



Department of
Primary Industries and
Regional Development

*We're working for
Western Australia.*

Setting up for success

Bushfoods



A practical guide to the bushfoods
industry for Aboriginal businesses





Acknowledgment of Country

The Department of Primary Industries and Regional Development (DPIRD) acknowledges the Traditional Custodians of Country, the Aboriginal people of the many lands that we work on and their language groups throughout Western Australia and recognises their continuing connection to the land and waters. DPIRD respects the continuing culture of Aboriginal people and the contribution they make to the life of our regions and we pay our respects to Elders past, present and emerging.

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Minister's foreword

Food has always been at the heart of culture. Western Australia's Aboriginal people accessed thousands of native foods and the knowledge of the harvesting and roles of each of these is a profound cultural artefact.

Domestic and international interest in Australian bushfoods is growing, presenting a fantastic opportunity for Aboriginal people to drive and take advantage of this growth.

The Australian bushfoods industry was estimated to be valued at \$21.5 million at the farm gate in 2019, but less than 15 per cent of Aboriginal businesses are engaged in this multimillion-dollar industry.

Though there are many Aboriginal people engaged in wild harvesting bushfoods on Country, we want to increase the number of Aboriginal businesses represented in the bushfood industry.

Aboriginal businesses face multiple challenges in the bushfood industry, from sourcing enough raw product to meet demand, to protecting their intellectual property. However, Aboriginal businesses also have a business asset that can often be just as important as the bushfood itself, their connection to Country and the stories and knowledge of the native plants or animals in their products.

This 'how to' guide provides a practical tool for Aboriginal businesses wanting to enter or increase their participation in the growing Australian bushfoods industry.

It identifies the product development, governance, funding and legal considerations that bushfood businesses need to consider when producing, harvesting, manufacturing, developing and selling bushfoods and related products to consumers.

This *Setting up for success* guide is part of a program of Government works to support Aboriginal businesses increase their participation in the bushfoods industry.

Hon Alannah MacTiernan MLC

Minister for Regional Development; Agriculture and Food

Contents

Bushfoods how-to guide	2
Industry overview	2
Reading this guide	3
Product development.....	5
Research and development (R&D)	5
Case study – Bush Medijina	9
Supply chain and logistics	11
Production method quantities.....	11
Case study – NAAKPA	12
Building your team	13
Customers.....	15
Case study – Indigiearth	16
Funding and financial planning	17
Business development	21
Business models	21
Case study – Noongar Land Enterprise Group.....	26
Branding and intellectual property	28
Branding.....	28
Protecting your brand – Intellectual property and confidentiality laws	28
Case study – Kungkas Can Cook	33



Regulatory requirements and legislation	35
Collection, sale and access to flora and fauna.....	35
Food standards	36
Doing business	40
Marketing and selling your products	40
Case study – Blak Markets	42
Australian consumer law and fair trading laws.....	43
Consumer guarantees	43
Product labelling	44
Business mentors and building business relationships.....	44
Business review	45
Case study – Outback Academy Australia: Follow the Flowers business movement ...	46
Where to next?	49
Service providers	51
Contact lists – collection and sale of flora and fauna	54
Collection on Crown lands	54
Collection on Native Title lands	58
Contact list – regulation of food products	62
Glossary	65



Boab tree nuts

Bushfoods how-to guide

Industry overview

Australia's native plants and animals have always sustained life for Indigenous people and continue to do so today. In recent times, there has been a dramatic rise in interest, locally and internationally, in animals, insects and plants traditionally used as food by Aboriginal Australians. These are commonly known as 'bushfoods'.

Bushfoods encompass all Australian native plants and animals, as well as products directly and indirectly developed from those sources, such as whole bush tomato, lemon myrtle tea, wattleseed bread, kangaroo meat, bushfood yoghurt, boab beer and green ant gin.

With the substantial growth of the Australian native food industry, bushfoods are being recognised as a local solution for a sustainable food source in Australia and internationally.

In 2020, the Australian bushfoods industry was the subject of a market study.

- The report identified that while Australia accounts for approximately 10% of the world's biodiversity, only the macadamia is cultivated at a large scale.¹
- The report also estimated that in 2019, the Australian bushfoods industry was valued at \$21.5 million at the farmgate². It is estimated that less than 15% of Australian native food producers are Aboriginal enterprises.³

The value of the Australian native foods industry is estimated to increase to \$40 million at the farmgate by 2025. Continued growth and expansion of the Australian native foods

industry provides an opportunity for Aboriginal people and communities to:

- Increase their representation in the industry.
- Build sustainable businesses on Country, harvesting, developing and selling bushfood products.
- Highlight their unique knowledge, stories and connection to Country and native food sources (also known as Indigenous Cultural and Intellectual Property) and incorporate Indigenous Ecological Knowledge.
- Lead the way in the development, use and commercialisation of unique bushfoods.
- Control the use of native food sources and knowledge by the wider industry, and
- Ensure bushfood sources and related Indigenous Cultural and Intellectual Property and Indigenous Ecological Knowledge are developed, used and commercialised in a culturally appropriate, respectful and sustainable way, confirming benefits are returned to community, and is protected and nurtured.

The *National Indigenous Bushfoods Statement*, which resulted from the National Indigenous Bushfoods Symposium 2019, identified important action items to achieve increased representation of Indigenous Cultural and Intellectual Property and Indigenous Ecological Knowledge in the native foods industry. The statement is available here: fnbbaa.com.au/bushfood-symposium-statement-firstn

¹ Laurie, S. (2020). Australian native foods and botanicals – 2019/20 market study, ANFAB. ² Ibid. ³ Industry findings identified by S. Laurie as part of the Australian native foods and botanicals 2019/20 market study.



Reading this guide

This *Setting up for Success: Bushfoods* guide for Aboriginal businesses was commissioned by the Department of Primary Industries and Regional Development, WA (DPIRD). DPIRD's Aboriginal Economic Development (AED) unit, assisted by Terri Janke and Company, developed this 'how-to' guide as a practical tool for Aboriginal businesses that want to enter, or increase their participation in, the growing Australian bushfoods industry.

This guide identifies the product development, governance, funding and legal considerations that bushfood businesses need to consider when producing, harvesting, manufacturing, developing and selling bushfoods and related products.



Tip!

See the handy checklists throughout the guide, and the accompanying *Protection of Indigenous Ecological Knowledge for bushfood businesses* guide.

This guide is intended specifically for bushfood businesses. It may not be relevant to businesses that sell other bush products, such as cosmetics, medicines, soaps or jewellery.

This *Setting up for Success* guide provides general information, only. If you require specific business or legal advice, it is recommended that you seek further assistance. Contact DPIRD's Aboriginal Economic Development unit by emailing aed@dpiird.wa.gov.au or calling +61 (0)459 867 908.

Western Australian bush food



Terry Hunter, Borrgoron
Tours, image courtesy of
Tourism Western Australia



Product development

When starting a bushfoods business, you should consider the following:

- Product development
- Harvesting and supply
- Cultural considerations
- Good manufacturing practices
- Regulatory requirements
- Business set-up and governance
- Product market and distribution, and
- Marketing and selling your product.

Research and development (R&D)

To help ensure a profitable business enterprise, before starting a bushfoods business, determine which product or products you will be selling. Conduct research into the considerations listed above, prepare a product development plan, gather information about your bushfood products, and strategically plan the stages of development.

A fundamental aspect of your product development plan is developing a bushfood product or products that will appeal to consumers and provide a stable income for the business.

The bushfood (native foods) industry is a niche market, so it may be wise for your business to sell various products to help manage business risks related to supply, cash flow and the product market.

Cultural considerations

As an Aboriginal bushfoods business, your products may be based on, or incorporate, communal or family knowledge, or Indigenous Cultural and Intellectual Property, including Indigenous Ecological Knowledge. It is important to seek appropriate permission from the relevant community group, or family, to use the knowledge as part of your business and product promotion.

Aboriginal bushfoods come from places linked to the knowledge and belief systems of a particular group. There may be cultural protocols relating to where the plant can be

grown. The bushfood may have been nurtured and developed by specific First Nations groups who consider the plant their Indigenous Cultural and Intellectual Property.

Consider whether it is culturally appropriate to grow the raw bushfoods, such as native plants or animals, on the chosen Country. For example, is it culturally appropriate to grow a plant on Country in Western Australia if it is native to an area of Queensland and connected to knowledge systems of a particular Aboriginal group there? Is permission required? Some plants and animals may be totemic and specifically significant to men or women, so there may also be gender considerations to take into account.

You should consider how your business will market its connection to the bushfoods product. What is the connection between you and the plants or animals used in your product, and how will you tell that story when promoting your products? Consider the authenticity of your story, as well as the origins, quality or characteristics of the product.

It is important to have free, prior and informed consent for any use of Indigenous Cultural and Intellectual Property and Indigenous Ecological Knowledge and to ensure that benefits and attribution (credit) flow back to the community from which the knowledge came. You may need an Access and Benefit Sharing (**ABS**) Agreement with the relevant Aboriginal community for use of their bushfoods or bushfood knowledge.



Good to know!

For more information about protection of cultural heritage, benefit-sharing and best practice when dealing with Indigenous Cultural and Intellectual Property and Indigenous Ecological Knowledge, see the accompanying *Protection of Indigenous Ecological Knowledge for bushfood businesses* guide.

Size and scale

Consider the ideal size and scale of your bushfoods business, as these factors will influence the way you distribute your products. For example, are you going to sell your products only at markets or do you intend to set up a full-scale commercial operation? Your role, the finances required to set up and run the business, including overheads and costs, and the risks of things going wrong will differ depending on the scale of the business and production.

Biggest isn't always best

The types of bushfoods that you want to produce or use in relation to your products may only be available seasonally. Therefore, in the first instance it may be more viable to operate seasonally and harvest and/or produce products when the food is available, rather than set up a business that operates year-round.

Value adding

Value adding is the process by which you turn a raw ingredient such as Kakadu plum (or Gubinge) into another product, such as Kakadu plum yoghurt. In turning the raw ingredient

into another product, you are adding value to it. Now you have another product that you can sell for a higher price than you might have been able to sell the raw ingredient for.

You will have to determine whether you will be producing and selling a raw bushfood product itself or incorporating a bushfood into a value-added product, such as those shown below.

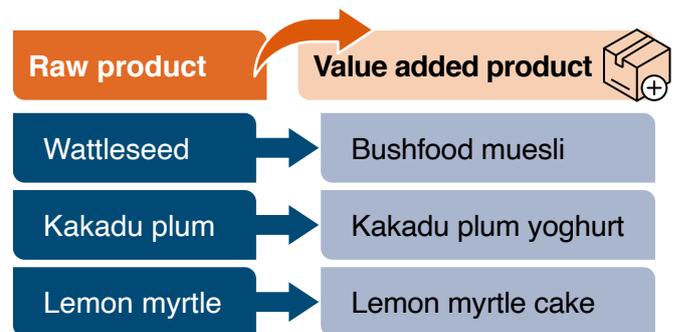


Figure showing how raw bushfood products could be turned into value-added products

One of the challenges of selling bushfoods is that most consumers do not know how to use the raw product. If an ingredient is produced from a raw product, such as dried goods, dry spices, tea, pulp, puree, juice or powder, it has a more stable shelf life and is more accessible to the market as a consumable ingredient. Several contract food manufacturers can help with developing such products.

Opportunities to expand markets, and the degree of research and development, manufacturing and packaging required for raw and manufactured bushfood products, will differ.

Aboriginal bushfood businesses may choose to partner with other native food or botanical businesses, or seek investment support, to produce a variety of products and target a wider market.



Tip!

Conduct product research and development as part of your business plan to ensure your products and business objectives align. An Aboriginal bushfood business's connection to Country, and the stories and knowledge of the native plants or animals incorporated in its products, are business assets that can be just as important as the product itself and provide a unique selling point.



Checklist

Research and development (R&D)

Some of the key considerations for product research and development are:

- What bushfoods are you growing, harvesting, or processing?
- Where do the bushfoods grow?
- Is it culturally appropriate to grow the bushfoods on the chosen Country?
- Do you have a cultural connection to the bushfoods?
- Do you have permission from the relevant Aboriginal community or group to grow or harvest the bushfoods on the chosen Country?
- Have you negotiated an Access and Benefit Sharing Agreement with the Aboriginal community or group? For more information about this agreement, and a checklist on contract terms, see the accompanying *Protection of Indigenous Ecological Knowledge for bushfood businesses* guide.
- When and how will the bushfood be harvested?
- What products do you want to make from the bushfood?
- What name or brand will you use to market your bushfood product?
 - For Aboriginal language words, consider the potential impacts of commercialisation (e.g., Trade mark registration – collective and general marks, Plant Breeder's Rights; and patents).
- Is it culturally appropriate to make those products from the bushfood?
- What is the size and scale of your production?
- What quality and quantity of the bushfood will you need for your products?
- Is there sufficient supply to generate your products?
- How will you manufacture the products?
- How many staff will be required to harvest, manufacture, market and sell the products?
- What is the shelf life of the products?
 - Consider transportation, especially overseas, and risks and liability that may arise if products go off.
- What is your target market and the size of that market?
- Who are your competitors?
- Are your products distinctive and innovative so they stand out?
 - Consider taste testing as well as market sensitivity.
- What is the profit margin, per product?
- What is the packing size per product unit?
- Are the products profitable enough for the business to be viable and sustainable?





Case study



**Bush
Medijina®**

Bush Medijina

Bush Medijina is a successful Aboriginal social enterprise that currently sells bush skincare products. The business is undertaking research and development to expand its product line into teas and infusions.

Bush Medijina is based on Groote Eylandt in the Gulf of Carpentaria, in remote Arnhem Land, 650 kilometres east of Darwin in the Northern Territory. The business was developed as the result of Elders of the Warningakalina people identifying a need to provide support, employment and education opportunities for women and children in the community.

A business plan was developed that highlighted the strengths of the women, including a strong connection to their culture, language and local Indigenous Ecological Knowledge, which are key components of Bush Medijina products.

Women collect local ingredients from Country and manufacture and package the products in their community, sharing knowledge and culture with the younger generation.

Bush Medijina supplies to domestic and international markets and has distribution arrangements across Australia. Products are sold through their online shopfront at bushmedijina.com.au/.

Earnings from the sale of products are reinvested into the venture to continue



to generate employment and security for women of the community. The empowerment of women contributed to Bush Medijina winning the 2019 Telstra Social Change Maker Award that acknowledges outstanding Northern Territory businesses.

