

A Lonely Road to Native Title Determination

Walter Waia

Prologue

This is my brief personal account of the Saibai Island Native Title Claim. The story does not in any way exclude others who have been important sources in the course of the claim process. It does not even aim to offend individuals or the general Saibai Island community. This account has been prepared in genuine interest to show to the reader a path guided by a spiritual domain of the writer. It is a story of an Indigenous Australian who walked a learning road to fulfill his obligations to his family, his clan and to the community as a whole. It is one's test of his own capacity to achieve what he believed in whilst resting his faith on his spiritual belief, in order to succeed.

As for those of you who have chosen to walk this road, will find this account with similarities and may even sympathise with this story, if your experiences have given you growth. It certainly did for me.

The writer lays down his uttermost respect for the land rights struggle of his predecessors in Australia; and the most recent being the historic High Court's Mabo decision as a result of the struggle of the Meriam plaintiffs. In respect of Saibai Island and the Torres Strait community, the writer owes his work to them, because he is an Ilanmun. As the old saying goes, "only a community can stand to make it happen".

Introduction

My mind opened to the perspective of Indigenous land and sea rights in 1990. However, looking back, it actually began during the early years of my life. Or perhaps I should say, I was prepared for it, or from a totally different angle, it may be seen as predestination. Whatever it is, now today, I believe that my direction on this path have been led by Bahá'u'lláh, which is my spiritual foundation. Because, I believe that certain individuals who serve as catalyst for change are assisted by higher forces that are made available for contact to initiate a "that what needs to happen" at a particular life span. History has repeatedly told this tale. The change is inevitable and will be forever so because, change is a natural process and is a process of growth.

The Ait Kadal Clan

I am a descendant of the Ait Kadal Augad clan of Saibai Island. It is one of the clans of Migi Buway tribe. Besides the Ait Kadal, there are three other clans in Migi Buway. The other tribe is called Koey Buway and it has three clans. I should be frank to say that the essence of tribes and clans is slowly losing its meaning of unity, because the times have changed. And the culture and tradition of Saibai Islanders is fading quickly in the face of the twenty-first century.

Ait is an island in the open swampland on the eastern end of Saibai. There are other small islands such as Augar, Abalmudh and Uruil Kawa. There are also garden places called as Wati Nguki, Somanapai, Kuthapai, Bin and Igelai. Other Migi Buway smaller clans that lived around here were Sui, Baidham and Karbai Waithuka.

The Kadal clan occupied the islands of Ait, Augar and Abalmudh. Ait was split into two parts. The major area of eastern part was owned by the Kadal clan and small part of the western area of the island was owned by the Sui clan. Augar and Abalmudh were predominantly Kadal clan. The Kadal clan was the dominant clan and oral history says that all the people that lived around this district were known as the "Ait Kadal Augad".

The Ait Kadal were subsistent gardeners, and dugong hunting was their regular practise because of the grazing seagrass on the flats of the reef on the eastern end of the island, which is the Ait Kadal territory. In the late nineteenth century, when the Christian missionaries arrived at the current village of Saibai, the Ait Kadal were asked to leave their beautiful swamp island to join the other tribe and clans at the current site. They were given land by the Saibai Kadal clan because of same totem identity. That particular stretch of land was initially given to the Saibai Kadal by the Burum clan in a form of customary exchange. Burum and Karbai Ialaithi and Karbai Waithuka are subclans of Thabu Augad.

As was the custom, once the land is given it is given for good. The Saibai Kadal was the owner of that parcel of land and it gave the Ait Kadal that property. So in actual fact, the Ait Kadal were outsiders to the current village site. I wondered later that maybe that was why their knowledge was intact and identity strong because the historical circumstances had led to this aspect. Otherwise, the Ait Kadal were by bloodline a clan of strong identity because of their warrior-like nature and their knowledge of dugong hunting practise.

Ngau Lag Kapu Yawa

"Good-bye to Home,

Faraway towers are tall,

The old bell of chimes is still ringing forever thee"

(These are some lyrics from my song, relating to this event of my leaving home.).

I grew up as a happy child who loved the freshness of sea, the swamp and all there is on my island. Playing model boats in the water, playing warrior games in the low shrubland using miniature clubs, bow and arrows were the center of my world. My father was a traditional dance choreographer and dancing came naturally to me. My father was also a song composer and a painter and I realized that these talents were innate in me. That is why later I became a poet.

