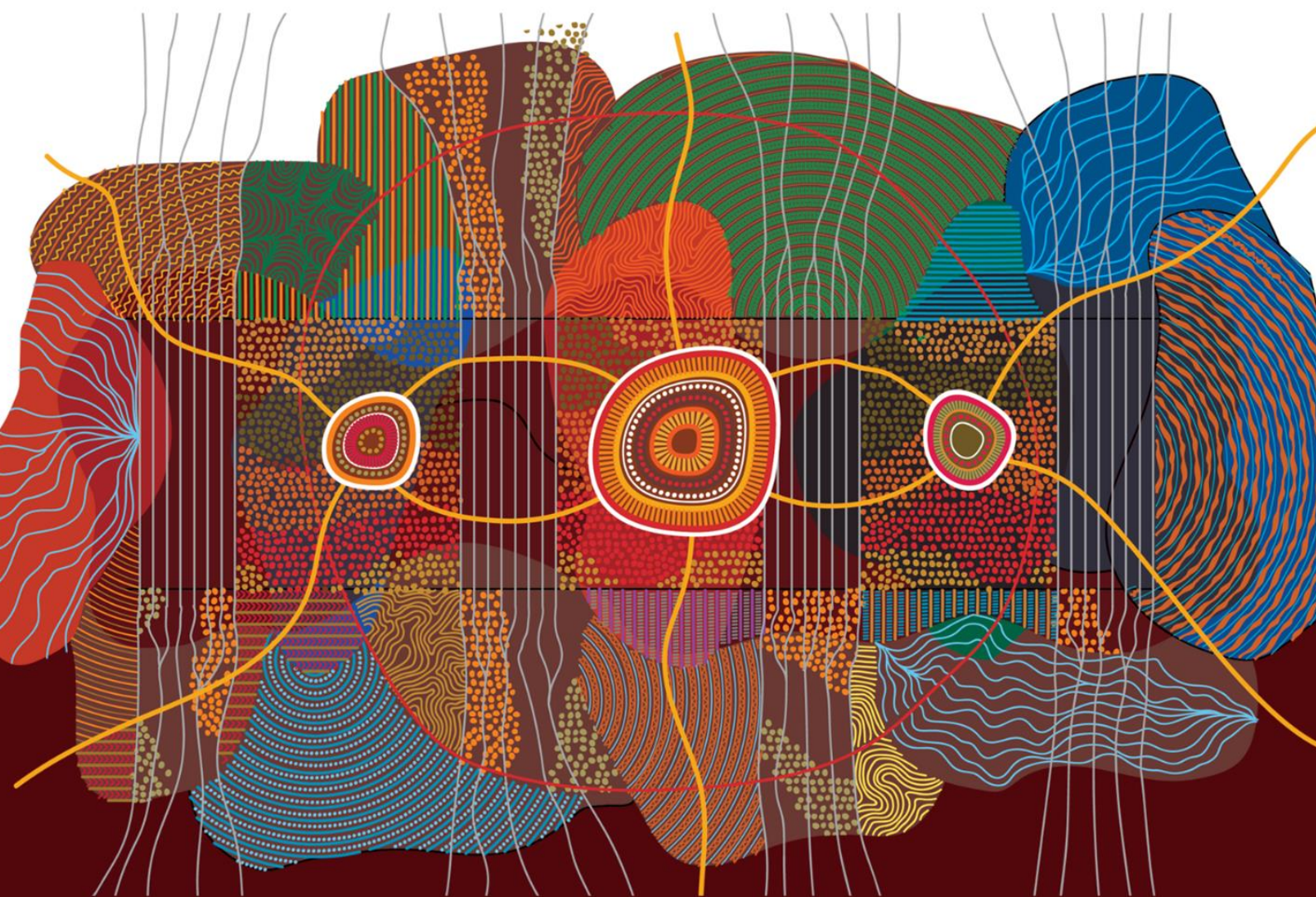




# Indigenous Agricultural Product Framework Project

## Assessment Report

June 2024



*'Together We Grow, Together We Prosper' artwork by Wakka Wakka artist, David Williams.*



Australian Government  
Department of Agriculture,  
Fisheries and Forestry



Australian Government  
Indigenous Land and Sea Corporation



The ILSC GROUP



National  
Farmers  
Federation

PEOPLE. COUNTRY. OPPORTUNITY.

## Acknowledgement of Country

We acknowledge Aboriginal and Torres Strait Islander people as the Traditional Custodians of our land and waters. We respect the spiritual, social, cultural, environmental, and economic practices connected to Country, and ongoing importance of cultural and heritage beliefs, languages and Lore today.

The National Farmers Federation and the Indigenous Agricultural Product Framework team pay its respects to Elders, past and present, and to the youth, for the future. We extend this to all Aboriginal and Torres Strait Islander people reading this report.

Please note that in this document the term Aboriginal and Torres Strait Islander people is used. We acknowledge and respect that it is preferable to identify Aboriginal and Torres Strait Islander people, where possible, by their language group or nation. The term 'Indigenous' is used when part of an existing name, title, or accepted terminology by the sector.

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## Executive summary

For tens of thousands of years, Aboriginal and Torres Strait Islander people across Australia have cultivated land and harvested native plants, animals and fungi for medicinal use, tools and materials, and food. The intent of developing a definition of 'Indigenous agricultural products' in the modern context with an associated credential and regulatory framework is to provide a mechanism for Aboriginal and Torres Strait Islander people to experience increased economic self-determination, and Australian agriculture to further promote its reputation as an exporter of high-quality primary produce.

This Assessment Report draws from extensive consultations, including interviews, roundtables, surveys and desktop research, to identify characteristics of, and develop a consensus-based definition for, Indigenous agricultural products. The report also describes Aboriginal and Torres Strait Islander peoples' support for a credential system and identifies barriers to its implementation.

The characteristics of Indigenous agricultural products were refined through stakeholder consultations and reflect the unique value proposition of these products. The five key characteristics are: Aboriginal and Torres Strait Islander Producers, Connection to Culture, Connection to Country, Caring for Country, and Access and Benefit Sharing. These characteristics distinguish Indigenous agricultural products from non-Indigenous products and ensuring their unique cultural and environmental value is recognised and preserved.

The refined definition of Indigenous agricultural products received strong support from stakeholders. The refined defined definition is:

*"An Indigenous Agricultural Product refers to the use of land, air, and waters by Aboriginal and Torres Strait Islander owned and operated organisations to produce primary products while also caring for Country. Indigenous agricultural products, both cultivated and wild-harvested, create opportunities for access and benefit sharing with Aboriginal and Torres Strait Islander communities and reflect the cultural connection between the producers and the product."*

There is strong support for a credential system to assure the authenticity of Indigenous agricultural products. However, concerns about implementation of the credential and the currently fragmented regulatory environment need to be addressed. The report also highlights the need for broader supports, beyond a credential system and regulatory environment, to build the capability and capacity of Aboriginal and Torres Strait Islander producers. These supports may include mentoring programs, training opportunities, and Indigenous-designed agri-finance and funding to overcome barriers related to land access and capital.

The next phase of the project will focus on economic, consumer sentiment and regulatory analyses to identify the benefits and barriers to the growth of Indigenous agricultural products. This includes assessing the export maturity of these products and developing models for a credential system that supports their unique cultural and environmental value.

The findings from this report provide a strong foundation for developing a credential system that recognises and preserves the unique value of Indigenous agricultural products. By addressing the identified barriers and supporting Indigenous ownership and control, the project aims to promote economic development and prosperity for Aboriginal and Torres Strait Islander people and businesses.

## Foreword by National Farmers Federation

The National Farmers' Federation (NFF) is proud to present this Assessment Report for the Indigenous Agricultural Product Framework project. This report marks a significant milestone in our ongoing commitment to support and enhance the agricultural opportunities for Aboriginal and Torres Strait Islander communities through the project.

We extend our heartfelt gratitude to all the stakeholders who participated in the roundtable discussions held during April and May. Your invaluable insights, perspectives, and contributions have been instrumental in shaping this important piece of work. Your dedication and engagement reflect the collective effort required to drive meaningful change and development in Indigenous agriculture.

Importantly, this report outlines a definition for Indigenous agricultural products that has been developed collaboratively, adapted in response to feedback, and ultimately been met with broad support from Aboriginal and Torres Strait Islander stakeholders. It also confirms broad in-principle support from Aboriginal and Torres Strait Islander stakeholders for the development of a credential that would enable Indigenous agricultural products attract a premium in market.

Indigenous peoples are the original farmers of Australia, possessing a rich agricultural heritage that spans thousands of years. This project seeks to honor that legacy while fostering sustainable practices and market opportunities that will benefit Aboriginal and Torres Strait Islander communities. Our shared goal is to exceed \$100 billion in farm gate output by 2030, and we believe that Indigenous agricultural products will play a crucial role in achieving this milestone.

The Indigenous Agricultural Product Framework project is a critical initiative aimed at fostering sustainable agricultural practices, enhancing market access, and promoting economic development within Indigenous communities. The outcomes of this project are not just stepping forward in agricultural innovation, but are also pivotal in supporting the sovereignty, culture, and economic independence of Aboriginal and Torres Strait Islander peoples.

At the NFF, we take our responsibility seriously to deliver the outcomes of this project. We are committed to ensuring that the recommendations and strategies outlined in this report are implemented effectively, with a focus on delivering tangible benefits to the communities we serve. We believe that by working together, we can unlock the full potential of Indigenous agricultural products, creating opportunities that honor traditions while embracing innovation and growth.

Thank you once again to all our partners, stakeholders, and community members for your continued support and collaboration.

**CHARLES THOMAS**  
Acting CEO

# 1: Project background

## Context

For tens of thousands of years, Aboriginal and Torres Strait Islander people across Australia have cultivated land and harvested native plants, animals and fungi for medicinal use, tools and materials, and food. In contrast to the myth of Aboriginal and Torres Strait Islander people being mere ‘hunter gatherers’, the evidence shows a rich pre-colonial history of advanced agricultural and aquacultural techniques.<sup>1</sup>

Despite fierce resistance,<sup>2</sup> European colonisation had a devastating impact on Aboriginal and Torres Strait Islander people, who were subjected to range of injustices including mass killings and being displaced from their traditional lands and relocated on missions and reserves in the name of ‘protection’.<sup>3</sup> As early as the first decades of colonisation, Aboriginal people were involved in ‘Western’ agricultural industries as workers on pastoral stations.<sup>4</sup> In these contexts, Aboriginal people experienced violence, racism and exploitation.<sup>5</sup>

The impacts of colonisation continue to be felt today. Relative to non-Indigenous Australians, Aboriginal and Torres Strait Islander people experience worse health and socioeconomic outcomes.<sup>6</sup> In agriculture, Aboriginal and Torres Strait Islander people are under-employed, and despite having interests in more than half of Australia’s landscape, most of the revenue generated from the ‘Indigenous estate’ provides no benefit to Aboriginal and Torres Strait Islander people.<sup>7</sup>

The development of a definition and associated credential system for Indigenous agricultural products presents one way of delivering increased economic self-determination for Aboriginal and Torres Strait Islander people. This could be achieved through the premium which may be associated with verified authentic products, business

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<sup>1</sup> B Pascoe (2014). *Dark Emu*. Magabala Books.

<sup>2</sup> NSW Government (undated). *Aboriginal resistance, conflict and massacres*. NSW Public Service Commission. <https://everyonesbusiness.psc.nsw.gov.au/node/57>

<sup>3</sup> Victorian Public Sector Commission (28 June 2022). *Aboriginal and Torres Strait Islander culture and history*. <https://vpssc.vic.gov.au/workforce-programs/aboriginal-cultural-capability-toolkit/aboriginal-culture-and-history/>

<sup>4</sup> Paterson, A. (2017). Once were foragers: The archaeology of agrarian Australia and the fate of Aboriginal land management. *Quaternary International*, 489, 4-16. Note that ‘Aboriginal’ has been used in this context deliberately given that white settlement in the Torres Strait occurred in the late 19<sup>th</sup> Century.

<sup>5</sup> Senate Committee on Legal and Constitutional Affairs (December 2006). *Unfinished business: Indigenous stolen wages*. Commonwealth of Australia. [https://www.aph.gov.au/~media/wopapub/senate/committee/legcon\\_ctte/completed\\_inquiries/2004\\_07/stolen\\_wages/report/report\\_pdf.ashx](https://www.aph.gov.au/~media/wopapub/senate/committee/legcon_ctte/completed_inquiries/2004_07/stolen_wages/report/report_pdf.ashx)

<sup>6</sup> Australian Government. (2020). *Closing the Gap Report 2020*. National Indigenous Australian Agency. <https://ctgreport.niaa.gov.au/sites/default/files/pdf/closing-the-gap-report-2020.pdf>

<sup>7</sup> J Gilbert, J Pratley, P Prenzler, J McCormick. (5 April 2024). *Indigenous employment in Australian agriculture*. FutureAg Conference paper. <https://futureagexpo.com.au/blog/indigenous-employment-australian-agriculture#:~:text=Approximately%205%2C900%20First%20Nations%20people,1%2C300%20or%2028.2%25%20from%202016>

ownership, and employment opportunities. If the definition was restricted to Aboriginal and Torres Strait Islander-owned businesses, the employment effect could be greater, as these businesses have an employment rate for Aboriginal and Torres Strait Islander people around 60% higher than for non-Indigenous businesses.<sup>8</sup>

Alongside the benefit to Aboriginal and Torres Strait Islander people, there has been growing consumer demand for Indigenous agricultural products resulting from a general interest in the health benefits of native Australian ingredients, and a drive to support small, regional and Indigenous businesses across Australia.<sup>9</sup> There is good reason, however, to consider the expansion of Indigenous agricultural products to encompass more than only native produce. While some Aboriginal and Torres Strait Islander people have established businesses selling ‘bushfoods’, only a very small proportion (1–2%) of the industry’s produce and dollar value is generated by Aboriginal and Torres Strait Islander people.<sup>10</sup> While Aboriginal and Torres Strait Islander people are under-represented in the agricultural workforce,<sup>11</sup> their connection with some agricultural industries (such as cattle) could justify the inclusion of non-native species into a definition of Indigenous agricultural products.<sup>12</sup>

Given Aboriginal and Torres Strait Islander peoples’ historical and contemporary involvement in both native and non-native Australian agriculture, the approach to developing a definition for Indigenous agricultural products should consider the views of a wide group of Aboriginal and Torres Strait Islander stakeholders. The definition should be sensitive to Australia’s history, both before and after colonisation, as well as to Aboriginal and Torres Strait Islander peoples’ preferences and priorities.

## Scope

In partnership with the Indigenous Land and Sea Corporation (ILSC) and the Department of Agriculture, Fisheries and Forestry (DAFF), the National Farmers Federation (NFF) has contracted PricewaterhouseCoopers Indigenous Consulting (PIC) to develop the evidence

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<sup>8</sup> Standing Committee on Indigenous Affairs (2021). *Report on Indigenous participation in employment and business*. The Parliament of the Commonwealth of Australia. [https://www.aph.gov.au/-/media/02\\_Parliamentary\\_Business/24\\_Committees/243\\_Reps\\_Committees/Indigenous/Participation/Report.pdf?la=en%26hash=0FF8A974D86F9A87BB46B5F236D4FCFD110C515B#:~:text=Indigenous%20businesses%20have%20an%20employment,in%20that%20growth%20and%20success](https://www.aph.gov.au/-/media/02_Parliamentary_Business/24_Committees/243_Reps_Committees/Indigenous/Participation/Report.pdf?la=en%26hash=0FF8A974D86F9A87BB46B5F236D4FCFD110C515B#:~:text=Indigenous%20businesses%20have%20an%20employment,in%20that%20growth%20and%20success).

<sup>9</sup> Y Sultanbawa, F Sultanbawa (2021). *Australian Native Plants: Cultivation and Uses in the Health and Food Industries*. CRC Press.

<sup>10</sup> R Mitchell, J Becker. (19 January 2019). *Bush food industry booms, but only 1 per cent is produced by Indigenous people*. ABC News. <https://www.abc.net.au/news/rural/2019-01-19/low-indigenous-representation-in-bush-food-industry/10701986>

<sup>11</sup> J Gilbert, J Pratley, P Prenzler, J McCormick. (5 April 2024). *Indigenous employment in Australian agriculture*. FutureAg Conference paper. <https://futureagexpo.com.au/blog/indigenous-employment-australian-agriculture#:~:text=Approximately%205%2C900%20First%20Nations%20people,1%2C300%20or%2028.2%25%20from%202016>

<sup>12</sup> F Stevens (1974). *Aborigines in the Northern Territory Cattle Industry*. Australian National University Press. Note that the term ‘Aborigine’ is now considered offensive.



base to support and inform the establishment of Indigenous agricultural product credentials.