Images courtesy of Bush Medijina



Resources

- *Bushfoods and Products Starter Kit* by Indigenous Business Australia (IBA). Contact your local IBA office for a kit: Visit iba.gov.au/
- Australian Native Foods and Botanicals (ANFAB) provides fact sheets and resources on 13 species of native foods that are in high demand. Visit anfاب.org.au/
- AgriFutures Australia provides publications and resources related to native food industry development. Visit agrifutures.com.au and click on the Publications and Resources tab (agrifutures.com.au/publications-resources/).



Desert Quandong



Supply chain and logistics

Production method quantities

Once the concept for your bushfood product has been developed, consider the production method that is best suited to your business. Determine your target market, the size of the market, manufacturing costs, and the predicted quantity of products required to meet potential consumer demand.

It is also important to understand your business priorities, as these will impact your chosen production method. For example, if the

employment of Aboriginal people or community members is a key priority, this will shape the production method and the number of employees required.

The selection of an appropriate production method will be vital to ensuring your bushfood products are cost effective, and your business is viable and sustainable. It is common for businesses to continually evaluate their sales and adapt product methods to suit.



Checklist

Production

When deciding on a production method, you should consider:

- What is your target market, and why?
- What is the size of that target market? Can it support your bushfood products?
- Will your products be high-end/luxury bushfoods, median range products, or for consumers on a budget?
- How will you manufacture the products?
- What is the size and scale of production, and does it require large scale equipment, or will it be handmade?
- How much will product production cost?
- How many products do you want to offer? Is it realistic to produce multiple products, or would subcontracting some of the production be required?
- Is employment of local Aboriginal community members a priority? How many people do you want to employ?
- Are there opportunities for subcontractors or involving other Indigenous businesses in the supply chain?
- How will you market the products?
- How and where will you sell the products - local markets, online, shop front, or through distributors to supermarkets and specialty stores?
- What is the required retail price of your products to cover overheads and be profitable?



Case study

NAAKPA

The Kakadu plum, or Gubinge, is a native plant that grows across northern Australia, from the Kimberley region in Western Australia to Arnhem Land in the Northern Territory. The plum is considered a 'super food' because it has one of the world's highest levels of vitamin C and contains antioxidant properties.

For generations, Kakadu plum has been wild harvested as a food source by Aboriginal communities. Unfortunately, international corporations have commercialised the Indigenous Ecological Knowledge of the fruit for cosmetic products, without attributing or sharing benefits with the relevant Aboriginal communities.

In August 2018, eight top-end Aboriginal enterprises established the Northern Australia Aboriginal Kakadu Plum Alliance (**NAAKPA**). The development of NAAKPA helps meet growing domestic and international market demand for Kakadu plum through a supply chain that protects Indigenous Ecological Knowledge.

With the support of the Indigenous Land and Sea Corporation (**ILSC**), and through collaboration and continued research and development, NAAKPA members engage in ethical fruit harvesting to supply Kakadu plum to market.

NAAKPA is managed by a steering committee that consists of representatives from each of the member Aboriginal enterprises. Through representative governance and use of Access and Benefit Sharing Agreements, NAAKPA and ILSC are helping to shape a sustainable Kakadu plum industry that builds community capacity, shares cultural knowledge, generates economic wealth for its member communities, promotes networking, and strengthens connection to culture.



For more information about Access and Benefit Sharing Agreements, see the accompanying *Protection of Indigenous Ecological Knowledge for bushfood businesses* guide.

NAAKPA has become Australia's largest Indigenous-controlled native food supply network as a result of understanding the market, adopting an innovative method of harvesting, providing food safety audits, undertaking chemical and microbial testing of fruit, developing marketing materials, and creating marketing opportunities, including representation at the Asia Pacific Food Safety Conference. Visit naakpa.com.au/



Building your team

It is important to ensure you have an adequate number of employees and contractors to assist with product development and business services. To find the talent you need, develop a recruitment process that includes screening of potential employees and contractors.

Consider the key work duties of employees, and the essential and desired skills required for them to fulfil the role. It is common for businesses to have employees with different skills, experience and professional backgrounds. Employees are an asset to any business. The recruitment process provides an opportunity to create a team that will best meet the strategic objectives and goals of your business.

When employing staff, you must comply with:

- National Employment Standards (NES)⁴, and
- Work Health and Safety (WHS) requirements.⁵

There is a difference between employing someone to work as an employee and contracting a person to undertake work for you as a contractor. An independent contractor is their own boss, and is hired to undertake a specific task, such as test a product for safety compliance. National employment standards do not apply to contractors. Contractors do not need to be paid annual leave, superannuation, or for the business that hires them to take out workers compensation insurance. A contractor will invoice you for their services, under their Australian Business Number (**ABN**), and may charge GST.



Good to know!

Do you have an ABN? When a business makes payments to suppliers for goods or services provided, the suppliers need to quote an Australian Business Number, commonly known as an ABN. However, certain suppliers, such as a person who picks fruit as a hobby, are not required to quote an ABN. In these cases, the supplier can complete a Statement by a Supplier form. To see if you qualify to use a Statement by a Supplier form, check the Australian Taxation Office website at ato.gov.au/ and search for 'statement by a supplier not quoting an ABN': ato.gov.au/forms/statement-by-a-supplier-not-quoting-an-abn/

⁴ The National Employment Standards under the *Fair Work Act 2009* (Cth) comprises 10 minimum entitlements for employees in Australia. An award, employment agreement or enterprise agreement might also apply, but can't provide for conditions that are less than the national minimum wages or the National Employment Standards. All employees must be provided a copy of the Fair Work Information Statement upon commencement of employment.

⁵ Work health and safety obligations are provided by the *Work Health and Safety Act 2011* (Cth), and the *Work Health and Safety (How to Manage Work Health and Safety Risks) Code of Practice 2015* (Cth). It is recommended that a work health and safety management system be adopted by developing policies and procedures to minimise the risk of injury and illness in the workplace.



Tip!

It is illegal for a business to avoid its obligations under the National Employment Standards by disguising an employment relationship as an independent contracting arrangement. Ensure you understand the difference between an employee and an independent contractor. Visit the Fair Work Ombudsman website and search for 'rights and obligations of independent contractors': [fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/rights-and-obligations/independent-contractors-and-employees](https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/rights-and-obligations/independent-contractors-and-employees)



Resources

- To explain minimum employment conditions, record-keeping, pay slips, unfair dismissal laws and other responsibilities for small businesses, the Fair Work Ombudsman has produced a *Fair Work Handbook* and a *Small Business Best Practice* guide. Visit the Fair Work Ombudsman website at [fairwork.gov.au](https://www.fairwork.gov.au) and search 'help for small business': [fairwork.gov.au/find-help-for/small-business](https://www.fairwork.gov.au/find-help-for/small-business)
- The website of the Fair Work Ombudsman provides many resources that outline your obligations as an employer. Visit [fairwork.gov.au/](https://www.fairwork.gov.au/) and search for 'National Employment Standards': [fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/minimum-workplace-entitlements/introduction-to-the-national-employment-standards](https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/minimum-workplace-entitlements/introduction-to-the-national-employment-standards)
- The national work health and safety and workers' compensation authority, Comcare, has developed a work health and safety management plan template that can be used to set up an effective health and safety management system. Visit the Comcare website at [comcare.gov.au](https://www.comcare.gov.au) and search 'work health and safety management plan template'. [comcare.gov.au/about/forms-publications/documents/publications/safety/work-health-and-safety-management-plan-template.pdf](https://www.comcare.gov.au/about/forms-publications/documents/publications/safety/work-health-and-safety-management-plan-template.pdf)
- Comcare's *Handbook - Principles of Good Work Design* supports better work health and safety outcomes and promotes business productivity. The handbook is available on the [Safe Work Australia](https://www.safeworkaustralia.gov.au) website by searching 'Principles of Good Work Design': [safeworkaustralia.gov.au/doc/handbook-principles-good-work-design](https://www.safeworkaustralia.gov.au/doc/handbook-principles-good-work-design)

Customers

A business is only as good as its customer base. It is important to ensure there are buyers for your bushfood products by predicting your target market.

Marketing is a key business process and an opportunity to tell the story of your bushfood products. This will give your bushfood products a 'cultural context' and provide consumers with a more holistic and valuable experience.

Tailor your marketing strategy to appeal to your target market and your budget. Professional marketing firms can be hired to develop a marketing strategy and ensure maximum reach for your products. Alternatively, try developing

your own marketing plan. A template is available from business.gov.au by searching 'Develop your marketing plan' or visiting business.gov.au/planning/business-plans/develop-your-marketing-plan.

Once your products are in the market, it is important to solidify and build your customer base by implementing marketing strategies to keep customers coming back. Don't forget to update your marketing plan regularly.



Maalinup Aboriginal Gallery bushfoods, image courtesy of Tourism Western Australia



Case study

Indigiearth

Indigiearth is an award-winning Aboriginal bushfood business that is owned and managed by Sharon Winsor, a Ngemba Weilwan woman from western New South Wales. The Mudgee-based business was born from the recognition that there was a lack of authentic bushfood products in the market. Indigiearth now sources a wide variety of native plants wild harvested by Aboriginal communities using traditional land management practices that respect Indigenous Ecological Knowledge.

Since its establishment in 2012 with 25 bushfood products, Indigiearth has marketed its products as premium Aboriginal native foods. With the growth of its customer base, Indigiearth increased the number of products it offers to over 200, including native tea, jam, chutney, sauce, herbs, spices, chocolate coated macadamias, native fruits, native food infused coffee, skincare products, native fragranced candles, gift packs and hampers.

Indigiearth also offers services, such as bush tucker catering, masterclasses, cooking demonstrations, cultural education and public engagements.

Through effective marketing and product development strategies, Indigiearth has successfully marketed its ethically sourced bushfood products as accessible staple



ingredients for kitchens throughout Australia, and the world. Visit indigiearth.com.au/

Images courtesy of Indigiearth

Funding and financial planning

Financial planning and sourcing funding are key considerations for any business, particularly start-up businesses that need to develop their products and customer base to ensure the business is sustainable.

Small businesses make up 41% of the private sector workforce in Western Australia, however a large proportion of small businesses close within the first few years due to a lack of leadership, management and/or poor planning. Strategic funding and financial planning are important to ensure your business is financially viable.

Business owners or managers need to have a good understanding of business management. It is possible to hire contractors to deal with business management tasks, however, business owners and managers need to know the financial status of the business.

To run a successful business, there are several key financial and business-related documents, including:

- Income/profit and loss statements, which outline business income and expenses, and indicate whether the business is profitable.
- Cash flow statements, which show the flow of cash in and out of the business and can be used to predict business profitability.
- Balance sheets, which provides a snapshot of the financial health of the business by mapping business assets (property and sales) against business liabilities (debt owed and accounts payable).
- Invoices from the sale of your product or for services you have contracted.
- Payslips and superannuation nomination forms for employees, which track employee-related expenses out of the business, and
- Business plans, which identify the strategic goals of the business in the short to mid-term.



Good to know!

The business.gov.au site provides a tool that allows you to filter grants and programs according to your business needs. Visit business.gov.au/grants-and-programs

Sandalwood nuts



Checklist

Funding

As an Aboriginal food business, you can seek funding, grants and business support from various sources, including:

- Indigenous Business Australia (IBA) – visit the IBA website at iba.gov.au and search for ‘Business development and assistance’: iba.gov.au/business-what-stage-is-your-business-at
- Indigenous Land and Sea Corporation (ILSC)
 - Visit the ILSC website at ilsc.gov.au and search for ‘Agribusiness investment program’: ilsc.gov.au/agribusiness-investment/
 - Visit the ILSC website at ilsc.gov.au and search for ‘Our Country, Our Future’ for a guide about outcomes that should be achieved by and for Indigenous people as a result of ILSC funding and other assistance: ilsc.gov.au/home/partner-with-us/our-country-our-future/
- National Indigenous Australians Agency
 - Visit the National Indigenous Australians Agency website at niaa.gov.au and search for ‘Aboriginal benefit account grant funding’: niaa.gov.au/indigenous-affairs/grants-and-funding/aboriginal-benefit-account-aba-grant-funding
 - Visit the National Indigenous Australians Agency website at niaa.gov.au and search for ‘Indigenous advancement strategy’, which provides funding for organisations to help them undertake projects or activities that promote equal opportunities for Indigenous Australians: business.gov.au/grants-and-programs/indigenous-advancement-strategy
- Visit the Australian Government’s Business website at business.gov.au and search for ‘Incubator support initiative of the entrepreneurs’ program’: business.gov.au/Grants-and-Programs/Incubator-Support-New-and-Existing-Incubators
- CSIRO – Visit the CSIRO website at csiro.au and search for ‘Kick-Start’, an initiative for innovative Australian start-ups and small SMEs, providing funding support and access to CSIRO’s research expertise and capabilities to help grow and develop businesses: csiro.au/en/Do-business/Solutions-for-SMEs/Our-Funding-programs/CSIRO-Kick-Start
- The Industry Capability Network (ICN) works across Australia and New Zealand to help businesses grow by acting as a networking platform for businesses to connect with suppliers, project managers and business opportunities. Visit the ICN website at gateway.icn.org.au/
- Investible - an early-stage investor that provides high potential business founders with the financial, human and intellectual capital needed to scale. Visit investible.com/
- Keogh Bay has been engaged by the WA Government to deliver free training and resources for Aboriginal businesses in the Pilbara, Mid–West, Gascoyne, and Goldfields-Esperance regions as part of its Aboriginal Business Capability Building Program. Visit the Keogh Bay website at keoghbay.com.au/ and search for ‘Indigenous business development’: keoghbay.com.au/indigenous-business-development/
- Small Business Development Corporation WA provides free business advice and support to WA small businesses. Visit smallbusiness.wa.gov.au/
- First Australians Capital provides capital investment to Indigenous businesses and has assisted several Aboriginal bushfoods companies. Visit firstaustralianscapital.org/
- AgriFutures Australia provides grant programs, publications and resources for agribusiness, including in relation to the native foods industry. Visit agrifutures.com.au/publications-resources/publications/





Emu and saltbush dish by Fervor, image courtesy of Chris Gurney



Business development

Business models

To establish a successful bushfoods business, it helps to determine the right business model for your business. A variety of business models are being used by profitable bushfood businesses, each with their own pros and cons.

Businesses can gain great strength from collaboration, so a sole trader structure may not be best. However, a group of sole trader businesses can come together to collaborate on a business. Alternatively, existing sole trader businesses can create a new business, such as a company, Aboriginal corporation, joint venture or alliance.

It is important to first decide whether your business will be for-profit or not-for-profit.

- For-profit organisations aim to earn profit through their activities, and distribute those profits to their shareholders, partners, beneficiaries or owners.
- Not-for-profit organisations provide community services and generally do not operate for a profit or personal gain. Any profits made are reinvested in the organisation to achieve its aims and objectives.



Tip!