I was not expecting it but it came and shuttered my childhood world of happiness and bliss. Looking back today, I have treasured those wonderful memories. Sometimes I think I wished I were like the other island kids whose home was Saibai. But my father had other plans for me. His father Waia had did the same for him to prepare him to carry the family name. He was sent to a teachers college at Mabuig Island. He started his career as a school teacher, then an Island Industries Board Store Manager, and then a community leader as Council Chairman of the Saibai Island Council.

I still remember his words, not as instructing but calm with depth and wisdom, "Son I will send you away to the other world so that you too will be wise one day to come". I did not cry at that time but just gazed far into the distant sky, and I recall looking east then south at that precise moment.

In 1968, my parents sent me away from Saibai to attend State primary school at Thursday Island. This took place during the tender years of my life. I was only 8 years old then. Boarding at Torres Strait College for Islander boys and tending for myself, was a blast for emotional and psychological development at this age. It was as if I was dropped in the sea and I had no choice but to swim to survive. It was a pretty tough start in life for a young boy. From this time onwards, my struggle for identity began because I was an Ait Kadal living in a totally different environment. The Island school students would not see their parents between January and November each year because funding requirements and transport facilities were restricted during those days. When I am home over the December holiday period, my father would instill in me the knowledge, songs and dances, myths and legends of the Saibailgal, and my mother would give warmth and care. That is why, I think, I did make it through my teen years and was not a social misfit because of my struggles during those tender years. From 1973 onwards the Commonwealth Education provided funding assistance to Islander students and was able to fly the students to their home islands during semester breaks. On the same year, the Torres Strait College move from Thursday Island to Bamaga on Cape York Peninsula. After completing Year 12 at Bamaga High School in 1976, there was no turning back and I was determined to go ahead. The early start in life had toughened me up to face the challenge and the unknown. I made a choice to attend university schooling in Adelaide in 1979. There, I was a bit of a loner because of my obvious cultural background, so wandering about

“what am I doing here and where am I going” was easy for me to tap into. I became very independent. So, the development of my character took shape according to my view of the world.

Learning Experience

My learning experiences of the western schooling was a hard strenuous task. This is because the elements of learning are the very garments of the western society. This means the moment I make contact by using the English language as the medium of communication and of transmitting knowledge, my world view is totally changed because I had to think in English, which is foreign to me. This aspect in itself questions my identity of self. The more I venture into the higher levels of the western learning styles through aiming for a formal qualification, the more my sense of self is being questioned. During the challenging journey of my western learning, I made sure I was not lost but held onto my identity. Being in the early years of development, it was an extremely painful process which usually led me to consuming alcohol as a form of short-term relief. Under the influence of alcohol, I had my share of being in strife with the law and order of the community. I learnt my lessons very well in this area, and I will never walk that street again.

In fact, in Adelaide, I was joined later by my brothers Jeff, Cedric and Henley. This was another learning trend of hard drinking in the earlier years. There were a lot of pub fights, silly arguments and I got into a lot of trouble with the police. Jeff and I were worst and we carried this bad reputation in those younger days. Cedric and Henley were just as bad. That is why it was difficult for me in the later years to carry a public office. But, as by nature, I was always a fighter in many ways and strived to win, and I did succeed.

In tertiary education, I did a Diploma of Teaching, which is a very basic qualification. Due to the above learning trend, I had great difficulty accepting outside acquired knowledge, especially the world-view commanded by the western society, in particular, the English world. In my later years, I tried to upgrade my qualifications in Education and other fields but with no success because the interest was not there. In 1993, I even endeavoured to do a Bachelor of Laws Degree at the Australian National University, Canberra. The funding of study was supported by my success in the Commonwealth's professional development award during my employment with the Aboriginal and Torres Strait Islanders Commission in Canberra. Acceptance into the law school was a clear-cut case and even my studies were a “meant to be” attitude. The only hindrance was that the Saibai Island 7 clans asked me to head the community's Native Title Claim. I had to make the choice whether my ambition on the selected career-path or the aspirations and desires of my clansfolk. Obviously, I chose the latter. I was now determined to achieve the community goal. My tact was then to hold the vision and govern the concept

of the vision while a legal expert utilises and practises the concept. In regards to formal learning, I think the basic qualification I obtained is enough for me. I do not know whether I will ever have a desire to further my western qualifications. As it is, I am already highly qualified in the Ait Kadal knowledge and its ceremonial dances and songs. That is why in maturity, I am willing to do what is natural to me and that is artwork in painting and carving, and writing poetry and composing traditional/contemporary songs, and choreograph Saibai Island dances. Or even build a model and a real size Saibailgau racing canoe. The mentioned is my father's and our family tradition. This is my only inner feeling now.