These credentials will help verify the provenance of Indigenous agricultural products and deliver improved economic benefits to Aboriginal and Torres Strait Islander people.

The key elements of the project are to:

1. Consult and engage with stakeholders across the agriculture landscape, including Indigenous communities and business, farmers, processors and governments to develop and agree a definition of Indigenous agricultural products.
2. Consult and engage with these same stakeholders to identify a credential system to differentiate Indigenous agricultural products.
3. Estimate the economic and community value of Indigenous agricultural products that are currently produced for domestic and international markets.
4. Identify benefits and barriers to growth, including regulatory issues.
5. Assess the export maturity of Indigenous agricultural products, with recommendations to improve economic impact.

Whilst we endeavour to capture a diverse representation of the views and values of the industry/sector and Aboriginal and Torres Strait Islander people, we know that these groups are not homogenous. Our findings and reports reflect only the views of those consulted within the context of this project and at the time of engagement and may not represent shared agreement by all cohorts (especially among Aboriginal and Torres Strait Islander people).

## 2: Purpose and structure of this report

This report describes findings from the desktop research and consultation activities to date, from October 2023 to May 2024. The purpose of these activities has been to identify potential characteristics of Indigenous agricultural products and develop a consensus-based definition of Indigenous agricultural products which reflects the views and priorities of Aboriginal and Torres Strait Islander peoples.

Chapter 3 presents our methodology for scoping potential characteristics and achieving consensus on the proposed definition of Indigenous agricultural products, including our process for desktop research, stakeholder interviews, roundtables and an online survey.

Our findings on the characteristics and definition are reported in Chapter 4, which describes each characteristic and its evolution through the consultation and research process.

This report also describes the sector's support for a credential system to assure the authenticity of Indigenous agricultural products, and reports on the status of existing regulatory framework to protect Indigenous agricultural products in Australia and internationally. These findings are reported in Chapter 4.

Chapter 5 describes the next phase of project activities, aimed at estimating the economic and community value of Indigenous agricultural products as they have been defined in this report, identifying benefits and barriers to growth, and assessing the export maturity of Indigenous agricultural products.

Finally, Chapter 6 presents some reflections and learning on the process we have taken to date with recommendations for future consultation activities.

### 3: Methodology

#### Approach

The findings reported in this report consolidate desktop research and consultation with more than 140 stakeholders. During the project, we canvassed the perspectives of both Aboriginal and Torres Strait Islander and non-Indigenous people and business. The views of non-Indigenous stakeholders are important for understanding the broader 'context' of Indigenous agricultural products, including their likely economic value and export potential. However, the views of Aboriginal and Torres Strait Islander people are prioritised in terms of developing the definition and ascertaining support for a credential system.

#### Desktop research

The project commenced with a review of the existing literature. The literature included documentation and sources received from NFF, ILSC and DAFF, in addition to a scan of existing publicly available online literature (both peer-reviewed and grey). Sources were limited to those published in English. We also reviewed draft and unpublished materials from Joshua Gilbert, an Indigenous agriculture subject matter expert currently undertaking his doctoral degree at the University of Technology Sydney. In total, the desktop review encompassed approximately 60 sources from Australia and internationally.

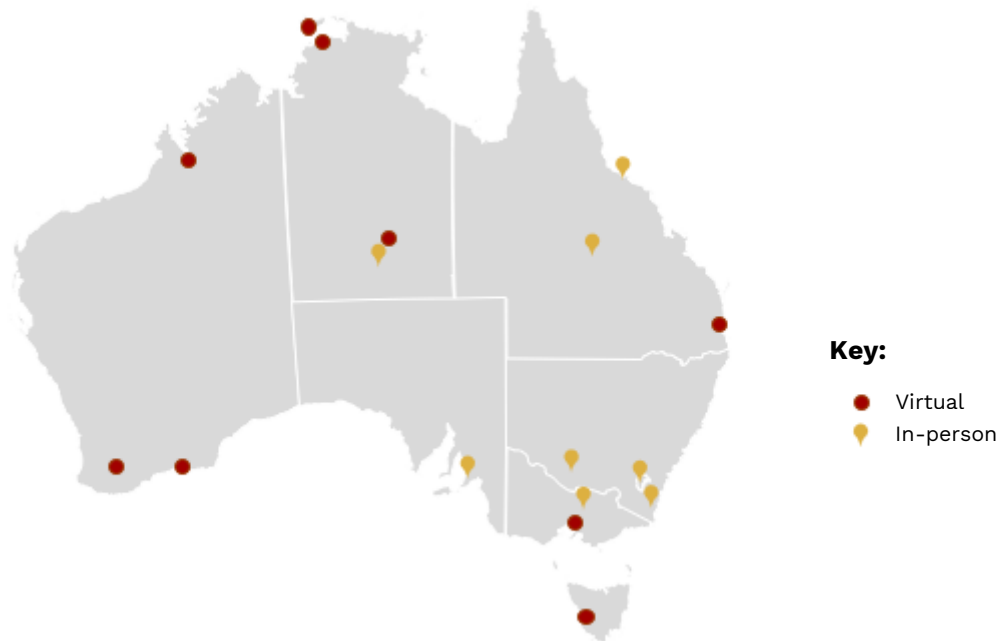
The aim of the desktop review was to build an understanding of potential characteristics that could be used to define an Indigenous agricultural product as well as existing credential systems to be tested throughout stakeholder engagement activities.

#### Interviews with stakeholders across the sector

From January to May 2024, we conducted 33 individual and small group consultations with Aboriginal and Torres Strait Islander producers, Traditional Owner corporations, business and industry associations, government agencies, and tertiary education institutions. The stakeholders were identified using PIC's networks, through desktop research, and through a 'snowball' approach, where stakeholders would nominate others that they believed should participate.

Stakeholders for individual and small group interviews were provided the option of virtual or in person consultations. The majority (n=23) elected for virtual, with the remainder (n=10) inviting PIC to attend their premises. Figure 1 shows the locations of in person consultations.

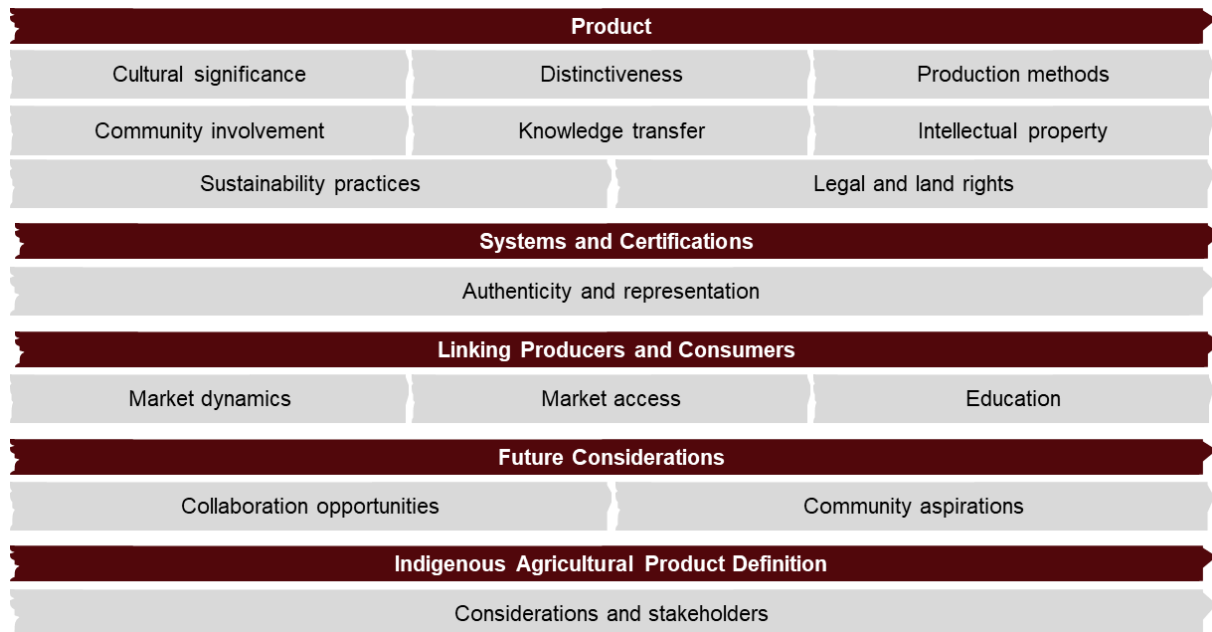
Figure 1. Locations of virtual and in-person stakeholder consultations



During the individual and small group consultations, stakeholders were asked to describe their association with Indigenous agriculture; how they understood Indigenous agricultural products with respect to aspects including their cultural significance, distinctiveness and production methods; their awareness of and support for certification systems; as well as ways to better link producers with consumers and considerations for how Indigenous agricultural products could be used to improve prosperity for Aboriginal and Torres Strait Islander people. Figure 2 shows a graphical representation of the topics covered during consultations, noting that the unstructured, yarning style of consultation (more culturally appropriate for Aboriginal and Torres Strait Islander stakeholders) meant that consultations tended to focus more heavily on topics of interest to the stakeholder.

During each consultation, the team took detailed notes which were later thematically analysed to identify the initial set of characteristics and draft definition of Indigenous agricultural products.

Figure 2. Key themes explored during consultations



## Roundtables

In addition to these individual and small group settings, NFF and PIC co-facilitated a series of 6 roundtables with Aboriginal and Torres Strait Islander and non-Indigenous stakeholders (n=60 unique participants across all 6 roundtables), and an additional one ‘mob only’ roundtable (n=18 participants, including 6 who had also participated in a previous roundtable).

For the first set of 6 roundtables, 37% (n=22) people identified as Aboriginal and Torres Strait Islander. These roundtables were also attended by a large number of ‘observers’ from government (n=14, or 23% total participants) who were interested in hearing about the project’s progress. Observers were non-Indigenous, did not comment during the roundtable and generally had their video cameras turned off. Excluding observers from the participant pool for the first 6 roundtables resulted in 50% participants identifying as Aboriginal and Torres Strait Islander people. There were no observers and no non-Indigenous participants in the seventh roundtable.

Roundtables were attended by participants from all jurisdictions. The largest proportion of participants across all roundtables were from Victoria (25%), followed by Queensland (19%), the ACT (15%) and New South Wales (14%).

The roundtables were publicised via the NFF website and social media, through social media channels of partners (e.g. ILSC), and through direct email invitation. All roundtables were conducted online using Microsoft Teams, from mid-April to mid-May 2024. All roundtables, including both voice and chat functions, were recorded and transcribed to ensure participants’ views and sentiments were accurately reflected in our analysis and reporting.

During the first 6 roundtables, participants were introduced to the rationale for the Indigenous Agricultural Product Framework Project, as well as the process for consultations to date. We then introduced the draft characteristics with a description of each, and the draft working definition of an Indigenous Agricultural Product. Roundtable

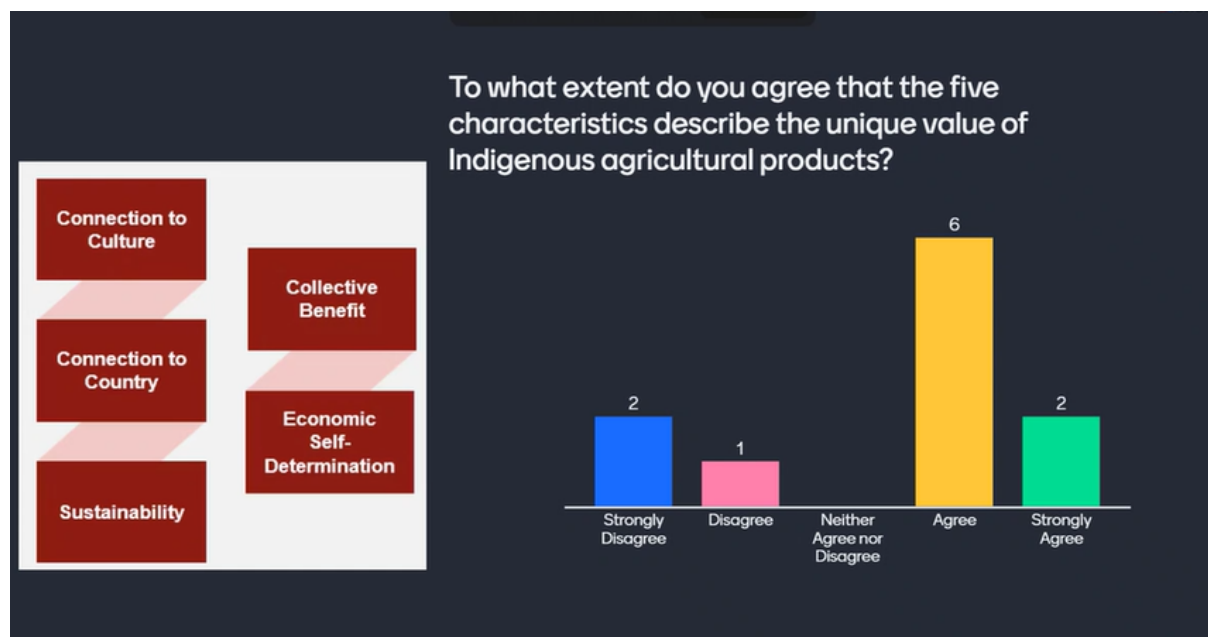


participants were then asked to respond to 5 questions using the Menti platform, which provides for real time answering and visualisation of responses. The 5 questions were:

1. To what extent do you agree that the five characteristics describe the unique value of Indigenous agricultural products?
2. To what extent do you agree that the five characteristics are reflected in the working definition?
3. To what extent do you agree that the five characteristics help to distinguish Indigenous agricultural products from non-Indigenous agricultural products?
4. To what extent do you agree that the working definition supports economic, social and environmental benefits for Aboriginal and Torres Strait Islander producers?
5. To what extent do you agree that a credential system, based on the five characteristics, will support the growth and development of authentic Indigenous agricultural products?

Each question was rated against a 5-point Likert-type scale, from ‘Strongly Disagree’ to ‘Strongly Agree’. Responses to the questions were viewed ‘live’ and used to facilitate discussion. Figure 3 shows an example of the live Menti results for Question 1 during one of the first 6 roundtables.

Figure 3. Live Menti poll results showing responses to Question 1 during a roundtable



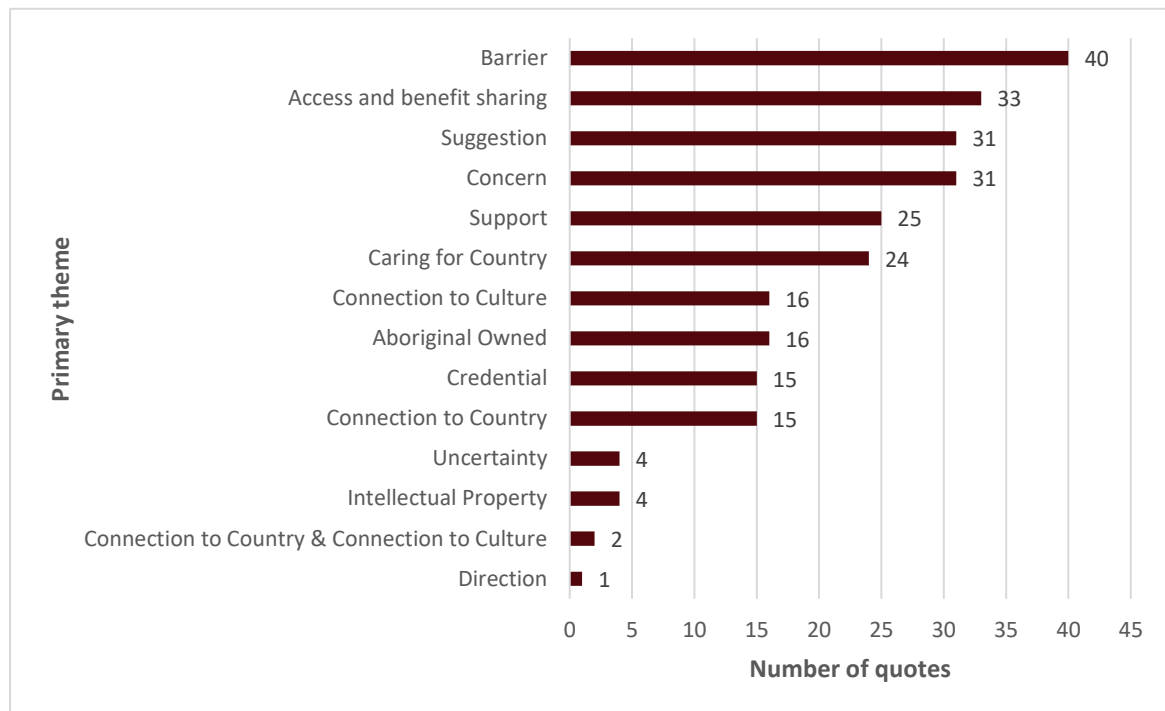
The final roundtable was restricted to Aboriginal and Torres Strait Islander peoples only (as well as non-Indigenous support staff from NFF and PIC). This roundtable was added to the schedule in response to feedback from a participant in an earlier session. The ‘mob only’ roundtable provided a mechanism to test the revised characteristics and working definition, which were updated in response to feedback from the previous 6 sessions. Participants to this session were invited if they had self-identified as an Aboriginal or Torres Strait Islander person on NFF’s website registration.