The best business model will be different for each bushfoods business. It is recommended that you speak to an accountant or financial advisor before deciding on the model for your business.



Maalinup Aboriginal Gallery tasting, image courtesy of Tourism Western Australia

The following table outlines various business models:

Table 1. Strengths, weaknesses, opportunities and threats relating to different business models

Type	 Strengths	 Weaknesses
<p>Sole trader Individual with an ABN, such as Indigiearth</p>	<ul style="list-style-type: none"> • For profit • Simple set up • Low cost • Australia-wide • Flexible business arrangements 	<ul style="list-style-type: none"> • Personally liable for debts of the business • Working alone can be isolating • Personal tax return to also cover the business • Higher individual tax rates • Must register business name if not using your own
<p>Partnership Two or more people (generally family) working together</p>	<ul style="list-style-type: none"> • For profit • Simple set up • Medium set up costs • Minimal reporting requirements • Can enter Partnership Agreement to protect partners • Shared control and management • Can distribute profits as see fit 	<ul style="list-style-type: none"> • Cost to draft Partnership Agreement • Ends if partner leaves • Partner jointly and severally liable for debts of partnership • Higher individual tax rates • Must also submit tax return for partnership to ATO
<p>Company (Pty Ltd) One or more people or organisations that set up a new organisation</p>	<ul style="list-style-type: none"> • For profit • Limited liability of shareholders • Can be sole shareholder or director • ASIC has limited oversight • Distribute profits to shareholders • Has a constitution • Directors' duties 	<ul style="list-style-type: none"> • High cost to set up and run • Cost to draft Shareholders Agreement • Governed by legislation so less flexibility • High reporting requirements to ASIC • Must ensure legal compliance • Directors may be personally liable
<p>Company limited by guarantee (Ltd) Such as First Nations Bushfood & Botanical Alliance Australia</p>	<ul style="list-style-type: none"> • Not-for-profit • Limited liability of members • Only one member needed • Has a constitution • Directors' duties • Limited oversight from ASIC and ACNC 	<ul style="list-style-type: none"> • High costs to set up and run • Minimum three directors • Governed by legislation • Cannot distribute profits • Need to register with ACNC if want to be a charity • High reporting requirements to ASIC if not also a charity
<p>Aboriginal corporation Such as Anindilyakwa Services Aboriginal Corporation (which operates the all-women enterprise Bush Medijina)</p>	<ul style="list-style-type: none"> • For profit or not-for-profit • Members can choose to limit liability • Rule book • ORIC has greater oversight • Limited reporting requirements • Directors' duties • Can distribute profits to members if a for-profit structure 	<ul style="list-style-type: none"> • Medium costs to set up and run • Minimum of five members needed (general rule) • Minimum of three directors based on the number of members • Members must be Indigenous • Members cannot receive profits if a not-for-profit structure • May not have flexibility to make timely business decisions



Opportunities



Threats

- Funding opportunities for small business
- Can register with Indigenous business directories, such as [Supply Nation](#) (registered or certified supplier)

- Not a good structure for taking on employees
- High insurance costs
- Not separating business from personal income

- Sharing of costs
- Directly involved in running business
- Can register with Indigenous business directories, such as [Supply Nation](#) (registered or certified supplier)

- Potential for disputes among partners
- May choose wrong person to partner with, resulting in debts you must pay
- Potential for imbalance of decision-making among partners

- Ability to allocate different share types and dividends
- Ability to seek investors
- Sharing of costs and skills
- Can register with Indigenous business directories, such as [Supply Nation](#) (registered or certified supplier)

- Shareholders don't support board
- Complicated to wind up or exit
- Not a good structure for seeking grants and funding
- Changes to tax system and tax rates

- Less complex reporting requirements if a charity
- Opportunities for tax concessions
- Good structure for funding and grants
- Sharing of skills and resources

- Members don't support board
- Complicated to wind up or exit
- Changes to ACNC charity policies
- Not-for-profits can only register as a registered supplier with [Supply Nation](#)

- Ideal for community-based businesses
- Traditional decision-making structures in rule book
- Good structure for funding and grants
- Sharing of skills and resources
- For profits can register as a Certified Supplier with [Supply Nation](#)

- Members don't support board or become overly involved
- Lack of understanding of roles and obligations of members and directors
- Changes to government legislation
- Not-for-profits can only register as a Registered Supplier with [Supply Nation](#)

Type	 Strengths	 Weaknesses
Incorporated association Such as the <u>Noongar Land Enterprise Group</u>	<ul style="list-style-type: none"> • Not-for-profit • Separate legal entity • Low set-up fees • Limited liability of members • Rules • Directors' duties 	<ul style="list-style-type: none"> • State-based, only • Governed by legislation • Minimum of five members (six in WA) • Medium costs to set up and run • Cannot distribute profits
Cooperative Grower group or local hub	<ul style="list-style-type: none"> • For profit or not-for-profit • Low set-up fees • Members must be directly involved in running business • Formed to provide a service to members • Limited liability to members • Rules • Directors' duties 	<ul style="list-style-type: none"> • State-based only • Governed by legislation • Not separate legal entity • Minimum of five members • Liability falls to members • Limited or no distribution of profits
Alliance Such as <u>NAAKPA and the East West Alliance</u>	<ul style="list-style-type: none"> • For profit or not-for-profit • Easy to set up • Commercial arrangement - governed by contract (not legislation) • Flexibility of decision-making • No government reporting requirements 	<ul style="list-style-type: none"> • Not separate legal entity • Cost to draft contract • Liability falls to each alliance member • May prove difficult to get consensus among members when making decisions • No constitution • No Directors' duties
Unincorporated association Grower group or local hub	<ul style="list-style-type: none"> • Not-for-profit • Easy to set up • Governed by agreement of members by contract (not legislation) • Low cost set up 	<ul style="list-style-type: none"> • State-based, only • Not separate legal entity • Liability falls to members • No constitution • No Directors' duties • Treated as a company for tax purposes
Unincorporated joint venture (similar to alliance) Individuals or organisations that come together for a short-term business venture	<ul style="list-style-type: none"> • For profit • Easy to set up • Commercial arrangement - governed by contract • Flexibility of decision-making • Shared control • No reporting requirements 	<ul style="list-style-type: none"> • Not separate legal entity • Liability falls to joint venturers • Cost to draft joint venture Agreement • Risk of being classified as a Partnership • No constitution • No Directors' duties
Incorporated joint venture (same as Company Pty Ltd) Individuals or organisations that come together to set up a new company for a business venture	<ul style="list-style-type: none"> • For profit • Separate legal entity • Limited liability of members • Governed by constitution • Directors' duties 	<ul style="list-style-type: none"> • Registered company, so must comply with legislation • Must report to ASIC • High costs to set up and run



Opportunities



Threats

- Shared control
- Sharing of skills and resources

- Can be complicated to wind up or exit
- Cannot be registered with Supply Nation

- Member owned and controlled
- Equal vote for each member
- Members can be under 18 years of age
- Sharing of skills and resources

- Difficulty attracting members
- May choose wrong people to work with
- Ongoing training required
- Cannot be registered with Supply Nation

- Sharing costs
- Shared control
- Sharing of skills and resources
- Alliance members can determine how to split earnings

- May choose wrong people to work with
- Potential for imbalance of decision-making among members
- Cannot be registered with Supply Nation

- Sharing costs
- Shared control
- Sharing of skills and resources

- May choose wrong people to work with
- Potential for imbalance of decision-making among members
- Cannot be registered with Supply Nation

- Good for short-term projects
- Sharing costs
- Sharing of skills and resources
- Joint venture partners can determine how to split earnings

- May choose wrong people to joint venture with
- Potential for imbalance of decision-making among joint venture partners
- Cannot be registered with Supply Nation

- Good for long-term projects
- Sharing of costs and control
- Sharing of skills and resources
- Can register as an Indigenous joint venture with Supply Nation (registered or certified supplier)

- May choose wrong people to joint venture with
- Potential for imbalance of decision-making among joint venture partners



Case study



Noongar Land Enterprise Group

Established in 2014 by Noongar landholders, the Noongar Land Enterprise Group Incorporated (NLE) is a not-for-profit, Aboriginal-led grower group in Western Australia, and the first Aboriginal grower group of its kind in Australia.

The NLE currently represents six Noongar landholding groups located on Noongar Boodja (Country) in the South West region of Western Australia. Joining as a group has provided the grower group members the benefits of a collective approach. The aim of NLE is engaging in active land management involving business enterprise development on Noongar land.

It is hoped that NLE membership will continue to grow, with the addition of more Noongar properties located on Noongar Boodja.

Incorporated under the *Associations Incorporations Act 2015* (WA) in 2017, NLE’s goal is to be an example of entrepreneurial Noongar best practice through cross-cultural engagement with government, industry and the wider community.

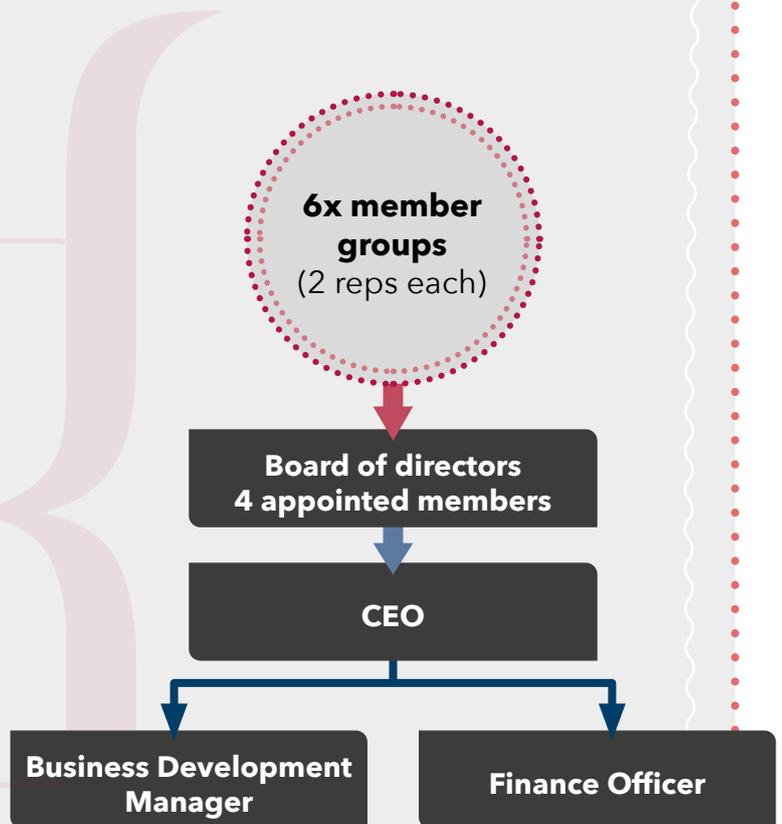
Having recently updated its constitution, or rule book, NLE is ensuring it sets high standards of governance as an Aboriginal grower group that represents a fusion of two cultures.

NLE’s Simon Wallwork said: “People support the structure that is in place when they understand the vision to support social enterprise from which benefits [to Aboriginal people and community] grow.” Visit noongarlandenterprise.com.au/

Figure 1. Noongar Land Enterprise Group business structure

Vision and mission statement underpinned by values of:

- Culturally and commercially appropriate
- Inclusive and reciprocal
- SMART
 - Specific strategic objectives
 - Measurable
 - Attainable
 - Realistic and achievable
 - Time based
- Innovative and empowering





Checklist

Business development

Business development considerations:

- Who will own the business?
- Who will run the business? (This may be different to the business owners)
- What is the appropriate business model?
 - Not-for-profit or for-profit?
 - State-based or national?
 - Sole trader, partnership, company, Aboriginal corporation, or alliance?
- What will be the business name? Is it unique and memorable?
- Where is the principal place of business? Where is the office?
- Will the business have employees? What skills do they need?
- Has an ABN, Tax File Number (TFN) and GST been registered for the business?
- Are you familiar with your obligations as an employer, regarding superannuation, tax, record-keeping, accounting and auditing?
- Have relevant insurances been organised?
- Does the business need to apply for permits or licences? (Check the Australian Business Licence and Information Service (ABLIS)).
- Are recruitment and employment systems in place?
- What company policies and contracts should be developed as a matter of priority? (For example, code of conduct, strategic business plan, employment contracts, and invoice templates, among others.)
- What is the shelf life of the products?
- How will the products be transported or shipped? Within Australia or internationally?
- How are you going to package and label your products? How will they stand out?
- What is your target market?
- What is the profit margin, per product?
- Are the products profitable enough for the business to be viable and sustainable?



Resources

- Terri Janke and Company's free business resource, *Law Way: Indigenous Business & the Law*, available online: 4b0a135d-0afc-4211-ad92-391c5def66bb.filesusr.com/ugd/7bf9b4_58fd0e828c964f57b16f1ae86530c83f.pdf
- Small Business Development Corporation WA provides free business advice, workshops and online resources for small businesses in WA. Visit smallbusiness.wa.gov.au/
- [Business.gov.au](https://business.gov.au) has a range of resources to help you plan, establish and run your business. Visit: business.gov.au/guide
- Indigenous Business Australia (IBA) offers business workshops, business support, and loans. Visit iba.gov.au/business-starting-thank/
- Australian Securities and Investment Commission (ASIC) provides information about the requirements for running a company or company limited by guarantee. Visit asic.gov.au/for-business/
- Office of the Registrar of Indigenous Corporations (ORIC) helps majority-Aboriginal groups to incorporate, and offers ongoing support in the form of guidance, regulatory flexibility (where needed and appropriate), and governance training for directors, secretaries and members. Non-profit corporations are also eligible for pro bono legal aid and help recruiting senior staff. Visit oric.gov.au

Branding and intellectual property

Branding

Branding is an important aspect for all businesses because it speaks to how you want your business to be identified by consumers and the wider market. Successful businesses often have strong branding and marketing strategies that allow their unique products and business experience to be distinguished from competitors.

A strong brand reflects on the reputation of your business, and includes your business name and logo, uniforms, personal presentation of staff, product packaging, customer service style, shop front presentation, website functionality and graphics, business cards, and all other marketing materials.

Business name and logo, product and product names provide an opportunity for Aboriginal

bushfood businesses to tell the story of the bushfood and its connection to Country, people and community, and spirituality. These are unique selling points for your bushfoods business.

Permission from the appropriate community rights holders or Traditional Custodians should be sought for use of Indigenous Cultural and Intellectual Property and Indigenous Ecological Knowledge, including language, stories and bushfood knowledge related to your business and products.

A written licence agreement can be used to set out the permissions granted, benefits that will be given in exchange, and community attribution, or credit, such as identifying the relevant community on product labels.