The Career-path

By 1983 with my tertiary study completed, my challenge and my career-path took me from Adelaide to Central Australian desert country as a school teacher in Pitjantjatjara Aboriginal community of Amata. The decision for this ocean man to be with the desert people was to learn about their ancient culture and to study and focus on his own Islander heritage. I discovered a lot of cultural similarities of identity of moiety groups or clan groups, and the dreaming stories which made the fabric of their society. A society shaken by the coming change and like mine, had to make adjustments. I was aware of their social and spiritual affiliation and connection to the land; and I learnt about their struggle for their land rights. In my observations of the Pitjantjatjara people, I was an outsider and lived in my own world by drawing comparisons or conclusions to the society of my Island home. It was a lone view.

In Amata, I met my close friend who became my brother. He is Steve Hillan and he was also a school teacher on this first time outback experience. Steve is of Caucasian Australian background. He was a traveller of his own and on his own quest. We were both outsiders to the Pitjantjatjara and batlers in our own ways, so we had lots of things in common. We assisted each other and gave advise to each other for our well being. We loved our beer and shared good laughs out of making many mistakes in someone else's culture and society. We had good times mixing with the local folks and we were well accepted into their group and we had great respect for them. Those were the good ol' days which I will treasure as number one memories. Our companionship is one that will last for this lifetime.

In 1985, I chose to take a leap from the desert country to Canberra as Research Officer in the Aboriginal and Torres Strait Islander Commission. This choice was to learn about the bureaucracy and the government. Here again, challenge was the name of the game. Besides, adjusting to the demands of the western society, I also learnt the competitive nature of the western professional world. Thus, igniting the ambition and determination to aim for goals, whilst developing performance standards. Standards such as striving for

excellence in developing skills of competency, efficiency, diligence and being persistent and effective in delivery of services; being concise and clear in both oral and written expression. Creativity came naturally to me because of its innate ability in me. In addition to this drive, my purpose was 'engined' by yet another source, the quest for identity in the general Australian community. After soiling my feet into the bureaucratic competitive world, my personal development had gained new found confidence and it was I am "me" an Ait Kadal whether you accept me or not, it does not really matter; as far as I am concerned you are okay anyway, no big deal.

Around this time I had made contact with my spiritual foundation, the Bahá'í Faith. Uncle Satto and Aunty Ira Williams of Toowoomba in Queensland, showed me this path and gave me time to consider.

Opening the Door

While in Canberra from 1985, my Ait Kadal elders sent me the warning signals to consider pursuing land rights for our clan property. Uncle Giwai Kusu, my father's close cousin, advised me accordingly that I should look at such concepts seriously because the time has allowed for such matters to be in place. He said, "all your Ait Kadal brothers have chosen to take to the sea and we your fathers have chosen you to fight for us with your pen". I was already burdened with heavy responsibility. Because Bab Yugom, Uncle Giwai was known as, gave me this advise with trust and faith. I saw that he knew I was the right person for such responsibility. He was reflecting on his experiences of World War 2 and the pearling days and how the Islanders were treated by the government of the day, and what was the Islanders' place in the wider community. It made me really sad to hear such stories coming from a proud Ait Kadal man.

My father, however, was light on this type of advice, maybe because he knew I was still young and not serious about life in general. Uncle Giwai did not stop but continuously advised me on this subject until he passed away on 19 July 1990. I was really hurt because I was close to him and he taught me a lot about the Ait Kadal clan and Saibai Island in general.

