

# Chapter 1

## Introduction — Facing the challenge

Violence against children is now firmly recognised internationally as a global problem and a serious issue of human rights. As child victimisation expert, David Finkelhor, has stated: ‘Children are arguably the most criminally victimized people in society.’<sup>1</sup> Despite this, in Australia, child sexual assault and exploitation are only now being publicly discussed, while the sexual assault of Aboriginal children is seen as an ‘Aboriginal problem’.

Aboriginal child sexual assault is deeply disturbing which brings up feelings and emotions including shock, disbelief, anger, disgust, sadness, hopelessness and guilt.<sup>2</sup> Sometimes people do not want to get involved and I have seen the discomfort this subject invokes in most people. I recall an Easter family lunch where an elderly grandmother expressed her concern about the welfare of a young child in her family. The room quickly emptied, leaving me alone with her to listen and support as best I could. I felt upset that people had so quickly abandoned this woman and her grandchild.

Many Aboriginal people regard sexual abuse of children as horrendous. Numerous historical accounts of Aboriginal people have described the loving and indulgent relations parents had with children. From the outset, it is important to state that in talking about child sexual assault and abuse, Aboriginal men should not be stigmatised. Aboriginal child sexual assault has become a very high profile matter in recent years, but in saying this, it must not be assumed that

all perpetrators are Aboriginal, or that most Aboriginal men abuse children. My own grandfather, Rod McGlade Snr, was a hard-working Noongar man who lived in the age of segregation but never abused women or children. He was proud of my achievements and he told me so. He loved and protected his children as best he could. So many Aboriginal fathers and grandfathers are good men who have never harmed children and who have done their utmost to protect their children.

Child sexual assault is a serious matter for Aboriginal children, families and entire communities. It is a crime and the responses of the criminal justice system are critically important to addressing the problem. By not adequately addressing child sexual assault, we risk ongoing harm to Aboriginal children throughout their lives, and, moreover, onwards to the lives of their own children.

Child sexual assault is a significant disadvantage in a child's life. It can impact later opportunities in a myriad of ways, including the tragedy of suicide and repeat victimisation. It may not be a nice or safe topic to speak about, but it is one that should never be underestimated.

Aboriginal people and feminists have long embraced the philosophy that 'the personal is the political'. As such, my personal reflections of growing up Noongar, being a victim survivor of child sexual assault and my experiences of the criminal justice system, are central to this book. It is now time to recognise that the lived experiences and voices of Aboriginal victim survivors are critical to addressing child sexual assault in our communities. Acknowledging victim survivors and talking openly about child sexual assault is vital, and I affirm the wisdom of African-American poet Audre Lorde, who said that sexual violence is a disease 'striking at the heart of Black nationhood' and silence will not make it disappear.<sup>3</sup>

### **My Story: Growing Up Noongar**

Who I am is critical to this research. My own experiences growing up Noongar and as a child victim survivor have been influential in developing my understanding and analysis of child sexual assault.

The commonplace nature of child sexual assault is inconsistent with the tendency to characterise it as something that happens 'to

other people'. A few years ago one of my friends said to me that she sometimes felt that among her Aboriginal women friends it seemed to be a case of who had *not* been raped or sexually abused as a child. My friend went on to say how she saw this had impacted her friends. She felt that those who had been sexually abused as children were more introverted or quiet, while she and others who had not been sexually assaulted and abused as children were outgoing and extroverted in their personalities.

In the early 1980s I recall being a young schoolgirl and hearing a media report that one in four Australian girls had been sexually abused as children. At the time I attended a Catholic girls' school and sexual assault was never discussed by our teachers or in the school environment. We were taught that sex was for marriage, and contraception such as 'the pill' was not approved. I was shocked when I heard that so many girls were being sexually abused and I told a small group of friends what I had heard. One friend, a non-Aboriginal Australian girl, later told me that her stepfather had been coming into her room at night and forcing sex on her — in other words, she was being raped in her own home. She told me that her mother had not stopped him and she seemed resigned to what was happening to her. Soon after, she moved interstate to live with her grandmother. I think that my friend was relieved to tell me, but I was shocked and I never told anyone at school. It seemed that this was a subject obviously terrifying but yet unspoken, even accepted.

I was born in 1969 and my experiences of growing up Aboriginal included racial stigma and prejudice. It seemed that the days of the White Australia policy and supposed superiority of white Australians was not a very distant past. My school environment was full of racial undertones as Aboriginal people were still considered 'Abos', 'boongs', 'niggers' or sometimes plain old 'burnt toast'. Our school taught children that 'Aborigines' (or 'natives') were primitive people here before the white ('heroic') settlers arrived. I remember when my mum and aunty came to school to show our culture in a positive way, how excited the other school kids were to actually meet and learn about Noongar people. My mum told us that we never had to stand up for the national anthem because it discredited us as Aboriginal people.

As a girl I learned that Australian society projected female beauty, happiness and success as white, blonde and blue eyed. All Aboriginal children's self-esteem must have been harmed by this. The young men from the 'respectable' Noongar families always had one such girl on their arms, as if this was a sign of great success. Aboriginal women's worth was denigrated, and I was also taught from a young age that white men saw Aboriginal women and girls as 'sex'. As a girl I was warned about these white *bunjeymen* who cruised the parks and streets looking to solicit sex from Aboriginal women and girls.

