

**SUMMARY OF
THE TOOMELAH REPORT**

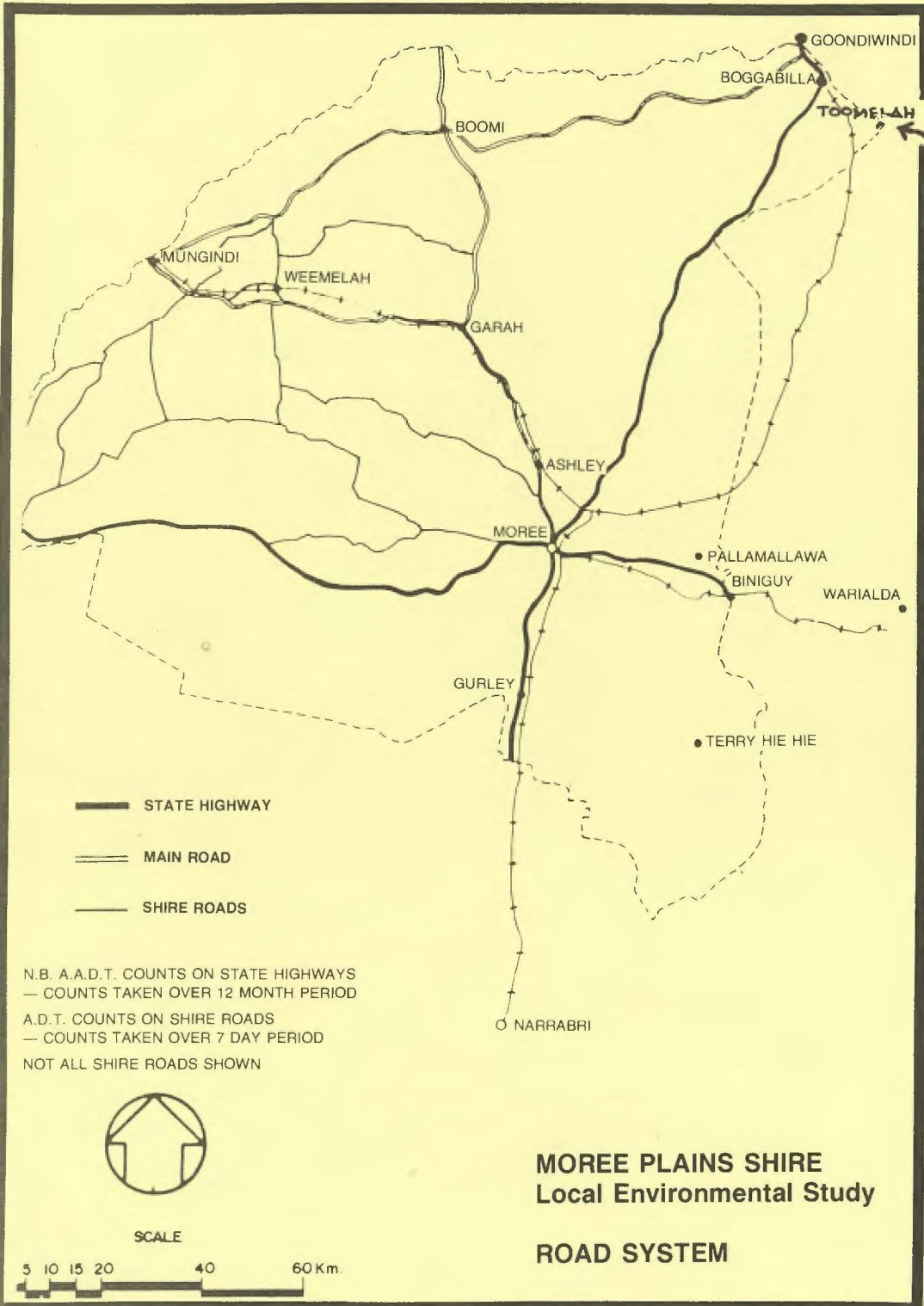
**BY THE HUMAN RIGHTS AND
EQUAL OPPORTUNITY COMMISSION**

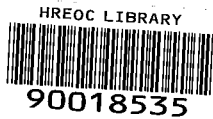


JUNE 1988

**In co-operation with:
Aboriginal Development Unit
Tranby Aboriginal Co-operative College
13 Mansfield Street
Glebe NSW 2037**

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To the Aboriginal people of Toomelah and Boggabilla:

We have written this booklet for the Aboriginal people at Toomelah and Boggabilla.