Early that year, I took another leap from the Public Service sector of Canberra to Saibai to undertake a teaching post at the local State primary school. This decision was due to my father's maturing age and I wanted to be with him during his last years of life. (My mother had already passed on in 1985). It was during my short stay at Saibai, in the years 1989 to 1990 that my father imparted to me our traditional ancient knowledge of all people being equal and that all natural cycles happen to regenerate life. The point was that human beings world over are part of the earth and part of the cosmos. This means that though we may be different, we are all the same regardless of race, colour or creed. He said, here, the Saibai Island land and the seas, the winds and the stars, all belong to us because they are part of our songs and dances, our

stories, our myths and legends. All over the world, every race has the same in their society. One quiet evening, my father said to me, look at the moon on the eastern horizon, from there you can see that the earth is so clear and alone in the universe. Two things happened to me at once. This powerful moment opened my eyes to seek for equal land justice and I saw a universal picture of earth as one home of all human race. Contemplating over this moment later, it became known to me that my father was giving me a message by communicating on a higher plane. He knew that the change had come during his time and he had to make cultural adjustments to suit the change, and he knew I was old enough to take the challenge of what needs to be done. My father, the late Wagea Waia OAM (contemporary medal of service recognition), bestowed with traditional title of Gudamulamai Pui (meaning "ceiling joist of a Great House"), was the last Chief Elder of Ait Kadal clan and his wisdom was just and true and of course, he was the central part of my life. The year was 1990. (My father's statement reflected the wisdom of many ancient societies of the world).

In 1991, I went back to Canberra and again served as a Research Officer at the Office of Torres Strait Islander Affairs of Aboriginal and Torres Strait Islander Commission (ATSIC). There I met Phillip Mills who was the then Manager of the Office. At that time, Phil was also doing a research study of his family clan of Naghi Island. He passed onto me his wisdom and understanding of the social change that is taking effect across the country, in particular in relation to Indigenous people. He advised that you should do something about it before the change will sweep all the old knowledge away; we Islanders need it for other purposes in the future. I will never forget this wisdom coming from a visionary and a pace-setter. In his time, Phil had inaugurated the push for the establishment of the Island Coordinating Council. He had also established the above Office (only recently, Phil had established the major State Health facility on Thursday Island and across the Strait). Phil's vision was similar to my father's but however, elevated to an immediate and a modern scale. No doubt, Phil was also a traveller on that lonely road. It was as if this generous man who I have great respect for, was placed on my path for a reason and it was, to show me the way. By then, I had already experienced the plight of the Pitjantjatjara people, and I had learnt the bureaucracy and the government system. So it was then that I took up the burden of initiating the land claim process of the Ait Kadal clan.

The Native Title Path

On 24 May of that year, my father passed away and it even made me more eager to pursue my goal. I applied for a grant to the Institute of Aboriginal and Torres Strait Islander Studies in Canberra to engage an anthropologist to do research on the Ait Kadal land tenure. Phil had introduced me to Nicolas Peterson, the then Head of Anthropology Department of the Australian National

University. Nic was doing the research for Phil's Naga clan of Naghi Island. On 28 October 1991, the Ait Kadal clan received a grant from the Institute and I engaged Richard Davis to do the work. Richard was doing a Ph.D degree and did the project under academic supervision of Nic. Richard was to commence his work in February 1992. So, I met with John Gayler, a Federal Labour Member for Leichhardt, at the Parliament House seeking assistance to secure a teaching position for Jenny (Richard's wife) at the State primary school at Saibai. My proposal was successful and Jenny, being a school teacher, was given a part-time position at the Saibai Island school. When Richard and Jenny arrived at Saibai in February 1992, they were instantly adopted into the Ait Kadal families as part of the Island custom, so they were not strangers in the community. Towards the end of that year, the other Saibai clans represented by Dana Ober wanted to do the same type of land tenure research to their properties. The Ait Kadal clan agreed that Richard should do the research on the whole clan community for the sake of the whole Island claim. Richard had done an excellent job on the report. As for me, my father, who was my backbone, had fallen and my only way now was on what he had taught me and of course my intuition. It was a very lonely road.

