

*“Protection of Different
Forms of Traditional
Knowledge/Traditional
Cultural Expressions:
Perspectives of
Indigenous Peoples and
Local Communities”.*



Forty-Seventh Session of the World Intellectual Property
Organization (WIPO) *Intergovernmental Committee on
Intellectual Property and Genetic Resources, Traditional
Knowledge and Folklore (IGC)*

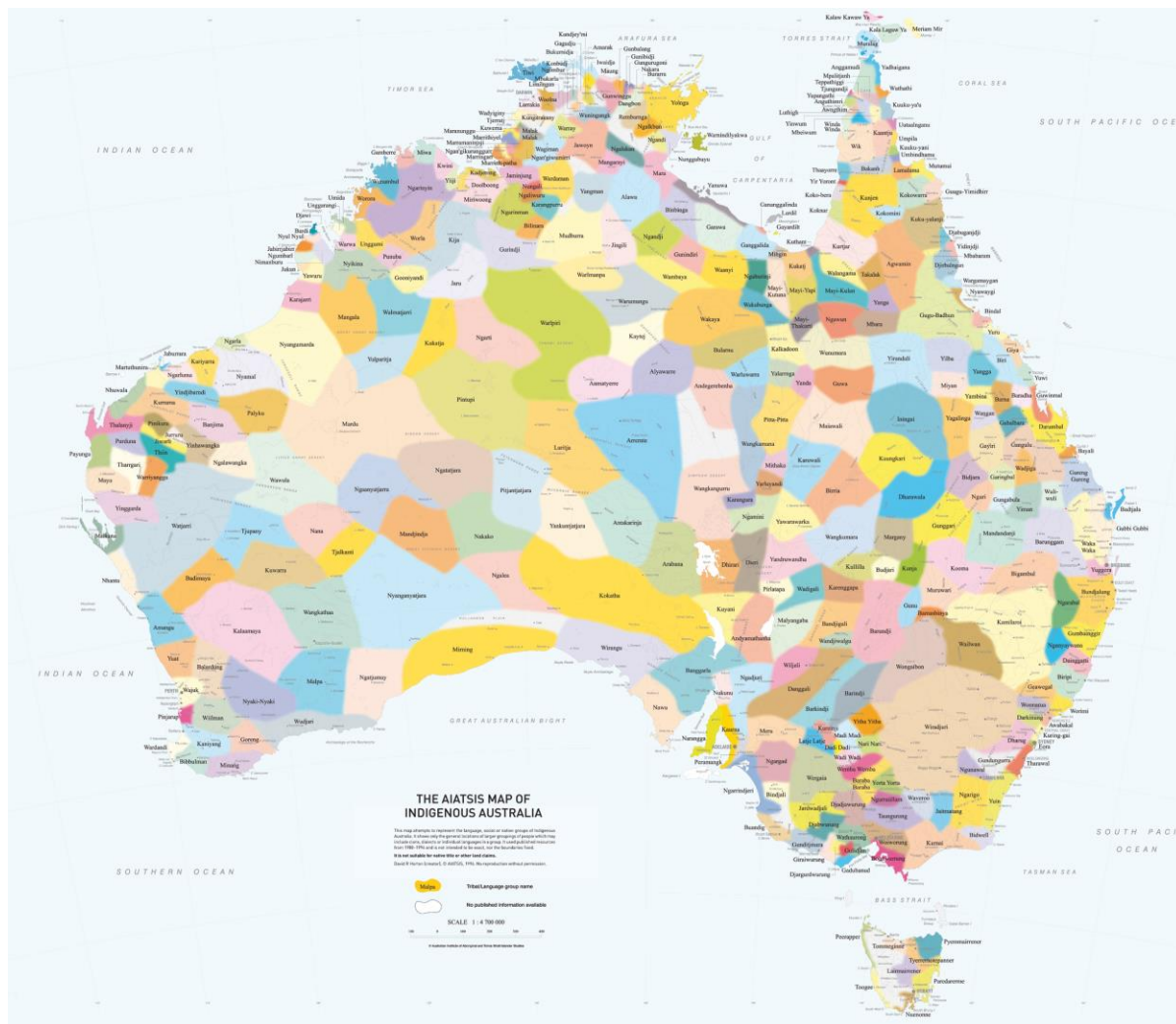
Dion Gorham,
Cherbourg Aboriginal
Community, 1997

Jo-Anne Driessens SLQ
Collection - 30299

Artists in the Black

- Artists in the Black is an Australian non-government service that supports Aboriginal and Torres Strait Islander artists, filmmakers, musicians and arts organisations with legal advice and resources.
- Free legal advice for Aboriginal and Torres Strait Islander artists
- **in the black [phrase]:** to be profitable; making a profit
- Artists in the Black was named by two Aboriginal women, the first AITB Coordinator Blanch Lake and AITB Lawyer Samantha Joseph, back in 2004. We support artists to build sustainable, profitable arts practices.