The final roundtable adopted a less formal, ‘yarning’ style approach. The Menti platform was not used. Several participants in the final roundtable had also been participants in previous roundtables, and a very small number of participants left the roundtable early because they were a non-Indigenous person representing an Aboriginal and Torres Strait Islander business.

Roundtable transcripts were imported into ChatPwC, PIC's enterprise version of ChatGPT. The platform extracted 257 total quotes and created summaries of each roundtable. The summaries were checked for accuracy against our own notes, and quotes were manually categorised according to theme.

Figure 4 below shows the frequency of primary theme, noting that some quotes touched on multiple themes.

Figure 4. Quotes from the 7 roundtables categorised by primary theme.



### Online survey

We developed an online survey using the same 5 questions that were presented in the Menti poll during the roundtables, with additional demographic questions to identify Aboriginal and Torres Strait Islander respondents, industry affiliation, and geographic location.

The survey was publicised using the same channels as for the roundtables, hosted on the survey platform Qualtrics, and was open from 13 April 2024 to 7 May 2024. In total, 24 people participated in the online survey. The survey was confidential, so it was not possible to identify respondents who also participated in a roundtable. To encourage participation, we offered two \$100 Digital Visa Gift Cards, drawn at random from eligible participants. To be eligible for the gift card, survey participants were required to provide an email address, though this was optional, and identifying data was extracted from raw survey data prior to analysis.

### Regulatory analysis

The final 'input' to this Assessment Report was a review of the existing regulatory environment. We contracted Indigenous law firm Terri Janke and Company, who have specialist expertise in Indigenous Cultural and Intellectual Property (ICIP). Dr Janke and her team were asked to review the legal and non-legal regulatory and best-practice

frameworks for identifying, defining and protecting Indigenous agricultural products, including:

- Legal models (i.e. legislation, regulations, UNDRIP)
- Industry standards and practices (i.e. NAAKPA, TONFABS, Florabank Guidelines)
- Indigenous models (such as Indigenous rights, customary laws and protocols).

In addition, Terri Janke and Company examined relevant international examples with implications for their application in Australia.

The report has been used to inform this document and is provided in full at Appendix A.

## **Limitations**

Aboriginal and Torres Strait Islander people are not a homogenous group. The findings reported in this report reflect the priorities and concerns of only those people we consulted with. However, our consultation approach was broad and we remain open to hearing from individuals or groups we have not yet consulted with, as well as hearing more from people we have previously consulted with.

## 4: Findings

### Draft characteristics and definition

Interviews with more than 30 stakeholders informed a set of draft characteristics and definition of Indigenous agricultural products. The draft characteristics and definition have been described in a previous deliverable (Mid Outcome Report #1 Part B) so will be mentioned only briefly here to provide context for the findings from roundtables.

Thematic analysis of interviews with stakeholders revealed 5 characteristics underpinning the unique value proposition of Indigenous agricultural products.

#### Connection to culture

Connection to culture recognises the complex relationships between Aboriginal and Torres Strait Islander people and traditional knowledges, traditions and spirituality, which have been passed down through generations and are essential to the wellbeing of Aboriginal and Torres Strait Islander people.

Including connection to culture as a characteristic of Indigenous agricultural products provides a way of distinguishing Indigenous from non-Indigenous agricultural products, which do not have the same relationship with Aboriginal and Torres Strait Islander knowledges, traditions and spirituality.

Many stakeholders who discussed the importance of connection to culture referenced its intersection with Indigenous Cultural and Intellectual Property (ICIP). ICIP refers to Indigenous peoples' rights to their heritage and are collective rights,<sup>13</sup> in that the cultural expression and knowledge originate from a clan group and are passed on from generation to generation.<sup>14</sup>

#### Connection to Country

Connection to Country is a fundamental aspect of identity and spirituality. Country in this context refers to the land, waters, and all living things that inhabit them. Interview stakeholders referred to connection to Country as an important distinguishing feature of Indigenous agricultural products because it provides a way of linking the geographical provenance of products with the local Aboriginal and Torres Strait Islander people and cultures.

Geographical indicators which provide information about the specific region where a product was grown, harvested or processed may protect Indigenous agricultural products from imitation and misrepresentation, assuring consumers of the authenticity and quality of the products they are purchasing. Geographical indicators can also help to promote the story of the people producing the product, making provenance and geographic indicators

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<sup>13</sup> 'Indigenous' is used deliberately in the context of ICIP rather than Aboriginal and Torres Strait Islander because ICIP is a right that applies to Indigenous peoples globally, rather than only in Australia.

<sup>14</sup> Kearney, J., Intern, A., & Janke, T. (2018). *Rights to culture: Indigenous cultural and intellectual property (ICIP), copyright and protocols*. Terri Janke and Company. <https://www.terrijanke.com.au/post/2018/01/29/rights-to-culture-indigenous-cultural-and-intellectual-property-icip-copyright-and-protoc>

valuable tools for preserving and promoting Indigenous agricultural products and their cultural significance.

### **Economic self-determination**

Economic self-determination refers to Indigenous rights to control and have responsibility for their own economic affairs through genuine decision-making powers, meaningful participation and freedom from discrimination.<sup>15</sup> Indigenous agricultural product credentials may increase the economic return and marketability of products, while also respecting Aboriginal and Torres Strait Islander sovereignty, cultures, and livelihood opportunities to generate wealth through employment on Country.

### **Collective benefit**

Aboriginal and Torres Strait Islander cultures are guided by principles of collectiveness, or working together for the benefit of the community, and reciprocity, which refers to a mutual exchange of resources and services. Collective benefit helps to ensure that everyone has access to the resources they need, and also fosters a sense of community and belonging. By working together and sharing resources, Aboriginal and Torres Strait Islander communities can help ensure that lands, waters, and natural resources are used in a sustainable and responsible way.

### **Sustainability**

Australian agricultural sustainability is the production of food and fibre which is environmentally, socially and economically responsible.<sup>16</sup> Sustainability is also a key theme across Aboriginal and Torres Strait Islander land and resource management and cultivation practices and is a foundation of caring for Country.

Incorporating sustainability into the definition of an Indigenous agricultural product highlights the intrinsic connection between Aboriginal and Torres Strait Islander people's practices and the stewardship of Country and natural resources. Here, the choices made by a generation will dictate the quantity and quality of the resources available to future generations. This also provides the long-term viability of these methods in promoting environmental health and resilience against climate change.

### **Draft working definition of Indigenous Agricultural Product**

Feedback from the individual and small group consultation process along with the characteristics identified informed a draft working definition of Indigenous Agricultural

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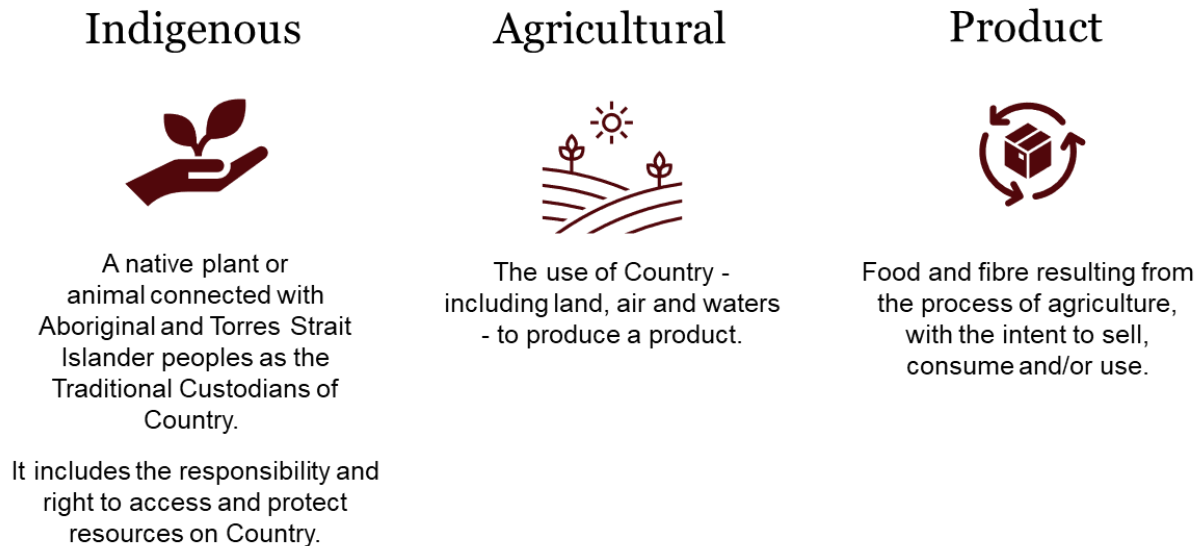
<sup>15</sup> First Australians Capital (30 August 2022). *The importance of Indigenous Economic Self-Determination within Investment Strategies*. <https://firstaustralianscapital.org/the-importance-of-indigenous-economic-self-determination-within-investment-strategies/>

<sup>16</sup> National Farmers Federation, *Australian Agricultural Sustainability Framework*. <https://nff.org.au/programs/australian-agricultural-sustainability-framework>. As referenced in Terri Janke and Company (2024). *Indigenous Agricultural Product Framework: Report on Indigenous Agricultural Regulatory and Best Practice Frameworks*. Report prepared for PwC Indigenous Consulting and provided in full at Appendix A.



Product. This definition outlined below in Figure 5 was used to help frame the roundtable discussions.

Figure 5. Draft Indigenous agricultural product definition



## Characteristics and how they evolved

Through the course of the first six roundtables, participants expressed a variety of opinions regarding the characteristics and definition of Indigenous agricultural products. In general, participants believed that the characteristics were close to reflecting what they understood as Indigenous agricultural products, though failed to speak to the central aspect of an Indigenous agricultural product which is the Aboriginal and Torres Strait Islander producer.

Participants also recommended adjustments to three of the characteristics, which led to the characteristics and the working definition being refined and validated in the 7th roundtable which was attended exclusively by Aboriginal and Torres Strait Islander participants.

Figure 6 shows the evolution of the 5 draft characteristics to the 5 refined characteristics over the course of the roundtables, where sustainability, collective benefit and economic self-determination were removed and replaced with Aboriginal and Torres Strait Islander producers, Caring for Country, and Access and Benefits Sharing.

Figure 6. Evolution of 5 draft characteristics to 5 refined characteristics over the course of 6 roundtables.

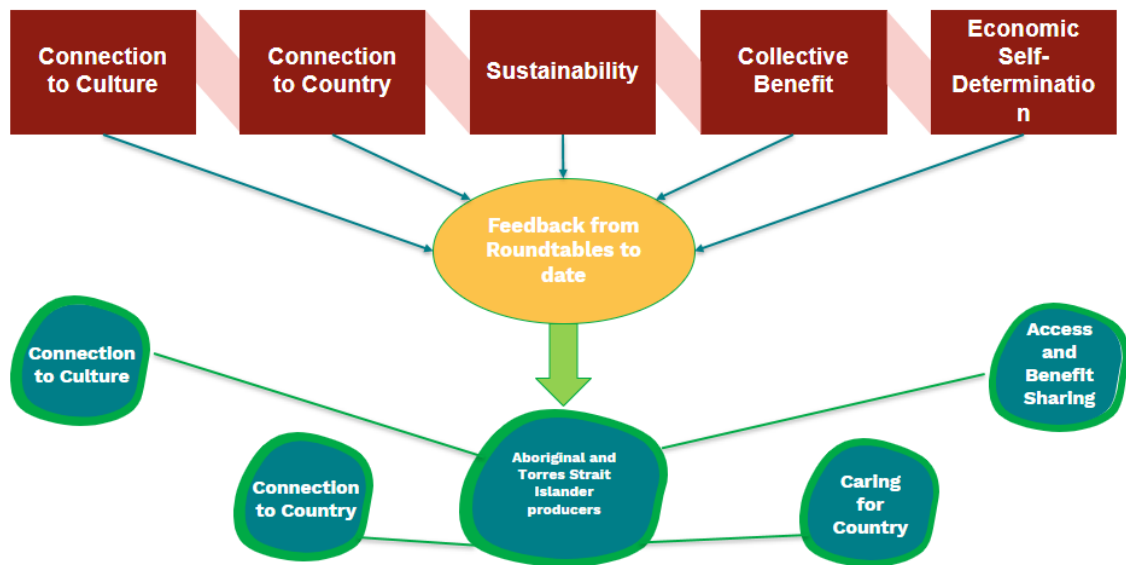
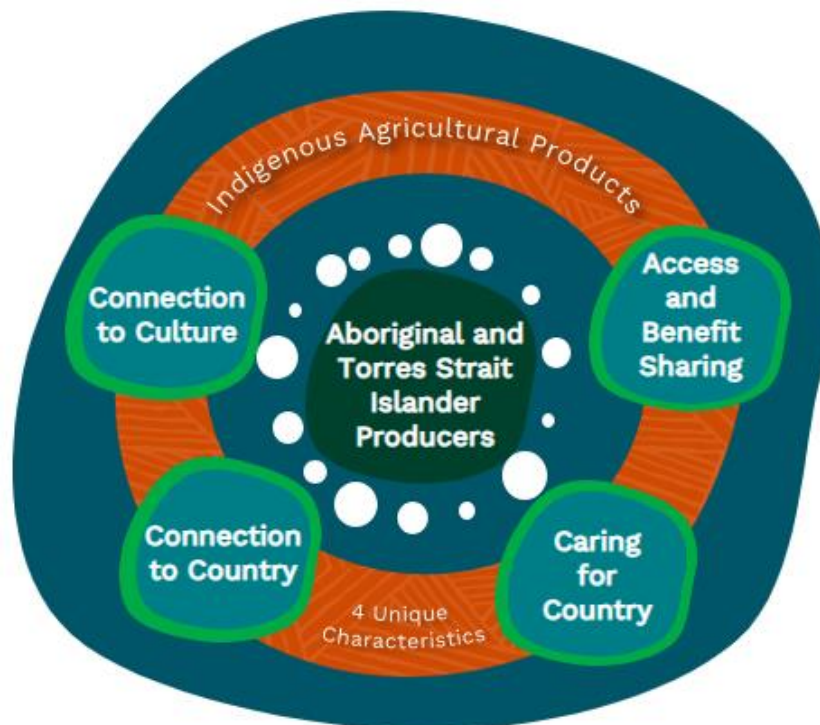


Figure 7 shows a graphical depiction of the refined characteristics, with Aboriginal and Torres Strait Islander producers at the core.

Figure 7. Revised graphical depiction of the 5 characteristics of Indigenous agricultural products with Aboriginal and Torres Strait Islander producers at the centre.



### An emphasis on Aboriginal and Torres Strait Islander producers

*"I hope you can understand our nervousness about being asked about Aboriginal agriculture with no value put on majority board membership or majority employment or majority ownership, because this is the battle we've been fighting for 230 years."*

The strongest sentiment participants expressed during the roundtables was that Indigenous agricultural products must be characterised by their deep-rooted connection to Aboriginal and Torres Strait Islander people through ownership and control of the businesses producing them. Indigenous agricultural products must include reference to the product being created by, or with the involvement of, Indigenous persons, organisations or companies,<sup>17</sup> and is important because ownership and control provides a mechanism for retaining cultural knowledge and associated economic benefit within Aboriginal and Torres Strait Islander communities.

