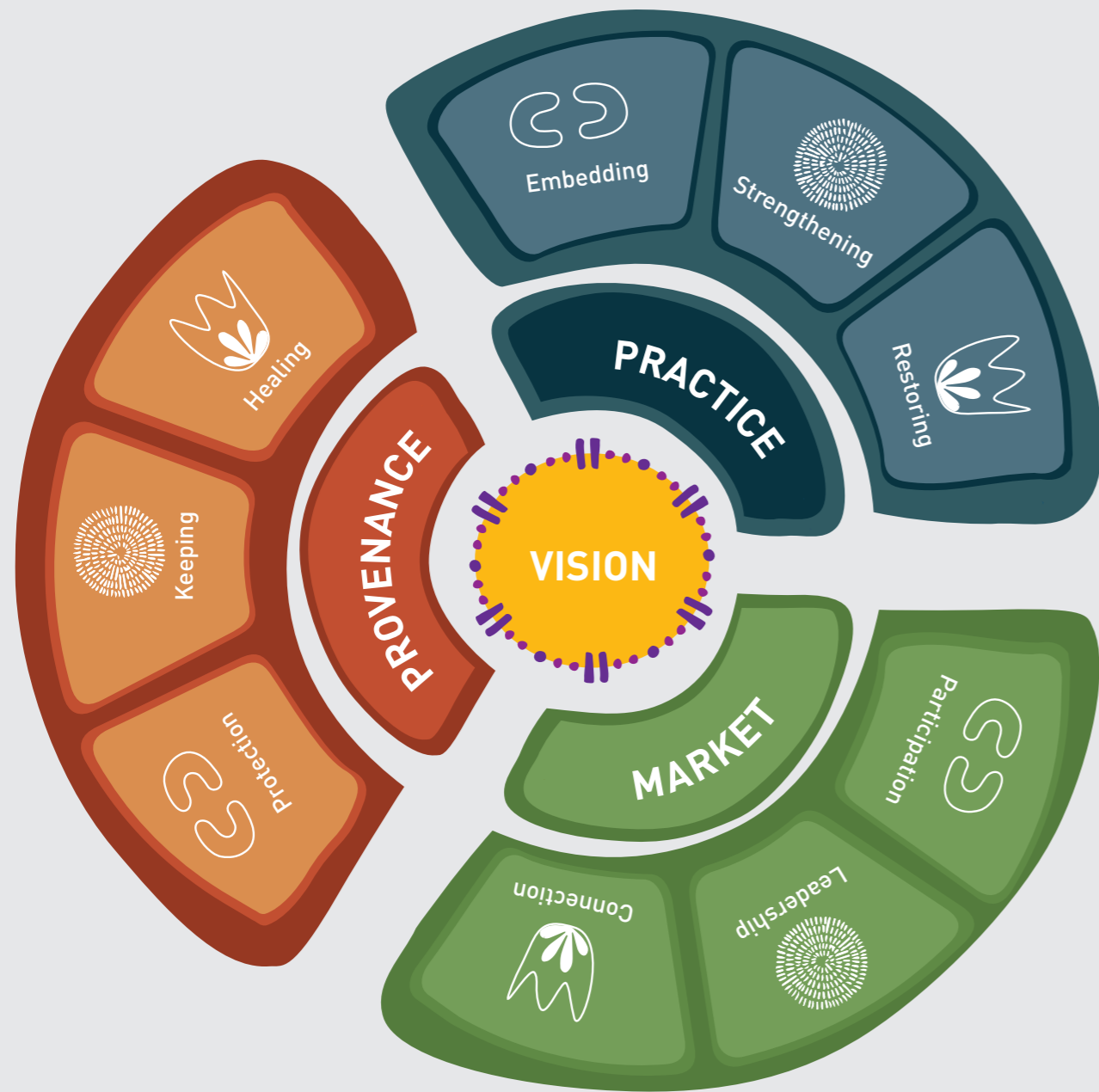
The Symposium statement also announced the formation of a 24-person working group to focus on six action items:

1. Start a national conversation among First Nations people to identify native species, ceremonies and cultural practices.
2. Set protocols for the sector that promote Indigenous values and protect cultural integrity.
3. Develop a certification mark that identifies the provenance and authenticity of Indigenous producers.
4. Establish a national, Indigenous-controlled bushfoods industry body.
5. Campaign for legislative reforms that protect ICIP and follow the principles set out in the United Nations' Nagoya Protocol on access and benefit sharing and traditional knowledge.
6. Promote respect for Indigenous Knowledge, values and protocols.

In May 2020, the Symposium working group established First Nations Bushfood and Botanical Alliance Australia (the Alliance) – the sector's first national, Indigenous-controlled bushfoods industry body.



# STRATEGY AREAS

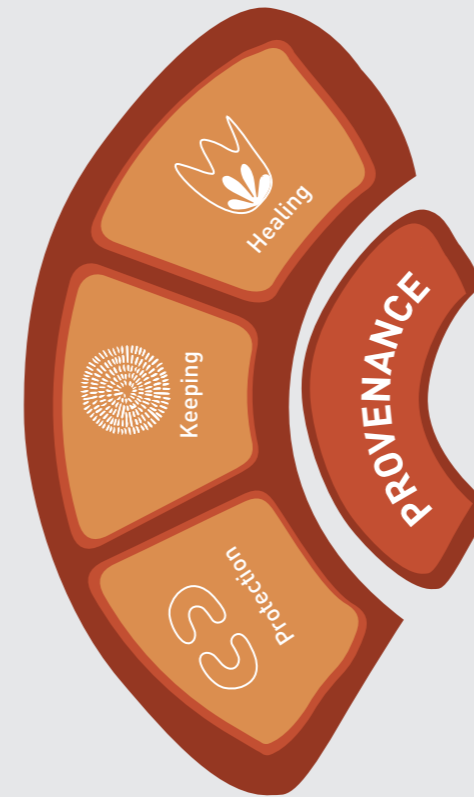


The program areas Provenance, Market and Practice have been identified as priorities by Traditional Owners for the Traditional Owner Native Food and Botanicals Strategy.

Implemented holistically, they will create opportunities and deliver lasting change for Traditional Owners across the native foods and botanicals industry and related sectors.

However, that progress will depend on coordinated, sustained, systemic effort. Government must invest in the sector and partner with Traditional Owners to boost co-capacity and support nation-building activities<sup>10</sup>.