Protecting your brand – Intellectual property and confidentiality laws

Once you have decided on a business name, developed a logo and branding, and sought cultural permission for the use of cultural knowledge in relation to the products, it is important to consider the following:

- How do you protect your brand?
- How do you stop unauthorised use?

Intellectual property (IP) is the area of law that can be used to protect all business branding and marketing. IP includes copyright, trade marks, patents and Plant Breeder's Rights (PBR) laws. These are often complemented by the protections afforded by confidentiality law.

To protect your brand, you will need to use some or all the IP laws summarised in table 2.



Tip!

The more original and unique your business name, logo, product name or slogan, the easier it will be to register a trade mark with IP Australia.

Table 2. Summary of intellectual property laws

	Trade marks	Copyright	Patents	Plant breeder's rights	Confidential information
Protects	Words, logos, symbols and slogans. For example, business name and logo	New works, such as documents, artworks, photographs and recordings	New inventions, such as plant extraction method, or recipe	New plant varieties	Confidential information or trade secrets
Registration	IP Australia	Automatic	IP Australia	IP Australia	Not applicable, as needs to be secret
Duration	10 years (can be renewed)	Generally, life of the author, plus 70 years	20 years, or 25 years for pharmaceuticals	20 years, or 25 years for trees or vines	No time limit
Cost	\$250-\$330 per trade mark, per class	Free	\$370 per application, \$490 for examination, and \$250 for acceptance	\$345 per application, \$1,610 for examination, and \$345 for certificate	Free

Trade marks

Trade marks are signs used in business to distinguish goods or services. For example, business trade marks could include your business name and logo, product names, and any slogan or other unique identifiers.

You can gain legal protection and prevent others from being able to use your trade marks, names or logos by registering them with IP Australia. Visit the ipaustralia.gov.au website

and search 'trade mark basics': ipaustralia.gov.au/trade-marks/understanding-trade-marks/trade-mark-basics

A trade mark that describes what you are selling, such as 'Quandong jam', generally cannot be registered, nor can Aboriginal language words that translate to 'quandong' or 'jam'. However, 'Red Rock Quandong jam' can be registered because it includes a distinctive and unique name (Red Rock) that does not describe your product.

Desert quandong

If your business or product names use Aboriginal language words, or your logo incorporates cultural knowledge or Indigenous Cultural and Intellectual Property, you should seek permission from the cultural rights holders, Traditional Custodians or language group for use in relation to your business and negotiate permission for use in exchange for appropriate benefits.

In developing your branding and business marketing, ensure your business name, logo, product names and slogans are:

- unique
- easy to distinguish from other business names and logos
- easy to pronounce, read and spell
- not descriptive of your business products or services, and
- registered as trade marks with IP Australia.



Good to know!

You can continue to use a business or product name that is not registered as a trade mark. Use the trade mark symbol '™' to make people aware of your interest in the mark.

If you have registered your business or product name as a trade mark with IP Australia, you can use the ® symbol to assert your exclusive interest over the marks.



Tip!

Trade marks are different to business names

You must register your business name with the Australian Securities and Investments Commission (ASIC) if it is different to your legal name, or your registered company or corporation name. Business name registration does not give you any legal right to prevent other people using a similar name, but registration of your business name as a trade mark does.

Trade marks can also be registered as:

- Collective marks, which identify products provided by members of an association or group. For example, a group of growers could register a trade mark that only their members could use, or
- Certification marks, that are used to identify products that meet certain standards, such as the Supply Nation Certified logo.

For example, a collective mark or a certification mark could be registered to identify that a product or products come from a specific geographical location.

Copyright

Copyright protects original expressions of information and ideas in material form, such as a written product recipe or a logo or painting that has been created. If you are the creator of copyright material, you automatically have the exclusive rights to use, reproduce, communicate, amend, adapt and publish it.

Copyright will protect materials created for your business, including your:

- logo
- website and social media content
- business documents
- marketing materials
- product recipes
- methods and processes of manufacture, and
- photographs, sound recordings and videos.



Good to know!

Copyright protection is automatic - you don't need to register your copyright interest to gain protection, as is required for trade marks.

You should always include a copyright notice on materials you create. A copyright notice asserts your copyright interests and alerts people not to copy without permission. For example:

Copyright © [your business name], [year of publication].

Copyright © Red Rock Quandong Jam, 2020.

Copyright can protect any written or recorded cultural knowledge and Indigenous Ecological Knowledge used in your business or products.

Copyright generally lasts for the life of the author, plus 70 years. However, if the copyright material is created by an employee in the course of employment, the copyright will belong to the business. It is recommended that all employment agreements include an intellectual property (IP) clause that assigns (transfers) all IP created by staff in the course of their employment to your business.

Anything that is not protected by copyright, due to expiry of protection, or not meet the criteria for copyright material, is information that can be freely used, amended, and published by other parties.

Patents

Indigenous Cultural and Intellectual Property that relates to the cultivation, harvesting and use of bushfoods is extremely valuable.

Developing bushfood products and participating in research and development (R&D) projects with other people or organisations can lead to new discoveries and inventions that can be protected under the *Patents Act 1990* (Cth). An example is the discovery of a new way to extract unique compounds from a native plant.

If you are developing products from plant knowledge, consider registering a patent over your inventions, as a patent will give you exclusive commercial right to use your invention for a period (a monopoly).

Plant Breeder's Rights

If you are experimenting with native plant products and developing new varieties of plant species, consider registering them with IP Australia. Once registered, you will have exclusive rights to benefit from use of the new plant species under the *Plant Breeder's Rights Act 1994* (Cth) for a period. For more information, visit the IP Australia website ipaustralia.gov.au and search for 'PBR': ipaustralia.gov.au/plant-breeders-rights/understanding-pbr/pbr-basics

Confidentiality

If you have information that you don't want to be used by other people, such as business know-how, trade secrets, product recipes, or Indigenous Ecological Knowledge, including knowledge about bushfood, harvesting sites, or farming practices, you may be able to protect it as confidential information.

To do so, the information must:

1. be secret, that is, not published anywhere, or be considered trivial or common knowledge,
2. only be shared in a relationship of confidence, and
3. would cause you emotional and/or financial harm or damage if misused.

To prevent people from sharing your confidential information without consent, you must tell them it is confidential.



Checklist

Branding

Protect your branding by ensuring the following:

- The name of your business and products are easy to say and write.
 - If your business or product names include language words, seek permission for their use from the relevant language group, and negotiate appropriate benefits.
- Your business name has been registered with the Australian Securities and Investments Commission (ASIC). You are legally required to register the business name with ASIC if it is not your own nor your registered company name.
 - An Australian Business Number (ABN) is required to register a business name. You can register for an ABN and your business name by visiting register.
business.gov.au/
- Register '.com' and '.com.au' website URLs (domain names), email addresses and social media handles for your business, even if you don't need to immediately use them.
 - Register domain names online with a web hosting service provider.
 - Decide which social media platforms you want to register, such as Facebook, Instagram, Twitter, YouTube, and LinkedIn.
- Register your business name and logo as trade marks with IP Australia to gain exclusivity over their use, preventing other people from using them.
 - If your business name or logo incorporates language or cultural imagery, seek permission to register the knowledge as a trade mark from the cultural rights holders or relevant community, and negotiate permission in exchange for appropriate benefits.
- You assert copyright ownership over all material created for the business, including website content, marketing materials, and product packaging, by marking them with 'Copyright ©, [your business name], [year].'
- Keep unique recipes, know-how and Indigenous Ecological Knowledge confidential (secret), don't tell anyone, and ensure people you share it with understand the information is confidential and they can't use it without your permission:
 - Mark all business-related documents, recipes, know-how, methodology, processes and bushfood cultural knowledge with 'Commercial in Confidence'.
 - Have potential investors, funders, partners or collaborators sign a Non-Disclosure Agreement (NDA) before you share confidential information about your business or products.
- New inventions that have not previously been made, such as product recipes or distillation methods, can be registered as patents with IP Australia.
 - If your methods are based on traditional knowledge, seek permission to register the knowledge as a patent from the cultural rights holders or relevant community, and negotiate permission in exchange for appropriate benefits.

Native food propagation



Case study



Kungkas Can Cook

Kungkas Can Cook is an Aboriginal bushfoods catering company, run by Rayleen Brown in Mparntwe (Alice Springs), which promotes the sharing of culture through bushfoods.

Kungkas Can Cook supports wild harvesting on Country and works with local Arrernte women in rural and remote communities of Australia's Central Desert region to collect seasonal bushfoods for use in its products.

The local women are a fundamental part of the process - they contribute to the value chain of bushfood products created, while generating direct economic and other benefits for their communities, while ensuring the continuation of traditional practices, techniques and knowledge.

Rayleen has mentored many Aboriginal women in the Northern Territory's bushfoods industry, and co-authored *Aboriginal people, bushfoods knowledge and products from central Australia: Ethical guidelines for commercial bushfood research, industry and enterprises*, which can be found online at: nintione.com.au/resource/NintiOneResearchReport_71_BushFoodGuidelines.pdf



Images courtesy of Kungkas Can Cook



Resources

- For more information about business branding, intellectual property and Indigenous Cultural and Intellectual Property, see the Law Way videos and other resources developed by Terri Janke and Company: terrijanke.com.au/resources
- For more information about copyright, visit the Australian Copyright Council: copyright.org.au/
- To register a business name and ABN, visit: register.business.gov.au/
- To register a website, visit au.godaddy.com/
- For more information about registration of a trade mark, patent or Plant Breeder's Rights, visit ipaaustralia.gov.au/. It is recommended that you seek legal advice before registering with IP Australia.



Boab trees on Nyikina
Mangala Country in
Western Australia

Regulatory requirements and legislation

Collection, sale and access to flora and fauna

Collection on private and Crown lands

Australian native plants and animals are generally protected. To collect or sell threatened and protected Australian native plants and animals from private or Crown lands, it is generally a requirement to apply for a permit or licence from the private property owner or the relevant state or territory authority. For more details, see the tables in the *Contact list – Collection and sale of flora and fauna section* at the end of this publication.

Collection on Aboriginal owned or managed land

The *Native Title Act 1993* (Cth) (Native Title Act) recognises the inherent rights and interests of Aboriginal and Torres Strait Islander peoples in land and waters, according to customary and traditional laws, including the right to:

- maintain and protect sites
- use the land for hunting and ceremony
- camp and live on the land
- share in money from any development on the land, and
- have a say in the management or development of the land.

To access and gather native plants or animals from Native Title lands, liaise and seek consent from the Prescribed Bodies Corporate or Registered Native Title Bodies Corporate that represent the Traditional Custodians of those lands or waters. If in doubt, contact the area's Local Aboriginal Land Council. For more details, see the tables in the *Contact list – Collection and sale of flora and fauna section*, at the end of this publication.



Good to know!

Rules for the collection and sale of native plants and animals are different in each state and territory.



Western honey bee (*Apis mellifera*) collecting nectar and pollen from Cootamundra wattle flowers, South Australia

Food standards

Food Standards Australia New Zealand (FSANZ) regulates food safety in Australia by implementing the Australia New Zealand Food Standards Code (Food Standards Code).

The Food Standards Code provides food businesses with guidance on food safety and production standards and is complemented by the Food Safety Standards.⁶

In Australia, food business owners are legally responsible for ensuring that food sold to customers is safe and suitable to eat. Businesses that don't comply with the Food Standards Code and food safety training requirements can:

- have their food business license suspended or cancelled
- be fined
- be added to the 'Name and shame list' (in New South Wales and Queensland)
- face prosecution for serious breaches
- be forbidden to handle food, and
- suffer reputational damage.

The Food Standards Code is governed by state and territory departments. However, local councils have an active role in the registration, compliance monitoring, enforcement and provision of education and advice for food businesses.

A full list of the state and territory food laws and regulators is listed in the *Regulations for food products* section, at the end of this publication.

All bushfood businesses should develop a food safety program, or documented system, that identifies the food safety hazards in the handling of food as part of the business and details the way the hazards will be controlled.

Aboriginal bushfood businesses must be aware of the food safety regulations that apply to their business nationally, and in their state or territory. Actively understand and fulfill your food safety obligations, as a breach can cause reputation damage that will impact your business and products.

Sale of food

Registration, licences and permits are required to manufacture and sell food, including from premises, and are different in each state and territory.

Register and license your food business through your local council. For more information, see the full list of state and territory food laws and regulators in the *Regulations for food products* section, at the end of this publication.

In addition to licences to sell food products, your premises must be designed and fitted to safely handle and prepare food and avoid contamination. Your local council can provide advice on the safety standards required for your business premises.

Ensure you have:

- An adequate layout and space to enable people to work without contaminating food. For example, to keep raw and cooked foods separate, and to keep waste away from fresh food.
- Convenient dedicated hand wash basins, with warm running water, soap and single-use towels. To use this sink for other purposes, such as washing dishes or laundry, written approval from your local council is required.
- Fridges that are big and powerful enough to maintain food at 5°C or colder, and freezers that keep frozen food frozen solid.
- Enough storage to protect food and packaging.
- Floors, walls and benches that can be easily cleaned.
- A supply of drinking-quality water, and good light and ventilation, and
- A system for the safe storage and dispose of waste.

⁶ Food Standards Australia New Zealand. Safe Food Australia - A guide to the Food Safety Standards. (November 2016). Available from: foodstandards.gov.au/publications/Pages/safefoodaustralia3rd16.aspx

Product Safety Australia provides information on industries that have product safety recalls, mandatory safety standards (minimum requirements that products must meet before they are supplied, to prevent or reduce the risk of injury to a person), and product bans for the Australian market.



Tip!

- Keep your premises clean and sanitised.
- Ensure you have a means of tracing who has bought or been given your products and ingredients.
- Uphold safe food temperatures and processes to prevent contamination.
- Contamination can be prevented by adopting the following simple but effective methods:
 - o Always protect food during storage, processing, transport and display.
 - o Thoroughly wash and dry hands before handling food.
 - o Do not handle food if you are ill.
 - o Do not cross contaminate raw foods with ready-to-eat foods or different food groups, such as meat and vegetables.

Food with medicinal or cosmetic properties

The claims you make about your bushfood products determine whether they are considered a food, cosmetic or medicine.

For medicinal products, or if you claim your products have medicinal or therapeutic properties, consider the rules provided by the *Therapeutic Goods Act 1989* (Cth), and the Therapeutic Goods Administration.

For cosmetic products, consider the rules provided by the *Industrial Chemicals Act 2019* (Cth), and the Australian Industrial Chemicals Introduction Scheme (formerly NICNAS).

Horticulture Code of Conduct

Horticulture produce includes unprocessed fruit, vegetables (including mushrooms and other edible fungi), nuts, herbs and other edible plants, excluding nursery products.