I had a loving and close relationship with my great-grandmother, Ethel Woyung McGlade, who was born in the Noongar country near Jerramungup close to the turn of the century. Granny experienced hardship. Being a Noongar girl she was 'indentured' into servitude at a young age to the wealthy south-west pastoralists. It is said that Jim McGlade (who was of European Irish descent) 'took' Granny as his wife when she was just a girl, but my mother thinks he was kind and their marriage seemed to be a good one. Marriages between Aboriginal and non-Aboriginal people were illegal under the *Aborigines Act 1905* (WA) and so they had to live isolated in the bush.<sup>4</sup> My great-grandfather made the trips to town for supplies, and Granny and the children waited for his return. When my great-grandfather died his family attended the funeral but Granny was never to see them again.

Granny learned full well the hardships of Aboriginality and was reluctant to talk about being Noongar. Sometimes I begged her to tell me Noongar words and occasionally she did. She gave me her Noongar name, Woyung, and most importantly I feel that she taught me her Noongar qualities: kindness, love, strength, honesty and gentleness of spirit. Often I would camp with her at night and I felt very safe. Granny died in 1979 and not too long after I was placed in Sister Kate's Children's Home. I was lucky to have my Granny's love because in my growing up I unfortunately experienced emotional, psychological, physical and sexual abuse. Overlaying all that abuse is, of course, the wound to the spirit.

When I was young, my mother, Mingli, attended teachers' college and was in the first class of Aboriginal students in Western Australia to graduate as teachers. This was the 1970s. She would take me with her to Aboriginal meetings and rallies for land rights. I was having my

consciousness raised and my mother was one of the early Aboriginal activists or Noongar ‘Freedom Fighters’. This was at a time when it was not popular to be Aboriginal and some people were ashamed of my mum standing up for Aboriginal people’s rights. ‘Shame’, they would say. My mother was independent, but this did not mean that women were encouraged to be so. I recall community meetings where men openly chastised women for speaking, and it was clear that women had an unequal standing compared to men.

Mingli was very cultural, giving up her European name and encouraging us as children to call her by her Aboriginal name given to her by Granny. She took us with her to the Kimberley region of the state, where we lived in a number of Aboriginal communities, sometimes sleeping outdoors under the stars. Like many Aboriginal children, I also came from a broken home and it often seemed that my parents did not always accept their responsibilities to their children. I was very young when their unhappiness and fighting led to divorce, and at that time I was put into a children’s home with my little brother. It was a frightening place. After my Granny died I was left at Sister Kate’s Children’s Home, but my mum did not know that children were abused at the home. Afterwards, my sister and I went to board at the Pallottine Hostel in Rossmoyne with many Aboriginal teenagers of the Kimberley. There was abuse at Pallottine as well.

My father was a stockman in the Kimberley but was driving buses in Sydney when he met my mother. He was a non-Aboriginal person and so they had cultural issues to contend with. The marriage did not last long and after a while (and a new family) my father grew distant. Perhaps as Aboriginal children we could be readily forgotten. While our past has been painful we have now put it to rest. I also acknowledge my non-Aboriginal stepfather, my second father, who told me many times that being Aboriginal meant I could not be as good as a white person: it meant I had to be ‘twice as good’. After the relationship ended, he went to live with the Aboriginal people of New South Wales in an alcohol rehabilitation centre, formerly the notorious Kinchela Boys’ Home. I was with him when he passed, and respected his wishes to have his remains scattered in the country he loved in northern New South Wales.

I was about 13 years old when my mother brought her new man home from prison, a man who had just served time for the offence of ‘carnal knowledge’. He became predatory and eventually violent in our home. Sadly, my mother chose him over her own daughters. My sister and I had no choice but to run away from home. I did not see my mother again for a long time.

While growing up I was unable to finish my education. At 15 I became homeless, and it was clear that I needed to start finding my own way in life. I had no family in my life at this young age. Later on my mother returned to Perth and we lived as a family again. There were some happy times but it was not always easy.

In the late 1980s and in the 1990s, along with my mother, I supported an Aboriginal Elder, Robert Bropho, who campaigned throughout Perth for land rights and respect for Aboriginal heritage and culture. I learned about the Waugyl, the Noongar Serpent Spirit who created the waterways and who oversaw everything and everybody in Noongar country. I was shocked to hear the ‘yarns’ that Robert was a perpetrator and abuser of girls and children. He was a leader and Elder, but there also came a time when I had to accept he had terribly abused children and young people.<sup>5</sup> I felt very badly for those girls: how did it look, all of us supporting him, when he had done so much wrong to them? Robert was later charged with several offences against children and was serving a six-year prison sentence when he died in October 2011.<sup>6</sup>

Even though I could not finish my schooling, I was able to enrol in the Aboriginal Bridging Course at Curtin University in Perth and then as a journalism student. I moved to Canberra and learned about Aboriginal entry into the law course at the Australian National University in Canberra. It was an unforgettable year to be accepted into Law and I worked very hard to make the transition to law school. I completed my law degree at Murdoch University and in 1994 became the first Aboriginal woman to graduate from a Western Australian law school. After graduating I worked as a law teacher and undertook further studies in human rights. I was interested in race discrimination law, and initiated several test cases including *McGlade v Senator Lightfoot* [2002] FCA 752, which established a legal precedent case of race vilification against Aboriginal people.<sup>7</sup> Subsequently, I moved to Canberra to work at the heart of Aboriginal politics and in relation to the national campaign for a treaty.<sup>8</sup>