After all, the stronger Traditional Owner governance is, the more sustainable the industry will be.

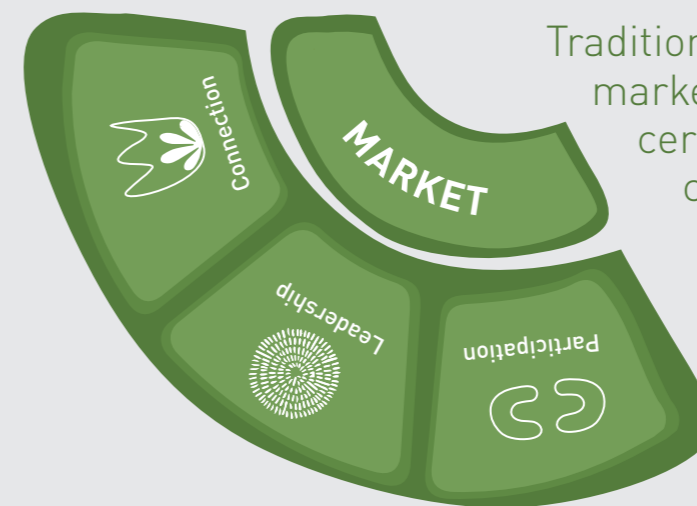


Traditional Owners will focus on legislative changes, supports and investments needed to secure the provenance of ICIP.

Traditional Owners will care for Country and embed Indigenous Knowledge in agricultural management and research and development – applying Indigenous Knowledge and cultural place-based learning across the supply chain.



Traditional Owners will lead the market through mechanisms like certification and traceability and create community benefits, including self-determination.





## Program Areas



**PROVENANCE** is the recognition of the origin of native species that have been cultivated by Traditional Owners and Indigenous Knowledge systems. It is the foundation for a culturally safe and appropriate industry.

**MARKET** is a pathway for Traditional Owners to be leaders of the contemporary uses of biocultural species in the industry. It promotes an authentic industry that offers many economic opportunities.

**PRACTICE** embeds Indigenous Knowledge across the supply chain and on Country. It relies on support for innovation, partnership and self-determination of Traditional Owners.

Within each program area, there are 3 PROGRAM COMPONENTS



that aim to holistically strengthen Traditional Owner ownership, leadership and practices associated with Indigenous Knowledge and biocultural species.

## Program Components



### FOUNDATIONAL ENABLERS FOR TRADITIONAL OWNERS

The recommended activities in the strengthening program component are enablers for Traditional Owners to lead the native foods and botanicals industry.

- These activities are in line with nation-building activities and require investment and resourcing.



### TRADITIONAL OWNER GOVERNANCE AND PARTNERSHIP IN DECISION MAKING

The recommended activities in the partnership component include legislative and policy change to address the barriers keeping Traditional Owners from exercising their rights to be recognised, practice culture and seek economic benefit.

- Sustainable resourcing and partnership with Traditional Owners is needed to identify changes within current legislative and policy frameworks.



### TRADITIONAL OWNER INFRASTRUCTURE AND INSTITUTIONS THAT UNDERPIN AND EMBED OBJECTIVES

The recommended actions under the structures program component call for meaningful resourcing into the underpinning structures that enable success and resiliency.

- Investment is needed into and support of the co-creation of Traditional Owner infrastructure, institutions and systems.

# PROGRAM AREA 1 PROVENANCE

## TRADITIONAL OWNERS TO DEVELOP AND LEAD KNOWLEDGE HEALING, KEEPING AND MANAGEMENT

### PROGRAM COMPONENTS & OBJECTIVES



#### 1. Knowledge healing

Traditional Owners are restoring and reclaiming knowledge, and the knowledge systems associated with native foods and botanicals.



#### 2. Knowledge protection

Develop robust Indigenous Cultural and Intellectual Property (ICIP) protection and reduce barriers for Traditional Owner knowledge leadership.



#### 3. Knowledge keeping

Robust ICIP management and storage systems to enable each group to protect and control their own IP, information and data.



#### 1. Knowledge Healing

**Objective:** Traditional Owners are restoring and reclaiming knowledge, and the knowledge systems associated with native foods and botanicals.

**Knowledge healing gives power to Traditional Owners.** It recognises the provenance of knowledge associated with culturally-valued species and supports the reclaiming and strengthening of that knowledge by First Nations. Knowledge healing also speaks to the deeper cultural connections that inform Indigenous epistemology, ontology and axiology (ways of seeing, being and accountability) and its role in strengthening a Nation<sup>11</sup>. Knowledge healing is also the culturally-appropriate approach to the industry stocktake approach often imposed from a colonial perspective – which is, in effect, another form of colonisation of Indigenous peoples resources<sup>12</sup>.

By rejecting the colonial mentality and adopting knowledge healing, Traditional Owners will connect to their ICIP and knowledge systems. Traditional Owners are already reclaiming their knowledge through various methods and programs. However, a comprehensive program, with sustained funding to activate leadership and direction by Traditional Owners, will avoid fragmentation and inequality. It will also enable Traditional Owners to reconnect, strengthen and heal by reclaiming their knowledge in culturally and ethically appropriate ways.

#### What's happening now:

There is an urgent need for action because Indigenous Knowledge, species and practices are being stolen, misappropriated and commercially exploited.

Commercial and research-driven databases are springing up around Australia. These databases have not partnered with Traditional Owners, but they are harvesting Indigenous Knowledge and enabling the unethical commercial exploitation of ICIP and native species.

This commercial colonisation steals from Indigenous communities.

Unless Traditional Owners have given consent, any attempt to research, identify, map, commercialise or patent native plants and botanicals is an act of biopiracy.



#### 2. Knowledge Protection

**Objective:** Develop robust ICIP protection and reduce barriers for Traditional Owner knowledge leadership.

**Knowledge healing and knowledge protection systems, structures, and infrastructure need to be properly resourced and co-designed with First Nations.**

Indigenous data sovereignty will enable ICIP and other data to be retained by Traditional Owner Corporations – securing Traditional Owner knowledge leadership for the benefit of Indigenous communities.

The data sovereignty of First Nations people is not negotiable.