The booklet helps explain what the Toomelah Inquiry set up by the Human Rights and Equal Opportunity Commission says in its full Report. It does not cover all the things in the Report. To know exactly what the Inquiry says, you need to read the Report.

This booklet has been designed for the workshop for the Toomelah and Boggabilla communities run by Tranby at Toomelah on June 15, 1988.

Human Rights & Equal Opportunity Commission,
Tranby Aboiginal Co-operative College,
June 1988.

CONTENTS

Terms of Reference	(iv)
Background	1
About Toomelah	1
About the Inquiry	1
Main Findings	2
Main Cause	2
Main Recommendations	2
Housing	4
Water and Sewerage	4
Roads	5
Toomelah and the Shire Council	5
Education	6
Health	6
Racial Discrimination	7
Aboriginal Heritage	8
Land Rights and Self-Determination	8
Planning for the Future	8
Commitments Made	9
Needs, But No Commitments	10
List of Witnesses	10

TERMS OF REFERENCE

- 1 To inquire into and report on the social and material situation of persons in Goondiwindi Boggabilla and Toomelah and identify the social and material needs of these and nearby communities.**
- 2 In particular to inquire into and report upon the extent to which any problems or deficiencies identified have been caused by inadequate educational and/or employment opportunities and/or other facilities and the existence of the Queensland-New South Wales border between the town of Goondiwindi and the other two towns.**
- 3 To investigate and report on the state of the community relations in Goondiwindi, Boggabilla and Toomelah and the way in which problems identified can be resolved among these and nearby communities.**
- 4 To report on the impact of community relations on the social and material needs of these communities.**
- 5 To recommend to all relevant persons and/or authorities, steps which might be taken to resolve the identified problems of these communities.**

BACKGROUND

About Toomelah

Five hundred Aboriginal people live at Toomelah. Toomelah used to be a Welfare Board reserve. In 1975 the NSW Aboriginal Lands Trust was given the freehold title to look after the reserve for the people. In 1984 the Toomelah Local Aboriginal Land Council became the owner. The people have belonged to this area for a very long time. One very important sacred site is Boobera Lagoon, the home of the Rainbow Serpent.

The Toomelah people might live either at Toomelah or Boggabilla. For shopping and medical treatment, as well as other things, they usually go to Goondiwindi. Until the beginning of 1988, high school students had to go to school in Goondiwindi. But there have been tensions in Goondiwindi for Aboriginal people and there was a riot there in January 1987. Some people felt that the tensions finally got too much.

About the Inquiry

The Race Discrimination Commissioner Irene Moss visited Toomelah and Goondiwindi after the riot to investigate the situation. She realised that the Aboriginal people at Toomelah lived in worse conditions than the white people in Goondiwindi. She recommended to the Human Rights and Equal Opportunity Commission that an Inquiry be held into this.

The Inquiry was set up in July 1987. It was headed by Justice Marcus Einfeld who is the President of the Commission and also a judge of the Federal Court of Australia. He was assisted by Sir James Killen who lives in Queensland and used to be a Minister in the Federal Government and also by Ms Kaye Mundine who is an senior Aboriginal Commonwealth public servant.

The Inquiry came to Boggabilla, Toomelah and Goondiwindi to take evidence and look at the situation in July 1987. Later in the year, in December, the Inquiry called some government officials before it in Sydney to answer more questions about what they were doing for the people at Toomelah. A list of the people who spoke to the Inquiry is at the end of this Summary.

In our Report we make a number of findings about the situation at Toomelah and the reasons for it. Then we make recommendations to try to change things in the future.

