

CONGRATULATIONS AND THANK YOU!

Congratulations to the Barada Kabalbara Yetimarala People on the recognition of native title over your traditional lands and waters! This incredible milestone is the end of a decade long journey and is a testament to your resilience, unity, and perseverance as a group in having your connection to Country formally recognised by the Australian legal system.



We acknowledge that the journey for recognition has been long for the BKY People. Your QSNTS Team would like to extend our sincerest thanks to all those BKY People who have been involved in the BKY claims over the years and assisted in reaching this historic milestone. In particular, we acknowledge and thank all BKY Elders who have been a part of this journey, including those who have sadly passed away. Their legacy lives on in the recognition of your native title.

Your QSNTS Team would also like to make a special mention and thank the following people for their time, efforts and contributions towards this great outcome:

- members of the BKY Applicant, including all current and past members;
- the BKY People who gave evidence during the preservation of evidence hearing on Country in November 2021, namely Uncle Randolph Powder, Uncle Fred Conway, and Davina Tilberoo; and
- the BKY People who gave evidence during the lay evidence hearing on country in November 2022, namely Margaret Hornagold, Samuel Dallachy, Lorna Smith, Nicole Muller, Jason Butler, Michael Hicks and Norman Ross.

We would further like to thank all those BKY People who were able to attend the consent determination hearing and on-Country celebrations on 6 December 2024 at Clarke Creek. It was a privilege to be able to celebrate the day and share this momentous occasion with you all.

We would like to make a special mention and thank the members of the BKY consent determination sub-committee who assisted with the organisation and logistics of the on-Country celebrations, namely Theresa Saylor, Margaret Hornagold, Davina Tilberoo, and Jean Moran. Your QSNTS Team would like to extend a further thank you to Aaliyah-Tamar Anderson for her beautiful artwork, which was the consent determination artwork and featured throughout the day, and to all the BKY People who were involved in the program for the on-Country celebrations.

For those who were not able to attend the day, we have provided some more information and shared some photos from the day further below.

Finally, we would like to extend our sincerest thanks to the BKY People for allowing the team at QSNTS to be a part of this journey with you. We appreciate that this journey has been difficult, uncertain and many challenges were thrown in your way. We are grateful that we were able to work alongside you and play a part in assisting the BKY People to (finally) get the recognition that you so rightfully deserved.

Many thanks,

Your QSNTS Team

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1. CONSENT DETERMINATIONS

At an on-Country hearing held in Clarke Creek on 6 December 2024, Federal Court Judge Sarah C Derrington delivered consent determinations for the BKY #1 and BKY #2 native title claims and made orders recognising native title for the BKY People.

The native title consent determinations are the result of decades of fighting by the BKY People for formal recognition of your rights. These determinations could not have been achieved without the hard work undertaken by members of the BKY community who have given up so much of their time to tell their stories over the years to anthropologists, lawyers and the Court during the on-Country preservation of evidence hearing and trial.

We again congratulate all BKY People on this successful outcome and on reaching this significant milestone in your native title journey.

We have provided below a play by play of the consent determination day.



SMOKING CEREMONY

To begin the day, Uncle Randolph Powder conducted a smoking ceremony for the BKY People, the Court and all other attendees.



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WELCOME TO COUNTRY

Margaret Hornagold and Davina Tilberoo provided a welcome to Country on behalf of the BKY People. Included below is an excerpt from the welcome to Country.

“Goodiemullie, welcome as I speak to the Yuldyi (spirits) of this land and stand on this ground today.

We are home in the place of the eaglehawk, the snake and the emu.

Welcome everyone to this momentous day. We are here to celebrate, remember and respect this land and the people who came before, who are here now and who will be here in the future

The early morning breezes; the call of the birds and wildlife; the first smudge of dawn as it breaks over the horizon; the signs that mark the changes of the seasons; the migration of animals and the vast canopy that sits over our heads each night.

This is a special place and it touches everyone who travels it; lives here; works here; and takes care of it.

This has been a long time coming and I thank you for sharing with us today.”



WELCOME DANCE AND SONG

Following the welcome to Country and minute of silence, the Guridhala Dancers performed a welcome dance and song. Theresa Saylor speaks about the welcome dance and what this meant to her and her family:

“The Welcome Song and Dance performed on the day was created to call out to our creator, Ancestors, and good spirits to come be with us on Country, and to welcome visitors to Country.

The song and dance honours our Ancestors and traditional practices, it highlights our people’s continuous spiritual connection to Country and the guidance we seek through this spiritual connection.

I’d like to acknowledge my Elders for allowing my partner Jaylen Ruska and Father-in-Law Shannon Ruska to assist our families journey to reviving language through this song and dance.

As Traditional Custodians and Caretakers of Country, we have a responsibility to our ancestors and future generations, to revive and maintain our traditional lore, language and cultural practices, song and dance is a part of that and I believe that this song and dance is the beginning of that journey for many of our families who were deprived of this opportunity due to colonisation.

Being able to dance on Country for our Elders and family was an honour; dancing on Country for our ancestors who were forcibly removed and stopped from practicing culture was priceless.”



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The welcome dance was followed by a welcome song which was performed by Vanessa Saunders, Shayvon Saunders, and Gregory Saunders. The song, titled "Dreaming", was written by Vanessa, who has kindly shared the lyrics below.