Australian First Nations Peoples never ceded sovereignty to colonial authority and, as the Uluru Statement from the Heart states, Indigenous sovereignty co-exists with the Crown. This fundamental human right calls into question the legitimacy of Commonwealth sovereignty in Australia<sup>13,14</sup>.

In addition to resource sovereignty, data sovereignty is already a clear concept subject to laws and governance structures – meaning that the shared, multi-generational knowledge covered by ICIP has legal protection.

Strengthening knowledge healing, protection and systems that protect and support Indigenous Knowledge and biocultural resources is a logical place to start in creating a Traditional Owner-led native foods and botanicals industry. Infrastructure, such as databases, is also needed to keep knowledge – as are systems such as biocultural labels to ensure that knowledge is stored and accessed according to cultural lore.

If permission is given for the use of Indigenous Knowledge in wider society, or if that knowledge is co-developed, biocultural labels will enable Traditional Owners to govern and potentially profit from its use. Co-designed knowledge keeping systems and structures must be embedded within industry and knowledge keeping systems and infrastructure to ensure Traditional Owners can reclaim, strengthen, protect and govern their knowledge and ICIP.

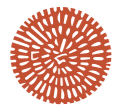
#### What's happening now:

Knowledge-keeping structures, such as databases, are currently in the possession of universities, research centres, museums and galleries. They are also appearing in commercial enterprises.

These databases are not partnering with Traditional Owners, but are harvesting Indigenous Knowledge and ICIP.

Some Traditional Owner Corporations are resisting biopiracy by building databases to retain their knowledge and information. For example, Reading Country (the Federation's Natural Resource Management Committee) is helping to facilitate the development of Victorian Reading Country, a biocultural monitoring program. Reading Country has also hosted a meeting of the Eastern Maar Country and Dja Dja Wurrung Country to explore options for monitoring, evaluation and learning systems that enable Traditional Owners to collect data that is culturally meaningful, environmentally appropriate and fit for purpose. And in Yirrkala in north-east Arnhem Land, the Mulka Project – a digital library and production centre designed to sustain and protect Yolŋu cultural knowledge and language – has been established.

Knowledge-keeping initiatives such as Victorian Reading Country and the Mulka Project facilitate the repatriation of cultural items, enable Elders to record law and dreaming for future knowledge holders, and build capacity for the production of contemporary knowledge and practice.



### 3. Knowledge Keeping

**Objective:** Robust ICIP management and storage systems to enable each group to protect and control their own IP, information and data.

To heal and manage Country, Traditional Owners need recognition, ownership and robust protection of ICIP. For instance, Access and Benefit Sharing (ABS) standards are international protocols that regulate how people may access plants, animals and associated Indigenous Knowledge. ABS standards and industry protocols need to be designed and set by Traditional Owners with the support of government. After all, the native foods and botanicals industry is based on the ICIP of intergenerational custodianship, knowledge and practice.

That is why, at a national level, ICIP must be recognised and legally protected, with policies and protocols developed that embed the recognition of Indigenous provenance within industry and research. Victoria can show national leadership by using Treaty to recognise the human and commercial rights of First Peoples and set policy goals aimed at reconciling past and present colonial impacts.

As part of Treaty and as a pathway to Reconciliation, management rights must be reinstated so that Traditional Owners can access, heal and manage Country – including inherent biocultural resources and values. As Traditional Owners return to Country, many policy, regulatory and institutional barriers will emerge. Those barriers will need to be identified and overcome by Traditional Owners and government.

#### What's happening now:

Global frameworks and alliances are pushing for the recognition of sovereignty, ICIP and equitable sharing of resources. This is a reaction to the ongoing theft of ICIP and biocultural resources by research institutions and commercial bodies. Currently, there are minimal legislative protections of ICIP or the equitable sharing of biocultural resources such as ABS standards. Challenges to the stealing of ICIP and biocultural species are actioned through technical specialists who work toward the protection and recognition of ICIP.

Currently, Traditional Owners do not have management or ownership rights over much of their Countries, beyond limited rights to take resources by settlement under Native Title and the Victorian Traditional Owner Settlement Act.

“As we move forward to re-establishing our culture, it is about our shared rights and responsibilities to make the best of how we keep our feet in the new world and the old”




Victorian Traditional Owner,  
Terri Janke Virtual Yarning Circle 2020

#### Provenance Actions:

1. Establish a Traditional Owner-led technical expert group to engage with industry and all levels of government to guide policy reform on matters such as the:
  - a. Protection of ICIP;
  - b. Access, use and development of native plants;
  - c. ABS protocols
 (Traditional Owners, Government and industry)
2. Support Traditional Owners to develop systems to hold, manage, own and protect ICIP, including infrastructure, accessible legal and contract templates. (Traditional Owners, Victorian Government)
3. Invest in a Traditional Owner-led research and innovation program to support knowledge recovery and restoration of the knowledge system. (Traditional Owners, community, Victorian Government, research institutes)
4. Support Traditional Owners to uphold governance in the industry through information management and regulatory mechanisms. (Traditional Owners, Government and industry)

**Outcome sought:** Traditional Owner knowledge and authority underpins the growth of Victoria's native foods and botanicals industry. Traditional Owners are managing their ICIP, leading industry development, bringing together stakeholders, setting priorities and guiding policy.