After my father had passed away, his young brother Kala Waia introduced the land claim process of the Ait Kadal to its clansfolk. He also welcomed Richard and Jenny into the clan and officially opened the research project for Richard to commence work. Uncle Kala, however, was already weakened by my father's passing because they were very close. On 25 June 1992, my famous renown Dhibal dancer Uncle passed away. Once again, I was really hurt because I was just getting over my father's passing. Some say I lightly took my Uncle's features, but as for Saibai Island dance, innately, I was his photo image. He further taught me his deadly technique which I carry on today. In the ancient Ait Kadal law, the Dhibal is danced by special and famous dancers who are the top leading men. Uncle and my father were the number one men of this calibre. Uncle and my father had passed onto me their "kulap" a dance rattle instrument and their general dance status. My father had initially choreographed the "diesel", the fabulous Saibai Island rattle dance of the community. In fact, Elia Fauid of Poruma Island, a leading dancing man, passed onto my father the rattle kulap. (My father was a school teacher at Poruma during this time.) My father multiplied the kulap technique to a finer detail and a more faster rate. Since then, the "diesel" was born. "Diesel" came from the diesel motors of the 1900s. My Uncle was the status man of the "diesel" dance and carried that distinguished profile in the dance field. Both men, created dance instruments called "zamiyak" for using in dances, and composing dancing songs. A zamiyak can be a clan's totem or a star constellation for use in ceremonies. Both mastered the racing canoe knowledge and techniques, in fact, their decorated racers were swift and fast and well known in the community. It was their family tradition. I will always recall their colourful racers, flying

like a kite in the wind, covered with sea spray and our clan's yellow-blue flag proud and high in the mast. Sadly enough, my famous Uncle and my father were the last Waia brothers of their generation.

The dance knowledge of kamiyaqs and techniques, such as the "kulap" and "deisel" etc., and the knowledge of the racing canoes and model boats was passed onto me and my brothers Terry, Jeff and Cedric. In respected of canoe knowledge, Enosa Waigana of Ait Kadal said to my father "whichever spoon you use for your children, use the same spoon to give to my children". Enosa was implying the canoe knowledge. So when all of this knowledge was been given, my father made sure that Pili, Enosa's son was present to acquire this as well. When all was done, my father gave a sigh of relief and said, "Ngath ngau zageth mura muasin" (meaning, I have accomplished all my work.) So, it is evident in a cultural practice that this ancient knowledge and wisdom has been handed down to the next generation. After the session, it was very obvious that my father was left with absolutely nothing. All the knowledge and energy that made him who he is, has finally expired. These were his last days and he had imparted this knowledge because it was his responsibility to hold it for part of the 70 years of his life to the last moments on earth.

The above event of handing down the canoe knowledge happened when I was in Canberra. My brothers told me of the event in detail. My father actually instructed the brothers to make sure that Walter must know this knowledge, and Jeff in particular, wrote everything for me, so that I will not be left out. I think my father and Uncle Kala knew that I was attending another matter in Canberra in the best interest of the family and the Ait Kadal clan.

However, after Uncle Kala's departure, three figures rose on my Native Title path. They were the Tabuai brothers naming Barry, Edrick and Walter. They were younger than Uncle Kala and took the total responsibility of directing the clan. They were the knowledge holders and my instant advisers on the claim process. As one can observe that the status and knowledge of the clan is passed down the line. Uncle Barry, the closest to my father, completed his history to me and gave me his last words to him, saying, "Bala, I have sent our son, our arrow, called "Kimusal Thayak" (a special chosen arrow used by warriors to aim for target), was sent far faraway and will return when the time is right." Uncle Edrick had also taught me well and gave further me the knowledge of the Ait Kadal clan and also the history of Saibai Island. He passed onto me Waia's wisdom. Uncle Edrick was Waia's adopted and a special son. Uncle Walter, whom I am named after, was my close guardian on this strenuous path. Uncle Walter who had since became an Anglican priest, guided my steps in his prayers. In our custom, I am his son because he gave me his name and for that matter I have carried his name. These Tabuai brothers were also well known Ait Kadal dancing men. They were trainees of both Wagea and Kala. Uncle Barry and Uncle Edrick passed onto me (and my brothers Jeff and Cedric) their individual dance, song and kulap techniques. Song and dance plays an

integral part of ceremonies in the Saibai Island clan society and its way of life. (Since my initiation of the Saibai Island claim, Uncle Edrick gave me a new name, “Ngagalaig” the eagle, meaning the strong wings with strong claws, to lead the community on a unravelled terrain). These traditional Ait Kadal ceremonial titles are bestowed on me for my personage and spirit. In the traditional world, knowledge is handed down the generation through the spirit of the person. The elders can tell and foresee that a particular person is liable of carrying that knowledge to the next generation.