Ownership and control can extend beyond simple equity stakes to encompass majority board membership, employment and decision-making authority, providing the foundations for economic self-determination as an outcome of an Indigenous agricultural product. Ownership and control by Aboriginal and Torres Strait Islander people ensure that the enterprises are led by those who have an intrinsic understanding of the land and its resources. Yet perspectives were mixed on the value of requiring *majority* Aboriginal and Torres Strait Islander ownership.

*"The end one – Economic Self-Determination – is critical in all of this. We need to create good First Nations economies so we can use the benefits of that for social programs and cultural maintenance and language protection. If we've got economic benefit generated we won't be at the whim of fickle governments going forward. We need some sort of devoted form of capital raising so Aboriginal mob can be in charge of projects on their Country. That works well for communally owned land. Generally I think it's on the right track. We need to maintain Aboriginal control and we need capital to do that."*

Roundtable participants were universally concerned about 'Black cladding', which refers to the practice of non-Indigenous people or businesses taking unfair advantage of Aboriginal and Torres Strait Islander people or businesses for the purpose of gaining access to otherwise inaccessible Indigenous procurement policies or contracts.<sup>18</sup> Black cladding results in disadvantage and detriment to Aboriginal and Torres Strait Islander people and business, and is sometimes difficult to detect because businesses may be majority owned by Aboriginal and Torres Strait Islander people, but be set up in ways that do not provide adequate decision-making rights or economic self-determination.

*"There are people out there that are just very knowledgeable within the bushfood space. And then there'll be [non-Indigenous] farmers who are very knowledgeable within the business space and how to be cutthroat."*

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<sup>17</sup> Terri Janke and Company (2024). *Indigenous Agricultural Product Framework: Report on Indigenous Agricultural Regulatory and Best Practice Frameworks*. Report prepared for PwC Indigenous Consulting and provided in full at Appendix A.

<sup>18</sup> Supply Nation (2024). *Black cladding*. <https://supplynation.org.au/about-us/black-cladding/>

*And what they do is offer the Indigenous person that we go into business together because it has to be 51%. The Indigenous person knows all the knowledge and the other person basically makes all the money."*

Despite this concern, some interview stakeholders and roundtable participants saw value in allowing for non-majority ownership and control, especially during the start-up phases of a new business. Many Aboriginal and Torres Strait Islander businesses do not initially have access to the land and capital required to produce Indigenous agricultural products at the required scale for profitability. In these cases, some Aboriginal and Torres Strait Islander businesses reported that there was value in partnering with non-Indigenous entities to share ownership, risk and reward. These stakeholders believed that narrowing the scope of Indigenous agricultural products to only those with majority ownership may present a barrier to entry to businesses that required support during start-up phases. They believed that with strong governance and Board membership that included Aboriginal and Torres Strait Islander people, and with a plan to eventually move to majority ownership and control, the risks of Black cladding may be mitigated.

*"The business model is to bring in professional farmers to operate until we can build capacity for local people to take it over. It's fundamental to successful products."*

### **Connection to culture retained**

Connection to culture refers to the embodiment of Aboriginal and Torres Strait Islander knowledge, traditional practices, cultural expressions, and the sustainable use of natural resources. Indigenous knowledge can include stories, song, artwork, design and other cultural expressions, and may be associated with or used in the marketing of products, as well as the use of language words.<sup>19</sup>

Including connection to culture as a characteristic of Indigenous agricultural products emphasises the importance of recognising and incorporating Aboriginal and Torres Strait Islander cultural systems and communal values and priorities, and ensures that the cultural heritage and traditional knowledge of Aboriginal and Torres Strait Islander people are preserved and respected.

Roundtable participants were strongly supportive of including connection to culture as a defining characteristic of Indigenous agricultural products. Participants highlighted that Indigenous agricultural products are deeply rooted in cultural heritage, with a generational relationship spanning over 60,000 years. This connection is not merely historical. Rather, culture is actively maintained through practices that respect and incorporate Aboriginal and Torres Strait Islander perspectives and governance.

The importance of recognising and respecting Aboriginal and Torres Strait Islander culture and connection to Country in the production and marketing of Indigenous agricultural products was repeatedly stressed, indicating that such products must be authentically linked to Aboriginal and Torres Strait Islander people and their traditions. This authenticity

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<sup>19</sup> Terri Janke and Company (2024). *Indigenous Agricultural Product Framework: Report on Indigenous Agricultural Regulatory and Best Practice Frameworks*. Report prepared for PwC Indigenous Consulting and provided in full at Appendix A.

is further reinforced by the necessity for products to be made by Aboriginal and Torres Strait Islander owned companies.

*"There is a need for the recognition of the value of First Nations culture and traditions [as a way of encouraging] investment [in Indigenous agricultural products]."*

*"Our song lines, our Lore. If this was recognised as valuable we'd be in a better position going into business cases."*

Some participants discussed the concept of biocultural governance as a defining feature of Indigenous agricultural products. Biocultural governance involves understanding the stories and Lore that govern plants, language, and people. This illustrates that the cultural aspects and connections to country (discussed below) are intrinsic to the identity and value of Indigenous agricultural products, distinguishing them from their non-Indigenous counterparts.

*"It's easy to define what [Indigenous agricultural products] aren't or what they could be. It's something that our ancestors ate or used. [We've had a] generational relationship with [native products] over the past 60,000 years."*

*"Some [native products] fit in, some don't, but they're strong cultural connections and a lot of biocultural connection. There's a lot of [connection through] language. So unpacking the biocultural governance [of a native product] is about also unpacking the language around that."*

### **Connection to Country retained**

Connection to Country refers to the land, waters, and all living things that inhabit them, and provides the 'link' between Aboriginal and Torres Strait Islander producers and the geographical provenance of certain products. The term Country has connections with Aboriginal and Torres Strait Islander people's Lore (and law), custom, beliefs, practices and identity, which should be upheld and incorporated in authentic Indigenous products.<sup>20</sup>

Roundtable participants described connection to Country as not merely about the physical land, but also encompassing the cultural, spiritual, and historical ties that Aboriginal and Torres Strait Islander people have with their environment. Many spoke of the intertwined relationship between connection to country and connection to culture, given the importance of country to understanding and maintaining culture.

*"Indigenous agriculture is about respect and respect for mother and what comes up through the soil."*

*"It has to be genuine. It has to be connection to Country and Culture. If they're not embedded it doesn't become a First Nations identity product."*

Some roundtable participants spoke about the importance of connection to Country as a way of demonstrating geographical provenance of certain foods. For example, Kakadu

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<sup>20</sup> Terri Janke and Company (2024). *Indigenous Agricultural Product Framework: Report on Indigenous Agricultural Regulatory and Best Practice Frameworks*. Report prepared for PwC Indigenous Consulting and provided in full at Appendix A.



plum (*Terminalia ferdinandiana*) and Quandong (*Santalum acuminatum*) grow in specific regions of Australia and therefore have a unique connection to the land and the custodians of that land. An Indigenous agricultural product can only be so because of its connection to the Country.

*“It has to trace the provenance so we can show it wasn’t made in China. That it’s come from a community up north or down south. This market is so full on at the moment, and that’s why our co-op is in the process of developing it [blockchain traceability software]. If we don’t do this everyone will try to replicate native foods and Indigenous people miss out.”*

Other roundtable participants used the connection to Country concept to describe the ways that non-native species could be considered Indigenous agricultural products. Since colonisation, Aboriginal and Torres Strait Islander people have been working with non-native species such as cattle, which have also been benefiting from traditional land management practices. For this reason, many roundtable participants believed Indigenous agricultural products should extend to species living on the lands of Aboriginal and Torres Strait Islander people.

*“We gotta get back to connecting our products with the old ways, our value systems. That’s where our value is. We can talk about paperbark trees, or we can talk about cattle. But if we can’t connect them back to our country, or we can’t connect them back to our song lines or our language lines, that’s a big problem for us because that’s where we lose our IP [intellectual property]. But if we can do it, we organically hold that IP. We can do [that] with cattle grown on a certain Traditional Owner country. Well, I believe it’s feeding off the foods from that country and the resources from that country. So it’s allowed to have the stamp of approval off the Traditional Owner because it was bred on that country too long as it were owned and operated.”*

### **From sustainability to caring for Country**

Of all the characteristics, Sustainability and Collective Benefit (discussed below) received the strongest criticism. Roundtable participants found sustainability too vague, not sufficiently linked with Aboriginal and Torres Strait Islander ways of knowing, being and doing, and not sufficiently distinguished from non-Indigenous agricultural products.

Caring for Country was proposed as a replacement for sustainability because it encompassed a broader range of factors that are important to Aboriginal and Torres Strait Islander people and reflected a more comprehensive and culturally appropriate approach to Indigenous agriculture. Caring for Country retained elements of sustainability, in that choices made by one generation will dictate the quantity and quality of the resources available to future generations.<sup>21</sup> Sustainable methods also promote environmental health

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<sup>21</sup> Terri Janke and Company (2024). *Indigenous Agricultural Product Framework: Report on Indigenous Agricultural Regulatory and Best Practice Frameworks*. Report prepared for PwC Indigenous Consulting and provided in full at Appendix A.

and resilience against climate change through their focus on crop diversity, seasonality, and low-impact farming techniques that preserve soil health and biodiversity.<sup>22</sup>

Caring for Country was felt to be more culturally appropriate because it conveys the interconnectedness of environmental health and human health, prioritising sustainable and health-enhancing cultivation practices that support physical, mental, and spiritual well-being. Caring for Country includes maintaining, revitalising, and evolving cultural practices, languages, and community governance, which are essential for preserving First Nations sovereignty and identity. In agriculture, this means practices that are not only about food production but also about cultural expression and maintaining social structures, which are vital for community resilience and empowerment.

*“Caring for Country encompasses Sustainability but it’s deeper. It resonates better with the Aboriginal people we’re working with, it’s more focused. Each of those points have a genuine connection with First Nations people and are marketable.”*

*“It’s not about sustainability, it’s caring for Country. The land we’re going onto is absolutely dead. Coober Pedy is dead. So really it’s about restoration of Country. It’s about caring for Country because the land can’t sustain the tumbleweed.”*

Roundtable participants also spoke of the importance of protecting native trees and plants, regenerative practices, and the desire to feed local communities first which can be challenging while maintaining economic sustainability and complying with regulations. They noted that caring for Country could still result in economic benefit to Aboriginal and Torres Strait Islander people and businesses, for example through awareness of seasonal changes and the impact this had on animals, to making sure that the needs of birds and other wildlife were considered when harvesting produce.

*“Caring for Country is still economic. It’s everything from the seasons to animals to making sure with harvesting you’re leaving enough for birds and everybody.”*

*“There is a desire to feed local communities first in the Kimberley’s, but this conflicts with the need for sustainable economic business.”*

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<sup>22</sup> Terri Janke and Company (2024). *Indigenous Agricultural Product Framework: Report on Indigenous Agricultural Regulatory and Best Practice Frameworks*. Report prepared for PwC Indigenous Consulting and provided in full at Appendix A.

### From collective benefit and economic self-Determination to access and benefit sharing

The refined characteristics replace collective benefit and economic self-determination with access and benefit sharing. While the concept of collective benefit was broadly supported by roundtable participants, some (including many non-Indigenous participants) felt that it didn't uniquely describe *Indigenous* agricultural products because non-Indigenous agriculturalists also placed importance on distributing benefits to others. Others noted that economic self-determination was an *outcome* of the premium that may be applied to Indigenous agricultural products, and not a defining characteristic.

Access and benefit sharing was thought to be more appropriate because it better reflected the importance of recognising and respecting the Traditional Owners or custodians of the land from which materials are sourced. This recognition requires a level of connection with the Country and relevant Indigenous communities where resources and knowledge are sourced from.

*"There has to be an agreement to benefits sharing before we'll even agree to [an Indigenous Agricultural Product definition & credential system]."*

*"Our ambition is that Aboriginal people benefit from these plants."*

*"We should have ownership over that. We have should have a sovereignty to it. And if people are going to produce our grasses, we should receive an economic return on that grass and have a way of enabling people to do it."*

Some roundtable participants also suggested that when Traditional Owners' resources are used in the production of a product, the Traditional Owners should govern or have oversight of the entire supply chain.

*"The use of traditional products requires agreement from Traditional Owners, and there is a need for ethical considerations around self-determination and recognition of rights."*

### Revised working definition

#### Support for a definition of Indigenous agricultural products

Roundtable participants were universally supportive of the need for a definition of Indigenous agricultural products. Many said they hoped the definition and credential system would help provide economic return to Aboriginal and Torres Strait Islander people who were currently under-represented in Australian agriculture.

*"The definition of a product should be one which is flexible enough that there is something that it means, but it is flexible enough that can be picked up by mob all over the country and be suitable for their needs."*

Some roundtable participants recognised however that a definition, while important, would only deliver on the promise of economic self-determination if the credential was properly regulated and enforced.

*"The definition is just a definition, it's what's done with the definition that provides support for First Nations people."*

### Some misunderstanding about the purpose and intent of a definition

There appeared to be some confusion among a small number of roundtable participants about the purpose of the definition and associated credential system. This was expressed more commonly by farmers of native foods, who felt frustrated by their products' lack of recognition in agricultural classification systems. This points to an opportunity to clarify the purpose and intent of a definition of Indigenous agricultural products to manage these producers' expectations about the outcomes they may see as a result of its implementation.

*"There's no definition of native foods in agriculture, so I'm fighting a losing battle. They took millions of dollars off of us, but now I've gotta fight for what is right and what this industry needs."*

*"I think it has to be native, because at the moment melons and limes can go under a different category where for bushfoods it's either stuck in 'novel' or 'other'. We need to get their own category in this definition, and it has to connect to Country and Culture."*

*"We really need to define what indigenous agriculture is, because I'm a farmer of native foods."*

### Partial support for the working definition

The working definition of Indigenous agricultural products defined each of the three words in the following way:

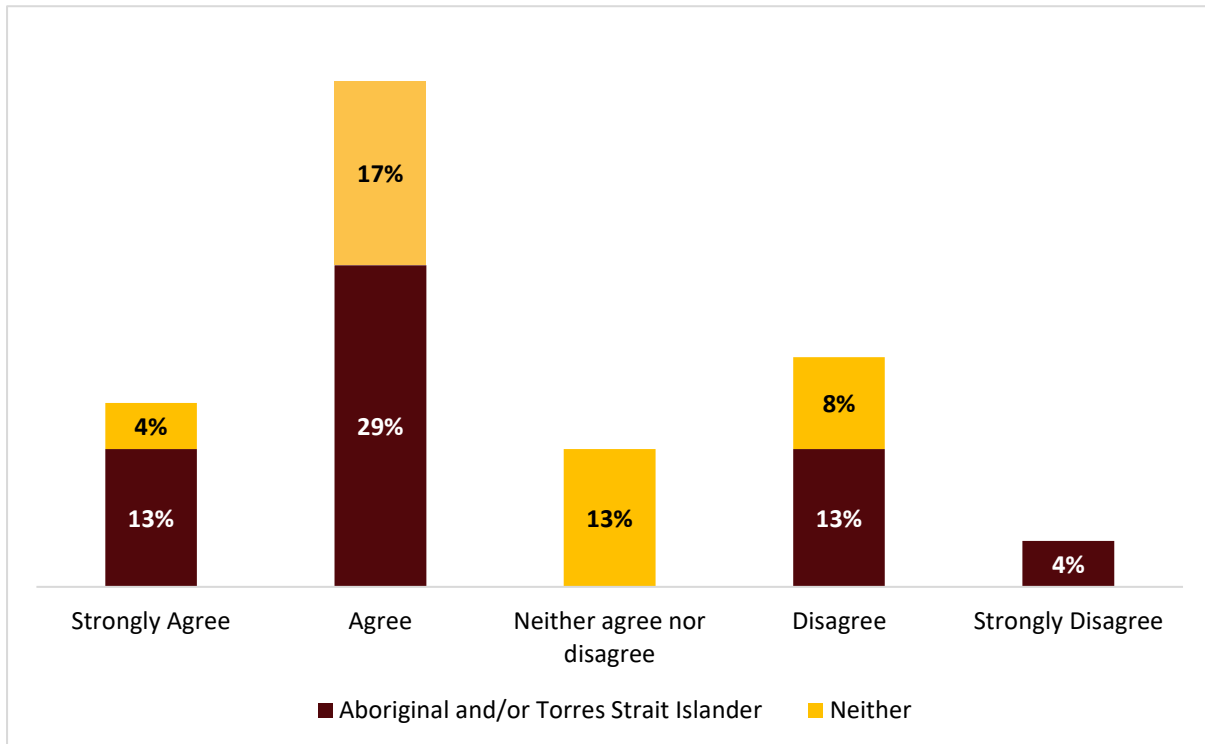
**Indigenous:** A native plant or animal connected with Aboriginal and Torres Strait Islander people as the Traditional Custodians of Country.