MAIN FINDINGS

The Inquiry found that the conditions that the Toomelah people have to live in are very bad. These conditions include:

- the houses
- the water supply
- the sewerage
- the roads
- the health services
- the pre-school
- the high school in Goondiwindi
- cut off during rains
- racism
- damage to Boobera Lagoon.

MAIN CAUSE

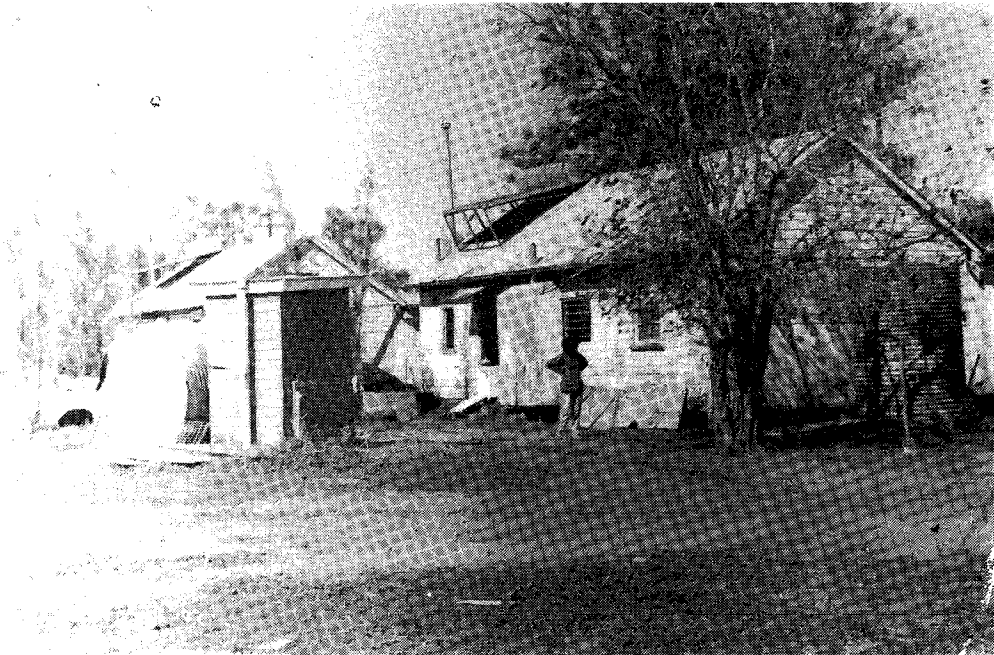
The main cause was the argument among all the government departments about who is responsible for fixing up the conditions and putting in proper services. The Inquiry found that there was a lot of buck-passing and no-one wanted to take responsibility for putting in services. We think that the Toomelah people had probably been treated like this because they were Aborigines living on Aboriginal land that used to be a reserve. But this is no excuse.

MAIN RECOMMENDATIONS

The Inquiry makes some recommendations to try to get the Toomelah people the services they are entitled to. The recommendations say who should take responsibility for particular things. This Summary talks about them under particular subjects.

Some general recommendations are:

- **that all government departments should respect and implement Aboriginal self-determination when dealing with Aboriginal communities**
- **that the Commonwealth and NSW Governments should discuss and agree about who is going to be responsible for what things**
- **that the DAA should give Aboriginal communities proper information about how to get services they need**
- **that the DAA should be the main department to check whether Aboriginal communities have proper living conditions.**



Protection Board House — 1940's

HOUSING

The Inquiry criticises the housing at Toomelah. Most of the 40 houses:

- are too old
- don't protect people from the weather
- don't have gutters and other necessary things
- are overcrowded.

Also there are not enough houses for the people.

The Inquiry approves of the NSW Housing Department's plans to build 8 houses at Toomelah. The houses are designed to suit individual families. The new owners are properly consulted about what they need. And the management policy includes self-determination.

But the Inquiry disapproves of the ADC's policies. The ADC should follow the Housing Department and have a policy of self-determination instead of self-help. Also, the ADC should not insist on charging rent on houses that are not up to standard.

