

NATIVE TITLE AT MABUIAG: THE EXPERIENCE OF GOEMULGAW SINCE RECOGNITION

JOHN WHOP*

I am a Goemulayg. Goemulgal are the traditional inhabitants from Mabuia Island in the Torres Strait. Mabuia is on the edge of the Western Island group in the Torres Strait, and is approximately 3 by 2 miles (626 hectares) in size, with a resident population of just over 200 people.

Our traditional language is Kala Lagaw Ya known as Mabuia or Mabuia and now referred to as Mabuiaagi by Goemulgal, which has a dialect in the western Torres Strait language. In Mabuiaagi, we speak a more wide spread dialect.

On 6th July 2000 the Federal Court made orders recognising Native Title over Mabuia Island and surrounding islands that are part of our traditional lands. This Native Title Determination was very important for Goemulgal people as it was a recognition by the Federal Court of Australia, the other parties who worked in with our claim through the Court, of what we have always known, that Goemulgal are the traditional land owners of Mabuia Island and its surrounding islands.

Before Mabuia Native Title Determination 2000, the interim committee for Goemulgal (Torres Strait Islanders) Corporation was set up. After the Federal Court of Australia recognised Native Title for Goemulgal this body then held their first Annual General Meeting two months later. I have been the Chairperson of the now Goemulgal (Torres Strait Islanders) Corporation since its first Annual General Meeting in 2000.

Leading up to the Mabuia Native Title Determination 2000, there were a lot of activities on Mabuia. We had many visits from lawyers, anthropologists and other people involved in helping us to get our Native Title.

After the Mabuia Island Native Title Determination celebration, the interest and enthusiasm of Goemulgal people were still very high. However, in the years following our Native Title Determination 2000, people started to become frustrated. There were many land and infrastructure development projects that were happening at Mabuia at the time. These included plans for a new general store, staff accommodation and a proposal to establish a new sports field. Goemulgal very much wanted to participate constructively in these projects.

Various organisations, communities and Goemulgal and non-Goemulgal people were trying to make contact with the committee for Goemulgal (Torres Strait Islanders) Corporation about issues on land matters. This became very difficult at times because we did not have an office to operate from. Also, people did not really understand about how the committee was supposed to work so it was difficult to hold regular committee meetings in private.

* Chairperson Goemulgal (Torres Strait Islanders) Corporation.

Mabuiag people either approached the committee members at the Community Council Office, Public Hall and in the General Community.

Until now, Mabuiag Island Community Council (MICC) has assisted us with phone and fax usage. They have been generous with their offers to use their facilities. The basic reason for this is that there is a dialogue in place between MICC and GTSIC. There could be other reasons but this is the fundamental one. The committee members of GTSIC feel frustrated because they have been unable so far to obtain the funding necessary to set up their own office.

I am grateful for the Native Title Office and staff on Thursday Island for support, advice and assistance. I feel ashamed to ask them to do tedious tasks because if we had an office the majority of these tasks could be done by the committee and staff. The professionalism of the Native Title staff boosted the confidence of Goemulgal people. I recognised the enormous difficulties for our solicitors, staff and their associates because of the protocols and procedures that GTSIC and Buugar Mabuiag Council of Elders now have in place. To put it simply the processes do take time. Sometimes they take a long time in the Mabuiag community when Traditional Landowners have to be contacted down south in mainland Australia and elsewhere in the Torres Strait region.

GTSIC and Buugar have concentrated on the area of research in and around Mabuiag. The organisations feel that the reins for researchers need tightening and processes need to be put in place. Of course the researchers and organisations are not happy with GTSIC, but Buugar Mabuiag Council of Elders feel this is an empowerment process. We feel strongly that research should benefit the community and our priorities are not always the same as the researchers. Change needs to occur because of the Commonwealth Native Title Act 1993. With the recognition of Goemulgaw Native Title, Goemulgal have decided to take control to sort out aspects of research activities being conducted on our Goemulgaw land and sea territories.

Research goes on at Mabuiag all the time. These are Government, Education and Private Research. Researchers research our traditional fishing practices. We hope that (together with Goemulgal and some Researchers) to prepare Marine management project to set plans for dugong, turtle hunting and traditional fishing. Archaeologists research our archaeological sites. Anthropologists have been involved in research as well to help prepare Goemulgaw Native Title Determination and Sea Claim. Goemulgal welcome research conducted in a culturally appropriate way and which is of benefit to Goemulgal too. Those days are gone now when Goemulgal would accept researchers who do not put something back into the community. We have constructive measures on Research through Agreements before it is done on our people, or our land and sea territories.

For Goemulgal our recognition of Native Title is not just about land. It is about all aspects of Goemulgaw culture and lores in and on the policies and procedures we are putting in place reflect this. GTSIC have taken steps to write more about Goemulgaw reefs around Mabuiag and sand banks, channels, shoals, sandbars, and seabeds in Mabuyaagi Language. Goemulgal has used

these names since time immemorial. These place names are imbedded in our songs and dances. We are involved with protecting our culture and passing it on to future generations. We are concerned with issues relating to law and order that can affect 'good pasin' ('*mina pawa*') (that is, good Island custom). As Custodians and Knowledge Keepers of our Native Title, all these things we see to be the responsibility of Goemulgaw with added support from Commonwealth, State, Local Governments and Service Providers.

To make our Native Title body work, we need funding for an office and administration. We have made many submission enquiries through to government and other agencies. There is no set funding allocation for Native Title Prescribed Body Corporate (PBC). The answer is always the same. There is no funding for Native Title bodies at the moment. Goemulgaw can only hope that this situation changes so that all the hard work that we put in to get our Native Title recognised does not come to nothing.