<https://aiatsis.gov.au/explore/map-indigenous-australia>

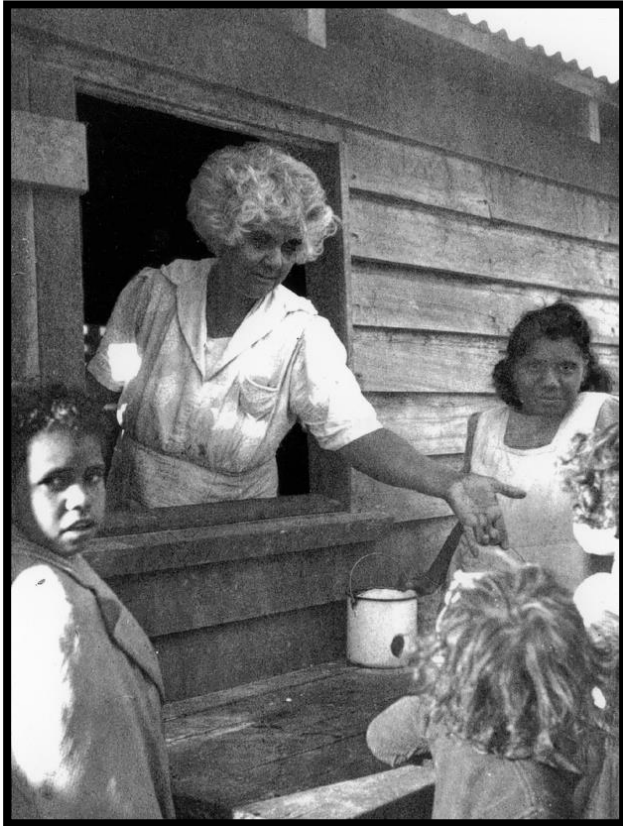


Dancers performing during the Walk for Reconciliation in Brisbane, Queensland, 2000
Photograph by Jo-Anne Driessens

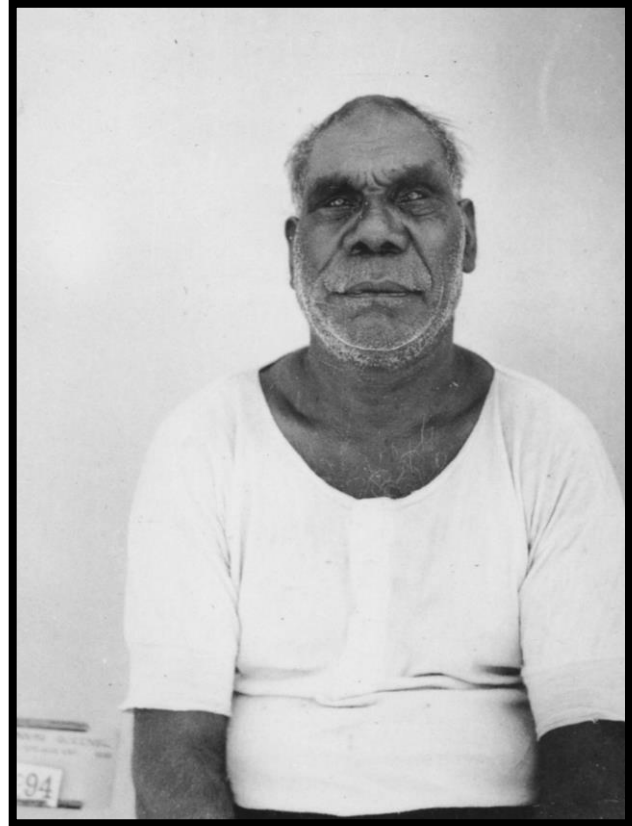


Owen McEvoy leading the Walk for Reconciliation in Brisbane, Queensland, 2000
Photograph by Jo-Anne Driessens

Family photographs



Nancy Chambers working in
the soup kitchen, c1940
Queensland Museum (EH.358)



Charlie Chambers, Cherbourg
Aboriginal Community, 1938.
Photo from the Tindale
Collection. (neg. 1394)



Barambah Aboriginal Settlement and Cherbourg photo albums dates Ca. 1900 to 1998. Highlighting 100 years of photography aiming to promote the importance of Aboriginal and Torres Strait Islander people to capture and add to collecting institutions to promote their own communities.