We are very worried in case no houses are built at Toomelah this year because the NSW Government might abolish the Homes on Aboriginal Land Program. We recommend that it shouldn't be abolished.

WATER AND SEWERAGE

The Inquiry was really shocked that the Toomelah people didn't have a proper water supply. Because of this:

- the sewerage system didn't work properly
- people couldn't wash themselves, their children
- or their clothes properly
- the school, the pre-school and the clinic didn't
- have the water supply they needed.

We realised how bad this was for people's health and confidence.

Most towns or communities with five hundred people, and even less, get water and sewerage services from the Shire Council. We cannot understand why this does not happen at Toomelah. We do not accept the excuse that Moree Plains Shire Council gave the Inquiry and we recommend that Moree Plains should be responsible in future.

DAA is also criticised for failing to pick up where the Shire Council did not work. DAA should have made sure there was a proper water supply. The Inquiry criticises the way DAA relies on bore water when Toomelah could get some of its water from the river. So the Inquiry recommends that both sources should be used in future, because the river water could be used for the sewerage.

DAA is also criticised for being slow to fund the sewerage works and the plumbing repairs. The Inquiry thinks these things are extremely urgent because they affect the people's health.

ROADS

The Inquiry was also shocked about the roads at Toomelah, both the access roads and the internal tracks. For a community of 500 people to be cut off at times because of rain could be disastrous. The roads have to be sealed urgently.

The Report describes the progress that has been made to seal the roads since the Inquiry was held. There seem to be 3 problems left.

1. The first one is how soon the tracks in Toomelah can be finished. The delay will be because of the water and sewerage work that has to be done first. If this is slowed down because of DAA being slow to provide the funds then the road will be delayed too. The Inquiry recommends that if this delay is really necessary then a temporary gravel surface should be laid down at once.
2. The second problem is which access road should be sealed: the existing access road or the cemetery route that the community wants. The Inquiry did not decide which one should be chosen. We recommend that the choice should be made by the community as part of the Social Plan. The Social Plan committee should make a report within 2 months and then the road chosen should be sealed at once.
3. The third problem is the creek crossings which could still flood before the roads are finished. The Inquiry recommends that the DMR should provide temporary bridges straight away free of charge.

The Inquiry says that Moree Plains Shire Council should be responsible for looking after the roads in Toomelah in future.

TOOMELAH AND THE SHIRE COUNCIL

The Inquiry was amazed that Moree Plains Shire Council treats Toomelah as a 'private settlement' even though the Land Council is supposed to pay rates and the Shire can control whether certain buildings are put up at Toomelah. (For example, the Shire refused permission for the new pre-school.) The Inquiry said that Moree Plains Shire Council should provide services for Toomelah just like it does for other communities in the Shire. If necessary the Local Government Act should be changed to make sure this happens.

Anyway, services are so bad at Toomelah that the Land Council should be exempted from paying rates at least until the services and the other conditions, such as the houses, are up to a proper standard. The exemption should cover rates already owed as well as future rates.

EDUCATION

The Goondiwindi State High School is the biggest education problem for the Aboriginal students from Toomelah and Boggabilla. On the positive side, we were very impressed with the Toomelah Primary School and also hope that a new pre-school will be built soon.

We are very critical of the Goondiwindi high school because it treats Aboriginal students very badly. There was serious discrimination at the school. Also there were no programs designed for the Aboriginal students and there was no support for them in the school. This meant that the Aboriginal students didn't have their right to equal education opportunities. The education they received was inadequate. It wasn't surprising that they did not like to attend and often dropped out very soon after they started.

So we were very glad to hear about the new Boggabilla Central School. In our Report we describe what the school offers and will offer in future.

We make a number of recommendations about these things both for Goondiwindi and Boggabilla schools, and for the Queensland and NSW Education Departments generally. Schools with Aboriginal students should have proper courses and proper support for them. Aboriginal School Advisory Committees should be set up at schools with Aboriginal students. Of course, the Queensland Government must make sure that racist practices do not occur at schools in Queensland.

