

Submission to the Review of Queensland's Cultural Heritage Acts – reframing the definitions of 'Aboriginal party' and 'Torres Strait Islander party'

Kevin Waters - Gomerioi/Kamilaroi Elder (94yrs)

Ronald Waters – Gomerioi/Kamilaroi, South-West Indigenous Corporation (SWIC), Indigicare NDIS

Jennie Waters – Gomerioi/Kamilaroi Indigicare NDIS director

Melanie Waters – Gomerioi/Kamilaroi Indigenous Studies Lecturer University of Southern Queensland, Melanie Waters Consultancy.

Our family and community – historical connections

The Gomerioi/Kamilaroi (used interchangeably) peoples have always been recognised by community and governments as the Traditional Owners (TOs) over the St. George, Nindigully, Dirranbandi, Thallon and Mungindi within the Balonne Shire.

The following excerpt supports Gomerioi/Kamilaroi connection to the St. George area as documented by John MacPherson in "Proceeding of the Linnean Society of New South Wales, 1904-1905".

22. Koomilroi. – This I was told was a tribe quite distinct from Kamilroi, and had its own expression of negation – koomil. This language was spoken at Breexa, on the Namoi (Narribri, Boggabri, Gunnedah), on the Gwydir (Moree, and extending almost to Bingara). In a southerly direction to tribe adjoined upon Kamilroi, while north-westerly it crossed the Queensland border and reached as far as St. George.

Our family and community – contemporary connections and activities

Our recent community activities include:

- Kamilaroi Building – named by the Community Development Employment Program - CDEP
- Kamilaroi Land Trust
 - 10 acres gifted back to Kamilaroi peoples of St. George for identified burial site.
 - 2013 Repatriation of Kamilaroi ancestral remains.
- SWIC – South-West Indigenous Corporation
 - Harmony Centre

The following extract by Bob Weatherall – Coordinator Northern Kamilaroi Repatriations Tribal Council at the The Centre for Indigenous Cultural Policy 30 July 2012.

Kamilaroi Repatriation of Ancestral Human Remains.

Wun.ga-li walaaybaa nhama maran (Return home of the ancestors)

The Qld Museum holds a number of Kamilaroi ancestral human remains, grave goods and other cultural properties originating from the Northern Kamilaroi homelands in south-west Queensland.

In 1990, the Kamilaroi Land Council made a land acquisition application to the Balonne Shire Council which resulted in degazetting of Crown Land on Thuraggi Reserve, which was transferred to the Kamilaroi Land Trust (KLT) for the Kamilaroi people of St George.

Now finally, in collaboration with the CICP (Centre for Indigenous Cultural Policy), a draft Kamilaroi Repatriation Plan for Wun.ga-li walaaybaa nhama maran (Return home of the ancestors), has been developed. The CICP and KLT called upon traditional knowledge holders of Kamilaroi sacred burial practices and laws regarding burials, to assist in the construction of the cultural requirements of the Kamilaroi burial ceremony. These cultural teachers met with the Northern Kamilaroi Repatriation Tribal Council and together they have drawn up a draft repatriation plan that will involve an official handover of Kamilaroi ancestral remains from the Qld Museum to Kamilaroi Elders on 27 September. The ancestors will be transported back to country for burial in the Kamilaroi Land Trust burial ground at St George on 29 September. Another handover of ancestral remains from McLeay Museum will be held in St George on Friday 28 September at 3 pm, together with a welcome home ceremony for the ancestors from Qld Museum. A traditional Kamilaroi last rites and burial ceremony will be conducted to lay the ancestors to rest the following morning at sunrise.

Challenges in the native title processes

In 2001 meeting held in St. George of all Native Title interest groups represented from across South-Western region to identify each clan boundaries and the following clan groups agreed upon these.

- Kamilaroi
- Gunggari
- Kooma
- Mandandanji - Roma representatives

2016 Gomeri boundaries went from as far north to Surat, half-way to Bollon, south and west to Dirranbandi through to the New South Wales boarder. With this understanding the

Gomeri Native Title claim was to be lodged. However, this wasn't followed through. In 2016 the following groups agreed to a Indigenous Land Use Agreement (ILUA).

Please note below supported documentation 'Record of Meeting – St. George Regional Research Project Information Session held at St. George 23 July 2016'

Record of Meeting

Author: Michele Walters

Date: 23 July 2016

Client: St George Sector Claimants

Subject: St George Regional Research Project Information Session held at St George 23 July 2016

QSNTS Staff present:

Mr Kevin Smith Chief Executive Officer
Mr Tim Wishart Principal Legal Officer
Mr Ron Fogarty Community Officer
Mrs Michele Walters Research Officer

Consultant Anthropologist present: Mr Jitendra Kumarage

The following traditional owners registered attendance at the above information session:

NAME	APICAL ANCESTOR	SECTOR/S
Zeta Binge Ronald Binge Desmond Lloyd Trisha McPherson William (Billy) McPherson	Dolly Clarke	St George/Mandandanji
Leslie Weribone Wayne Weribone	Weribone Jack Jnr	St George/Mandandanji
Lenny Saunders Jackie Bennett Ray Saunders	William Hilbert Saunders	St George/Gamilaraay
Sharilyn Stanley Louise Patel Alfred Priestley William Priestley	Mrs Priestley	St George/Gamilaraay
Patricia Anderson Christine Bradley Victor Waters	Mrs Roberts	St George/Gamilaraay

