

**Citation: The Hon Edward Picton Mullighan QC**

*16 April 2010, 10:00am*

Chancellor, it gives me great pleasure to present to you The Hon Edward Picton Mullighan QC .

Mr Mullighan is being admitted to the degree of Doctor of the University honoris causa for his distinguished creative contributions in the service of society.

Mr Mullighan was born in Adelaide in 1939 and on completion of secondary school studied at the University of Adelaide from 1957–1961, when he completed the Final Certificate in Law. He began his legal career at the South Australian Bar, and took silk in 1978.

In 1989 he was appointed a Judge of the Supreme Court of South Australia. His other appointments include:

- From 1972 to 1974, Member of the Commonwealth Legal Aid Review Committee
- From 1978 to 1980, President of the Law Society of South Australia
- From 1993 to 1996, Member of the State Courts Administration Council
- And since 2005 he has been Chair of the Forensic Science Advisory Committee

He was the inaugural Chair of the Law Society of South Australia's Advocacy Group from 1993 to 2002. He has been a leader in the establishment of advocacy training programs in South Australia and has been instrumental in inspiring instructors and hundreds of advocates to develop and enhance their skills.

Since the early 1990s, Mr Mullighan has actively promoted cultural awareness amongst the judiciary and magistracy in South Australia, particularly in respect of innovation in the sentencing of Aboriginal defendants. He was active in nominating Aboriginal Justices of the Peace and examined carefully the traditional Aboriginal ways of dealing with offending behaviours. He has also advocated Aboriginal court interpreters and promoted models of restorative and community justice. From 2002 to 2005 he was Chair of the Centre for Restorative Justice, OARS (Offenders Aid & Rehabilitation Services of SA Inc.)

He has championed Aboriginal Reconciliation among his peers and within the community in general, and served as Co-Chair of Reconciliation SA for several years. In 2003 Mr Mullighan, while still serving on the Supreme Court bench, won the Human Rights and Equal Opportunity Commission's Law Award (sponsored by the Law Council for his work with Aboriginal people).

Following his retirement from the Supreme Court, Mr Mullighan was appointed by the South Australian Government as Commissioner of the Inquiry into Children in State Care. The final report of the Inquiry, tabled in State Parliament in April 2008, revealed widespread sexual abuse of children in State care in South Australia, and explored its frequent devastating and often lifelong consequences for many of the victims.

During the Inquiry into Children in State Care, a considerable body of evidence was received about the sexual abuse of children not in State care in Indigenous communities. Mr Mullighan was subsequently appointed Commissioner of the Children of APY (Anangu Pitjantjatjara Yankunyatjajara) Lands Inquiry. The report of the Commission of Inquiry again disclosed widespread abuse combined with serious under-reporting of incidents. His thorough and comprehensive report which contained 46 recommendations, many of which were aimed at the most urgent action of making communities safe and empowering Indigenous people to participate in the solutions to serious problems. He carried out his duties in an extremely conscientious and thoughtful manner and gained the confidence of a section of the population who had never before been able to speak about their experiences.

I am very pleased and proud to present to you Chancellor, for admission to the degree of Doctor of the University honoris causa — The Hon Edward Picton Mullighan QC.

## GRADUATION ADDRESS

Ceremony 10, Faculty of the Professions: Economics, Law  
Friday 16 April 2010, 10.00am, Bonython Hall



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### **SPEAKER: The Hon. Edwards Mullighan QC** **Conferral of Doctor of the University (*honoris causa*)**

1. I acknowledge that this land on which we meet today is the traditional land of the Kaurna people and we respect their spiritual relationship with their country.

I also acknowledge the Kaurna people as the custodians of this land and the importance of their cultural and heritage beliefs to them today.