We were also glad that the new Boggabilla school has a TAFE annex. It is important that the courses are relevant to the people in the area and help them to get jobs in the future.

HEALTH

We are very worried about the health situation at Toomelah. We describe some of the health problems in the Report. The water supply has a lot to do with the poor health and so does the overcrowding. Isolation also means that people don't get the treatment they need in the proper way.

For Toomelah, there should be a full-time registered nurse appointed immediately. Also there should be proper visits by a doctor and also by a dentist and other specialists. We recommend too that the Health Department should agree to build a new clinic.

The New South Wales Government should make arrangements to ensure that ambulance and hospital services at Goondiwindi are available for the people at Toomelah. The staff at Goondiwindi Hospital should be trained to make sure that they do not discriminate against Aboriginal people and that they provide proper care and treatment.

RACIAL DISCRIMINATION

We heard a lot of evidence about serious racial discrimination against Aborigines in the border region. There has been discrimination and racial tension at the Goondiwindi High School, in the community activities at Goondiwindi and also against Aboriginal families in their own homes in Boggabilla.

We were very glad to hear about the efforts of Goondiwindi Town Council, the churches in the area and the local sergeant at Boggabilla to try to understand Aboriginal people, to meet with them and to talk about issues that concerned them. We hope there will also be some action taken to prevent discrimination in the future. The new committees that have been set up will be important in making racial discrimination a thing of the past in the border region.



Aboriginal Development Commission House — 1970

ABORIGINAL HERITAGE

Aboriginal sites are very important. It is essential that Aborigines can visit their sites and that they are not destroyed. We are concerned about Boobera Lagoon which has been damaged by farming and recreational uses. The part of the Lagoon which is an Aboriginal Place and which the Toomelah Land Council is claiming has to be properly protected. The National Parks and Wildlife Service has a duty under its legislation to protect the area, if necessary by prosecuting people who cause damage. The Service should be doing this.

Difficulty with access to sites and land claims is a problem which shouldn't exist. All Aboriginal land should include rights of access and particularly Old Toomelah.

LAND RIGHTS AND SELF-DETERMINATION

Several of the witnesses from Toomelah who spoke to the Inquiry said how important land rights and self-determination are if Toomelah is going to make any progress. We agree that self-determination is essential and recommend that the Human Rights and Equal Opportunity Commission should do more research into exactly what is involved. In the meantime, consultation about services and control over their own lives are clearly necessary for the Toomelah people.

PLANNING FOR THE FUTURE

With the Toomelah Social Plan already underway, Toomelah people have an important chance to make a co-ordinated plan for the future of Toomelah. The Human Rights and Equal Opportunity Commission intends to give the steering committee every assistance it can.

COMMITMENTS MADE

While the Inquiry was being held, these government departments agreed to do these things:

AUTHORITY	COMMITMENT	COMPLETION DATE
NSW Education Department	Boggabilla Central School	Opened Feb 1988, permanent premises to be constructed.
NSW Department of TAFE	TAFE facility at Boggabilla	Opened Feb 1988, permanent premises to be constructed.
ADC	New houses at Toomelah	1 in 1988-89, 2 in 1989-90
NSW Housing Department	8 new houses at Toomelah	1987-88
Moree Plains Shire Council	Sealing Old Highway	end of 1988
DAA	New bore, pumping stations, storage tanks	Finished at end of 1987
DAA	Repair of internal reticulation system	June 1988
NSW Public Works Department	Sewerage system	July 1988
Goondiwindi Town Council	Programs to build good relations between people at Toomelah, Boggabilla and Goondiwindi	Near future