Kevin Waters Ron Waters Lloyd Waters Warren (Charlie) Waters Lenease Cooper Myra Horsburg	Don Waters	St George/Gamilaraay
Bob Weatherall Russell Weatherall Janice Weatherall Debbie Weatherall Gail Weatherall	Frank Weatherall	St George/Gamilaraay
Connie Draper Morn Draper Neville Draper Aaron Bartman Apyl Saunders	Robert (Bob) Saunders/ Reuben Bartman	St George?/Gamilaraay Gamilaraay
Sharon Nelson	[Annie] Murray	Kooma/Gamilaraay
Jim Troutman	William Troutman	Gamilaraay
Thelma Waters	Harry Denham/Beeswing	Gamilaraay
Leon Winters	Tom Murray/Kitty Cubby	Yuwaalaraay/Gamilaraay
Richard Green	Tom Murray/Kitty Cubby	Yuwaalaraay/Gamilaraay

An introduction of the QSNTS staff and a welcome to country was given by QSNTS Community Officer, Mr Ron Fogarty.

QSNTS Chief Executive Officer, Mr Kevin Smith gave a brief overview of the purpose of the meeting and the extent of the St George Regional Research Project.

Consultant Anthropologist, Mr Jitendra Kumarage, gave a detailed power point presentation of the research with the assistance of QSNTS Research Officer, Mrs Michele Walters.

Mr Tim Wishart, QSNTS Principal Legal Officer, gave a presentation on the legal requirements and the steps that are necessary to prove native title.

Further research identified following on from the information session includes:

1. Additional research in relation to Robert (Bob) Saunders, his father James Edward Saunders, and the Bartman family connection to the St George Sector.

At the conclusion of the research and legal presentations the attendees requested that the QSNTS staff allow the attendees time on their own to discuss the research and legal presentations.

After a period of time the QSNTS staff were asked to witness and record the following resolutions that were passed by the group:

- **Resolution 1: Resolution for a native title claim for the St George Sector**

The St George Sector people would like to agree upon a St George Native Title Claim to be registered for the St George Area Sector, the name of which is to be advised at a later date.

The St George Sector people request Queensland South Native Title Services to arrange an authorisation meeting to authorise a St George Sector Claim at some time during the 2016/2017 financial year.

Moved: Bob Weatherall
Seconded: Jackie Bennett
Agreed: All

- **Resolution 2: Resolution for family group representatives**

The St George Sector people authorises a family representative from each of the apical ancestors as listed below to be in contact with Queensland South Native Title Services to advance Resolution 1. (Listed in no particular order)

Apical Ancestor	Nominated Family Representative
Weribone Jack Jnr	Wayne Weribone
Fanny Robert	Patricia (Titch) Anderson
Mrs Priestley	Alfred (Alf) Priestley
Tom & Bella Cavanagh	Alfred (Alf) Priestley
Dolly Clark	Zeta Binge
Frank Weatherall	Bob Weatherall / Debbie Weatherall
Don Waters	Lenease Cooper / Ron Waters
William Hilbert Saunders	Jackie Bennett
Robert (Bob) Saunders	Neville Draper (Further research required)

Moved: Jackie Bennett
Seconded: Ron Waters
Agreed: All

The meeting concluded at 4.30pm.

Existing inability to have meaningful involvement with cultural heritage processes

The ILUA appeared not to be pursued by the Representative Body that subsequently worked independently with Yuwaalaayaay (understood to be a part of the Gomeri/Kamilaroi Nation State) and in 2022 had a successful Native Title Claim with that smaller group. In addition to this there was a large unsuccessful claim lodged on behalf of the Mandandanji.

The 'Last Claim Standing' rule under the Qld Cultural Heritage Acts 2003 presents many difficulties for the Gomeri/Kamilaroi peoples of St. George, as it doesn't afford them the equal rights to cultural and heritage representation across all levels of government. Although there is a historical understanding as to who the traditional custodians are i.e Gomeri Nation State, Local and State government sectors are obliged to act under the rule.

Benefits for the community of meaningful involvement with cultural heritage processes

The South-West Indigenous Corporation (SWIC) of which Gomeri/Kamilaroi is a leading member, works across First Nations communities to include; Surat, Dirranbandi, Bollon, Cunnamulla and Charleville to facilitate culture and heritage interests. Recent activities have particularly on water – river systems and lagoons. Munya Lake south of St. George has been recognised since the 1800s as a place of cultural significance by the Gomeri people. With this responsibility and effort brings a significant cultural and economic opportunities for these communities to pursue together. The 'Last Claim Standing' rule stands in the way of any further cultural and economic advancements for the Gomeri people. That rule supports only the last known claimants through the Native Title process regardless of a 'negative' determination by a Court.

The Cultural Heritage Acts 2003 are dated, do not facilitate a fair and equitable process and disadvantage vibrant and committed communities like Gomeri/Kamilaroi people in St. George.