Growers and traders comply with the Horticulture Code of Conduct when buying and selling horticulture produce. If you grow bushfoods and sell through an agent or to a merchant, the Horticulture Code of Conduct (Code) specifies you must have a written contract. The Code also specifies the contract include certain information, such as how price is calculated and when you get paid. A written contract protects you by detailing what you and the agent or merchant can and can't do, creating transparency around your relationship with the agent or merchant. The Code also sets out a way for the parties to try to resolve disputes.



Wattleseed icecream with chocolate crumb and Illawarra plum



Resources

- The tables in the *Contact list – Collection and sale of flora and fauna* section at the end of this publication provide contact details to identify the permits or licences needed to harvest and/or sell native plants and animals, depending on the state or territory in which you're based.
- The National Native Title Tribunal has developed the Native Title Vision, a free online visualisation, mapping and query tool to assist in identifying Native Title claim areas across Australia and determine who to contact for permission. Visit nntt.gov.au/assistance/Geospatial/Pages/NTV.aspx
- The Prescribed Body Corporate (PBC) website, hosted by AIATSIS, profiles and provides contact details for each registered PBC and Registered Native Title Body Corporate (RNTBC) across Australia. Visit nativetitle.org.au/
- Contact information for the food laws and regulators for each state and territory are listed in the *Regulations for food products* section at the end of this publication.
- Food Standards Australia New Zealand provides information about:
 - o Food Standards Code. Visit foodstandards.gov.au/code/Pages/default.aspx
 - o Food safety. Visit foodstandards.gov.au/foodsafety/standards/Pages/Foodsafetystandards.aspx
 - o Tips for home-based businesses. Visit foodstandards.gov.au/foodsafety/standards/Pages/Home-based-food-businesses.aspx
- You can find all the licences and permits you need to sell food products on the Australian Business Licence and Information Service (ABLIS). Visit ablis.business.gov.au
- Product Safety Australia provides information on product safety. Visit productsafety.gov.au/
- Therapeutic Goods Administration provides information about:
 - o Traditional medicine products. Visit tga.gov.au/
 - o The Food-Medicine Interface Guide Tool assists manufacturers and importers of products to determine if their product is a food or medicine. Visit: tga.gov.au/food-medicine-interface-guidance-tool-fmig
- Australian Industrial Chemicals Introduction Scheme provides information about cosmetic products. Visit industrialchemicals.gov.au/
- Australian Competition and Consumer Commission provides information about the Horticulture Code of Conduct. Visit acc.gov.au/business/industry-codes/horticulture-code-of-conduct



Sandalwood nuts

Doing business

Marketing and selling your products

It is necessary to market, promote and advertise products to your target market to generate business. There are different ways to do this, including through print media, websites, social media, online advertising, mail outs, and marketing campaigns, among others.

Develop a marketing strategy to ensure your products are marketed to the right audience, and with the appropriate tone, to appeal to consumers.

In conjunction with marketing, consider how you are going to sell your products, and the most appropriate method of distribution for your products and business. For example, products can be sold via an online shop front, website, a physical retail or wholesale store, or at local and interstate markets and expo events.

Consider partnering with other businesses that are willing to sell products on your behalf as distributors.

Once your business model and strategy, product development, and branding is in place, consider the legal obligations you have to your consumers. These include:

- Australian Consumer Law and Fair Trading laws
- Consumer guarantees
- Product labelling, and
- Business reviews.



Good to know!

A licence is required to play music in public places, such as in your shop or at a venue. More information about the licences you need, and their application is provided by:

- APRA AMCOS. Visit apraamcos.com.au/ and
- Phonographic Performance Company of Australia (PPCA). Visit ppca.com.au/





Bolo's Coastal Walk Tours at Kooljaman
Oysters, image courtesy of Tourism
Western Australia



Case study

Blak Markets

First Hand Solutions is a Sydney-based Aboriginal corporation that developed and delivers Blak Markets as part of its social enterprise arm.

Blak Markets is a micro-business hub that showcases Indigenous businesses from across Australia on Bare Island in La Perouse, south east Sydney, and several pop-up locations around Sydney.

By providing economic development opportunities, Blak Markets strives to promote community participation and engagement with the vibrant native bushfoods industry.

Recently, Blak Markets moved its collection of Indigenous businesses online, offering products including arts, crafts, beauty and skincare, clothing, jewellery and bushfoods at blakmarkets.com.au/



Images courtesy of Blak Markets

Australian consumer law and fair trading laws

All businesses that lease, sell or hire goods or provide services to Australian consumers must comply with Australian Consumer Law (ACL), which ensures that, across Australia, consumers have the same protections, and businesses have the same obligations and responsibilities. Australian Consumer Law covers:

- Consumer industry codes
- Product safety
- Product labelling
- Unfair market practices
- Collective bargaining
- Price monitoring, and
- Mergers and acquisitions of companies.

In addition to obligations under Australian Consumer Law, fair trading laws in each state and territory prohibit false, misleading and deceptive conduct during trade. For bushfood businesses, fair trading regulations require that you do not engage in:

- Unfair contract terms with consumers, suppliers or other vendors.
- Unconscionable or fraudulent conduct in business dealings, and
- Colluding with other competitors in the market.

Businesses found to be in breach of fair trading or consumer guarantees will be investigated and dealt with accordingly by the Australian Competition and Consumer Commission (ACCC).

Consumer guarantees

Consumer guarantees protect consumers when they buy faulty or misleading goods or services. Businesses must guarantee their products function as advertised and offer consumer guarantees about their products, including that they:

- Are of acceptable quality and are safe, faultless, look acceptable, last and do all the things someone would normally expect them to do.
- Are fit for any purpose that the supplier says they would be, or that the consumer made known to the supplier before buying, and
- Are accurately described and match any samples.

Suppliers of services and manufacturers, and importers of goods, must also abide by consumer guarantees. For more information, visit acc.gov.au/consumers/consumer-rights-guarantees/consumer-guarantees

If you breach a consumer guarantee as a supplier of goods or services, the consumer is entitled to a remedy by way of either a repair, replacement or refund. Remedies are discretionary and negotiated between consumer and supplier or manufacturer. Alternatively, Australian courts and tribunals can enforce Australian Consumer Law, and issue fines or pecuniary penalties.

Product labelling

The Food Standards Code sets food labelling standards that are enforced by Australian state and territory governments. As a minimum, your bushfood products must have:

- Accurate names and descriptions to indicate the nature of the food. For example, 'Strawberry yoghurt' should contain strawberries. If it were to contain strawberry flavouring rather than real strawberries, the label should indicate that it is strawberry flavoured yoghurt.
- Accurate weights and measures.
- A statement that identifies where the food was grown, produced, made and packaged, and
- Legible (clear) labelling. The Food Standards Code requires that labels be legible and prominent, distinct from the background, and written in English. The size of labelling type must be at least 3mm high, except on small packages where the size of the type must be at least 1.5mm high.



Graphic design

Many graphic designers for food labels operate on a content basis, which means the cost of getting a label is quite inexpensive. You may wish to use a graphic designer that does this to reduce costs.

Nutritional panels

Food Standards Australia New Zealand (FSANZ) has a nutritional panel calculator that helps in the calculation of your product's nutritional content. The calculator is available at: foodstandards.gov.au/industry/npc/Pages/nutrition-panel-calculator.aspx

Business mentors and building business relationships

Successful business operators often have at least one mentor and good relationships with a broad network of associates, such as other business operators, suppliers, bank manager, accountant, and lawyer, whose expertise and resources can be drawn upon, when required. The success of an emerging business is dependent on business managers having or developing the capability to build and manage important relationships.

Aboriginal businesses can thrive if they draw on the collaborative strengths of their community and other Aboriginal people and businesses. The sharing of resources, skills

and capabilities, or collaborating with other Aboriginal bushfood businesses, can increase your ability to develop and market your bushfood products. This is what NAAKPA, the Noongar Land Enterprise Group and Outback Academy Australia have successfully achieved.

Start by connecting with the First Nations Bushfood and Botanical Alliance Australia, Indigenous Business Australia and the Indigenous Land and Sea Corporation. Aboriginal bushfood businesses may also wish to connect with Australian Native Foods and Botanicals (ANFAB).



Checklist

Business review

The end of the financial year provides an opportunity to evaluate your products and business, however, you can also conduct reviews more often if necessary. Various measures can be used to assess how successful your business is. It is good practice to regularly review your business as a whole to understand how to improve it.

Business reviews are an important aspect of ensuring your business is sustainable. Often business reviews involve a review of the business functions. Some businesses use quantitative measures, such as profit, loss, sales and social media engagement, while other businesses use more qualitative measures, such as consumer feedback or staff satisfaction evaluations. It is up to you which business review methods you use.

Business review

When reviewing your business, consider:

- What does business success look like?
- Is the business successful?
- What is the financial health of the business?
- Is the business making a profit? If not, why not?
- Do consumers like the bushfoods products?
- How can the products be improved to be more appealing to the market?
- Is the business marketing strategy working? If not, how can it be improved?
- Does the business plan need to be amended to better fit the evolving desires of the business?



Resources

- The Australian Competition and Consumer Commission (ACCC) has developed a guide to assist small businesses to understand their rights and obligations under Australian Consumer Law. The guide is available at: acc.gov.au/publications/small-business-the-competition-and-consumer-act
- For more information about Fair Trading laws, visit business.gov.au/products-and-services/fair-trading/fair-trading-laws
- The following resources can help you decide what food labelling requirements are applicable to your bushfood product:
 - o **Country of origin labelling** is compulsory for seasonings, confectionary, tea and coffee, biscuits, snack foods, bottled water, soft drinks, sports drinks, and alcohol. Visit acc.gov.au/publications/country-of-origin-food-labelling
 - o **Food allergies and intolerances** - Most food allergies are caused by peanuts, tree nuts, milk, eggs, sesame seeds, fish and shellfish, soy, lupin and wheat. These ingredients must be declared on the food label, when present.
 - o **Ingredient list and percentage labelling** – All ingredients in the food product must be listed with the relevant percentage of the ingredient as a component of the product. Visit foodstandards.gov.au/code/userguide/pages/ingredientlabelling.aspx
 - o **Nutrition, health and related claims** are voluntary statements on labels and in advertising made by food businesses about a food. Visit foodstandards.gov.au/industry/labelling/Pages/Nutrition-health-and-related-claims.aspx
 - o **Warning and advisory statements** are only relevant for foods or ingredients that may cause health risks for some consumers. See the list of foods here: foodstandards.gov.au/consumer/labelling/advisory/Pages/default.aspx



Case study



Outback Academy Australia: Follow the Flowers business movement

Greatest good for the greatest number and Country. Leave no-one behind

Outback Academy Australia (Outback Academy) is a not-for-profit, national facing, authentic, First Nations-led organisation. Their charter is to focus on capacity and capability building for national supply chain opportunities with connected First Nations regenerative farmers. This includes for conventional food, bush produce, honey, Australian Native Wildflowers, botanicals and farm-based tourism.

Outback Academy's role is to enable, multiply and assist with capacity and capability building. They also broker investment and mutually beneficial partnerships to develop regenerative agricultural and horticultural businesses, including bushfoods and botanicals. They are restoring First Nations values for business and trade that will regenerate Country, culture and people.

Outback Academy operates under four pillars, each of which is embedded with place-based cultural respect protocols:

1. **Build ethical, inclusive and sustainable local economies**

Outback Academy embraces opportunity for all land tenure situations, such as Traditional Owners, Aboriginal community-controlled farms, and family-individual owned farms where values and interests are aligned in returning Country, communities and families to health through business and ethical wealth creation.

2. **Environmental and cultural resources are returned to health**

Outback Academy applies farm planning and management that addresses climate change, threatened species protection, water, energy and circular economy waste management. Traditional Ecological Knowledge is embedded alongside best practice in agricultural and



horticultural business, and related technologies.

3. **Leave no-one behind – Achieve social impact**

Outback Academy applies social, economic and environmental determinants of health to our business. In all businesses, wealth creation pathways, employment, education and training form part of our approach to achieving the broadest social and health impacts in the communities where farms are located. They actively include, opportunities for those most in need of a 'hand up'.

4. **Quality business practice**

Outback Academy applies best practice industry standards, systems and knowledge, biosecurity compliance, ethical research, and workforce capability building to build confidence in its products and people.

For further information, contact Outback Academy Business Development Leads:

Kelly Flugge (WA), Kevin Kropinyeri (SA),
Neville Atkinson (East) at
info@outbackacademy.org.au



Wattleseed



Bolo's Coastal Walk Tours at Kooljaman, image courtesy of Tourism Western Australia



Where to next?

Starting a bushfoods business or venturing into the bushfoods industry can be an exciting and productive experience. As a starting point, it is recommended that you:

- **Prepare for business** - Do your research and prepare by deciding on your business name, product, marketing strategy, and business goals, among others. Consider the most appropriate business structure and governance model to meet your business needs.
- **Understand your purpose** – Set short-term and long-term goals to help identify what you are striving to achieve with your business. Goals will also provide you with a means of reviewing the business, which is an important process for all businesses. Develop a business plan and way of doing things that sits well with your personal values, morals and cultural beliefs.
- **Understand your business obligations** – This guide provides resources that can help you understand your obligations and considerations when starting a bushfoods business. Be proactive about staying up to date on any changes of laws or regulations that may affect your business, such as the Australia New Zealand Food Standards Code.
- **Be open to new experiences** – Understand that things will not always go according to plan, despite the amount of business planning you have undertaken. Be flexible with your business goals and adapt them according to the needs of your consumers and the food industry.
- **Be conscious of how the Indigenous Cultural and Intellectual Property, including Indigenous Ecological Knowledge, is used in your business** – Keep in mind the impact that commercialisation of Indigenous Cultural and Intellectual Property and Indigenous Ecological Knowledge will have on future uses. When commercialising native plants, it is best practice to consult, collaborate, and seek free, prior and informed consent from the Traditional Custodians of Indigenous Cultural and Intellectual Property and Indigenous Ecological Knowledge. See the accompanying publication, the *Protection of Indigenous Ecological Knowledge for bushfood businesses* guide for more information on this.



Cygnets Bay Pearl Farm, image courtesy of Tourism Western Australia



Bundy's Cultural Tours, Dampier Peninsula, image courtesy of Tourism Western Australia



Service providers

The following organisations can assist you with running your business:



The Department of Primary Industries and Regional Development (DPIRD) Aboriginal Economic Development (AED) unit

DPIRD's Aboriginal Economic Development (AED) unit builds local capacity and supports new business and jobs for Aboriginal people through primary industries and strategic regional projects. The AED team consists of dedicated specialists who work to grow and support Aboriginal employment and economic outcomes in a range of industries and strategic projects.