NEEDS, BUT NO COMMITMENTS

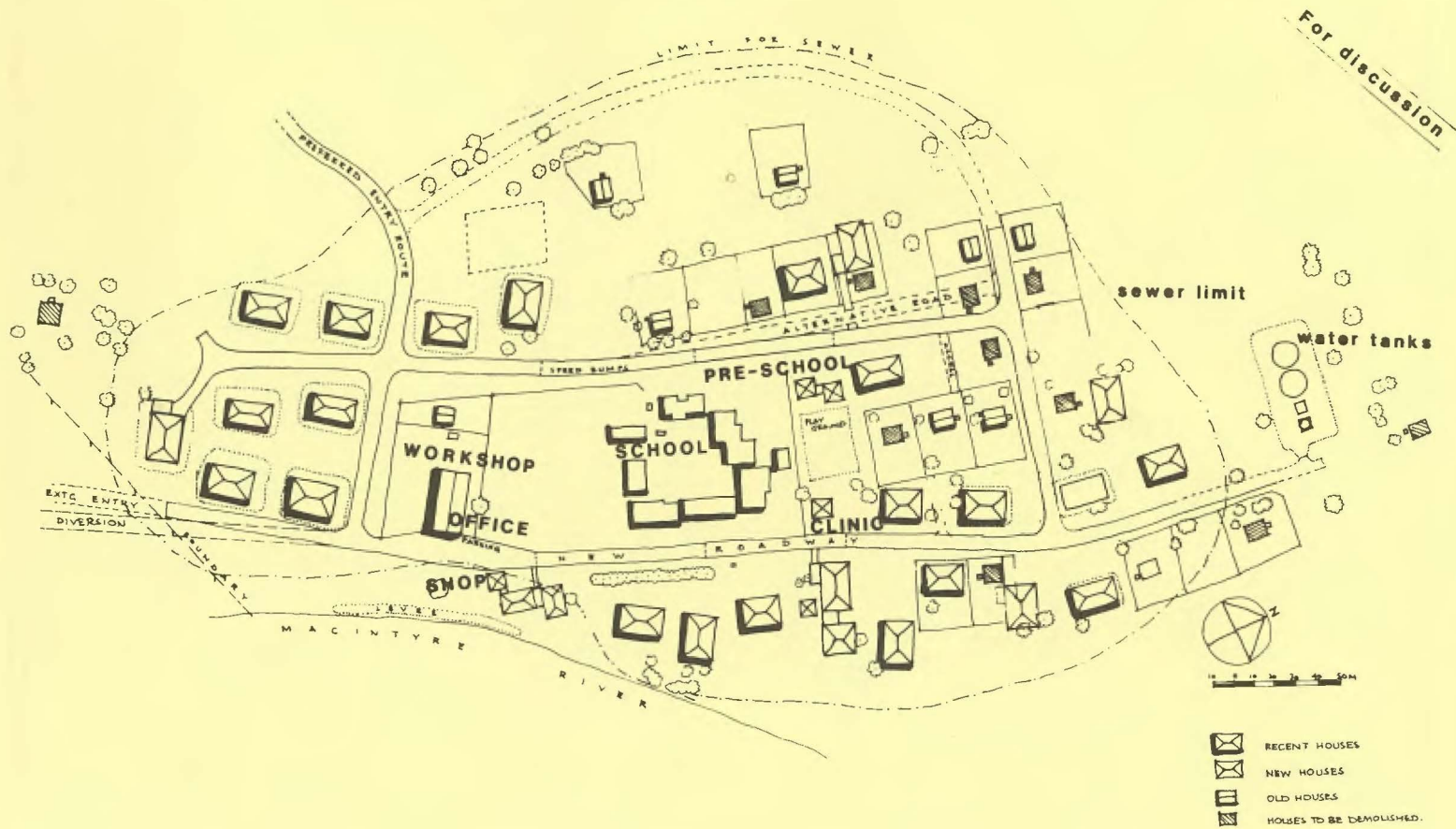
These things still need to be done:

NEED	POSSIBLE AUTHORITIES
Enough houses	NSW Housing Department; ADC
House maintenance	ADC; DAA; Toomelah Co-op
Health clinic and staff	NSW Health Department; ADC
New pre-school	DAA; NSW Department of Family and Community Services; Moree Plains Shire Council
Internal roads: sealing, kerbing, guttering, drainage	ADC; Moree Plains Shire Council
Access road from Old Highway	Moree Plains Shire Council
Maintenance of sewerage and reticulation systems	Moree Plains Shire Council; DAA
Payment of rates	Moree Plains Shire Council could waive rates and still provide services; NSW Minister for Lands could exempt Toomelah; DAA could pay the rates