**Agricultural:** The use of Country – including land, air and waters – to produce a product.

**Product:** Food and fibre resulting from the process of agriculture, with the intent to sell, consume or use.

Of all the 5 questions asked of survey participants, the one which asked participants whether they agreed that the characteristics were adequately reflected in the working definition received the highest number of 'disagree' responses. One quarter of all respondents reported that they disagreed or strongly disagreed, as shown in Figure 8.

Figure 8. Results from online survey to Question 2: To what extent do you believe the characteristics are adequately reflected in the working definition?



Findings from the roundtables indicated that participants felt the working definition did not adequately place Aboriginal and Torres Strait Islander people and producers at the 'centre', with the term 'connected with' identified as being "weak". Some participants felt this 'opened the door' for exploitation, where non-Indigenous and/or international businesses could comply with the definition if they demonstrated a 'connection with' Aboriginal and Torres Strait Islander people.

*"This definition could be applied to Kakadu Plum being grown and sold from China."*

*"I'm concerned that the definition doesn't talk about Aboriginal ownership and involvement in those companies."*

After the 6th roundtable, we also reflected that the definition would benefit from having a more 'narrative' style which strongly referenced all characteristics, rather than one which isolated the different words, as in the working definition. The refined definition attempted to overcome the drawbacks of its predecessor, and was presented to the 7th (mob only) roundtable in the following form:

*"An Indigenous Agricultural Product refers to the use of land, air, and waters by Aboriginal and Torres Strait Islander owned organisations to produce primary products while also caring for Country."*

*Indigenous agricultural products, both cultivated and wild-harvested, create opportunities for access and benefit sharing with Aboriginal and Torres Strait Islander communities and reflect the cultural connection between the Producers and the product."*



### Strong support for the refined definition, with one modification

Participants were very supportive of the refined definition. One participant pointed out she particularly liked the expansion from native to all products:

*“I like that the definition has incorporated 'all products', and isn't limited to native foods and botanicals.”*

One modification was proposed. Participants believed the definition could be made stronger by the inclusion of “and operated” after Aboriginal and Torres Strait Islander owned”. The suggestion to include this was met with nonverbal support using the Microsoft Teams emoji function, evidenced by the following exchange:

*Roundtable participant: Should it be owned and operated by Indigenous people?*

*PIC facilitator: Owned and operated. Yeah, I can see some hearts and some people throwing that in the chat. That's what we're hearing.*

Based on this feedback, we are confident that the refined definition, below, has the support of the Aboriginal and Torres Strait Islander people we consulted with.

*“An Indigenous Agricultural Product refers to the use of land, air, and waters by Aboriginal and Torres Strait Islander owned and operated organisations to produce primary products while also caring for Country.*

*Indigenous agricultural products, both cultivated and wild-harvested, create opportunities for access and benefit sharing with Aboriginal and Torres Strait Islander communities and reflect the cultural connection between the Producers and the product.”*

### Credential systems and regulation

This section of the report reflects the sentiments of the sector with regards to the establishment of a credential system and regulatory framework to support Indigenous agricultural products. In this section, we describe the results of desktop research and consultation on current credential activities, and Australian and international regulatory frameworks and protocols that may be used to protect the credential system.

For this project, an agricultural product credential can be viewed as a provable product claim that provides assurance to consumers, governments, processors, and others regarding the presence of characteristics or attributes that cannot be easily observed.<sup>23</sup>

#### Support for a credential system

We heard broad support for the establishment of a credential system to support the identification of Indigenous Agricultural Products throughout all engagement phases, from

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<sup>23</sup> Department of Agriculture, Fisheries and Forestry. (7 May 2024). *Agricultural Traceability Projects*. <https://www.agriculture.gov.au/biosecurity-trade/market-access-trade/national-traceability/agricultural-traceability-projects#indigenous-agricultural-product-framework>

individual interviews, roundtables and the online survey. Participants in the roundtables commented:

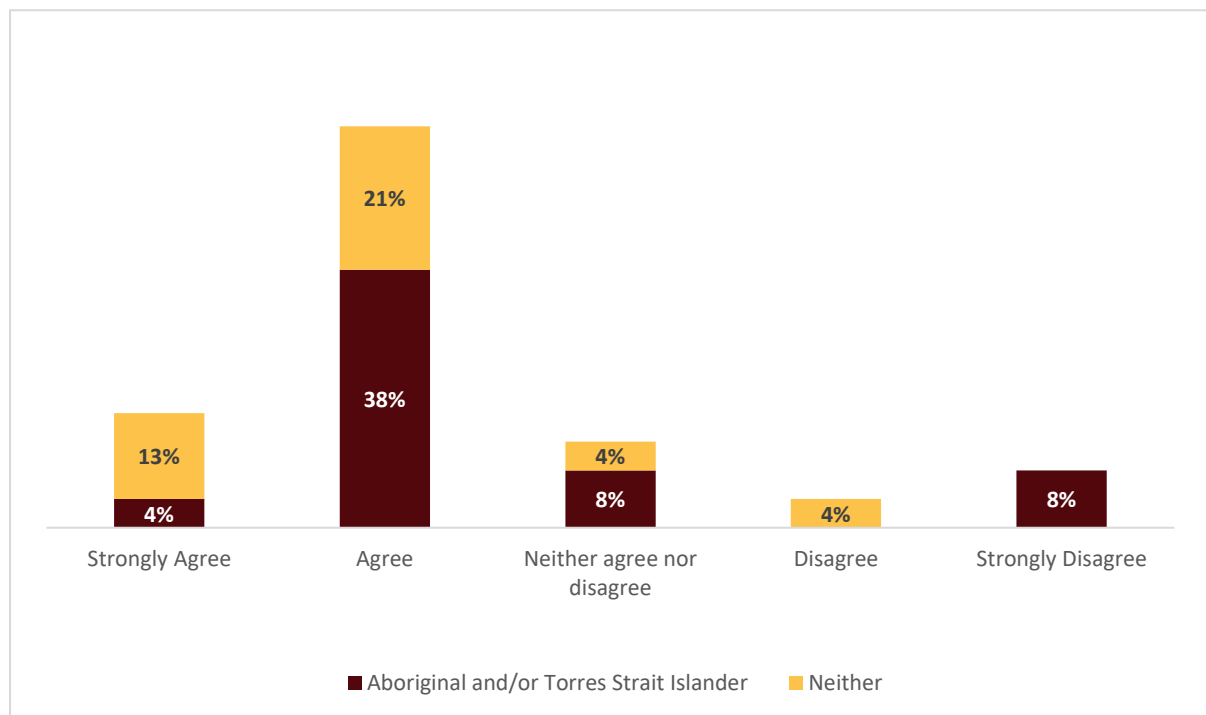
*"To have a credential system is vital support the growth and development [of the sector]."*

*"We're starting to build something [around a credential system] and that makes me feel positive about moving forward. That we're having these yarns is important."*

*"Stand up a sustainable credential system that the Indigenous agriculture industry would be able to use, to be able to differentiate their product to market and therefore receive that premium."*

These views were supported by results from the online survey. In total, 75% of all respondents, and the majority of Aboriginal and Torres Strait Islander respondents, agreed or strongly believed that a credential system would support the growth and development of authentic Indigenous agricultural products, as shown in Figure 9.

Figure 9. Responses to online survey Question 5: To what extent do you agree that a credential system based on the 5 characteristics would support growth and development of authentic Indigenous agricultural products?



Some roundtable participants were concerned that the body tasked with governing the credential and overseeing its implementation and use should be representative of Aboriginal and Torres Strait Islander people. This sentiment was mostly strongly expressed in the final roundtable, indicating that Aboriginal and Torres Strait Islander people see themselves as central to the development and the production of Indigenous Agricultural products.

*"We need a representative body run by Aboriginal people."*

*"We need all this information to be going through one organisation that is Aboriginal run and managed. If, say bushfoods and botanicals, were to be*

*the clearing house, they could do the IP, then an Aboriginal organisation who was worried they weren't going to meet requirements could make a case to them rather than Department of Agriculture or NFF. They could come to Aboriginal people for help. That would solve a lot of problems."*

*"My recommendation would be [to] hand this project's outcomes over to a First Nations peak body, like BBIEC, to continue refining the outcomes and then implementing it. Otherwise, we're gonna get two or more different First Nations certification frameworks out on the market. And as a First Nations producer, I know which one I would support and seek to be certified by."*

Other stakeholders were accepting of the concept and already looking forward to the role a potential credential system could play in the Indigenous agriculture sector.

*"It's important to plan properly and get as much support as possible."*

*"It needs to be something that's supported by the sector and needs to be something that is usable and it doesn't add unnecessary costs to producers."*

Whilst this phase of the project was to determine support for a credential system for Indigenous agricultural products, many stakeholders engaged demonstrated a longer-term view, noting that serious consideration would need to be taken in its development, so as not to create additional burden on Indigenous producers. We acknowledge this feedback and will be expanded on in further stages of this project.

### **Concerns about implementation of a credential system**

Concerns raised in the roundtable conversation revolved around the *implementation* of a credential system for Indigenous agricultural products. Some participants expressed concerns about the potential misappropriation of Indigenous knowledge, the potential for fraudulent practices, and whether the credential system would place unnecessary burden on producers.

*"If we were to implement any credential system using some basic scenarios what would be the unintended consequences?"*

*"Is it another framework that's going to govern us? [We want] something that doesn't restrict us but empowers us."*

As discussed earlier, they also questioned the lack of representation of Indigenous groups in the governance and decision-making processes determining which organisations might qualify as Indigenous agricultural product producers. Some participants worried that the credential system may be used as an excuse to charge high prices for poor quality products and that it may be imposed on Indigenous people rather than empowering them.

*"I'm wondering why there's a lack of Indigenous groups wanting to put a face to this."*

*"My concern with a credential system is that it's sometimes an excuse for charging a lot for a poor-quality product."*

Overall, the participants express a desire for protection and respect for Indigenous culture and knowledge. They want to ensure that Indigenous people are involved in the decision-making process and that the credential system does not become a tool for exploitation.

The concerns raised highlight the need for a comprehensive and inclusive approach to the implementation of a credential system for Indigenous Agricultural Products.

Further considerations would need to be made in the future development of any credential system. A co-design approach to developing the parameters of the credential system which centres the priorities of Aboriginal and Torres Strait Islander people may be appropriate to enable the sector to have confidence in the integrity of the system.

Consumer recognition is vital when referring to credential systems.<sup>24</sup> Unless the credential system and their labels can clearly communicate with the consumer the reason for a premium, all value in its authenticity will be lost. When developing credential system options in the next phase of this project, an understanding that this may need to be accompanied by a consumer/public education piece, will be incorporated.

Given the lack of applicable certification systems, Indigenous agricultural producers are forced to rely on other regulatory protections. However these are restrictive or too onerous that they may be out of reach for these producers or Indigenous communities – and may even be a barrier for those wishing to enter the sector all together.

Unless established correctly and in collaboration with the sector, certification labels could lack legal remedies for misuse and may rely on goodwill and trust for authenticity. The costs associated with monitoring and defending against infringement may limit their viability for smaller enterprises or remote communities.

## **Status of current certification activities**

### **Labelling of Indigenous agricultural products**

Given the lack of a definition, there are no current national certification or labelling systems for Indigenous agricultural products. There are instances, however, of producers developing their own certification system and accompanying label to help consumers identify and distinguish their product as authentic. One example of this is ‘Uncle Charlies – Taste of Country’ products, developed by Miimi and Gambang Trading Company Pty Ltd.<sup>25</sup> Whilst not a farm-gate product, this ‘local level’ label attempts to demonstrate a range of factors including that the ingredients ‘are sourced with Aboriginal community knowledges and relationships.

The label, shown in Figure 10, indicates that the business is ‘100% Aboriginal owned and operated’ and originates from ‘Wiradjuri Country’. Encouragingly for the refined characteristics developed as part of this project, the label is consistent with Aboriginal ownership, connection to culture (through the use of Aboriginal graphics), and connection to Country (through the association with Wiradjuri Country). Miimi and Gambang Trading Co have aspirations to expand the label’s use to other businesses satisfying their same criteria, which may help raise consumer awareness. The piecemeal regulatory environment to protect labels such as this (discussed below) may impact on their ability to unauthorised use, however.

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<sup>24</sup> The scope of ‘consumer’ here is still a matter of discussion and agreement with DAFF, ILSC and other stakeholders. Consumer may be limited to the ‘farm gate’ buyer of Indigenous agricultural products, or may extend to include the full spectrum of consumers to the end-user.

<sup>25</sup> Uncle Charlie’s (28 April 2024). Home page. <https://www.unclecharlies.com.au/#body>

Figure 10. 'Wiradjuri Country' label demonstrating Aboriginal ownership, connection to culture and connection to Country Certification, 2024



At the other end of the scale, organic certification is nationally and internationally recognised certification and used on many primary agricultural products. Organic certification holds instant recognition for many consumers, and commonly attracts a price premium. While the label itself may not hold high recognition among consumers (see *Figure 11 for one example*) the connotations associated with the term “organic” (i.e. that products are more nutrient dense, sustainable and healthy relative to non-organic counterparts) may support price premiums.<sup>26</sup>

Figure 11. Australian Certified Organic 'Bud' logo.



In reality, organic certification can be a convoluted and burdensome process, relying heavily on the producer to ensure compliance at every stage of the production and sometimes along the supply chain. This is then further complicated by fraudulent claims

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<sup>26</sup> Yiridoe, E., Bonti-Ankomah, S. & Martin, R. (2005). Comparison of consumer perceptions and preference toward organic versus conventionally produced foods: A review and update of the literature. *Renewable Agriculture and Food Systems*: 20(4); 193–205.  
[https://www.researchgate.net/profile/Emmanuel-Yiridoe/publication/231897495\\_Comparison\\_of\\_Consumer\\_Perceptions\\_and\\_Preference\\_Toward\\_Organic\\_Versus\\_Conventionally\\_Produced\\_Foods\\_A\\_Review\\_and\\_Update\\_of\\_the\\_Literature/links/540f0a750cf2f2b29a3dc0c7/Comparison-of-Consumer-Perceptions-and-Preference-Toward-Organic-Versus-Conventionally-Produced-Foods-A-Review-and-Update-of-the-Literature.pdf](https://www.researchgate.net/profile/Emmanuel-Yiridoe/publication/231897495_Comparison_of_Consumer_Perceptions_and_Preference_Toward_Organic_Versus_Conventionally_Produced_Foods_A_Review_and_Update_of_the_Literature/links/540f0a750cf2f2b29a3dc0c7/Comparison-of-Consumer-Perceptions-and-Preference-Toward-Organic-Versus-Conventionally-Produced-Foods-A-Review-and-Update-of-the-Literature.pdf)

of products being organic within the market space and making a premium through misleading or false certification.

Within the Australian agricultural sector, Australian Organic Limited is recognised as the peak industry body which promotes the commercial and social interests of its members and aims to protect their integrity of authenticity.<sup>27</sup> Even this has its limits however, as there are 4 other organic certifying bodies,<sup>28</sup> causing confusion for consumers, duplication for industry, and a problem for regulators. Australia is the only OECD country with no domestic standard for organic products, meaning a product can be labelled 'organic' with little to no verification on that claim.<sup>29</sup> Domestic regulation would either require harmonisation of the 4 existing standards into one, or different verification processes for all, which combined with the costs of auditing and enforcing the regulation, would increase costs for regulators at least.

For organic agricultural produce, there is limited legal recourse for misusing the certification or misleading the consumer into thinking a product may be organic. This can weaken confidence in the certification system, damaging trust with the consumer and making it difficult for producers of genuine organic products to compete with producers marketing ingenuine products as being 'authentic'.

## **Current regulatory environment**

With the support of legal specialists Terri Janke and Company, we conducted a review of regulatory controls for Indigenous agricultural products. These span community level protocols to Industry wide regulations and include Commonwealth, state and territory, and International protocols.