### RECOMMENDED ACTIVITIES

	 <b>Healing</b>	 <b>Protection</b>	 <b>Keeping</b>
<b>OBJECTIVES</b>	<b>Knowledge healing</b> Traditional Owners are restoring and reclaiming knowledge, and the knowledge systems associated with native foods and botanicals.	<b>Knowledge protection</b> Develop robust ICIP protection and reduce barriers for Traditional Owner knowledge leadership.	<b>Knowledge management</b> Robust ICIP management and storage systems to enable each group to protect and control their own IP, information and data.
<b>LONG TERM</b>	<b>Research</b> Enable on-going Traditional Owner-led research programs that recover and restore knowledge, knowledge systems and embed Traditional Owner Governance in research associated with biocultural species.	<b>Monitoring &amp; Regulation of Institutions</b> Enhance ethical conduct standards, protocols and regulation. Embed policies and protocols which ensure correct standards in line with ICIP, Nagoya Protocol and ABS and the ongoing monitoring of the industry.	<b>Data Governance</b> Embed Indigenous governance mechanisms within social, research and industry institutions.
<b>MEDIUM</b>	<b>Community &amp; Cultural Protocols</b> Restore the system, governance arrangements and protocols around shared knowledge, species and ICIP.	<b>Nagoya Protocol</b> Embed the obligations under the Nagoya Protocol on ABS within Victorian policy and legislation.  <b>Legislative Reform</b> Embed protections for ICIP in legislation.	<b>Data Sovereignty</b> Introduce and resource systems to govern and manage Traditional Knowledge and biocultural data to reduce biopiracy, enhance recognition and provenance such as the Traditional Knowledge and BioCultural Labelling system (e.g. the TK and BC Labelling).
<b>IMMEDIATE</b>	<b>Knowledge Restoration</b> Support Traditional Owner-led knowledge restoration programs which may include: repatriation, recording, mapping, audit, analysis, storage and research.  <b>Embed</b> Enable Traditional Owner sovereignty through policy and legislation over knowledge, practices and culture related to biocultural species.	<b>Current Protections</b> Resource access to legal advice to enable ICIP protection and ABS agreements.  <b>Working Group</b> Establish a Victorian Traditional Owner working group to engage with communities, industry and all levels of government to guide future policy development and ongoing reforms for the recognition, restoration and protections regarding ICIP and ABS.	<b>Knowledge Keeping</b> Invest in Traditional Owner collection, management and protection systems which may include cultural protocols, infrastructure and mechanisms.

# PROGRAM AREA 2 MARKET

## TRADITIONAL OWNERS TO RE-ESTABLISH LEADERSHIP IN THE CONTEMPORARY USES OF NATIVE SPECIES

### PROGRAM COMPONENTS & OBJECTIVES



#### 1. Market connection

Traditional Owners are leading the contemporary uses of biocultural species in the market.



#### 2. Market participation and governance

Enact regulatory changes to the contemporary cultural use of resources that enable Traditional Owner governance.



#### 3. Market leadership

Enable Traditional Owners to re-establish ownership through mechanisms that support and authenticate provenance.



#### 1. Market Connection

**Objective:** Traditional Owners are leading the contemporary uses of biocultural species in the market.

There has always been an economy based on native resources. Prior to colonisation, Traditional Owners operated a complex, national trading economy that was sustainably supported by Indigenous culture and society. Under Indigenous Knowledge and practice, biocultural species are used for a variety of purposes, ranging from cultural and ecological management to food, medicine, fibre, fabric and material engineering<sup>15</sup>. Globally, the value of Indigenous Knowledge across multiple industry sectors is estimated between US\$500 billion and US\$800 billion<sup>16</sup>. In addition, Traditional Owner cultural values and practice are well placed to lead current and future markets based on consumer trends such as; increased respect for provenance, superfoods, ethics, sustainability, culture and experience.

Information provision, co-capacity building and resources are needed to support Traditional Owners as they connect their knowledge, practice and cultural aspirations to economic opportunities and establish market leadership positions. Traditional Owner sovereignty and self-determination depends on the capacity to make economic, cultural, social and livelihood decisions – and that is why capacity must be enabled and supported<sup>17</sup>.

#### What's happening now:

Traditional Owner efforts to connect knowledge, practice and cultural aspirations to market opportunities are not always supported. Instead, priority is often given to established product and species options controlled by commercial enterprises that are exploiting ICIP without consent. This is biopiracy. It's also a missed opportunity for Victoria to maximise the market potential of the sector by commercializing authentic and innovative Traditional Owner knowledge. Enabling Traditional Owners to commercialize their knowledge will safeguard the future of the sector by ensuring the market is developed in keeping with Indigenous cultural, spiritual, social and environmental values. It will also support Traditional Owner self-determination.



#### 2. Market Participation and Governance

**Objective:** Enact regulatory changes to the contemporary cultural use of resources that enable Traditional Owner governance.

Traditional Owners have a right to participate in and lead the native foods and botanicals industry. It is a human and legal right based on ICIP and First Nations peoples' deep cultural and generational connections to their biocultural resources. For these rights to be realised, regulatory changes are required and investments need to be made that enable Traditional Owner sovereignty over and governance of their biocultural resources. Regulatory protection is important because Traditional Owner land, knowledge and biocultural resources are currently being appropriated and exploited by non-Indigenous industries and researchers.

Privileging non-Indigenous exploitation of Indigenous resources against the wishes of Traditional Owners and in contravention of ICIP is racist and oppressive. It embeds economic disadvantage, and damages the relationship between the State and Traditional Owners.

This commercial colonisation must stop. Instead, a nation-building approach to ICIP should be adopted. Traditional Owners should be resourced to self-determine the regulatory changes that are needed for them to govern the use of their biocultural species in the marketplace and associated industries.

#### What's happening now:

Currently, Traditional Owner rights and objectives are held back by regulatory barriers such as standards and access to culturally valued species. In addition, in the absence of Traditional Owner participation and governance, the native foods and botanicals sector has behaved like a biocultural squattocracy – stealing ICIP. Non-Indigenous businesses, conglomerates and industries are profiting from biocultural species that belong to Traditional Owners. In other words, the same legal fiction of *res nullius* that informed the physical dispossession of Traditional Owners from their land in Australia is now informing the intellectual dispossession of Traditional Owners from their cultural and intellectual property<sup>18</sup>. The discriminatory assumptions underpinning the biocultural squattocracy must be rejected and replaced with a more innovative and inclusive approach that overcomes barriers and embeds Traditional Owner cultural governance<sup>19</sup>. It is an important opportunity to shift the relationship of the State and Traditional Owners to one of partnership.



#### 3. Market Leadership

**Objective:** Enable Traditional Owners to re-establish ownership through mechanisms that support and authenticate provenance.

The more authentic the native foods and botanicals industry becomes the more marketable, sustainable and profitable it will be. That is why it makes commercial sense for Traditional Owners to be placed in charge of market ownership systems that verify the cultural provenance, stories, identity and authenticity of biocultural species.

It also makes cultural and legal sense for Traditional Owners to control market ownership systems. After all, knowledge, practice, use, dreaming and cultural law of biocultural species are an important part of identity in Aboriginal culture<sup>20</sup>. To conserve cultural integrity, identity and its continued connection<sup>21</sup>, market connection, participation and governance also need to be underpinned by systems that support Traditional Owner ownership of biocultural species and their uses, as reflected in the 2007 *United Nations Declaration on the Rights of Indigenous Peoples*, the 1992 *Convention on Biological Diversity* and the *Nagoya Protocol*. Mechanisms such as certification, traceability and biocultural labels protect the cultural authenticity and commercial viability of the sector. In addition, they contribute to the cultural connection and identity of a Nation.