Phone: +61 459 867 908

Email: aed@dpiird.wa.gov.au

Website: agric.wa.gov.au/aboriginal-business-development-0



AgriFutures Australia

AgriFutures Australia is a statutory authority of the Federal Government that was established by the *Primary Industries Research and Development Act 1989*, and invests in research, leadership, innovation and learning to support industries that do not have their own research, development and extension function, as well as new and emerging industries, and issues that affect the whole of agriculture. The AgriFutures Emerging Industries Program has invested in several native food industries, including Kakadu plum and wattleseed, and other initiatives, to grow the Australian native food and agricultural sector.

Website: agrifutures.com.au/rural-industries/emerging-industries/



Australian Charities and Not-for-profit Commission (ACNC)

Contact the Australian Charities and Not-for-profit Commission to register an organisation as a charity. The Commission's website has many resources that explain what a charity is, how to apply, charity tax concessions, and ongoing compliance requirements.

Website: acnc.gov.au



Australian Native Foods and Botanicals (ANFAB)

Australian Native Food and Botanicals is a national body for the Australian native food and botanical sector. ANFAB represents the interests of its industry members, and advocates for the growth and development of the sector.

Website: anfab.org.au/main.asp



Australian Securities and Investments Commission (ASIC)

Contact the Australian Securities and Investments Commission to register Company (Pty Ltd), Company Limited by Guarantee (not-for-profit) and business name. The ASIC website has many resources concerning how to comply with the Corporations Act and ASIC requirements, as well as company governance obligations.

Website: asic.gov.au



business.gov.au

business.gov.au provides information and support from across the Federal Government to help your business succeed. Find grants, advisory services, events and training and key information about starting, running and growing your business.

Website: business.gov.au



First Nations Bushfood and Botanical Alliance Australia

The national organisation for First Nations Australian Bushfoods and Botanicals Alliance was developed following the inaugural National Indigenous Bushfoods Symposium in November 2019 and the National Indigenous Bushfoods Statement. The Alliance offers a directory of First Nations owned businesses and advocates for increased representation and leadership of First Nations people in the native foods industry.

Website: fnbbaa.com.au/



Food Futures

Food Futures Company works with growers, start-ups, corporates, and tech companies in the agrifood sector to create a positive impact on human health, the environment and food security. Its native agriculture and food programs work with Indigenous-led businesses and growers to increase the skills and capability needed to develop market opportunities and viable businesses. Programs are tailored to meet the needs of Indigenous entrepreneurs and include access to Indigenous mentors and experts.

Website: foodfutures.com.au



Indigenous Business Australia (IBA)

Indigenous Business Australia provides loans and business support to Aboriginal businesses throughout Australia. IBA provides a mix of products, services, advice, networks and capability to help you start or grow your business. IBA's *Bushfoods and Products Business Starter Kit* is available from your local IBA office. For a copy, contact below.

Phone: 1800 107107

Email: iba.gov.au/email-us/

Website: iba.gov.au/



Indigenous Land and Sea Corporation (ILSC)

The Indigenous Land and Sea Corporation assists Aboriginal and Torres Strait Islander people to realise economic, social, cultural and environmental benefits related to the ownership and management of land, water and water related rights. ILSC provides this assistance through the acquisition and management of rights and interests in land, salt water and

freshwater Country. The ILSC offers funding of up to \$100 000 for small projects and more than \$100 000 for large projects.

Website: ilsc.gov.au



Many Rivers

Many Rivers Microfinance Limited (Many Rivers) is a not-for-profit organisation that supports aspiring business owners with microenterprise development support and access to finance, in order to see the potential of people and communities realised.

Website: manyivers.org.au



Morrgul

Morrgul is a Broome-based organisation that offers business development and ongoing business support to Aboriginal people. Morrgul services are provided at no cost to community members who have the ability and motivation to start their own business. Morrgul can help you start a business or improve your existing business.

Website: morrgul.com.au



Noongar Land Enterprise Group (NLE)

Noongar Land Enterprise Group is a leading Aboriginal-led Aboriginal grower group in Western Australia, whose vision is to develop Aboriginal land-based businesses that are commercially viable and culturally appropriate. NLE is a membership-based entity that seeks to collectively empower Aboriginal businesses by sharing information, networks and opportunities, to encourage them to prosper in business.

Website: noongarlandenterprise.com.au/



Australian Government

**Office of the Registrar of
Indigenous Corporations**

Office of the Registrar of Indigenous Corporations

Aboriginal and Torres Strait Islander corporations (whether for-profit or not) can be registered with the Office of the Registrar of Indigenous Corporations (ORIC). ORIC offers email and telephone support, governance guidance, resources and training, and (for non-profit corporations) referrals to pro bono lawyers and assistance to recruit senior staff.

Website: oric.gov.au



Outback Academy Australia (OOA)

Outback Academy Australia (Outback Academy) is a not-for-profit, national facing, authentic, First Nations-led organisation. Their charter is to focus on capacity and capability building for national supply chain opportunities with connected First Nations regenerative farmers. This includes for conventional food, bush produce, honey, Australian Native Wildflowers, botanicals and farm-based tourism.

Website: outbackacademy.org.au/

Contact lists – collection and sale of flora and fauna

Collection on Crown lands

To collect or sell threatened and protected Australian native plants, you need to apply for a permit or licence from the relevant state or territory authority. What is considered a threatened or protected plant is defined on

a state-by-state basis. The table opposite provides you with contact details to identify which permit or licence you require for harvesting and/or selling native plants depending on the state or territory you are in.



Bush Tucker with Dale Tilbrook,
image courtesy of Tourism
Western Australia



Contacts for collection and sale of flora and fauna on Crown lands

State or Territory	Licence for collection and sale of plants on private or Crown lands
<p>Western Australia (WA)</p>	<p>Department of Biodiversity, Conservation and Attractions, Parks and Wildlife Service</p> <p>P: +61 (8) 9219 9831 E: wildlifelicencing@dbca.wa.gov.au W: dpaw.wa.gov.au/plants-and-animals/licences-and-authorities?showall=1</p> <p>All native WA flora is protected under <i>Wildlife Conservation Act 1950 (WA)</i>. Protected flora may be any part of any plant such as seeds, leaves, and spores, and others that are native to WA. Section 23(3) of the Act provides that Aboriginal persons may take flora and fauna from Crown land for customary purposes, only. If you collect flora or fauna for customary purposes and later sell it, you can be fined up to \$4,000.</p> <p>The Department of Biodiversity, Conservation and Attractions, Parks and Wildlife Service provides a Flora Licensing Information Sheet that is available from: dpaw.wa.gov.au/images/documents/plants-animals/licences-permits/Flora/infosheets/information_sheet_-_commercial_flora_licences.pdf.</p> <p>Cost: Protected flora on Crown land can only be collected for 'commercial purposes' (for sale) under a Commercial Purpose Licence, with an annual fee of \$125. Protected flora taken from private property with permission can only be sold under a Commercial Producer's Licence, for a fee of \$25.</p>
<p>Northern Territory (NT)</p>	<p>Department of Tourism, Sport and Culture, Northern Territory (NT), Parks and Wildlife</p> <p>P: +61 (8) 8999 6393 E: twp@nt.gov.au W: nt.gov.au/leisure/parks-reserves/rules-and-permits/permits-for-parks/permits-for-businesses-in-parks</p> <p>The <i>Territory Parks and Wildlife Conservation Act 1976 (NT)</i> regulates flora and fauna in the Northern Territory. A permit is required to take protected species from Crown land or to sell wildlife.⁷ Further, permission is needed for permit holders to enter land of both the Crown and private owners.⁸</p> <p>You must apply for a permit if you want to undertake business or commercial activities in a park or reserve in the Northern Territory. You should apply at least three months before you want to start doing business. There are two kinds of permits for commercial activities: minor concession; and major concession.</p> <p>Parks and Wildlife does not provide permits for Kakadu or Uluru Kata Tjuta National Parks, which are controlled by the Commonwealth.</p> <p>Cost: Each permit application costs \$300. You can apply for more than one permit at the same time for the same cost, and a fee is not required to renew your permit. If your application is not successful, your \$300 application cost will be returned.</p>
<p>Queensland (Qld)</p>	<p>Department of Environment and Science, Parks and Forests, Queensland</p> <p>P: 13 QGOV (13 74 68) E: info@des.qld.gov.au W: qld.gov.au/recreation/activities/areas-facilities/permits#:~:text=protected%20national%20park-,How%20to%20apply%20for%20a%20permit,to%20discuss%20your%20proposed%20activity.</p> <p>Flora and fauna in Queensland are protected under the <i>Nature Conservation Act 1992 (Qld)</i>. Under section 93 of the Act, Aboriginal or Torres Strait Islander people can take or use protected wildlife under customary law as long as the <i>Animal Care and Protection Act 2001 (Qld)</i> permits. Contraventions of the Act will result in fines or imprisonment for a maximum period of two (2) years.</p> <p>Cost: Costs vary according to the permit and how long it is required for. Please refer to the Parks and Forests' information sheet on fees: parks.des.qld.gov.au/_data/assets/pdf_file/0028/165826/is-pk-vm-fees-activities-qpws-man-areas.pdf.</p>



Contacts for collection and sale of flora and fauna on Crown lands

State or Territory	Licence for collection and sale of plants on private or Crown lands
<p>New South Wales (NSW)</p>	<p>Department of Planning, Industry and Environment, New South Wales P: +61 (2) 9585 6404 E: wildlife.licensing@environment.nsw.gov.au W: environment.nsw.gov.au/licences-and-permits/protected-native-plant-licences</p> <p>There are licences for different purposes in NSW parks: environment.nsw.gov.au/licences-and-permits. Protective native plant licences help regulate the cut-flower and whole-plant industries to sustainably harvest and cultivate protected native plants for sale. In NSW, native plants are protected by the <i>Biodiversity Conservation Act 2016</i> (NSW). A licence is only needed when you intend to collect or cultivate a protected and threatened plant species for commercial purposes.</p> <p>Department of Planning, Industry and Environment, Office of Environment and Heritage, NSW P: +61 (2) 9873 8500 E: heritagemailbox@environment.nsw.gov.au W: environment.nsw.gov.au/licences-and-permits</p> <p>Engaging in conduct that brings harm to Aboriginal objects and declared Aboriginal places must be avoided under the <i>National Parks and Wildlife Act 1974</i> (NSW). You must apply for an Aboriginal Heritage Impact Permit (AHIP) from the Department of Planning, Industry and Environment’s Office of Environment and Heritage when harm cannot be avoided because of a planned activity. An Aboriginal Heritage Impact Permit must be granted before the activity can take place. In NSW, there is a public register that lists applications for AHIP’s.</p> <p>Cost: Fees start from \$80, and reach \$2660 for work over \$5 million. For further information see: environment.nsw.gov.au/topics/aboriginal-cultural-heritage/protect-and-manage/impact-permits/apply-for-an-impact-permit</p>
<p>Australian Capital Territory (ACT)</p>	<p>Department of Environment, Environment, Planning and Sustainable Development Directorate, ACT P: +61 (2) 6207 6376 E: pcs.licensingandcompliance@act.gov.au W: environment.act.gov.au/parks-conservation/plants-and-animals/animal_licensing</p> <p>In the ACT, flora and fauna are protected under the <i>Nature Conservation Act 2014</i> (ACT). It is an offence to take a native plant from unleased Crown land,⁹ or take a native plant from unleased Crown land and sell it,¹⁰ without an appropriate licence or permit.¹¹</p> <p>It is also an offence to harvest, pick, gather or cut protected native species¹² and native plants with special protection status¹³ if you do not have a licence or own or lease the land from which it was taken. Any collection of seeds or plants for purposes other than scientific study is usually considered commercial and a fee applies.</p>
<p>Victoria (Vic)</p>	<p>Department of Environment, Land, Water and Planning, Victoria P: 136 186 W: environment.vic.gov.au/conserving-threatened-species/protected-flora-and-listed-fish</p> <p>Protected flora are native plants that have legal protection under the <i>Flora and Fauna Guarantee Act 1988</i> (Vic). The Act prohibits the collection or sale of threatened flora taken from Crown lands without a permit or license.¹⁴</p> <p>A licence or permit is required under the Act to take, trade, keep or move ‘restricted use protected flora’ if those activities are for the purpose of sale or personal use. A licence or permit is required if ‘generally protected flora’ is used for any purpose.</p> <p>Flora can be taken by the owner of the private property which the flora was taken from, or by the lessee of the property, if the flora won’t be sold.¹⁵</p>



Contacts for collection and sale of flora and fauna on Crown lands

State or Territory	Licence for collection and sale of plants on private or Crown lands
<p>South Australia (SA)</p>	<p>Department for Environment and Water, South Australia P: +61 (8) 8204 1910 W: environment.sa.gov.au/licences-and-permits</p> <p>In South Australia, threatened flora and fauna is protected under the <i>National Parks and Wildlife Act 1972</i> (SA). Approximately 1000 species are listed as threatened in the Act. It is not permitted to take native plants from Crown and private land without permission from the owner of the land,¹⁶ and a permit is required to take or sell native plants.¹⁷ Heavy fines and imprisonment may result from the sale of endangered native plants.</p>
<p>Tasmania (Tas)</p>	<p>Department of Primary Industries, Parks, Water and Environment, Natural Values Conservation Branch, Tasmania P: +61 (3) 6165 4417 E: NaturalValuesConservation.Enquiries@dPIPWE.tas.gov.au W: dPIPWE.tas.gov.au/conservation/publications-forms-and-permits/forms-and-permits/permits-for-commercial-use-of-native-plant-species</p> <p>In Tasmania, a permit is required where you intend to take, kill, injure, pursue, catch, damage, destroy or collect:</p> <ul style="list-style-type: none"> • A native plant species that is listed as endangered, vulnerable or rare under the <i>Threatened Species Protection Act 1995</i> (Tas). In this case, a permit is required, regardless of the land tenure (current list of species protected). • Any native plant species listed on the regulations of the <i>Nature Conservation Act 2002</i> (Tas). In this case, a permit is required for all land tenures, unless stated otherwise in the regulations. • Any native plant species from public lands managed by the Tasmanian Government. • Any native plant species from Private Sanctuaries and Private Nature Reserves that have been declared under the <i>Nature Conservation Act 2002</i> if you are not the owner of that land. <p>The application form for permits can be found here: dPIPWE.tas.gov.au/conservation/publications-forms-and-permits/forms-and-permits/scientific-permits-and-authorities-to-collect-native-flora</p>

⁷ *Territory Parks and Wildlife Conservation Act 1976* (NT), section 55. Available from: legislation.nt.gov.au/en/Legislation/TERRITORY-PARKS-AND-WILDLIFE-CONSERVATION-ACT-1976

⁸ *Territory Parks and Wildlife Conservation Act 1976* (NT), section 60

⁹ *Nature Conservation Act 2014* (ACT), section 140. Available from: legislation.act.gov.au/View/a/2014-59/current/PDF/2014-59.PDF

¹⁰ *Nature Conservation Act 2014* (ACT), section 141

¹¹ *Nature Conservation Act 2014* (ACT), section 153(2)(b)

¹² *Nature Conservation Act 2014* (ACT), section 142

¹³ *Nature Conservation Act 2014* (ACT), section 143

¹⁴ *Flora and Fauna Guarantee Act 1988* (Vic), section 47. Available from: legislation.vic.gov.au/in-force/acts/flora-and-fauna-guarantee-act-1988/046

¹⁵ *Flora and Fauna Guarantee Act 1988* (Vic), sections 47(2)(b) and 47(2)(c)

¹⁶ *National Parks and Wildlife Act 1972* (SA), section 47. Available from: legislation.sa.gov.au/LZ/C/A/NATIONAL%20PARKS%20AND%20WILDLIFE%20ACT%201972.aspx

¹⁷ *National Parks and Wildlife Act 1972* (SA), section 49

Collection on Native Title lands

If you want to access and gather native plants from Native Title lands, you need to liaise and seek consent from the relevant Prescribed Body Corporates (PBCs) or Registered Native Title Bodies Corporate (RNTBCs).