There are a range of legal protections and regulatory controls that may apply to the development of a credential system, though the review indicates that the current system represents a piecemeal approach to protection which are not fit for Indigenous agricultural products and often onerous for producers to comply with.

## **Frameworks providing for access and benefits sharing**

Access and Benefit Sharing (ABS) agreements outline the terms for sharing benefits arising from the use of biological materials with Traditional Owners or custodians of the land. ABS agreements provide a mechanism for ensuring fair compensation and recognition for Aboriginal and Torres Strait Islander people's traditional knowledge and resources.

There are both legal and non-legal regulatory frameworks that support ABS, such as the Convention on Biological Diversity (CBD) and the Nagoya Protocol. The Convention on Biological Diversity (CBD) is an international framework established in 1992 to ensure the

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<sup>27</sup> Organic Australian Limited (10 May 2024), *Homepage*. <https://austorganic.com/>

<sup>28</sup> Department of Agriculture, Fisheries and Forestry (7 May 2024). *Organic Approved Certifying Bodies (Export)* (<https://www.agriculture.gov.au/about/contact/phone/approved-certifying-bodies#aco-certification-ltd-aco>)

<sup>29</sup> Organic Australian Limited (24 May 2024). *'Severe Ramifications' Required In Greenwashing Crackdown*. <https://austorganic.com/>

fair and equitable sharing of benefits arising from the utilisation of genetic resources.<sup>30</sup> It applies to all countries that are parties to the convention, including Australia, which has ratified the CBD. The CBD emphasises the importance of respecting, preserving, and maintaining traditional knowledge and practices of Indigenous and local communities, recognising their critical role in biodiversity conservation and sustainable use.

The Nagoya Protocol, a supplementary agreement to the CBD, goes further by ensuring free, prior and informed consent and fair and equitable benefit-sharing based on mutually agreed terms.<sup>31</sup> It encourages parties to consider Indigenous and local communities' customary laws and protocols. Although Australia signed the Nagoya Protocol in 2012, it has not yet ratified it. The Nagoya Protocol is seen as an improvement over the CBD because it provides a more detailed framework for benefit-sharing and the involvement of Indigenous communities in decision-making processes.

There have been some promising developments for providing recognition and benefits sharing with Aboriginal and Torres Strait Islander people for biological resources. Western Australia is currently consulting with Aboriginal and Torres Strait Islander people on the WA Biodiscovery Bill, which will establish a framework for accessing WA's native plants and animals for biodiscovery purposes, and provide certification for researchers to demonstrate that their work is consistent with the principles of the Nagoya Protocol (discussed below). When enacted, the Bill will ensure that Aboriginal and Torres Strait Islander people will share in commercial and other benefits when traditional knowledge has been shared and used for biodiscovery activities.<sup>32</sup>

Of all Australian jurisdictions, Queensland is the most progressed with their *Biodiscovery Act 2004*.<sup>33</sup> The Act establishes an access and benefit-sharing framework for biodiscovery in Queensland, recognises Aboriginal and Torres Strait Islander peoples' rights to traditional knowledge, and supports them to decide how knowledge is used. While these instruments offer promise for some producers, the lack of a national or unified approach means different protections are offered to producers depending on where the product is grown.

### **Limitations of current regulatory frameworks for protecting and regulating Indigenous agricultural products**

Australia currently has a fragmented approach to providing legal protection to Indigenous agricultural products. This is due in part to the current lack of a nationally recognised definition for Indigenous agricultural products that encompasses characteristics Aboriginal and Torres Strait Islander people believe are important in defining them.

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<sup>30</sup> Terri Janke and Company (2024). *Indigenous Agricultural Product Framework: Report on Indigenous Agricultural Regulatory and Best Practice Frameworks*. Report prepared for PwC Indigenous Consulting and provided in full at Appendix A.

<sup>31</sup> Terri Janke and Company (2024). *Indigenous Agricultural Product Framework: Report on Indigenous Agricultural Regulatory and Best Practice Frameworks*. Report prepared for PwC Indigenous Consulting and provided in full at Appendix A.

<sup>32</sup> Department of jobs, tourism, Science and Innovation (10 May 2024) *Biodiscovery Bill for Western Australia*, <https://www.wa.gov.au/organisation/departments/departments-of-jobs-tourism-science-and-innovation/biodiscovery-bill-western-australia>

<sup>33</sup> Queensland Legislation (7 May 2024) *Biodiscovery Act 2004*, <https://www.legislation.qld.gov.au/view/whole/html/inforce/current/act-2004-019>



Cultural heritage laws in Australia, such as the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth),<sup>34</sup> focus on protecting tangible aspects of cultural heritage but does not extend to intangible knowledge, such as agricultural practices consistent with ‘caring for Country’. Victoria is an exception this with the *Victorian Aboriginal Heritage Act 2006* (Vic) which does include protection of Aboriginal intangible heritage.<sup>35</sup>

Copyright, in contrast, can apply to Indigenous agricultural products to protect the cultural expressions, branding, language, stories or knowledge recorded in material form relating to the product. This includes the packaging, logos or artworks, written publications or marketing materials that is created in relation to the product and resources. However, the requirement for knowledge to be recorded in material form can be a limitation for Indigenous people where knowledge is often transmitted orally.

In Australia, copyright does not extend to protect agricultural products, biological resources, or knowledge itself.<sup>36</sup> While there is a robust process for vetting copyright submissions, if an individual wrongly claims connection to an Indigenous agricultural product, the onus falls to the community who hold the traditional knowledge or cultural connection to this same product to refute the claim. This takes time and comes at significant financial cost to community, who may not have the capacity to pay.

The patent system in Australia requires patentees to publicly disclose their invention, which can disincentivise Aboriginal and Torres Strait Islander people from seeking patent protection due to the risks of cultural knowledge misappropriation. While IP Australia is currently working to help protect this ‘Indigenous Knowledge’, they also acknowledge that IP laws struggle to accommodate the unique characteristics of traditional knowledge and cultural expressions, which can include oral traditions, musical heritage, and artistic methods that are traditionally inherited across generations.<sup>37</sup>

Australian consumer law (the *Competition and Consumer Act 2010*)<sup>38</sup> is a national approach administered and enforced jointly by the Australian Competition and Consumer Commission and state and territory consumer protection agencies, with the involvement of the Australian Securities and Investment Commission on relevant matters. However, proving misleading conduct under Australian consumer law can be resource-intensive and costly for Aboriginal and Torres Strait Islander businesses, creating barriers to legal recourse.

### **‘Grassroots’ efforts to build the capability and capacity of the sector**

Community protocols provide guidance and recognition of the rights and interests of Aboriginal and Torres Strait Islander communities but are not legally binding unless embedded in contracts. Implementing community protocols may require significant

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<sup>34</sup> Federal Register for Legislation (8 May 2024) *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*, <https://www.legislation.gov.au/C2004A02943/latest/versions>

<sup>35</sup> Victorian Legislation (8 May 2024) *Aboriginal Heritage Act 2006*, <https://www.legislation.vic.gov.au/in-force/acts/aboriginal-heritage-act-2006/027>

<sup>36</sup> Federal Register for Legislation (9 May 2024) *Copyright Act 1968*, <https://www.legislation.gov.au/C1968A00063/latest/text>

<sup>37</sup> IP Australia (6 May 2024) *Indigenous Knowledge*, <https://www.ipaustralia.gov.au/understanding-ip/indigenous-knowledge>

<sup>38</sup> Federal Register for Legislation (8 May 2024) *Competition and Consumer Act 2021*, <https://www.legislation.gov.au/Latest/C2018C00437>



resources and capacity building within Aboriginal and Torres Strait Islander communities. A prominent example of this is the Victorian Traditional Owners Native Food and Botanicals (TONFABS) Protocol,<sup>39</sup> which sets to provide best practice guidance to the Victorian native food and botanicals industry. The Protocol is a guide for all individuals and organisations involved in the industry on how to engage with and recognise the rights of Victoria's Traditional Owners in their biological resources and Indigenous Knowledge.

Other mechanisms such as industry protocols also serve as best practice frameworks but often lack enforcement mechanisms, relying on voluntary compliance from industry actors. Variations in the adoption and implementation of industry protocols across different sectors and regions may lead to inconsistencies in practice and protection.

This again highlights the fragmented nature of the regulatory environment within Australia for the Indigenous agriculture space. Future stages in this project will need to consider these protections and limitations in the context of developing a credential system for an Indigenous Agricultural Product.

## International Indigenous agricultural credential systems

There is currently no worldwide program that acknowledges the food production and gathering techniques of Indigenous Peoples as a unique standard, though there are credential systems in place to assure the authenticity of Indigenous products. In the USA, the “Made/Produced by American Indians” trademark shown in Figure 12 is promoted by the Intertribal Agriculture Council (IAC) to identify products from federally recognised Tribes and Alaskan Native Villages. To qualify for the “Made/Produced by American Indians” trademark, the user or participant must be a federally recognised Tribal member, tribal entity, or an Alaskan Village as defined by law, or have a controlling 51% share interest.

Figure 12. Marks of authenticity used in the USA (left), Brazil (middle) and New Zealand (right).



In Brazil, the Ministry of Agrarian Development and Family Agriculture (MDA), the Ministry of Indigenous Peoples (MPI), and the National Foundation of Indigenous Peoples (Funai) launched the Selo Indígenas do Brasil (Indigenous Peoples of Brazil Seal) on 5 January 2024 (see the middle mark in Figure 12). The seal identifies products of ethnic origin

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<sup>39</sup> Federation of Victorian Traditional Owner Corporations (28 April 2024) *Victorian Traditional Owner Native Food And Botanicals Protocol*, [https://fvtoc.com.au/wp-content/uploads/2023/04/TONFABS-Cultural-Protocols\\_20231010.pdf](https://fvtoc.com.au/wp-content/uploads/2023/04/TONFABS-Cultural-Protocols_20231010.pdf)

produced by indigenous people. Individual producers, associations, cooperatives and companies that primarily use raw materials of Indigenous origin are eligible to apply for the seal. Applicants must specify the Indigenous land, village and ethnic group, along with the names of the producers of the product.

In New Zealand, Hua Parakore (Māori organic) is an Indigenous verification and validation system for mahinga kai (food and product production) which can be applied to pure products, such as food, meat, wool and traditional medicines (see the left mark in Figure 12). It promotes the use of traditional Māori knowledge and practices in food production, such as the use of heirloom seeds, organic farming methods, and the protection of biodiversity.

There are three stages to become a Hua Parakore producer, which includes self-evaluation and drawing upon their body of knowledge to identify appropriate practices to manifest Hua Parakore on their land. The self-evaluation process supports the principle of self-determination through the establishment of a production system that respects mana whenua (local Indigenous communities) and promotes mana motuhake (independence).

## Related issues of importance

Throughout the consultations, stakeholders were keen to discuss issues that were not directly within the scope of this project. We describe these issues below because it is important to contextualise Aboriginal and Torres Strait Islander people's perspectives on the definition of Indigenous agricultural products within their more holistic experience of agricultural producers.

As part of our commitment to culturally safe engagement, we will continue to create space for these priorities to be heard. Where there appear to be misunderstandings or confusion about the scope, objectives or likely outcomes of this project, we will clarify these to ensure a shared understanding and to manage the sector's expectations.

### Lack of access to land and capital

One of the most significant challenges roundtable participants presented regarding the Indigenous agriculture industry is the lack of access to land and capital. Aboriginal and Torres Strait Islander people said they often struggle to gain ownership of their traditional lands, which limits their ability to cultivate and harvest products. They also reported facing difficulties in securing funding and investment to start or expand their businesses. This lack of access to land and capital prevents Aboriginal and Torres Strait Islander people from fully participating in the agricultural sector and realising the economic benefits of their traditional knowledge and practices.

*"We don't have land, we don't have capital. We don't, we aren't participating in it at all to begin with. So how do we show the benefits when we're not participating in it?"*

*"The frustration of actually getting land back in the first place that has restrictions on it is incredibly frustrating. I know to a lot of the people in my area, Northern Rivers here we've got a lot of beautiful soil and some thriving businesses in my area with this. But you know when we look at what we can do with the land is there's still restrictions."*

*"Same three things holding us back: land, capital and governance. Land and capital [are] beyond us – that's where we need others to come in."*

## Recognition and support for native produce

The other barrier participants raised was the lack of recognition and support for native produce as agricultural products. The absence of a clear definition of native produce in agriculture makes it difficult for Indigenous growers to access markets and accreditation systems. This lack of recognition also affects the enforceability of credential systems, which can lead to unfair competition and exploitation of Aboriginal and Torres Strait Islander producers. The industry needs a supportive framework that addresses these barriers and promotes the inclusion of Aboriginal and Torres Strait Islander voices in the agricultural sector.

*"It's hard for us as agriculture but it's hard because we're not recognised. Salt bush is not classed as a commercial crop so we're fighting against pillars to keep moving forward. Until we get something down that native foods is agricultural the industry is not going to move forward."*

## Building capacity to support the development of Aboriginal and Torres Strait Islander producers

Native bushfood businesses reported facing challenges in finding Indigenous suppliers for their products. As a result, the industry relies heavily on non-Indigenous producers.

*"Business owners want to buy from indigenous suppliers, but they can't find the indigenous suppliers because they're not out there."*

*"[There are] three publicly known large bodies for Indigenous bushfood businesses and they're all struggling to find indigenous suppliers for their bushfoods. So all the people in the industry are not primary producers. They're the manufacturers, they are creating the products, but finding Indigenous producers is the issue everyone's facing."*

One way of addressing this problem may be capacity building initiatives, mentoring programs and training opportunities that can help Aboriginal and Torres Strait Islander growers develop the skills and knowledge necessary to participate in the industry. Programs such as these would help Aboriginal and Torres Strait Islander producers develop the skills and knowledge necessary to participate in the industry and compete effectively in the market.

*"I wanna see project officers employed in these spaces to be able to help apply for funding grants and with knowledge around that, I wanna see the on-Country business mentoring support."*

## Two-way learning as an approach to healing Country

Some roundtable participants saw an opportunity for 'two-way' learning, where Aboriginal and Torres Strait Islander and non-Indigenous people work together to share their knowledge to improve the health of Country. Many Aboriginal and Torres Strait Islander participants said they felt that the health of the landscape had been compromised by intensive and non-regenerative farming practices, and that incorporating Aboriginal and Torres Strait Islander land management practices may be a way of improving sustainability.

*"The bigger issue is about the farming community itself over-farming the land and the land becoming completely useless for anything because they're not allowing the land to heal and be productive."*

*"[It's important to] incorporate Indigenous perspectives and governance in environmental and agricultural initiatives."*

*"[There's] an opportunity to educate producers in general. It allows us to learn more."*

### **Indigenous-designed agri-finance and funding**

Roundtable participants stated the industry needs Indigenous-designed agri-finance and funding that is available to support the growth and development of Indigenous agriculture businesses. Access to tailored financial products and services may help overcome the reported barriers related to capital and investment.

*"If you want to be a Black fella farmer you get a Black fella loan. Indigenous ag needs an Indigenous designed agri-finance conversation. One of the issues in this – people farm the way they are financed. If your finance doesn't respect Country (which is where ag is in Australia) you're not going to move anything forward."*

## 5: Next steps

The next stage of the project, due to be completed in January 2025, will focus on undertaking economic, consumer sentiment and regulatory analyses to identify current and potential benefits of Indigenous agricultural produce and products, as well as risks and opportunities in line with the development of an Indigenous agricultural product credential system. The Indigenous agricultural product definition and characteristics outlined in this report will be used as a baseline for activities moving forward.

To achieve this, we will:

- Estimate the community and economic value of Indigenous agricultural products in the current domestic and international market.
- Critique the private sector market potential of Indigenous agricultural products.
- Undertake quantitative and qualitative research on consumer attitudes and expectations of Indigenous agricultural products.
- Conduct regulatory analysis of Indigenous agricultural products.
- Scope potential credential system business model options for Indigenous agricultural products.

As part of these activities, we will continue to prioritise the perspectives of Aboriginal and Torres Strait Islander people. We will re-engage with stakeholders and remain open to hearing new voices. Findings will be shared with the sector through the NFF website and social media channels.

## 6: Reflections and learnings

Throughout the first 8 months of this project, we have reflected and learned about ways to prioritise the perspectives of Aboriginal and Torres Strait Islander people in an industry within which they have historically had little power or voice. This chapter documents these learnings so that they may be carried forward in this and other projects.