WITNESSES TO THE INQUIRY

Julie Whitton	Toomelah Land Council, Boggabilla
Mick Duncan	Toomelah Land Council, Toomelah
Alex Hippi	Toomelah Co-op, Toomelah
Pop McIntosh	Boggabilla
Richard Mackie	Toomelah Co-op, Toomelah
Ada Jarrett	Toomelah
Roger Draper	Moree
Eileen McIntosh	Talwood
Mary Charles	Moree
Madeline McGrady	Sydney
Karen Flick	Sydney
Lyall Munro Snr	Moree
Dick Buchhorn	Boggabilla
Peter Thompson	Wilcannia
Rev Graham Fairbairn	Anglican Church, Boggabilla
Victor Dennison	Boggabilla
Lesley Landsborough	Boggabilla
Pam Duncan	NSW Health Department, Boggabilla

Val Lazell	Boggabilla
Robyn Fairbairn	Boggabilla
Dawn Dennison	Boggabilla
Robert Hippi	Boggabilla
Douglas McGrady	Moree
Phillip Seagal	Aboriginal Legal Service, Moree
Linda Whitton	Toomelah
Fred McGrady	Toomelah
Dr Phillipa Whish	NSW Health Department, Inverell
Lloyd Penrose	Boggabilla
Anon	Brisbane
Ald Lyle Houlahan	Moree Plains Shire Council
Mike O'Reilly	Moree Plains Shire Council
Peter Gilligan	DAA, Inverell
John Worthington	Worthington Civil Engineer, Narrabri
Peter Wilson	NSW Teachers' Federation, Sydney
Tony Amatto	NSW Teachers' Federation, Sydney
Ian Cameron MP	Federal Member of Parliament, Maranoa
Howard Creamer	NSW National Parks and Wildlife Service
Shelley Coneybeer	Boggabilla
Val Walker	Goondiwindi
Michelle Stigwood	Goondiwindi
Bill Lees	Goondiwindi Town Council
Colin Plowman	ADC, Sydney
Robert Faulkner	ADC, Tamworth
Ian Isaacs	Goondiwindi State High School
Ald Robert Mann	Goondiwindi Town Council
Lynn Heywood	Boggabilla
Christine Styles	Goondiwindi
Rodney Wilkins	Goondiwindi & District Aquatic Club
Robert Daniels	Goondiwindi & District Aquatic Club
Bob Hall	Yetman
Pastor Nicholas	Kross Adventist Church, Goondiwindi
Andrew Doyle	Goondiwindi
John Pirrie	Goondiwindi
Paul Whelan	NSW Education Department
Laurie Fitzallen	NSW Department of TAFE
John Wellings	NSW Adult Education Board
Natasha McNamara	Aboriginal Training & Cultural Institute, Syd.
Ron Eagle	NSW Public Works Department
Don Black	NSW Department of Main Roads
Andrew Pike	NSW Water Resources Commission
Dan Kelly	NSW Department of Local Government
Kathy Cole	NSW Department of Local Government
Diet Callope	NSW Department of Local Government
John Trigger	NSW Department of Local Government
Ken Smith	NSW Department of Housing
Col James	NSW Department of Housing
Don O'Rourke	DAA, Canberra
Ray Toohey	DAA, Canberra
Kim Duggan	DAA, Canberra
Mick O'Brien	ADC, Sydney
Douglas McSullea	NSW Local Government & Shires Assns.
David Effraemson	NSW Local Government & Shires Assns.
Fleur Herscovitch	Sydney



PROPOSED TOWN PLAN FOR TOOMELAH LOCAL LAND COUNCIL

PREPARED BY THE ABORIGINAL HOUSING UNIT
 N.S.W. DEPARTMENT OF HOUSING October '87
 AMENDED 11/11/87