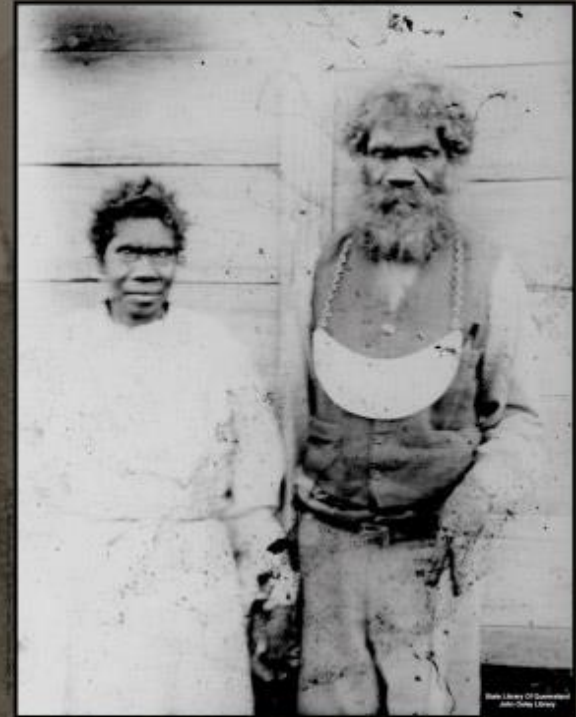
Photograph by Jo-Anne Driessens



Barambah ... the beginning
Cherbourg began as Barambah Settlement,
started in 1901 by Salvation Army missionary
William J Thompson, who camped with small
numbers of local Wakka Wakka people on the
banks of Barambah Creek. The Queensland
Government took control of the settlement
in March 1904.

“By removing the Aboriginal against his will they were virtually denying his right to live at all. The Bill made them absolute slaves: they could do nothing without Protectors, and the Protectors could do just as they liked ... To take them away from the bush and put them on distant reserves is everything that is stupid and bad.”

— John Webber, Queensland Legislative Council, 1901.