### Balancing NFF's and PIC's role

The first 'reflection' builds upon something known to many working in Aboriginal and Torres Strait Islander affairs: the importance of listening deeply and acting when Aboriginal and Torres Strait Islander people share their concerns. Many Aboriginal and Torres Strait Islander people and communities feel 'over consulted' by governments and other organisations: they have repeated the same message often with very little change.

In this project, we heard that some Aboriginal and Torres Strait Islander groups held a suspicion about the NFF's reasons for being involved in this project. The suspicion arose from what the stakeholders perceived as agriculture's historical role in dispossessing Aboriginal and Torres Strait Islander people from their land, as well as the NFF's perceived irrelevance to Aboriginal and Torres Strait Islander people. These views were not expressed by the majority, though they were important to the groups who did share their concerns. Examples included:

*Unfortunately, there is a historical context of farmers that has a negative connotation for Indigenous farmers and First Nations people.*

*NFF needs to be reflective on how the wealth of their members came to be. And that's through disposition of land. Our land.*

*Indigenous Farmers don't know who NFF are. They aren't relevant to this sector. NFF needs to get out on ground and meet the people, not just the 'Big Farming companies'. NFF should be out in the communities for the next stage of consultation.*

After sharing these sentiments with NFF, we agreed that the roundtables presented an opportunity for NFF to take steps to 'resetting the narrative'. In response, a senior representative from NFF opened and co-chaired the roundtables, which included introducing NFF's purpose and linking it with the anticipated outcomes of the project, and describing why NFF was interested in progressing an Indigenous Agricultural Product Framework. While the Aboriginal facilitator from PIC led the majority of the roundtable, NFF representative remained present, occasionally asking probing questions of the group. On the very few occasions when a roundtable participant spoke negatively about agriculture's historical role in land and culture dispossession, the NFF representative was careful to respond with empathy and humility.

We also heard about the importance of this being an Aboriginal and Torres Strait Islander-led project. Often, this was discussed in the context of the ongoing governance of Indigenous agricultural product credentials. For example:

*We need all this information to be going through one organisation that is Aboriginal run and managed, so that non-Indigenous organisation don't have the inside running all the time...we need a representative body run by Aboriginal people.*

*We need to self-determine our own destination and where we want to go with this. it's up to us, we have a lot to give, but everything's not for sale culturally, we need to keep things safe for us.*

*[We need] the creation of a body within the agriculture sector for First Nations people, and to continue having Indigenous representatives involved in whole process. Making sure that we're in the room all the time and that we're safe in room all the time. Making sure there is that body that we trust.*

Taken together, this justifies the decision to involve PIC as an independent and Indigenous business as the 'engagement lead' for the project. We will continue to work with PIC to identify opportunities where NFF may play a more obvious role in stakeholder engagement.

## **Culturally safe engagement**

PIC has strong credentials in creating culturally safe engagement experiences for Aboriginal and Torres Strait Islander stakeholders. The roundtables presented some challenges to this because it was necessary to hear the perspectives of non-Indigenous people on the characteristics and definition.

While there was no overt racism in any of the roundtables, there were a few instances of unintentional cultural insensitivity from non-Indigenous participants. One example was a non-Indigenous participant asking the group "What is the definition of a First Nations person?". One Aboriginal participant said she was "upset" by this comment:

*I'm gonna say this with all love. Who defines who is an Aboriginal person? I'm really sorry. I'm very upset with those comments. We know who we are and who is someone else...That's very unsafe. Yeah, I'm just going to leave that one with you. But who does anybody think they are to define who we say we are?*

Comments and questions from non-Indigenous people that demonstrate low levels of cultural awareness – while unintentional – can leave Aboriginal and Torres Strait Islander people feeling culturally unsafe. This can sometimes have the effect of Aboriginal and Torres Strait Islander people feeling offended, or holding back from expressing their full thoughts, or feeling a responsibility to respond to the comment of question which may make other group members feel uncomfortable or hesitant to express their own views.

Following on from these and other similar interactions, PIC received a request from a roundtable participant to schedule a 'mob only' roundtable – that is, one that was only available to Aboriginal and Torres Strait Islander people. PIC and NFF agreed this was a good idea, as it also provided a way to test changes to the characteristics and definition in a way that prioritised the voices and perspectives of Aboriginal and Torres Strait Islander people.

The roundtable was well received and achieved the highest attendance of all roundtables with around 18 participants. For future consultation, we recommend creating 'open' as well as 'mob only' sessions to provide a consultation environment where we can be surer of the cultural safety for participants. Mob only sessions are particularly important where there is a role for Aboriginal and Torres Strait Islander-led decision making. Further, PIC will reflect on its role in respectfully 'calling out' culturally unsafe behaviour (whether intentional or not) to reduce the perceived requirement for participants to respond to culturally unsafe comments.

## **Appendix A**

### **Terri Janke and Company (full report)**



## Appendix B

### Indigenous agricultural product working definition survey (full report)

As part of the Indigenous Agricultural Framework project, an online survey was developed to understand Aboriginal and Torres Strait Islander and non-Indigenous industry stakeholder perceptions of the five characteristics and working definition, and collect feedback to identify and inform amendments required. The survey ran concurrently with the roundtable sessions and provided an additional channel for stakeholders to provide their input and feedback, particularly for those unable to attend the roundtable sessions.

#### Survey form

The survey consisted of 12 questions in a mix of Likert scale, open and closed questions to capture qualitative and quantitative data regarding the participant demographic and feedback on the characteristics and working definition. The questions regarding the characteristics and working definition were the same as the questions posed in during the roundtable sessions for consistency and comparability purposes.

Table 1 NFF Indigenous Agricultural Product Working Definition Questions

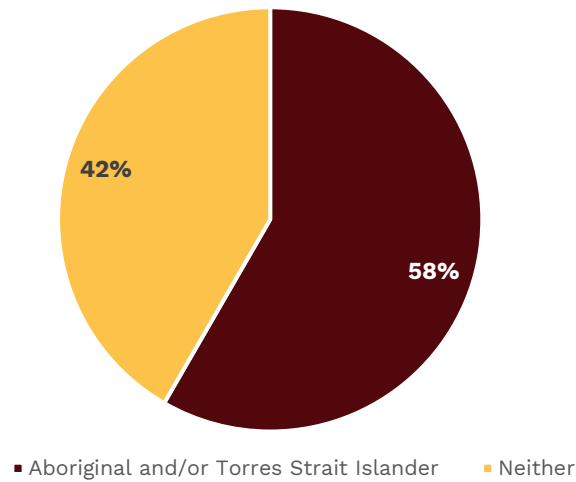
#	Question	Options
1	Please confirm whether you agree to complete this survey.	<ul style="list-style-type: none"> <li>I agree to participate – Survey responses will be used to inform the proposed working definition and credential system of Indigenous agricultural products.</li> <li>I do not want to participate – End of survey.</li> </ul>
2	Do you identify as Aboriginal and/or Torres Strait Islander?	<ul style="list-style-type: none"> <li>Aboriginal and/or Torres Strait Islander</li> <li>Neither</li> <li>Prefer not to say</li> </ul>
3	What is your business or area within the industry?	<ul style="list-style-type: none"> <li>Meat and livestock</li> <li>Grain and seeds</li> <li>Other crops</li> <li>Fruit and vegetable</li> <li>Other horticulture</li> <li>Forestry</li> <li>Fisheries</li> <li>Other (please specify)</li> <li>Not applicable</li> </ul>
4	Where are your operations or production mostly located?	<ul style="list-style-type: none"> <li>Metropolitan</li> <li>Regional</li> <li>Remote</li> </ul>
5	In what state or territory are your operations or production mostly located?	<ul style="list-style-type: none"> <li>Australian Capital Territory</li> <li>New South Wales</li> <li>Northern Territory</li> <li>Queensland</li> <li>South Australia</li> <li>Tasmania</li> <li>Victoria</li> <li>Western Australia</li> </ul>
6	What is the scale of your business?	<ul style="list-style-type: none"> <li>Small (0 – 19 employees)</li> </ul>

		<ul style="list-style-type: none"> <li>• Medium (20 – 199 employees)</li> <li>• Large (More than 200 employees)</li> <li>• Prefer not to say</li> <li>• Not applicable</li> </ul>
<b>7</b>	To what extent do you agree that the five (5) characteristics describe the unique value of Indigenous agricultural products?	<ul style="list-style-type: none"> <li>• Strongly agree</li> <li>• Agree</li> <li>• Neither agree nor disagree</li> <li>• Disagree</li> <li>• Strongly disagree</li> </ul>
<b>8</b>	To what extent do you agree that the five (5) characteristics are reflected in the working definition?	<ul style="list-style-type: none"> <li>• Strongly agree</li> <li>• Agree</li> <li>• Neither agree nor disagree</li> <li>• Disagree</li> <li>• Strongly disagree</li> </ul>
<b>9</b>	To what extent do you agree that the five (5) characteristics help to distinguish Indigenous agricultural products from non-Indigenous agricultural products?	<ul style="list-style-type: none"> <li>• Strongly agree</li> <li>• Agree</li> <li>• Neither agree nor disagree</li> <li>• Disagree</li> <li>• Strongly disagree</li> </ul>
<b>10</b>	To what extent do you agree that the working definition supports economic, social and environmental benefits for Aboriginal and Torres Strait Islander producers?	<ul style="list-style-type: none"> <li>• Strongly agree</li> <li>• Agree</li> <li>• Neither agree nor disagree</li> <li>• Disagree</li> <li>• Strongly disagree</li> </ul>
<b>11</b>	To what extent do you agree that a credential system, based on the five characteristics, will support the growth and development of authentic Indigenous agricultural products?	<ul style="list-style-type: none"> <li>• Strongly agree</li> <li>• Agree</li> <li>• Neither agree nor disagree</li> <li>• Disagree</li> <li>• Strongly disagree</li> </ul>
<b>12</b>	Is there anything else you would like to tell us?	[Open text field]

## Survey results

A total of 24 participants completed the survey, 58% (n=14) of whom identified as Aboriginal and/or Torres Strait Islander (see Figure 13).

Figure 13. Results of survey participants that identified as Aboriginal and/or Torres Strait Islander.



A large majority of the survey participants (88%) reported that the proposed five characteristics described the unique value of Indigenous agricultural products, while some participants (16%) were either neutral or disagreed. Figure 14 shows the results disaggregated by whether the respondent identified as an Aboriginal or Torres Strait Islander person. Importantly, the respondents who disagreed were all Aboriginal and Torres Strait Islander people suggesting the characteristics could be improved.

Figure 14. Results of survey participants that agreed that the five (5) characteristics describe the unique value of Indigenous agricultural products, (n=24), 2024.

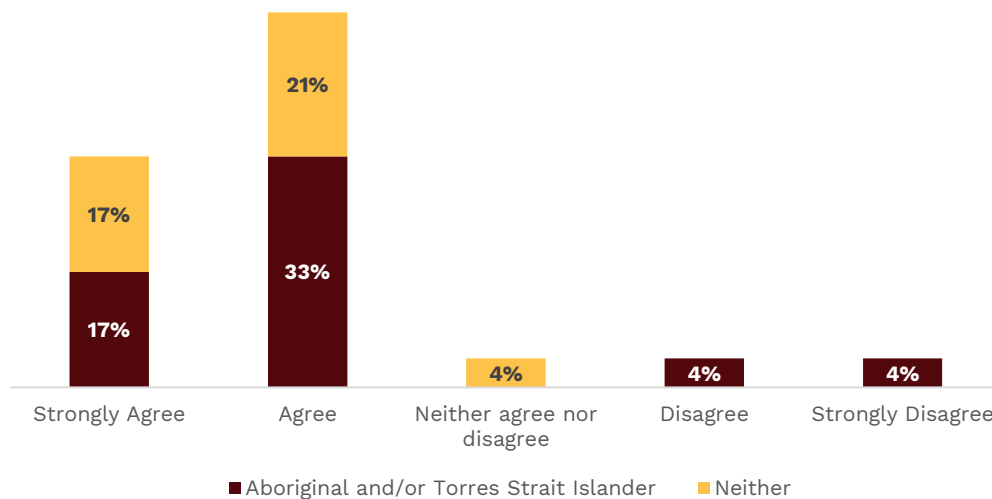


Figure 15 shows results for the extent to which respondents agreed that the characteristics were reflected in the working definition. While many survey participants (63%), 13% neither agreed nor disagreed and 25% disagreed, with a high proportion of

Aboriginal and Torres Strait Islander people in the 'disagree' group. This highlights a need to strengthen the language in the working definition to better reflect the characteristics.

Figure 15. Results of survey participants that agreed that the five (5) characteristics are reflected in the working definition, (n=24), 2024.

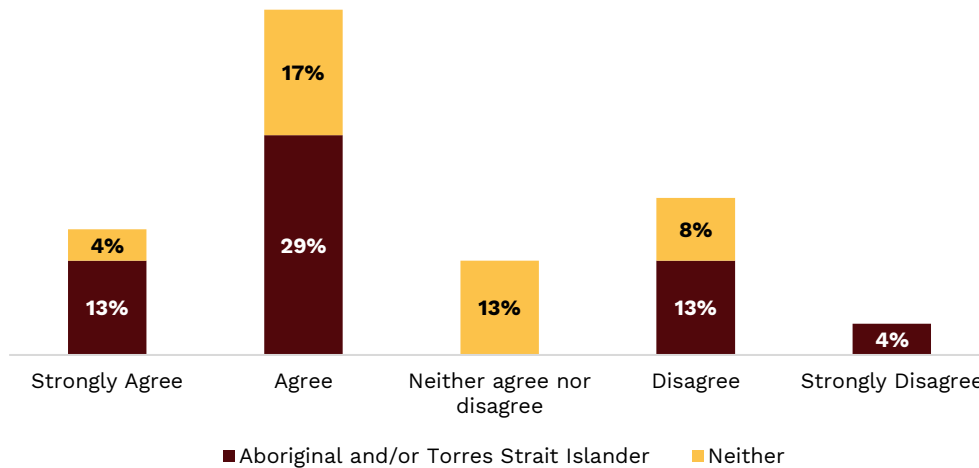
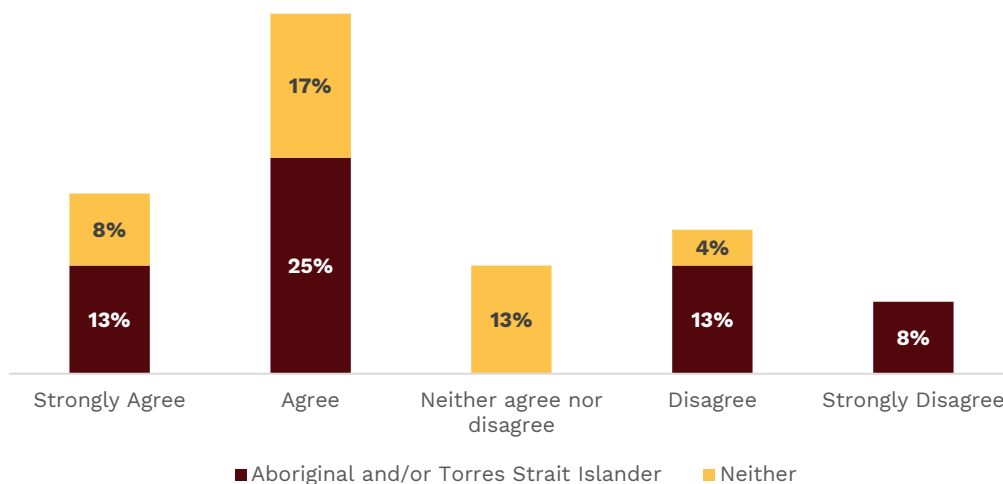


Figure 16 shows that while many participants (63%) felt that the characteristics distinguished Indigenous agricultural products from non-Indigenous agricultural products, a substantial minority (25%) disagreed or strongly disagreed. One participant that responded 'Disagree' indicated in the free text field that they felt that some of the characteristics could be claimed by non-Indigenous people, and that the characteristics did not *uniquely* identify Indigenous agricultural products.

Figure 16. Results of survey participants that agreed that the five (5) characteristics help to distinguish Indigenous agricultural products from non-Indigenous agricultural products, (n=24), 2024.



Most participants (66%) agreed that the working definition supports economic, social and environmental benefits for Aboriginal and Torres Strait Islander producers (see Figure 17). However, some respondents noted that the working definition was exclusive and did not allow for contemporary farming or culture. Some respondents also raised the need to clearly call out Aboriginal and Torres Strait Islander ownership as well as strengthening

language to communicate that the framework is to benefit Aboriginal and Torres Strait Islander producers, people and communities.