On the date of my father's departure (24/05/91), I officially accepted the Bahá'í Faith. The significance of this event was that his departure date was a day after the declaration of the Báb, a Prophet and the Forerunner of the Faith. The Faith became my backbone and a powerhouse to my intuition. I also recalled on his advise of Saibai which certainly reflected the Bahá'í perspective of the oneness of humankind and the earth as one home of the whole human race.

As mentioned above, toward the end of 1992, I was joined by Dana Ober of the cassowary clan, representing the rest of the clan community of Saibai to pursue the whole Island claim. It was good and beneficial for various reasons. One is that Dana is from a dominant tribe known as the Koey Buway and who are major land-holders at Saibai. The Ait Kadal clan belong to a Migi Buway tribe which consists of clans owning smaller parcels of land; and the Ait Kadal came to the current village from their homeland in the eastern end of the island. The other reason was that being rebellious, I did not have a good standing character in the community when I was young, and to hold a public office was not easy. Whereas, Dana had the whole community support and he had a respective background, and he was also a senior member in the claim process. So, he was the right person for the process. Early in 1993, Dana and the Saibai Island Council held a community meeting to address Native Title issues. The community unanimously agreed that a position within the Council should be created for me to administer the claim. With funding secured from ATSIC in Canberra, in September 1993, we established an office within the Council to administer the claim and I took up the position of being the Manager of Saibai Island Native Title Claim. I instantly engaged Dale Treanor of Cairns as the solicitor, Bryan Keon-Cohen of Melbourne as the experienced Mabo case barrister, and Jan Butland of Sydney as the third legal counsel who had wide experience in the Indigenous community. The Saibai Island Council consisting of Terry Waia as the Chairperson, Waba Waigana as the Deputy and Keri Akiba as the Councillor were all very supportive of the claim process. During the following meeting the community again unanimously agreed for Terry Waia (my eldest brother), Dana Ober and Walter Waia to be the technical applicants on the Saibai Island claim application. It was understood that three persons plus the legal representatives was just and fair to negotiate the claim on behalf of the community.

Heading an Island Native Title claim was my biggest test and challenge. It meant no mucking around, only serious business. This was where my intellectual and intuitive powers were at the very best of their ability. In other words, what I had in me was all concentrated to the fullest. There were lots of silent nights of careful strategic planning and tactful thinking to deal with each clan and to deal with the government bureaucracy. I was carrying on my shoulders the name of my Island home. I was extremely careful not to have the clans lose confidence in me. I made sure I did not lose the sight of my vision and it was focused all the time. The Bahá'í prayers became my morning, midday, evening and midnight companions. It dawned to me that answers to solving my problems and the foresight into the distant future came during the moments of my “dozing-off” to sleep or waking. Realising this fact, I quickly sent it back to the Universe in thanks because it belonged there and it did not come from me. Well, the more I was honest that these clear thoughts are not from me, the more they came. I knew I had a role to complete a particular task in this major plan of things. For my limited understanding, there was certainly a “divine providence” at play. Otherwise, this whole affair would never have happened. Strange it may seem. Native Title was raw and brand new and it was the trend of the nineties. And so it was, being the original, I became part and parcel of the trend.

Vision and Goal

When I first introduced the concept of land rights to the Saibai Island community, I started from the very beginning that no one actually owned this land and we all came to this place from somewhere. This had happened to all races of the world that they do not belong to what they call their home today. But rather their home and the society began from their stories and legends of long ago. So, a birth of a society manifests from the very first story of that place. In actual fact that place belonged to no one before we came here. Then who does it belong to? It belonged to the one who created it from the very beginning. My vision was based on my spiritual principles of the Bahá'í Faith and in itself a one that I cannot share with anyone else because it is not easy for a political and spiritual path to go together. I knew I was setting yet another mark on the lonely road.

The above approach had instantly eliminated the Saibailgal's restriction to their land. I led their view on a higher world level that the earth belonged to all races and to its creator. Even consultation amongst various clans at the community level was done in a just manner. At the government and interest party level the consultation was where all involved in the process of Saibai Island land claim had a fair and just result. The process had respect to those in authority and there were no arguments but a negotiated land agreement.