The table below provides you with contact details to identify what permit or licence you require depending on what state or territory you collect native plants or animals from.



Contacts for collection and sale of flora and fauna on Aboriginal lands

State or Territory	Licence for access to Aboriginal owned or managed lands				
<p>Western Australia (WA)</p>	<p>Department of Planning, Lands and Heritage P: 1300 651 077 E: ALPS@dplh.wa.gov.au W: wa.gov.au/service/aboriginal-affairs/aboriginal-heritage-conservation/apply-permit-access-or-travel-through-aboriginal-land#:~:text=through%20Aboriginal%20land-,Apply%20for%20a%20permit%20to%20access%20or%20travel%20through%20Aboriginal,Affairs%20Planning%20Authority%20Act%201972.</p> <p>Land access licences are administered under the <i>Land Administration Act 1997</i> (WA) to the six Noongar Regional Corporations to provide Noongar people with lawful access to State-owned land for:</p> <ul style="list-style-type: none"> • Visiting and caring for sites and Country. • Gathering, preparing and consuming bushfoods. • Gathering, preparing and using traditional medicine. • Conducting ceremonies and cultural activities. • Temporarily camping on Country. • Lighting campfires or ceremonial fires, and • Conducting meetings on Country. <p>A mining entry permit is required by companies that wish to mine on land.</p> <p>People who wish to enter Aboriginal land must apply for an Aboriginal Affairs Planning Authority Lands Permit under the <i>Aboriginal Affairs Planning Authority Act 1972</i> (WA). Apply for a permit online by filling out the application form on the Department of Planning, Lands and Heritage website: dplh.wa.gov.au/information-and-services/online-services/entry-permits-for-access-to-aboriginal-lands.</p> <p>Cost: Permits for general access are free, however some communities may have fees regulated by the Department's Parks and Wildlife Service: parks.dpaw.wa.gov.au/.</p> <table border="0" data-bbox="359 1563 1404 1921"> <tr> <td data-bbox="359 1563 829 1736"> <p>South West Aboriginal Land and Sea Council (SWALSC) P: +61 (8) 9358 7400 E: reception@noongar.org.au W: noongar.org.au/</p> </td> <td data-bbox="917 1563 1340 1736"> <p>Ngaanyatjarra Council Aboriginal Corporation P: +61 (8) 8850 1711 E: reception@ngcouncil.org.au W: ngaanyatjarra.org.au</p> </td> </tr> <tr> <td data-bbox="359 1758 750 1892"> <p>Kimberley Land Council (KLC) P: +61 (8) 9194 6279 E: klc@klc.org.au W: klc.org.au</p> </td> <td data-bbox="917 1758 1404 1921"> <p>Yamatji Marlpa Aboriginal Corporation (YMAC) P: +61 (8) 9268 7000 E: reception@ymac.org.au W: ymac.org.au</p> </td> </tr> </table>	<p>South West Aboriginal Land and Sea Council (SWALSC) P: +61 (8) 9358 7400 E: reception@noongar.org.au W: noongar.org.au/</p>	<p>Ngaanyatjarra Council Aboriginal Corporation P: +61 (8) 8850 1711 E: reception@ngcouncil.org.au W: ngaanyatjarra.org.au</p>	<p>Kimberley Land Council (KLC) P: +61 (8) 9194 6279 E: klc@klc.org.au W: klc.org.au</p>	<p>Yamatji Marlpa Aboriginal Corporation (YMAC) P: +61 (8) 9268 7000 E: reception@ymac.org.au W: ymac.org.au</p>
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Contacts for collection and sale of flora and fauna on Aboriginal lands

State or Territory	Licence for access to Aboriginal owned or managed lands
Northern Territory (NT)	<p>A permit is required from the relevant land council to undertake any of the following activities on Aboriginal land in Aboriginal owned or managed areas:</p> <ul style="list-style-type: none"> • Enter Aboriginal land or waters for any purpose. • Travel by road through Aboriginal land (this does not apply to public roads), and • Enter or visit an Aboriginal community (some exceptions apply). <p>Unauthorised access to Aboriginal land may result in a \$2800 fine.</p> <p>Northern Land Council (NLC) P: +61 (8) 8920 5100 E: reception@nlc.org.au W: nlc.org.au/apply-for-permit</p> <p>Central Land Council P: +61 (8) 8951 6211 E: permits@clc.org.au W: clc.org.au/permits/</p> <p>Tiwi Land Council</p> <p>Costs: The cost depends on the permit required. Refer to the relevant land council.</p> <p>Anindilyakwa Land Council (Groote Eylandt) P: +61 (8) 8987 4006 E: admin@alcnt.com.au W: anindilyakwa.com.au/land-and-sea/permits/</p>
Queensland (Qld)	<p>There is no unified permit system for access to Aboriginal lands in Queensland, however, there are five Native Title Representative Bodies that can be contacted if you wish to collect flora or fauna on Aboriginal lands:</p> <p>North Queensland Land Council P: +61 (7) 4042 7000 E: reception@nqlc.com.au W: nqlc.com.au/services/</p> <p>Queensland South Native Title Services Ltd P: +61 (7) 3224 1200 E: reception@qsnts.com.au W: qsnts.com.au/about-our-services</p> <p>Carpentaria Land Council Aboriginal Corporation P: +61 (7) 4745 5132 E: info@clcac.com.au W: clcac.com.au/land-sea/services</p> <p>Torres Strait Regional Authority P: +61 (7) 4069 0700 E: environment@tsra.gov.au W: tsra.gov.au/the-tsra/programmes/env-mgt-program</p> <p>Cape York Land Council Aboriginal Corporation P: 1800 623 548 or +61 (7) 4053 9222 E: info@cylc.org.au W: cylc.org.au/</p>
New South Wales (NSW)	<p>New South Wales Aboriginal Land Council P: +61 (2) 9689 4444 E: policy@alc.org.au W: alc.org.au/more-than-flora-fauna/</p> <p>The New South Wales Aboriginal Land Council is the peak body for Aboriginal land councils across NSW. Reforms to deliver better protections for Aboriginal culture and heritage and decision-making rights to Aboriginal peoples are currently being advocated. Contact the New South Wales Aboriginal Land Council to be directed to the relevant Aboriginal land council or request a permit.</p>

Contacts for collection and sale of flora and fauna on Aboriginal lands



State or Territory	Licence for access to Aboriginal owned or managed lands
Australian Capital Territory (ACT)	<p>Traditional Owners Aboriginal Corporation P: +61 413 908 408 E: traditionalowners@outlook.com.au W: traditional-owners.com.au/</p> <p>The Traditional Owners Aboriginal Corporation is an Indigenous organisation that represents Aboriginal and Torres Strait Islander affairs for the traditional custodians of the Canberra region - the Ngunnawal people. Contact the Traditional Owners Aboriginal Corporation to seek permits to access Aboriginal lands in the ACT.</p>
Victoria (Vic)	<p>Aboriginal Victoria P: +61 (3) 8392 5399 E: aboriginalaffairs@dpc.vic.gov.au W: aboriginalvictoria.vic.gov.au/</p> <p>Office of the Victorian Aboriginal Heritage Council P: +61 (3) 7004 7198 E: vahc@dpc.vic.gov.au W: aboriginalheritagecouncil.vic.gov.au/office-victorian-aboriginal-heritage-council</p> <p>In Victoria, 11 Registered Aboriginal Parties (RAPs) cover approximately 74 per cent of the State. Contact the relevant Registered Aboriginal Parties to seek information about their permit or licensing process for collecting off the lands. The RAP's include:</p> <ul style="list-style-type: none"> • Barengi Gadjin Land Council Aboriginal Corporation • Bunurong Land Council Aboriginal Corporation • Dja Wurrung Clans Aboriginal Corporation • Eastern Maar Aboriginal Corporation • First People of the Millewa Mallee Aboriginal Corporation • Gunaikurnai Land and Waters Aboriginal Corporation • Gunditj Mirring Traditional Owners Aboriginal Corporation • Taungurung Land and Waters Council Aboriginal Corporation • Wadawurrung Traditional Owners Aboriginal Corporation • Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation • Yorta Nation Aboriginal Corporation. <p>Aboriginal Victoria or the Office of the Victorian Aboriginal Heritage Council can direct you to the relevant RAP to advise you on the required permit or licences.</p>



Contacts for collection and sale of flora and fauna on Aboriginal lands

State or Territory	Licence for access to Aboriginal owned or managed lands
South Australia (SA)	<p>Aboriginal Lands Trust, Department of the Premier and Cabinet, South Australia P: +61 (8) 8207 1476 E: reception@alt.sa.gov.au W: alt.sa.gov.au/wp/</p> <p>The Aboriginal Lands Trust established by the Aboriginal Lands Trust Act 1966 (SA) provides for the transfer of land by the Crown to the Trust, to be held and managed for the ongoing benefit of Aboriginals in South Australia. The South Australian government provides land rights administration funding to the Aboriginal Lands Trust and works with the Trust on a range of economic, community development and landcare projects across the State. Contact the Aboriginal Lands Trust to identify the necessary permit application process.</p> <p>Anangu Pitjantjatjara Yankunytjatjara (APY) P: +61 (8) 8954 8110 E: officemanager@anangu.com.au W: anangu.com.au/index.php/permits.html</p> <p>Permits are required for access to Anangu Pitjantjatjara Yankunytjatjara lands, which covers a significant area. Fees cost \$22 per adult, and applicants are required to submit a National Police Clearance.</p>
Tasmania (Tas)	<p>Tasmania, Aboriginal Centre P: +61 (3) 6234 0700 E: hobart@tacinc.com.au W: tacinc.com.au/</p> <p>The Tasmanian Aboriginal Centre is an Aboriginal community organisation developed in the early 1970s, which has been funded by the Federal Government since 1973. The centre protects the interests of the Palawa people of Tasmania. Contact the Tasmanian Aboriginal Centre for advice about the permits required to collect native plants in Tasmania.</p>

Contact list – regulation of food products



State and territory food product legislation and regulators

State or Territory	Notes	Regulator and contact
Western Australia (WA)	The <i>Food Act 2008</i> (WA) regulates the production and sale of food in WA and provides food safety regulation over the entire food supply chain – from paddock to plate.	Western Australian Department of Health P: +61 (8) 9222 2000 E: ehinfo@health.wa.gov.au W: ww2.health.wa.gov.au/Articles/F_1/Food-regulation-in-WA
Northern Territory (NT)	All food business in NT must take a preventative approach to reducing food-borne illnesses. The <i>Food Act 2004</i> (NT) must be complied with.	Northern Territory, Business and Industry, Environmental Health P: +61 (8) 8922 7377 E: envirohealth@nt.gov.au W: nt.gov.au/industry/hospitality/accommodation-and-food-businesses/food-safety-and-regulations
Queensland (Qld)	The <i>Food Act 2006</i> (Qld) sets standards that food sold is safe and sustainable for human consumption. The Act also provides for food business licences, inspections and safety food training. All food vendors in Qld require a designated food safety supervisor. Further, Brisbane City Council implements a safety star rating for food vendors.	Queensland Health, Industry and Environmental Health P: +61 1800 300 815 E: info@safefood.qld.gov.au W: health.qld.gov.au/public-health/industry-environment/food-safety
New South Wales (NSW)	Compliance with the Food Standard Code is mandated under the <i>Food Act 2003</i> (NSW). In NSW there is a name and shame register for businesses that breach NSW food safety laws, and scores on doors which display the results of regular inspections of food premises.	New South Wales Food Authority P: +61 1300 552 406 E: food.contact@dpi.nsw.gov.au W: foodauthority.nsw.gov.au/



State and territory food product legislation and regulators

State or Territory	Notes	Regulator and contact
Australian Capital Territory (ACT)	The <i>Food Act 2001</i> (ACT) mandates food safety training and supervisors for all food vendors. A Register of Food Offences is published and the Act manages kilojoule display laws for food products.	Australian Capital Territory Health, The Health Protection Service P: +61 (2) 5124 9700 E: hps@act.gov.au W: health.act.gov.au/businesses/food-safety-regulation
Victoria (Vic)	The <i>Food Act 1984</i> (Vic) mandates compliance with the Food Standards Code. Local councils assist with monitoring food safety program. Health inspectors in Victoria have the ability to issue infringement notices for breaches, or immediate closure for threats to the public. They also utilise a high and low risk food classification system, and mandates food safety supervisors for all food vendors.	Health Victoria, Food Safety Unit P: +61 1300 364 352 E: foodsafety@dhhs.vic.gov.au W: www2.health.vic.gov.au/public-health/food-safety
South Australia (SA)	In SA, food safety is a shared responsibility between SA Health, local government, food businesses, and other government agencies. Food businesses must notify the appropriate enforcement agency before starting food handling operations pursuant to the <i>Food Act 2001</i> (SA). Before you notify and start operating your food business, it is best to contact the local council Environmental Health Officers (EHOs) to make sure you know what requirements your business needs to meet.	South Australia Health Department, Health Food Standards Surveillance P: +61 (8) 8226 7100 E: halthfood@sa.gov.au W: sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/public+health/food+safety+for+businesses/food+safety+inspections
Tasmania (Tas)	In Tasmania, food businesses must register their type of business under the <i>Food Act 2003</i> (Tas). The Director of Public Health will determine if a business handles potentially hazardous food. Potentially hazardous food is food that must be kept under temperature control to stop the growth of pathogens or the formation of toxins in the food.	Tasmanian Department of Health, Public Health Services P: +61 1800 671 738 E: public.health@dhhs.tas.gov.au W: dhhs.tas.gov.au/publichealth/food_safety

Dried Eucalyptus seed



Southern Cross
Coastal Walk

LUMUMB

Bundy's Cultural Tours, Dampier Peninsula, image courtesy of Tourism Western Australia



Glossary

Aboriginal corporation is a for-profit or not-for-profit Aboriginal-run corporation that is established under the *CATSI Act*, registered with ORIC and governed by a rule book. The name of the Corporation is generally followed by the words 'Aboriginal Corporation'.