#### What's happening now:

Currently, Traditional Owners are victims of biopiracy and commercial colonialism. Through the marketing of First Nations language non-Indigenous businesses are profiting from Indigenous cultural branding, storytelling, knowledge, species and sustainability. Non-Aboriginal enterprises are, through misappropriation and deceptive marketing and branding, trading on and profiting from the cultural authenticity of Traditional Owners. This is theft. It is also unsustainable, because consumers will ultimately reject unethical produce. The enterprises that succeed will be those that include Traditional Owners. This will benefit the industry as a whole and maintain Traditional Owner control of biocultural resources

**Market Actions:**

1. Information provision to enable Traditional Owner businesses and entrepreneurs to develop their market position and identify opportunities.
2. Ongoing investment to enable Traditional Owner businesses to connect across industry and access opportunities for networking, mentoring, developing partnerships, marketing, business development and product innovation across the supply chain (industry and Traditional Owners).
3. Support Aboriginal businesses so that they can leverage their market position as leaders of native foods and botanicals products that are culturally authentic (with unique provenance) through the development of traceability, certification and mechanisms to promote authenticity in the industry.
4. Promote and support Traditional Owner representation and participation in industry bodies, as well as organisations that enable and support the industry.




**Outcome sought:** Traditional Owners connect their knowledge, practice and cultural aspirations to domestic and international market opportunities. Aboriginal businesses are meeting increasing consumer demand for high quality, culturally authentic native food and botanical products.

“For too long people have taken things from our Country, and taken it and grown it somewhere else – that Traceability is so important for us to be able to re-capture that knowledge and be able to pass it on for future generations.

Our knowledge has value, that value is still yet to be recognised in mainstream systems, because people just come and take it because the Westernised laws don't protect our interests”

Victorian Traditional Owner,  
Traceability Virtual Yarning Circle 2020

RECOMMENDED ACTIVITIES

MARKET	 Connection	 Participation	 Leadership
<b>OBJECTIVES</b>	<b>Traditional Owners are leading the contemporary uses of biocultural species in the market.</b>	<b>Enact regulatory changes to the contemporary cultural use of resources that enables Traditional Owner governance.</b>	<b>Enable Traditional Owners to re-establish ownership through mechanisms that support and authenticate provenance.</b>
<b>LONG TERM</b>	<b>Collective</b> Support the development and sustainability of a Traditional Owner collective to support and enable each group to access markets, industry relationships, opportunities across the supply chain, infrastructure, information and assistance.	<b>Market Regulation</b> Traditional Owner-led industry through policy and protocols that reflect rights and values associated with biocultural species.	<b>Traceability</b> Traditional Owners to lead the design of market traceability systems such as Geographical Indicators, certification, trademarks, supply chain tracking and isotopic fingerprinting.
<b>MEDIUM</b>	<b>Market Readiness</b> Support Traditional Owner businesses to leverage their market position and relationships as leaders in native products and derivatives.	<b>Reduce Barriers</b> Ongoing partnership between Traditional Owners to identify and reduce regulatory, institutional and legislative barriers, and develop proactive policy associated with Market including: <ul style="list-style-type: none"> <li>• proactive policy and protocols, licensing, authority or body.</li> </ul>	<b>Authenticity and Certification</b> Support Traditional Owner market leadership through unique provenance and cultural license using authenticity mechanisms including certification, trademarks and traceability of resources and supply chain tracking.
<b>IMMEDIATE</b>	<b>Information Connection</b> Enable Traditional Owners to perform an industry stocktake and market scan to identify opportunities such as: current activity, market and consumer opportunities, feasibility and case studies and co-operative models to support producers.	<b>CoGovernance Group</b> Establishing ongoing Co-Governance arrangements to facilitate Strategy implementation and identify ways that policies, plans and institutional arrangements could be enhanced to better reflect Traditional Owner rights regarding the native foods and botanicals industry.	<b>Business Readiness</b> Invest in Traditional Owner business readiness, including non-competitive accelerator programs, capacity building and corporate resilience (e.g. through sustainable funding models, and partnerships with philanthropic sector.)



# PROGRAM AREA 3 PRACTICE

TRADITIONAL OWNERS LEADING INDUSTRY THROUGH APPLIED CULTURAL PRACTICE AND INDIGENOUS KNOWLEDGE SYSTEMS.

## PROGRAM COMPONENTS & OBJECTIVES



### 1. Restoring practice

Traditional Owners are restoring cultural practices associated with biocultural species, as well as the management, preparation and use of species through cultural place-based learning.



### 2. Embedding practice

Traditional Owner management and Indigenous Knowledge practices are embedded into the governance of Country and associated industries.



### 3. Strengthening practice

Cultural and Indigenous Knowledge practice is strengthening regenerative relationships with Country.



### 1. Restoring Practice

**Objective:** Traditional Owners are restoring cultural practices associated with biocultural species, as well as the management, preparation and use of species through cultural place-based learning.

**Pathways, investment and support are needed for Traditional Owners to enable the recovery of practices through leadership in Traditional Owner research and the recovery of practices.** Recovering practice is part of a Nation's ICIP, which should be supported and enabled according to the rights of Traditional Owners and the governance of knowledge and cultural landscapes and the preparation and use of biocultural species within Country<sup>22</sup>. That means Traditional Owners must be supported to explore, research and recover the management, processing and uses of their biocultural species. In addition, Traditional Owners must control the cultural governance and equitable sharing of these resources, knowledge and practice. These pathways need to enable Indigenous Knowledge and cultural governance – adapting to the contemporary landscape and addressing culture, community, ecology, agriculture and economy.

#### What's happening now:

Within the native foods and botanicals sector, Traditional Owners are recovering practice through a range of means, including their personal exploration of recovering agricultural management and the preparation of native species, and partnering with research institutions to explore the research and development of native species. However, there are significant barriers to the participation of Traditional Owners in the sector. For instance, non-Indigenous research institutions and commercial actors can access more resources for the exploration of native species than Traditional Owners. In addition, even though only two percent of native foods and botanicals enterprises are led by Indigenous Australians the foundations of the industry (including research and development) are based on uncovering, extracting and exploiting Indigenous Knowledge. Besides being unethical, current practices of the industry will keep the sector from making the jump to a \$250 million turnover because they lack the authenticity needed to sustain a market. The surest way to protect the authenticity and viability of bushfood is to ensure Traditional Owners lead the production, management and marketing of the native foods and botanicals sector.



