

I would like to begin by acknowledging the traditional custodians of the land on which we have joined this meeting today. I would also like to pay my respects to Elders past, present and emerging.

First Legal Workshop

Procedures and Policies for the collection and use of native plant materials
and Indigenous knowledge

Kamalesh Adhikari

ARC Training Centre Workshop

9 December 2020



Resources and Workshops

Policies & Procedures

Policies and procedures relevant to the native foods industry.

[READ MORE >](#)

Legal Fact Sheets

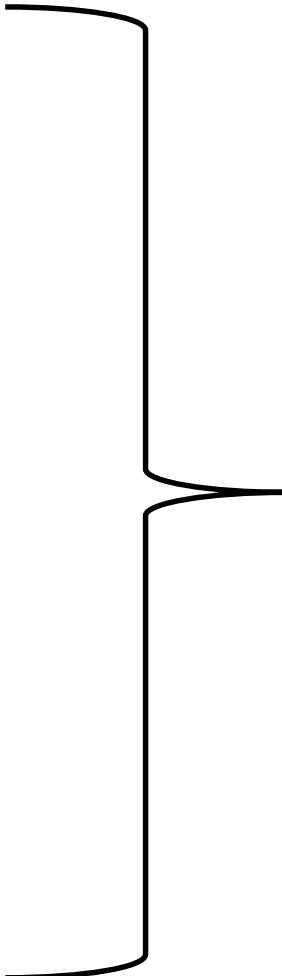
Legal Fact Sheets relevant to the Native Foods Industry.

[READ MORE >](#)

Legal Guidelines

Legal Guidelines relevant to the Native Foods Industry.

[READ MORE >](#)

- 
- **Workshop 1:** Procedures for working with Indigenous partners and communities and Policy on research with native plant materials obtained from Indigenous partners and communities
 - **Workshop 2:** Australian biodiscovery laws and guidelines
 - **Workshop 3:** Policy on Indigenous knowledge; Policy on research publications; Policy on data collection
 - **Workshop 4:** Model contractual clauses/template research agreement for the collection and use of native plant materials from Indigenous land

Expected outcomes and certificate

Expected outcomes

Participants will:

- gain important insights about ethical and legal issues associated with the collection and use of native plant materials and Indigenous knowledge in Australia.
- develop their capacities both to conceptualise a research agreement with Indigenous partners and to implement the agreement in ways that lead to best practice.

Certificate

- After the end of all workshops, a “Certificate of Participation” will be provided.

The first workshop

1. Procedures for working with Indigenous partners and communities; and
2. Policy on research with native plant materials obtained from Indigenous partners and communities.

1. Procedures for working with Indigenous Partners/Communities

1. Pre-engagement

Identify potential locations and partner communities

Determine who has the appropriate authority to grant permissions for research

2. Pre-research and pre-collection

Send information on ARC Training Centre to community, including Policies on Indigenous Knowledge, Research with Plant Materials, Research Publications, Data Collection, and Model Contractual Clauses

Formal obligations (Letter of Support from Communities; Ethics Approval from the University; Permits from the local government; and Project Agreement based on Model Contractual Clauses)

3. During research

Communicate interim research results

Discuss plans for communication of research outputs (publications, seminars, reports, etc)

4. After-research

Communicate final research results with communities

Discuss future possible collaborations

2. Policy on research with native plant materials obtained from Indigenous partners and communities

Approval and consent

The Training Centre will only use the native plant materials provided to them for the purpose agreed to by the Indigenous partners and communities.

2. Policy on research with native plant materials obtained from Indigenous partners and communities...

Intellectual property

The Training Centre will not transfer any native plant material obtained from Indigenous partners and communities to third parties, nor seek any form of intellectual property protection over these materials.

Any intellectual property that arises out of Training Centre research on native plant materials collected from Indigenous partners and communities will be owned by the Indigenous partners and/or communities.

This will not apply to theses, reports, and publications relating to the native plant materials, where copyright will remain with the authors.

The owners of any intellectual property that arises out of Training Centre projects will allow the University of Queensland to use the intellectual property protected material for teaching and research.

2. Policy on research with native plant materials obtained from Indigenous partners and communities...

Indigenous knowledge and free, prior and informed consent

Indigenous knowledge associated with native plant materials collected from Indigenous partners and communities will only be used in Training Centre projects after free, prior, and informed consent is obtained from the appropriate knowledge custodians.

2. Policy on research with native plant materials obtained from Indigenous partners and communities...

Benefit sharing

Although the specific benefits that the Training Centre will share with Indigenous partners and communities that provide native plant materials will be decided on a case-by-case basis, at minimum the Training Centre will:

- share research results with Indigenous partners and communities;
- acknowledge the role played by Indigenous partners and communities in all related publications and research outputs;
- provide relevant Indigenous partners and communities with the opportunity to be named as co-authors of project publications and research outputs;
- undertake capacity building programs for Indigenous partners and communities; and
- provide education and training for Indigenous partners and communities.

Reading materials

For Workshops 1, 3 and 4, participants should read the legal resources that have been made available on <https://uniquelyaustralianfoods.org/resources/policies-procedures/>.

For Workshop 2, participants should read *Collecting Australian native plant materials from the Wild: Guidelines on key legal issues*, which is available at <https://uniquelyaustralianfoods.org/wp-content/uploads/2020/07/Collecting-Native-Plants-from-the-Wild-Guidelines-16Jun2020.pdf>