I knew from the very beginning that the Native Title path, which gives recognition to some form traditional land ownership, would heal the wounds

of the past of the Islander society. I seized at this opportunity knowing that this path will create a paradigm shift in the Indigenous community and the Australian society in general. I also knew that I alone cannot do it, the Saibailgal had to stand up and shake off the government dependency and be industrious like our generations of the yesteryears. I also knew that if the independent thinking did not sink into the Saibailgal, then I was some light years ahead of time. Perhaps, they will catch up one day. Or maybe I was only a dreamer.

I knew that the Mer Island plaintiffs of the infamous Mabo case have walked before me and my path was made easier because of their strenuous efforts, and I lay down my utter respect and gratitude for their struggle. As a result of this case, the Federal Government passed legislation called the *Native Title Act 1993* to recognise Indigenous peoples traditional and customary land ownership. But my path was in itself a new road because the concept of the model I was to initiate would benefit the rest of Torres Strait communities under the State's Deed of Grant in Trust land tenure. This was because the Mer Island was not under the mentioned State's land tenure and the High Court's Mabo decision did not reflect this particular land tenure. The Saibai model was prepared under the Native Title Act and was designed to encompass all communities in the region. The Torres Strait Regional Authority (TSRA) provided funding for the claim as its test case on the above mentioned land tenure. My burden was even heavier because on top of Saibai sat the whole of Torres Strait. I fine-tuned my focus to success only. With the brilliant legal mind of Dale Treanor, and the experienced handling of the matter by the legal counsel, plus the grassroots advise and guidance of Dana, the model took fruition on a negotiated table between the Saibai Mura Buway Torres Strait Islanders Corporation (representing the land holders), the State Government, the Telstrar and the Far North Queensland Electricity Corporation. My goal was finally reached. A power balance. The Indigenous landholders recognised; the corporate entities were not hindered but included in the deal; the Government acknowledged for its jurisdiction.

A Soul Mate

On 31 March 1989, my father foretold my wife as “the summer rain or the coming season's rain.” It was during the event of separation from my ex-wife when I sat beside him, hurt with shame. After a moment silent and looking into the distant sky, he said, “this event is for you to learn, and by the way whose son are you to jump the gun, give your wholehearted service to the community first and have patience for she will come. Before the monsoon season begins, the thunder and lightening speaks on the northern skies of Dhaudhai (Papua New Guinea), signaling that the rains are coming. Your first marriage is that signal, now wait for the rains to fall because the season's timing will be and is always right”. Being modern in contemporary terms or should I say my intuitive senses were still developing; I asked, “but how will I know”, and he

said, “you will know for sure, your inner being will tell you and also because I will no longer be here, I will be gone by then”. So, I was also expecting my soul mate. I wrote, yearning in anticipation and with great excitement, a short story depicting the beautiful Ait Kadal “woman of the mat” called, “Usalal”, whom I saw in my vision as the dream girl foretold by my old man. Also, in anticipation, I composed songs and wrote poetry for this mysterious woman who will one day carry my family name.

Anyway, while working very hard on the claim, another “meant to be” episode happened. Now, whether it was a blessing from my Saibai ancestors for the struggle that I endured to gain their tribal property, or a blessing from the twin Prophets of my Faith. Maybe it was both. Whatever it was, Uncle Satto and Aunty Ira introduced me to Ritu, my beautiful Bahá'í wife of Indian background. “God willing”; by then, I had just completed my work at Saibai. The year was 1995. This meant, my “cowboy” days were over and to settle down and start a family. Again, in tears I remembered my father foretelling “the summer rain or the coming season's rain.” The rest is another story.

TSRA Native Title Office

By early 1996, the TSRA Board commissioned me to establish its Native Title Office. On 18 March that year the Office came into existence and I continued to lead to completion the Saibai Island claim from here. Again, I engaged the above legal advisers to the TSRA. I was the Executive Officer and there was an administrative support officer to do administrative work. The period from April 1996 to 1997 was heated with local political opinions in respect of who should best govern the Native Title Office, the TSRA or another body. It was also the period where I was running hard against the opposite views and trying to secure funding to resource the Office. Finally, by 1998, the Native Title Office had a resident solicitor and a resident anthropologist and a team of consulting anthropologists, who joined the staff. We have since submitted an application for an increased funding for financial years 1998/1999 and 1999/2000 for the additional workload on the Torres Strait Native Title claims. In April 1999, the Commonwealth informed that the submission was successful. This was great news for the Office and the Islander community.