### 2. Embedding Practice

**Objective:** Traditional Owner management and Indigenous Knowledge practices are embedded into the governance of Country and associated industries.

**Biocultural species and Indigenous Knowledge systems belong to Traditional Owners.** It's the right and responsibility of Traditional Owners to manage the uses of their Country, culture, resources, native species and Knowledge systems. Under current policy and institutional frameworks, Traditional Owners have limited authority, resources and capacity to develop and practice Indigenous Knowledge and management within the contemporary colonial landscape and related industries. Government must work with the industry and Traditional Owners to overcome these barriers and create policy and regulations that support healthy Country and communities.

#### What's happening now:

Commercial exploration and development – such as genetic modification and non-Indigenous land practices – create ecological risks for Country and biocultural species. Prior to colonisation, Traditional Owners maintained strict protocols for managing Country. These protocols sustained diverse Nations and cultural landscapes for millennia<sup>24,25</sup>. Resource, land, water and industry regulation needs to be developed by Traditional Owners in partnership with government and in line with Indigenous ecological knowledge and practice<sup>26</sup>. Embedding industry principles and protocols co-developed by Traditional Owners is an opportunity to improve the health and sustainability of Country, industry practice and operations within a cultural landscape.



### 3. Strengthening Practice

**Objective:** Cultural and Indigenous Knowledge practice is strengthening regenerative relationships with Country.

**Practice is how Traditional Owners act on their cultural law, principles and Indigenous Knowledge through the holistic management and use of Country.** This includes how species are cared for within an ecological and cultural landscape and the ways in which Traditional Owners use contemporary knowledge and practice to produce, process and use those species according to its connected law and ICIP. Strengthening practice relies on investment in Traditional Owner-directed learning, experimentation, recovering and development of knowledge and practice.

#### What's happening now:

Indigenous Knowledge and bushfood labs are being established within leading research institutions, which pose risks due to the extractive nature of non-Indigenous research. The enabling of third-party access to research information has led to biopiracy through controversial patents being filed. Traditional ecological knowledge and its benefits to agriculture, architecture, material engineering and human health is being widely documented and disconnected from cultural protocols and practice. Traditional Owners need safe and strength-based programs in order to recover practice and knowledge that contributes to a range of economic, social, cultural and environmental objectives.



**Practice Actions:**




1. Provide funding support for Traditional Owners to restore their knowledge and practice of native food production, and develop their businesses. (Traditional Owners and Victorian Government)
2. Explore and model existing instruments to renew Traditional Owner practice for contemporary commercial production, such as using networks and hubs to support the ongoing sharing of knowledge and practices, knowledge development, innovation and connections to industry. (Traditional Owners, industry and research sector, Victorian Government)
3. Enhance and leverage opportunities for investment in land; access to resources, capital investment, business and people; and the reduction of barriers to resources and land. (Traditional Owners and Victorian Government)
4. Boost information and technical services for Aboriginal organisations involved in native food production. (Victorian Government)
5. Invest in programs and pathways that support practice recovery and Indigenous Knowledge-led research and development, skills, jobs and careers for Traditional Owners in native foods and botanicals sectors across the supply chain. (Traditional Owners, industry and Victorian Government)

**Outcome sought:** Traditional Owner knowledge of native plants for foods and botanicals is recovered, renewed and restored. Traditional Owners are applying their production practice and knowledge management systems to develop thriving and competitive native food and botanical businesses.

“There are diverse systems on Country including wetlands, grasslands, saltwater, freshwater – these need to be managed and cared for in a way that is not only sustainable, but restorative.

Land usage and management and agricultural practice must be adapted and appropriate to Country.”<sup>23</sup>

RECOMMENDED ACTIVITIES

MARKET	 Connection	 Participation	 Leadership
<b>OBJECTIVES</b>	<b>Traditional Owners are restoring cultural practices associated with biocultural species, as well as the management, preparation and use of species through cultural place-based learning.</b>	<b>Traditional Owner management and Indigenous Knowledge practices embedded into governance of Country and associated industries.</b>	<b>Cultural and Indigenous Knowledge practice is strengthening regenerative relationships with Country.</b>
<b>LONG TERM</b>	<b>Practice Development</b> Invest in longterm practice development building on pilot phase of research and development and embedding Indigenous Knowledge and Traditional Owner leadership across the supply chain.	<b>Embedding Practice</b> Enable Indigenous Knowledge to lead holistic management of Country to restore food, fibre, botanicals and healthy Country.	<b>TO Innovation Hubs</b> Establish Traditional Owner governed R&D innovation hubs that support on-going development of the Traditional Owner industry and connections to related sectors.
<b>MEDIUM</b>	<b>Practice Pilots</b> Support and fund pilots and research and development led by Traditional Owners to strengthen practice.	<b>Re-establishing Practice</b> Commit to partnering with Traditional Owners to identify access and acquisition of land and other resources for management, governance and ownership.	<b>Accelerate Leadership</b> Ongoing strengthening of Traditional Owner practice through training, skills development, education pathways and employment pathways.
<b>IMMEDIATE</b>	<b>Restoring Practice</b> Invest in Traditional Owner programs to restore Practice in a contemporary environment. Practice is inclusive of all activities in the end-to-end production of a good or service informed by Indigenous Knowledge.	<b>Monitoring and Evaluation</b> Support for M&E of regenerative and restorative effects of Traditional Owner practice and management of Country to inform ongoing practices.	<b>Practice Sharing</b> Enable a cultural and technical knowledge sharing network that supports ongoing recovery of practice and its re-establishment.



“I’m passionate about bushfoods and its industry, I’m passionate about land management, and I’m passionate about preserving cultural knowledge to be able to pass on to our future generations.

And, not only for their cultural benefit but of course economic benefit which is the basis that we need to continue along the lines of self-determination.”

Victorian Traditional Owner, Traceability Virtual Yarning Circle 2020

## CONCLUSION AND NEXT STEPS

### **This Strategy’s vision is ambitious, but achievable.**

It aims to establish an authentic, vibrant and growing native foods and botanicals industry that respects and recognises the inherent rights of Traditional Owners which enables and strengthens social, cultural and economic connections.