(First verse)

*They walk this land in freedom taking every day in their stride.
Never wondered what would become of them not knowing what was in sight.
For each day a new beginning every night in dreamtime to, this land the land of plenty the land we call Mother to.*

(Chorus)

*Now we walk this land with honour and we walk it with great pride, for these are our sacred findings that we fight to keep alive.
Dream dream dreaming
Dream dream dreaming
We're Dreaming for our spirits to survive.*

(Second verse)

*This keeping place is a haven for generations to see, our ancestors are now together and their spirits are set free
For they will live on in us to carry on this fight, of never-ending stories of our dreamtime at night.*

(Chorus)

*Now we walk this land with honour and we walk it with great pride, for these are our sacred findings that we fight to keep alive.
Dream dream dreaming
Dream dream dreaming
We're Dreaming for our spirits to survive.*



FORMAL COURT HEARING

After the welcome ceremony, the BKY People and other attendees entered the Clarke Creek Community Centre for the formal Court hearing.

During the formal hearing, the Federal Court officially recognised the BKY People as holding exclusive native title rights over nine lots within the BKY claims area, including the Aboriginal freehold lots at Clarke Creek handed back to the BKY People in 2016.

The Federal Court also recognised the BKY People's non-exclusive rights over 39 lots, part lots or roads, and the waterways in the area.

You can view the full judgments via:

<https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/single/2024/2024fca1391>

<https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/single/2024/2024fca1392>



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FORMALITIES AND SPEECHES

After the formal Court hearing, members of the Applicant and BKY Elders were presented a bounded version of the judgments by Justice Sarah C Derrington.

Members of the Applicant, BKY claimants, and representatives from the State and QSNTS then gave speeches to the attendees.

CLOSING SONG AND DANCES

The day concluded with the Dreaming song, sung by Vanessa, Shayvon and Gregory Saunders.

Several dances were then performed outside of the Clarke Creek Community Centre by the Mintha Gundi group, to close off the celebrations.

Nicole Muller, a member of the group, provided the following words:

“To close the event descendants of Barada Kabalbara and Yetimarala people performed traditional Barada dances that had been taught from our Elders that were passed down and new ones have been created.

Mintha Gundi meaning ‘Black Magic’ was created to revive and restore cultural to our Barada people. Cousins Jade Smith and Koiranah Kielly both great great great great grandsons to Kitty of Eaglehawk, Great great grandsons to Jimmy Barber and Yatton Boney. The men created the dance troupe with Kruger Adams (song man) who also plays didge a few years ago and today they have been teaching more of our people who are keen to learn cultural.



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All members belong to one or more of the (3) tribes.

Koiranah Kielly and Noah Kielly are the grandsons of original claimant and director for more than 20 years of the late Aunty Mona Kielly. Mona played an integral role in BKY Native title determination journey till her passing in 2019. Melanie Kielly is the only daughter of Mona who often joins the group in the women's dance. She is joined by her niece Niccy Muller who is the daughter of the late Jenny Muller. Niccy also teaches dance to the girls (Barada, Kabalbara and Yetimarala).

Kruger Adams is the son of Uncle Joe Adams who taught songlines and language to his children to ensure cultural

was kept alive. Krugers two children Terence and Yolanda Adams are also part of Mintha Gundi and are very proud dancers (Yetimarala).

Greg Saunders is the grandson of Fred Conway a proud Aboriginal man who has also been taught songlines (Kabalbara).

Claudine Walsh is the great great grand daughter of Lizzy/Elizabeth she has recently joined the group after being invited to dance practice a couple months ago and is becoming a young leader (Barada)"



CONSENT DETERMINATION ARTWORK

The painting used for the BKY consent determination, including on the program, t-shirts and banner, is called, "Bularo Guridhala Warba Gabal" translating to "Two Eaglehawk One Carpet Snake" in Yetimarala language. It was created by Aaliyah-Tamar Anderson on behalf of her Grandmother Caroline Richards, a Barada, Kabalbara and Yetimarala descendant and Elder.

The use of traditional language to name this piece honours the old people, the Ancestors of the land, waterways and sky and symbolises the significance in the revival of language and Culture.

The painting tells the story of the Barada, Kabalbara and Yetimarala People gathered as one - guided by the spirits of the lands, waterways and sky. It signifies and celebrates the Traditional Custodians' continuation of culture and connection to Country which has led to the consent determination of native title.

This painting symbolises the past and present kinship of culture, Country, family and community, emphasising the importance of sharing knowledge and practicing culture in peace and unity.



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2. BULGAN TARA YANAL ABORIGINAL CORPORATION

The Bulgan Tara Yanal Aboriginal Corporation (BTYAC) was registered by ORIC on 29 November 2024. At the on-Country consent determination hearing, BTYAC was determined to be the prescribed body corporate (PBC) that holds the BKY People's native title rights and interests in trust on behalf of the BKY Native Title Holders.

All BKY People aged 18 and over can now apply to become members of BTYAC. A membership form is enclosed to this newsletter.

If you require additional copies to be emailed or posted, please contact QSNTS First Nations Engagement Advisor, Raymond Garrett on (07) 3224 1200.

BTYAC will hold its first general meeting by 2 March 2025. All BKY People that are members of BTYAC can attend this meeting. Further details about BTYAC's first general meeting will be provided early next year.

3. SORRY BUSINESS

We understand there has been a lot of sorry business recently in the BKY community. We send our deepest condolences to you all and appreciate the continued engagement and involvement of many BKY People throughout the year, despite the sad and challenging times.

4. QSNTS OFFICE CLOSURE FOR HOLIDAY SEASON

Please note QSNTS will be closed for the holiday period from Monday, 23 December 2024 and will reopen Monday 6 January 2025.

QSNTS extends its thanks to the BKY People for their ongoing support and commitment throughout 2024. We wish you a happy and safe holiday season and look forward to working with you again in the new year.



QSNTS acknowledges the Traditional Custodians of the land upon which we walk, work and live. We recognise their continued connection to the land, water and community, paving the way for cultural growth and knowledge. We pay respects to Elders past, present and future.

Our Offices