2. The Chancellor, the Vice-Chancellor and President of this University, distinguished guests, members of staff and above all the graduates. I offer my congratulations and best wishes on your outstanding achievements and I also congratulate your family members, friends, spouses and other supporters, as the case may be, who have, no doubt, made a substantial contribution to your success.
3. I thank you Chancellor for what you have had to say about me and your considerable generosity. I am deeply honoured by the award to me of Doctor of this great University which I shall always cherish. I thank all those who have supported me in my life's work, particularly my wife who has made a considerable contribution. I must say that whatever I have done which has provoked this award has been a privilege.
4. When I was conducting the Inquiry into sexual abuse of children in State care, I was taking evidence from an elderly woman who had been severely abused as a very young girl. Before I had proceeded very far, she pointed her finger at me and said:  
*"Can I say something to you before we go any further?"*

I agreed. She said:

*"You are the voice o/the little girl locked in the cupboard under the stairs".*

That is what happened to her. She had never before been able to disclose the abuse. She was frightened, humiliated, powerless and ashamed. She kept her secret for over 60 years.

She lived her life on the margins of society. She lived many years alone with two dogs and died within a year of giving her evidence. The Inquiry gave her a voice. She was empowered and she disclosed. I mention one matter of humour. Shortly after she gave her evidence I had a periodic media conference and I mentioned her story in a general way. I referred to her as an 81 year old woman. She saw the interview and rang me the next day to thank me. She said *"By the way I am 71 not 81."*

We should always get out facts right.

5. During the Inquiry over 2000 cases of child sexual abuse were identified and evidence was taken from over 1000 victims. Nearly all of them felt unable to disclose at the time

of the abuse and of those who did seldom were they believed. Nearly all felt shame, powerlessness, humiliation and, to my initial surprise, a sense of guilt and self-blame.

6. It is now widely accepted mainly as the result of surveys and inquiries that at least one child in every five will be sexually abused before the age of 16 years. Many will suffer lifelong effects.
7. Now, I return to the graduates. In a real sense all of us who have passed through this University are privileged. The vast majority of the population do not receive tertiary education due to lack of ability, opportunity, support or other reasons. I am confident that you will use your qualifications appropriately. You will pass into the professions, academia, public service, politics, business or something else. It is important that you take opportunities. Many graduates achieve far more in life than they ever believed possible. You do not yet know what is possible, so, try and you are likely to be pleasantly surprised.
8. As you proceed through life you will be widely respected because of what you have achieved. People will listen to you, colleagues, clients, business associates, friends and acquaintances. It is important that you be well informed not only about your areas of work but also about social issues. You can take the lead and influence.
9. Hopefully you will encounter Aboriginal people in increasing numbers. You will come to realise that probably they are not only the oldest civilization, but, in the literal sense, the most civilized of people, in terms of culture, religion, community governance, law, social relations, care of family and community and, in the past, health care. Because of what has been done to them, their plight is one of the greatest social issues in our history.
10. I have mentioned the widespread and destructive abuse of children. As we learn more about it, we may say that their plight also ranks as one of the great social issues.
11. You will become more aware of the causes of homelessness, poverty, drug abuse, unemployment, mental illness, the disadvantages and isolation of many people with disabilities, growing lawlessness and general social disadvantage. It may now be said that a growing number of young people cannot achieve their legitimate expectations. You will, no doubt, help when you can.
12. There will be many great issues which will have to be resolved in your life-time: the environment, the fiscal structure of society, equality and the abolition of discrimination and social inclusion are but a few.
13. I mention some from my own experience:
  - a. How can the criminal justice system be more effective?
  - b. Is imprisonment of many offenders either just or effective?
  - c. How can we prevent crime and better protect victims?
  - d. How can we make the courts more relevant to the people? Should dispute resolution by the courts be available to everyone and not just the wealthy and the powerful?
  - e. What can be done to improve child protection and give our children at risk a real chance?

f. How can we improve our arrangement of the economy to provide justice and fairness for all and eradicate poverty?

14. When you consider the great issues of the day, you will hopefully remember the little girl locked in the cupboard under the stairs and the many thousands like her.