That vision is supported by four principles:

**CULTURE** means enabling Traditional Owners to lead the native foods and botanicals industry through the reinvigoration of cultural knowledge and practices related to native foods and botanicals.

**COUNTRY** means enabling Traditional Owners to practice and embed place-based Indigenous Knowledge and care for Country through their leadership of the industry.

**COMMUNITY** means benefits are co-created with Traditional Owner communities and ensuring that there is ongoing connection with biocultural species.

**COMMERCIAL** means engaging Traditional Owners on a nation-to-nation basis – recognising their collective and individual ownership and right to participate in and benefit from economic activity and developments arising from biocultural resources and Indigenous Cultural and Intellectual Property (ICIP).

The Strategy’s vision can be achieved if principles are followed and actions taken.

But, first, Traditional Owners and the Victorian Government must establish ongoing partnerships, then work for progress in the Strategy’s three program areas: Provenance, Market and Practice.

**PROVENANCE** means securing the legislative changes, supports and investments needed for Traditional Owners to develop, lead, strengthen, protect and manage ICIP.

**MARKET** means protecting the integrity and sustainability of the sector by creating mechanisms such as certification and traceability – so that consumers can trust they are buying native foods and botanicals that have cultural provenance.

**PRACTICE** means enabling Traditional Owners to have oversight of the mechanisms of the native foods and botanicals and lead the development of the industry by applying and embedding cultural practice and Indigenous Knowledge systems.

If those actions are taken and this vision achieved the native foods and botanicals sector will have the direction, innovation and authenticity it needs to make the leap from a \$50 million to a \$250 million industry – and that growth will benefit everyone.

The actions and activities outlined in this Strategy will complement and support the broader process of Reconciliation as well as leveraging significant environmental, social and economic benefits in regional Victoria.

### **Immediate next steps:**

- Seek commitment from the Victorian Government to work in partnership with Traditional Owners through Co-Governance arrangements to develop, resource and monitor a Strategy implementation plan and enable Traditional Owners to activate rights and actions detailed in the Strategy.



# GLOSSARY

<b>Biocultural</b>	Biocultural recognises the interconnection of bio-physical, social, spiritual and cosmological relationships with native species, with emphasis on cultural connections <sup>27</sup> .
<b>Biopiracy</b>	The deceptive intellectual property control and patenting of inventions based on biological resources and/or Indigenous Knowledge that are elicited without authorisation from Indigenous communities <sup>28</sup> .
<b>Bioprospecting</b>	Unauthorized extractive research into biological resources and/or Indigenous Knowledge from other countries, indigenous or local communities usually for pharmaceutical or biomedical purposes <sup>29</sup> .
<b>Co-design</b>	Involving users as co-creators during the entirety of the design and implementation of a project. It is embedded in community as it is co-created by, with and for the community <sup>30</sup> .
<b>Convention on Biological Diversity (CBD)</b>	CBD came into force in 1993 and covers all aspects of biodiversity. It is concerned with 'the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources'. Australia has been a party to the CBD since 1993 <sup>31</sup> .
<b>Country</b>	Country includes all of the sentient and non-sentient parts of the world and the interactions between them, according to Aboriginal lore. Indigenous lore and life originates in and is governed by Country. Country must be respected. In a Western conservation context, this is more aligned to a systems and resilience approach to thinking and to an active, adaptive management approach to practice <sup>32</sup> .
<b>Custodian/ custodianship</b>	The relationships within a complex material and spiritual cultural system that affect social organisation. Traditional Owners have custodial rights and responsibilities to land within irreversible frameworks of cultural and social existence <sup>33</sup> .
<b>Indigenous Cultural and Intellectual Property (ICIP)</b>	The definition of ICIP in <i>Our Culture Our Future: Report on Australian Indigenous Cultural and Intellectual Property Rights</i> follows the international standard developed in 1997 by a global study undertaken by the Chairperson of the United Nations Working Group on Indigenous Populations, Professor Daes. 'Indigenous Cultural and Intellectual Property' is also used in the Draft Declaration of the Rights of Indigenous Peoples. ICIP Refers to Indigenous peoples' rights to their heritage. Heritage consists of the intangible and tangible aspects of the whole body of cultural practices, resources and knowledge systems developed, nurtured and refined by Indigenous people and passed on by them as part of expressing their cultural identity. The heritage of an Indigenous people is a living one and includes items that may be created in the future, based on that heritage. Each Indigenous community asserts ownership of this communally-owned heritage material. Whether there are firm cultural rules and expectations will vary from community to community. In many communities, whether consent is necessary may depend on the circumstances of the proposed use and if the person who wants to use it is part of the relevant cultural group. It is common for Indigenous communities to assert ownership over cultural material in those communities where cultural practices still occur or are being revived <sup>34</sup> .

<b>Indigenous Knowledge/ Indigenous Ecological Knowledge</b>	The understandings, skills and philosophies developed by societies with long histories of interaction with their natural surroundings. For rural and indigenous peoples, local knowledge informs decision making about fundamental aspects of day-to-day life. This knowledge is integral to a cultural complex that also encompasses language, systems of classification, resource use practices, social interactions, ritual and spirituality. These unique ways of knowing are important facets of the world's cultural diversity, and provide a foundation for locally-appropriate sustainable development <sup>35</sup> .
<b>Practice</b>	How Traditional Owners act on their cultural law, principles and Indigenous Knowledge through the holistic management and use of Country. This includes how species are cared for within an ecological and cultural landscape and the ways in which Traditional Owners use contemporary knowledge and practice to produce, process and use those species according to its connected law and ICIP <sup>36</sup> .
<b>Self-Determination</b>	All Aboriginal peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development, according to article 1 of the International Covenant on Civil and Political Rights (ICCPR).
<b>Sovereignty</b>	Traditional Owners have not ceded sovereignty to the British Crown and continue their ongoing obligations to Country <sup>38</sup> . This includes the capacity to make political, economic and social decisions based on Traditional Owner rights to exercise self-determination in regards to their life, laws and land <sup>39</sup> .  'The Uluru Statement from the Heart defines Indigenous sovereignty as: a spiritual notion: the ancestral tie between the land, or 'mother nature', and the Aboriginal and Torres Strait Islander peoples who were born therefrom, remain attached thereto, and must one day return thither to be united with our ancestors. This link is the basis of the ownership of the soil, or better, of sovereignty. It has never been ceded or extinguished, and co-exists with the sovereignty of the Crown' <sup>40,41</sup> .
<b>Traditional Owner</b>	Aboriginal person claiming Traditional Owner Status over a particular Country with cultural authority to act on their rights <sup>42</sup> .
<b>United Nations Declaration on the Rights of Indigenous peoples (UNDRIP)</b>	The UNDRIP was adopted by the United Nations in 2009 and is an international instrument that enshrines the collective and individual rights of Indigenous Peoples <sup>43</sup> . Australia announced its support for UNDRIP in 2009.