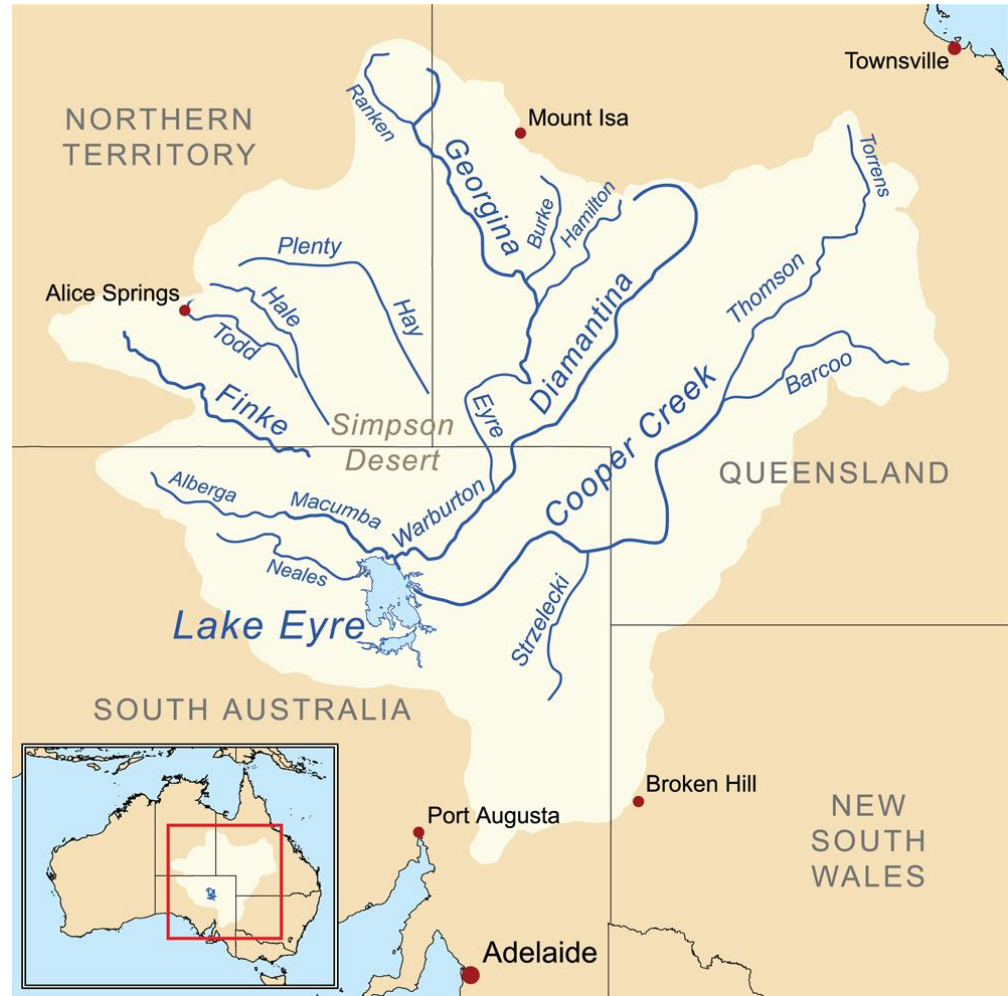
Guwa – Koa Native Title Determination

Koa Determination means an approved determination of native title in the Koa Native Title Claim made by a court of competent jurisdiction.

Koa Determination Area means any area of land and waters where it may be determined by a court of competent jurisdiction that the Koa People hold native title rights and interests.

Koa Land means:

- (a) Any land and waters the subject of a Koa Native Title Claim; and
- (b) All the land vested from time to time in the Corporation; and
- (c) Any land and waters for which the Corporation has been determined to be, or becomes determined as, the Prescribed Body Corporate under section 56 of the *Native Title Act*.





The **Federal Court of Australia** granted recognition to the Koa People as Native Title Holders of land and waters covering 31,400sq km in Queensland's north-west. Winton, west Queensland, Australia, 7 October 2021.

Photograph by Jo-Anne Driessens



Federal Court of Australia, Magistrate **SC DERRINGTON J** being smoked before proceedings. Winton, West Queensland, Australia, 7 October 2021.

Photograph by Jo-Anne Driessens

'native title helps preserve Indigenous culture, values and traditions and is a key step towards achieving more independence for traditional owners on their land.'

Native title is recognised over about 491,850 square kilometres of land in Queensland, Australia with claims to another 428,150 square kilometres currently subject to native title claims.

<https://statements.qld.gov.au/statements/93435>

Guwa - Koa Native Title outcomes

- Acknowledge all Guwa – Koa apical ancestors in recognizing the past through truth and healing
- Support self determination
- Self governance
- Maintain traditional knowledge and cultural expressions (TK's & TCE's)
- Preserve language
- Reconnect with country to learn about traditional plants and medicines connected to country.

Claim accepted for registration

I have decided the claim in the amended Koa People application satisfies all the conditions in ss 190B–190C of the *Native Title Act 1993* (Cth).¹ Therefore the claim must be accepted for registration and will remain on the Register of Native Title Claims.

http://www.nntt.gov.au/searchRegApps/NativeTitleRegisters/NNTR%20Extracts/QCD2021_004/NNTRExtract_QCD2021_004.pdf

- 1938 – Koa people performed the Molonggo dance ceremony at Woorabinda (Tindale Journal 1938:272). The ceremony is said to be about a “great waterhole important to their initiation ceremony” (Hutchings 2005:16 and Tindale Journal 1938:272 in Mayo 2017:143).





Guwa - Koa country, Native Title determination, on country site visit at Two Dog Dreaming, 7 October 2021. Photograph by Jo-Anne Driessens



Guwa - Koa country, Three sisters story site. Winton, West Queensland, Australia.
Photograph by Jo-Anne Driessens



Guwa Koa Country Rock Art, Winton, Queensland, Australia
Photograph by Jo-Anne Driessens



Ralph Chambers and Billy Gorham holding artwork by the late BJ Chambers, Brisbane, Australia 2022.

Photograph by Jo-Anne Driessens

Supported by Arts Law Centre of Australia

Acknowledgement of my Guwa-Koa families and the tireless work they do to preserve our traditional knowledge and traditional cultural expressions.

Thank you