On 12 February 1999, the Federal Court of Australia recognised in common law the Determination of Native Title of Saibai Island. During the celebration of the Court's decision at the Island community on 13 March, I stood in the back with my lovely wife. As the Attorney General of the State of Queensland served the seven clan representatives with the Determination documents, our tears were flowing for my efforts of 9 years of hard work. My tears were for my father whose voice of tribal wisdom was the burning fire that kept me going for these years. This was it, an accomplishment of major responsibility and a success in flying colours, because I always remember my father's advice: “son, don't talk, speak with action because action speaks louder than words”. My

tears were for Bab Yugom and my famous Dhibal dancer Babudu. My tears were for our forefathers who had first met the change with great difference; and my tears were for saying good-bye to my Island home and its people. Because I know that I have fulfilled the wishes of my ancestors and the clans, and from now onwards, my journey will be that which belongs not only to a particular group but the whole human race.

Humility

Once again as a Bahá'í, I was really trying very hard to give humility to the community even at the main event of the ceremony. Because by nature, I am fiery, ambitious and straight to the point and always in the frontline. But during the ceremony I took the back stand and gave my 9 years of work to the community. The sad part of the event was, I did not get the full recognition for the heavy burden that I had carried because the "limelight" went to the elected leaders and the seniors of the community. That was okay. Maybe that was the way it was meant to be. I suppose Saibai folks took me for granted because I was one of them and I did all of this for everyone. Then again, I felt so used and I felt so empty. My energy that had fired me since 1990 or even before then had finally dropped down below zero. The climax had hit and with a flash the story was over. With deeper hurt, I asked my wife, and what was it all about? Why did I choose to walk this hard lonely road since I was only 8 years old? Why did my father sent me on this path? Why me? But my dear wife encouraged me and said, you were chosen and your blessings are in the Abhá Kingdom. At 4.45pm of that day, we left Saibai to Thursday Island. Among many personal tests and lessons of life's teaching, this was the biggest lesson I had learnt. Grasping over this event later, opened my eyes to my blessings that are right before me, my beautiful caring wife and our lovely child coming whom I have waited in my longing dreams; and my son of previous marriage who I struggled hard for joint-custody and who resides with his mother in Sydney, now questions his Indigenous identity and who will inevitably join me soon. My feelings had found peace.

On a Bahá'í plane and to my surprise, the whole process completed in exactly 9 years. The number 9 is revealed in Bahá'í Writings as the number of great significance because it is the final and the last numeral. Even, the National Native Title Tribunal's registered number of Saibai Island Community was QC 95/13, which adds to 9. I saw the potential and I went for it, and who knows may be the Saibailgal sit on an energy that will fully develop their community. They should run with it. And as for me, whatever was destined has been achieved and completed.

The Saibai Island model, which I have guided and steered through those dangerous reefs, will be used as a template for the Torres Strait communities in the region and also as a national resource.

The End Ina Kuth

With my father's careful nurturing, like lovingly designing a sea racing craft, I had the carriage of carrying the ancient flaming torch from his time through the rough and rugged oceans of change to the end of the twentieth century. (I was given a tribal name, Tauk, meaning, a spark of flame. Perhaps, I was to spark a flame, which will burn, throughout the Strait. Mabo had done so, otherwise. But as for mine, it will remain a mystery. My father had also given me his personal name even before I was born. Perhaps, he chose that I would carry the flame from his time to mine, for the purposes of identity. Well for that part, it is obvious). On this journey, I was a solitary traveller on the lonely road. At an early age of 39 years, I achieved and reached the pinnacle of my career as an initiator of a particular land claim model, and an answer to my identity struggle in this contemporary world. I know I have been too hard on myself, all these years, just to get here. It is time to take it easy now. I feel I have conquered myself by winning in the western system and by conquering my Island home. The first page of my history is over now and I look beyond 2000 for a new beginning.

My path was a silent one and my goal was justice. I believe I have served my purpose for the human race. On my spiritual plane, I believe I have served Bahá'u'lláh.

As to date, I am still involved in Native Title issues in the Torres Strait as being the Manager of the Native Title Office of Torres Strait Regional Authority. Until, my ancestor's tribal East Wind the "Sager Gub" will blow again.

My Foundation

"O SON OF SPIRIT!

The best beloved of all things in My sight is Justice....."

Hidden Words, Bahá'u'lláh.