ABS refers to Access and Benefit Sharing, which is the sharing of financial and non-financial benefits with Aboriginal people or communities that provide access to their lands for the collection of plant materials and Indigenous Cultural and Intellectual Property. For more information, see the accompanying *Protection of Indigenous Ecological Knowledge for bushfood businesses* guide.

ABN refers to an Australian Business Number, a unique identifier for each business registered in Australia.

ACNC means the Australian Charities and Not-for-profits Commission, which administers the *Charities Act 2003* (Cth), and registers and regulates Australian charities.

AED refers to the Aboriginal Economic Development unit within the Department of Primary Industries and Regional Development WA, which supports Aboriginal businesses agric.wa.gov.au/aboriginal-business-development-0

ANFAB (formerly ANFIL) refers to Australian Native Food and Botanicals anfab.org.au/

AgriFutures Australia (formerly RIRDC) is the statutory authority of the Federal government, established to invest in research, leadership, and innovation in emerging agricultural industries agrifutures.com.au/

ASIC means the Australian Securities and Investments Commission, which regulates Australian business entities, including a company and company limited by guarantee.

ATO means the Australian Taxation Office, the Federal Government's principal revenue collection agency.

Protection of Indigenous Ecological Knowledge for bushfood businesses is the guide that accompanies this *Setting up for success - Bushfoods* guide. The guide provides an overview of the challenges and opportunities for Aboriginal bushfood businesses. The guide discusses international and national obligations regarding bushfoods as well as Access and Benefit Sharing Agreements and best practice protocols for the protection of Indigenous Cultural and Intellectual Property and Indigenous Ecological Knowledge.

CATSI Act means the Corporations (*Aboriginal and Torres Strait Islander*) Act 2006 (Cth), which establishes ORIC and sets out Federal laws related to the registration of Aboriginal and Torres Strait Islander groups as Aboriginal corporations.

Convention on Biological Diversity refers to the United Nations' *Convention on Biological Diversity 1992*, which is an international legal instrument that promotes the sustainable use, and the fair and equitable sharing of the benefits arising from utilisation of genetic resources.

Charity means a not-for-profit organisation or company limited by guarantee, whose primary objectives are philanthropy and social wellbeing. Charities are governed by the *Charities Act 2003* (Cth) and are registered and regulated by the Australian Charities and Not-for-profits Commission.

Company (Pty Ltd) is a for-profit private company established under the *Corporations Act 2001* (Cth), registered with ASIC and governed by a constitution. The name of the company is generally followed by the term 'Pty Ltd' or 'Proprietary Limited'.

Company limited by guarantee is a public not-for-profit company established under the *Corporations Act 2001* (Cth), registered with ASIC and governed by a constitution. The name of the company is generally followed by the word 'Limited'. A company limited by guarantee may also be a charity.

Constitution means a document that sets out the rules that govern the relationship between, and the activities of, a company, its directors and shareholders, or a company limited by guarantee and its members.

Corporations Act means the *Corporations Act 2001* (Cth), which sets out the Federal laws that deal with certain Australian business entities, including a company (Pty Ltd) and company Limited by guarantee.

DPIRD refers to the Department of Primary Industries and Regional Development (WA), which promotes strong and unified services in WA's primary industries and regions.

First Nations Bushfood and Botanical Alliance Australia is a national industry body established in 2020 to advocate for the increased representation and leadership, and Indigenous Cultural and Intellectual Property and Indigenous Ecological Knowledge rights of Indigenous peoples in the Australian native foods industry fnbbaa.com.au/

FSANZ refers to Food Standards Australia New Zealand, a statutory body responsible for the development and ongoing implementation of the bi-lateral Food Standards Code.

Governance refers to the management structure of the relationships and systems of a corporation to ensure it meets its goals.

IBA refers to Indigenous Business Australia iba.gov.au/

Indigenous Ecological Knowledge refers to Indigenous peoples' intrinsic knowledge of Country and its animals and plants, which has been passed down through the generations.

ILSC refers to the Indigenous Land and Sea Corporation ilsc.gov.au/

Indigenous Cultural and Intellectual Property refer to the rights of Indigenous peoples to their cultural heritage. Heritage comprises all objects, sites, language, expressions and knowledge, including Indigenous Ecological Knowledge, the nature or use of which has been transmitted, or continues to be transmitted, from generation to generation. Indigenous Cultural and Intellectual Property is regarded as pertaining to a particular Indigenous group or its territory.

Indigenous refers to people of Australian Aboriginal and Torres Strait Islander descent.

Intellectual property (IP) refers to creations of the mind, including inventions, literary and artistic works, designs and symbols, names and images used in commerce. IP is an umbrella term used to describe laws related to patents, copyright, trade marks, industrial designs and Plant Breeder's Rights, and all other rights defined under Article 2 of the Convention Establishing the World Intellectual Property Organization, whether registered, registrable or unregistered.

Joint venture (JV) is a commercial arrangement between two or more people or organisations to work together for a specific project or an ongoing partnership, for mutual benefit. A joint venture can be unincorporated (a relationship governed by a joint venture agreement, not legislation), or incorporated (a relationship governed through a separate Company set up for the purpose of the JV).

NAAPKA means the Northern Australia Aboriginal Kakadu Plum Alliance, a consortium of eight top end Aboriginal enterprises, established in August 2018, to meet the growing domestic and international market demand for Kakadu plum and establish a supply chain that protects Indigenous Ecological Knowledge.

National Indigenous Bushfood Statement is a statement developed and issued by Indigenous attendees of the National Indigenous Bushfoods Symposium of November 2019. fnbbaa.com.au/bushfood-symposium-statement-firstn

National employment standards (NES) refer to the minimum wage and employment entitlements for all people employed in Australia.

Native Title Act means the *Native Title Act 1993* (Cth).

ORIC means the Office of the Registrar of Indigenous Corporations, which regulates and supports Aboriginal and Torres Strait Islander corporations in accordance with the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act).

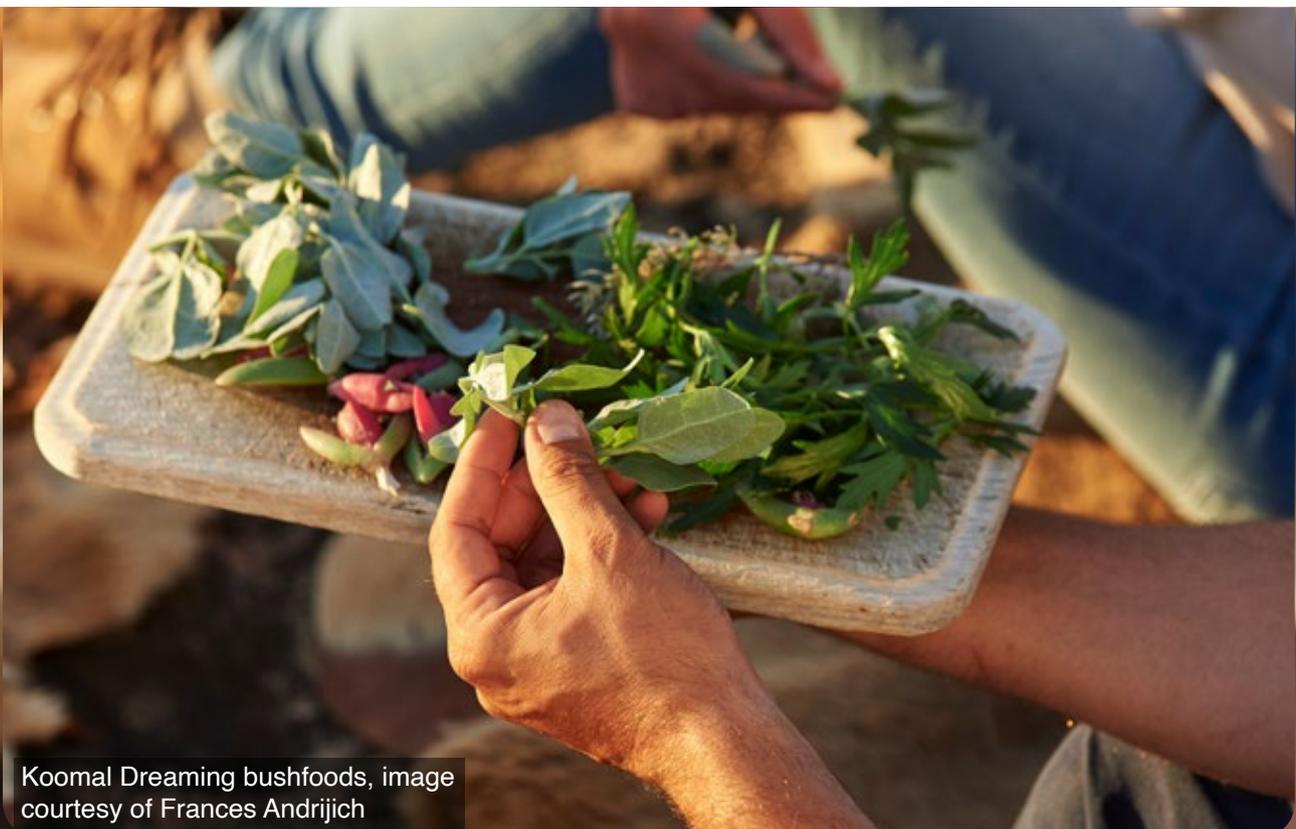
Prescribed Bodies Corporate (PBC) refers to Native Title holding corporations that are responsible for generating economic benefits through the effective and sustainable management of land granted to Aboriginal people under the *Native Title Act 1993* (Cth).

Registered Native Title Bodies Corporate (RNTBC) refer to ORIC-registered corporations that represent native title holders' interests, arising from a determination made by the Federal court. The functions of RNTBCs are outlined in the *Native Title Act 1993* (Cth).

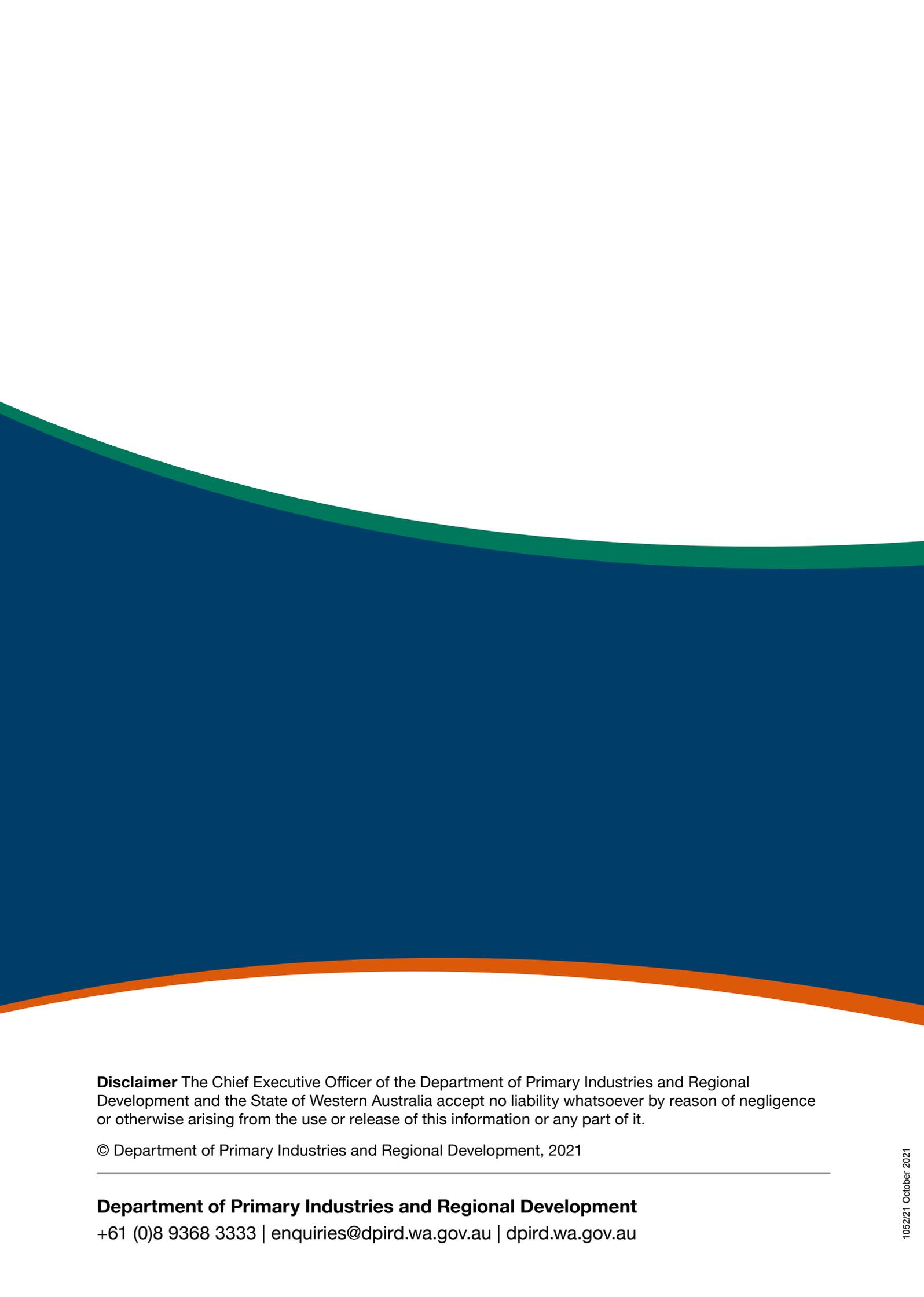
Rule book means a document that sets out the rules that govern the relationship between, and the activities of, an Aboriginal corporation and its directors and members.

UNDRIP refers to the *United Nations Declaration on the Rights of Indigenous Peoples 2007*, which is an international instrument that establishes a universal framework of minimum standards for the survival, dignity and wellbeing of the Indigenous peoples of the world and emphasises existing human rights standards and fundamental freedoms as they apply to Indigenous peoples.

WHS or workplace health and safety, refers to work, health and safety requirements applicable to every workplace in Australia.



Koomal Dreaming bushfoods, image courtesy of Frances Andrijich



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