# APPENDIX 1: METHODOLOGY

**Through a genuine partnership and a co-design process, the Federation, with support from Government, enabled Victorian Traditional Owners to operate in self-determination mode for the development of the Victorian Traditional Owner Native Food and Botanicals Strategy.**

Traditional Owners, Elders and Knowledge Holders together with Traditional Owner Corporation staff guided and shaped the Strategy, supported by government and technical experts. The strategy development process utilised Human-Centred Design (HCD), Design Thinking and Indigenist Design methodologies to ensure self-determination is embedded into the Strategy and its outcomes and recommendations. HCD<sup>44</sup> and Design Thinking<sup>45</sup> provides methodological tools that support codesign workshops and the synthesis of interview and workshop information that privileges the voice of participants. Indigenist Design is a decolonial design and research methodology which positions the researcher to be able to privilege the voice and worldview of Indigenous peoples, and therefore positions the research or project in an Indigenist paradigm<sup>46</sup>.

A Project Control Committee made up of Traditional Owners and Agriculture Victoria representatives provided oversight to strategy development, strengthened relationships with partner agencies, and evaluated and supported issues to be resolved that ensured that the rights, interests and protocols of Traditional Owners were embedded in the Strategy throughout the process of its development. This included the pivot to engage with Traditional Owners in a virtual setting due to the impacts and risks associated with the COVID-19 global pandemic, in line with government health guidelines and restrictions. This resulted in the creation of the Virtual Yarning Circles and online workshops to support ongoing collaboration.

Comprehensive engagement, robust conversations and focus workshops were held across Victoria over 14 months and have all informed the scope and content of the Strategy. This approach enabled Traditional Owners, Elders and Knowledge Holders,

Traditional Owner Corporation representatives and staff, and industry practitioners to provide guidance on the actions and pathways that emerged during the development of the Strategy, and ensured that they aligned with, and fully articulated, the rights, objectives and vision of Traditional Owners.

### The sequence of activities included:

1. Inception meeting and PCC formation. **April 2019**
2. Group level meetings, workshops and discussions. **July 2019 – February 2020**
3. NRM Committee Workshop. **September 2019**
4. Terri Janke Workshop on developing a Bush Foods and Botanicals Strategy. **January 2020**
5. Virtual Yarning Circles. **June 2020**
6. Online Strategy Workshop on draft strategy actions and components. **June 2020**
7. Various versions of the Draft Strategy were circulated to Traditional Owners and their Corporations and further comments and direction incorporated in to the next version.
8. The draft Strategy was presented to the Project Control Committee to review and provide guidance to the finalisation of the strategy document, its launch and next steps.

The workshops and Virtual Yarning Circles provided a significant forum for collaborative discussions on topics identified as integral for Traditional Owner leadership in the native food and botanicals industry. The sessions were led by technical experts in their respective fields, who presented on topics, projects and experience while supporting conversations and questions that contributed to significant knowledge sharing and validation of key actions and activities identified as pathways for a Traditional Owner led industry.

The attendees of the Virtual Yarning Circles included 23 Traditional Owners, Elders, Knowledge Holders and Traditional Owner Corporation staff from 10 Traditional Owner Corporations across the state.

**Traditional Owner led Native Food and Botanicals Strategy**  
**Virtual Yarning Circles**  
 June 11 – 19

**Virtual Yarning Circles are scheduled collaborative discussions on topics important for Traditional Owner leadership and protection of biocultural resources, Indigenous Knowledge and practice.**

Please register to join these presentations and conversations that will support the development of the Native Food and Botanicals Strategy and relationship building with technical experts in a variety of fields. **Registration includes an information use disclaimer.** This is for any quotes that a participant and the Federation might agree to be used in the Native Food and Botanicals Strategy document. This of course will be with secondary consent and can be retracted at anytime before the print publication of the strategy document.

<b>Terri Janke</b> <b>June 11</b> 1pm – 2:30pm Traditional Owner Market Leadership and True Tracks Indigenous Cultural Intellectual Property	<b>Traditional Owner led Native Food and Botanicals (TONFB) Strategy Workshop</b> <b>June 18</b> 1pm – 2:30pm Zoom forum for discussing the draft TONFB strategy, Q&A, comments and live workshoping. The whole document will be circulated prior for comment and direction for those who may be unable to attend the web conference.
<b>Margaret Raven &amp; Daniel Robinson</b> <b>June 12</b> 1pm – 2:30pm Biopiracy, Nagoya Protocol, Access and Benefit Sharing (ABS) and Indigenous Knowledge Futures	
<b>Pat Torres &amp; Paul Saeki</b> <b>June 16</b> 1pm – 2:30pm Northern Australia Aboriginal Kakadu Plum Alliance (NAAKPA) and the ILSC's Traceability project	
<b>Maggie Walter &amp; Maui Hudson</b> <b>June 19</b> 1pm – 2:30pm Indigenous Data Sovereignty & Biocultural Labels	

**Host or suggest a session**

Image 1: Poster distributed with Victorian Traditional Owners Inviting their participation in the Virtual Yarning Circle series of events

# ENDNOTES

- 1 Terri Janke and Company. 2020. Developing a Bush Food and Botanicals Strategy. Workshop Report and Recommendations.
- 2 Victorian Government. 2006, 'Flavoured To Win' - A Strategic Plan For The Native Foods Industry in Victoria: 2006 – 2011, November 2006, State Government of Victoria, Melbourne.
- 3 Rural Industries Research and Development Corporation. 2012, Australian Native Foods Industry Stocktake, RIRDC Publication No. 12/066, Rural Industries Research and Development Corporation, Canberra, pp.vii.
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