Figure 17. Results of survey participants that agreed that the working definition supports economic, social and environmental benefits for Aboriginal and Torres Strait Islander producers, (n=24), 2024.

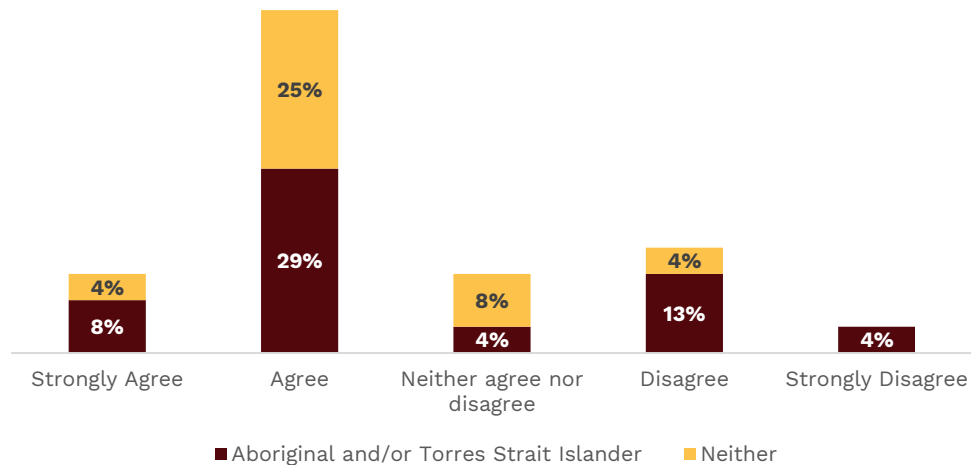
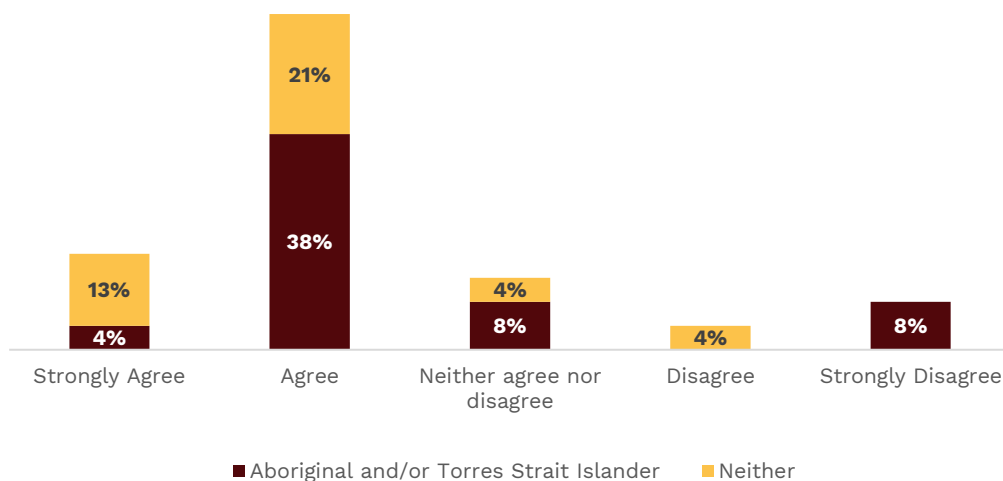


Figure 18 shows that more than three-quarters of respondents (76%) indicated that a credential system, based on the five characteristics, would support the growth and development of authentic Indigenous agricultural products. A small group (12%) either disagreed or strongly disagreed.

Figure 18. Results of survey participants that agreed that a credential system, based on the five characteristics, will support the growth and development of authentic Indigenous agricultural products, (n=24), 2024.



## Appendix C

### International credential examples (full report)

Currently, there is no worldwide program that acknowledges the food production and gathering techniques of Indigenous Peoples as a unique standard, nor is there one that is overseen by an Indigenous Peoples' group.<sup>1</sup> However, internationally there are credential systems in place to assure the authenticity of Indigenous products. While the credential systems detailed do not solely apply to Indigenous products, some do provide definitions of agricultural products which may be credited.

#### USA

In the USA, the “Made/Produced by American Indians” trademark is promoted by the Intertribal Agriculture Council (IAC) to identify products from federally recognised Tribes and Alaskan Native Villages.<sup>40</sup> The trademark has been in use since 1993, after the IAC began research, design and development in 1991.<sup>41</sup> The trademark may be used to promote any business that is at least 51% owned by a federally recognised Tribal Individual or Tribal Entity.<sup>42</sup>

#### *Agriculture and Manufacturing*

While the IAC does not specify a definition of an agricultural and manufactured products, they are eligible for the trademark if the product comprises “at least 50 percent by weight, exclusive of added water, of agricultural commodities grown or raised in the United States.” A number of specific goods and categories are registered with the United States Patent and Trademark. Category 31 specifies agricultural, horticultural and forestry products and grains (not included in other classes); living animals; fresh fruits and vegetables; seeds; live plants and flowers; foodstuffs for animals, malt.

#### *Application and certification maintenance*

Tribal enterprises or entities and individual producers may apply to participate in the program at no cost. To qualify, the user or participant must be a federally recognised Tribal member, tribal entity, or an Alaskan Village as defined by law, or have a controlling 51% share interest. Once an application is approved, the successful applicant receives a licence valid for one calendar year. The licence must be renewed annually.

To make an agriculture or food business application, applicants must specify which of the following categories their products fall under:<sup>43</sup>

- Fresh and Dried Meats (buffalo, beef, chicken, pork)

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<sup>40</sup> The terms American Indian, Indian, Native American, or Native are acceptable and often used interchangeably in the United States.

<sup>41</sup> American Indian Foods (undated). *AIF Program*. <https://www.indianagfoods.org/american-indian-trademark>

<sup>42</sup> Intertribal Agriculture Council (undated). *Official guide on the use of the certified authentic made/produced by American Indians trademark*. [https://www.indianagfoods.org/files/ugd/5cf10e\\_fae628b95d264965b36f3b1cc2ef6495.pdf](https://www.indianagfoods.org/files/ugd/5cf10e_fae628b95d264965b36f3b1cc2ef6495.pdf)

<sup>43</sup> Intertribal Agriculture Council (undated). *American Indian Trademark Application*. <https://www.tfaforms.com/4769844>

- Seafood or Fresh Water Fish (wild, fresh, frozen, smoked, canned)
- Produce (wild, fresh, dried or packaged, fruits or vegetables)
- Wild Rice
- Grains, Dry Foods, or Mixes
- Condiments & Oils (vinaigrettes, cocktail sauces, or mustards)
- Syrup, Sugar, Jams, Jellies, or Preserves
- Herbs (loose leaf tea or medicinal)
- Beverages (coffee, wine, kombucha)
- Non-Edible (herbal salves, lip balms, candles, lotions, body wash, shampoo, conditioner, soaps, detergents, dish liquid, etc.)
- Nuts, Seeds and Legumes
- Arts & Crafts
- Other

The IAC maintains the right to make checks that the “Made/Produced by American Indians” trademark is being used correctly, and may investigate if there is reason to believe that it is being used incorrectly.

## **Brazil**

In Brazil, the Ministry of Agrarian Development and Family Agriculture (MDA), the Ministry of Indigenous Peoples (MPI), and the National Foundation of Indigenous Peoples (Funai) launched the Selo Indígenas do Brasil (Indigenous Peoples of Brazil Seal) on 5 January 2024. The seal identifies both the ethnic and territorial origins of family farming, extractivist and artisanal products.<sup>44</sup>

### *Application and certification maintenance*

Individual producers, associations, cooperatives and companies that primarily use raw materials of Indigenous origin are eligible to apply for the seal. Applicants must specify the Indigenous land, village and ethnic group, along with the names of the producers of the product. In addition to this information, applicants must also submit a declaration of compliance with environmental and Indigenous legislation and meeting minutes confirming

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<sup>44</sup> Presidencia da Republica (5 January 2024). *Governo Federal institui Selo Indígenas do Brasil*. <https://www.gov.br/mda/pt-br/noticias/2024/01/governo-federal-institui-selo-indigenas-do-brasil>. Cited in Silva, C (10 January 2024). *Brazilian Indigenous products get seal of origin*. The Brazilian Report. <https://brazilian.report/liveblog/politics-insider/2024/01/10/indigenous-products-seal-of-origin/>

the community's consent and approval. Once approved, the seal is valid for 5 years and may be renewed 6 months before expiration.<sup>45</sup>

## New Zealand

Hua Parakore (Māori organic) is an Indigenous verification and validation system for mahinga kai (food and product production) which can be applied to pure products, such as food, meat, wool and traditional medicines.<sup>46</sup> Initiated and driven by Te Waka Kai Ora (National Māori Organics Authority of Aotearoa), Hua Parakore is also certified organic and was developed to map to the NZSA 8410.2003 NZ Organic Standard for Production.<sup>47</sup>

Hua Parakore promotes the use of traditional Māori knowledge and practices in food production, such as the use of heirloom seeds, organic farming methods, and the protection of biodiversity. It also emphasises the importance of local food systems and the need to reduce reliance on imported foods.

### Legal protections

Nation states that are party to the [International Convention for the Protection of New Varieties of Plants \(UPOV\) 1991](#) will have their own PBR regime. In contrast, the New Zealand system for Plant Variety Rights under their [Plant Variety Rights Act 2022](#) includes provisions for Indigenous plant species.

The Act established a Māori Plant Varieties Committee,<sup>48</sup> which is consulted on to ensure that secret, sacred or sensitive information provided in applications for plant varieties protection is not publicly disclosed.<sup>49</sup> The Committee can also determine and advise on Māori relationships to species the subject of applications, including whether the granting of registration would cause offence or have adverse effects on these relationships. These provisions recognise and respect New Zealand's obligations under the principles of Te Tiriti o Waitangi (the Treaty of Waitangi), through protecting Māori people's relationships with Indigenous plant species or other species of significance.<sup>50</sup> Where plant breeders are aware

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<sup>45</sup> Agencia Brasil (5 January 2024). *Indigenous products to feature origin seal*. <https://agenciabrasil.ebc.com.br/en/geral/noticia/2024-01/indigenous-products-feature-origin-seal>

<sup>46</sup> Hutchings, J., Tipene, P., Carney, G., Greensill, A., Skelton, P., Mahinarangi Baker, Waka, N., Ora, K., Atihaunui, T., Paparangi, N., Tainui, Te, N., Kai, W., Ora, Ati, T., Te, A. and Ngāti, O. (undated). *Hua Parakore: An indigenous food sovereignty initiative and hallmark of excellence for food and product production*. <https://jessicahutchings.org/wp-content/uploads/2015/10/Hua-Parakore-Journal-Article.pdf>.

<sup>47</sup> Vicente, L. (15 May 2022). *Hua Parakore: A Korowai That Can Embrace All of You*. Organics Aotearoa New Zealand. <https://www.oanz.org/organic-case-studies/hua-parakore-a-korowai-that-can-embrace-all-of-you>

<sup>48</sup> *Plant Variety Rights Act 2022* (NZ) s 57.

<sup>49</sup> *Ibid*, s 58.

<sup>50</sup> *Ibid*, s 4.



of a kaitiaki relationship with the relevant plant, the breeder must engage directly with the kaitiaki.<sup>51</sup>

### *Establishment*

Launched at Matariki (Māori new year) 2011, Hua Parakore was developed through collaborative effort between Māori communities, food producers, and supported by the Ministry of Māori Affairs, the New Zealand organic sector organisation Organics Aotearoa New Zealand (OANZ), and Te Waka Kai Ora regional network. It is based on the principles of kaitiakitanga (guardianship), manaakitanga (hospitality), and whanaungatanga (relationships).

### *Accreditation*

A key distinction of Hua Parakore from non-Indigenous organic verification systems because it is based on Indigenous knowledge systems that are owned and managed locally. Māori producers use their cultural practices to decide what practices and production methods are appropriate for Hua Parakore in their specific location. Self-evaluation supports the principle of self-determination through the establishment of a production system that respects mana whenua (local Indigenous communities) and promotes mana motuhake (independence).

The self-evaluation process includes the following key components:<sup>52</sup>

- Ngā Kaupapa: Producers draw upon their body of knowledge to clarify their understanding of Hua Parakore.
- Ngā Tikanga: Producers draw upon their body of knowledge to identify appropriate practices to manifest Hua Parakore on their land.
- Ngā Hua Parakore: The potential outcomes of following ngā tikanga, including health, environmental, social, cultural and economic outcomes.

There are three stages to become a Hua Parakore producer, as illustrated in

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<sup>51</sup> Ibid, s 39; See also The Conversation, 'A new law offers better protection for Indigenous plants of significance to Māori, but no requirement to share profits' (1 December 2022) <https://theconversation.com/a-new-law-offers-better-protection-for-indigenous-plants-of-significance-to-maori-but-no-requirement-to-share-profits-195435>

<sup>52</sup> Hutchings, J., Tipene, P., Carney, G., Greensill, A., Skelton, P., Mahinarangi Baker, Waka, N., Ora, K., Atihaunui, T., Paparangi, N., Tainui, Te, N., Kai, W., Ora, Ati, T., Te, A. and Ngāti, O. (undated). *Hua Parakore: An indigenous food sovereignty initiative and hallmark of excellence for food and product production*. <https://jessicahutchings.org/wp-content/uploads/2015/10/Hua-Parakore-Journal-Article.pdf>.

Figure 19, below.

Figure 19. Hua Parakore verification and validation process

**Kakano/seed**

Open to all members of Te Waka Kai Ora including individual, family, community, school and organisation.

Kakano members publically support and promote the aspirations of Hua Parakore. Kakano members receive Hua Parakore information resources.

**Tipu Ranga/the growing seedling**

Members commit to making the transition to a Hua Parakore production system. Producing a healthy product is a process of neutralising all toxins. Both land and people are given the time and support to go through the process of transformation.

Tipu Ranga landowners work through the self-evaluation process to develop and implement their Hua Parakore management plan. This process is supported by community elders and Hua Parakore planning resources, farmers and regional officers.

**Hua Parakore**

Formal recognition is bestowed upon landowners when they achieve Hua Parakore. The use of the Hua Parakore mark is collectively awarded at a formal gathering of community and Te Waka Kai Ora representatives where all present are satisfied that Hua Parakore status has been achieved. The Hua Parakore mark denotes certified organic status in Aotearoa New Zealand with access to international markets through Native Trade and certified organic pathways.

## Appendix D

### Roundtable pulse survey questions

Table 2 NFF Roundtable Pulse Survey Questions

#	Question	Options
1	Please confirm that you consent to participating in this survey.	<ul style="list-style-type: none"> <li>• I consent to participating in this survey</li> <li>• I do not consent</li> </ul>
2	Did you participate in any of the 7 roundtable sessions held between 17 April and 10 May 2024?	<ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>
3	Do you identify as Aboriginal and/or Torres Strait Islander?	<ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> <li>• Prefer not to say</li> </ul>
<b>To what extent do you agree with the following statements?</b>		
4	My perspectives were heard during the roundtable session.	<ul style="list-style-type: none"> <li>• Strongly agree</li> <li>• Agree</li> <li>• Neither agree nor disagree</li> <li>• Disagree</li> <li>• Strongly disagree</li> </ul>
5	Group members were treated equally during the roundtable session.	<ul style="list-style-type: none"> <li>• Strongly agree</li> <li>• Agree</li> <li>• Neither agree nor disagree</li> <li>• Disagree</li> <li>• Strongly disagree</li> </ul>
6	The roundtable I attended was culturally safe.	<ul style="list-style-type: none"> <li>• Strongly agree</li> <li>• Agree</li> <li>• Neither agree nor disagree</li> <li>• Disagree</li> <li>• Strongly disagree</li> </ul>
7	Would you participate in another roundtable in the future?	<ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>
8	Is there anything else you would like to share with us?	[Open text field]
9	(Optional) If you would like to discuss your feedback further, please provide your contact details below:	[Open text field]



Australian Government  
Department of Agriculture,  
Fisheries and Forestry



Australian Government  
Indigenous Land and Sea Corporation



The ILSC GROUP



National  
Farmers  
Federation

PEOPLE. COUNTRY. OPPORTUNITY.

*Together We Grow, Together We Prosper' artwork by Wakka Wakka artist, David Williams.*

