

Red Mass 2010	1
President's message	1
Archbishop Coleridge's Homily	2
Vale Hon John Kearney QC	4
Justice Dyson Heydon on John Kearney	6
Please sup- port Utopia	7
Annual re- treat, 2010	8
Book review: Sheehan's Apologetics	10
St Thomas More in the NSW Parlia- ment	11
St Thomas More - key- note speech	12
The NSW Premier on More	14

Utopia

VOLUME NO 5

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SEPTEMBER 2010

Red Mass 2010

The 80th Red Mass was held on Monday 1 February 2010 at St Mary's Cathedral, Sydney. The Principal Celebrant was His Grace, Most Rev Mark Coleridge, † Archbishop of Canberra and Goulburn, who had travelled all the way from the nation's capital for the event. The Archbishop of Sydney, † Cardinal Pell AC, sent his apologies from Rome. The Concelebrants were Rev Fr Paul Stenhouse MSC (editor of *The Annals*), and the Society's Spiritual Director, Rev Fr Peter Joseph.

The First Reading [*Acts 2:1-11*] was said by the President of the Law Society of NSW, Mary Macken. The Epistle [*Romans 8:22-27*] was read by Bernard Coles QC, Senior Vice-President of the NSW Bar Association. General Intercessions were read by the Attorney-General for NSW, Hon John Hatzistergos MLC; the Shadow Attorney-General, Greg Smith SC

MLA; the Dean of Law, Notre Dame University, Prof Gerard Ryan; and students-at-

Angelo Pardo, Grace Riley, Monica Rose, and Tanneal Sultana. The homily was de-

Chief Justice Hon James Spigelman AC greets Archbishop Mark Coleridge (left) and Fr Peter Joseph (right) on the steps of St Mary's Cathedral after the Red Mass. [Photo: Kerry Myers]



law from the University. These included Abu Bangura, Tom Griffin, Claire Harris,

livered by the Archbishop, and is reproduced overleaf

(Continued on page 2)

President's message

It is my pleasure to report that 2010 has been another 'bumper' year for the Society. It began on 1 February, with a splendid Red Mass at St Mary's Cathedral, detailed above. As always, the Mass was graciously supported by our Chief Justice, Hon James

Spigelman AC. For the first time in the collective memory of Council, the Society was honoured to have a serving Attorney-General, Hon John Hatzistergos MLC, lead the General Intercessions. He was joined at the lectern by the Shadow Attorney-General and Past President of the

Society, Greg Smith SC MLA. We are grateful to each of them for joining us, and hope they will return next year. I wish to extend my personal gratitude also to the editor of *The Catholic Weekly*, Kerry Myers, for his superb photographic portraits (Continued on page 15)

Red Mass 2010 (continued)

(Continued from page 1)
with his kind permission.
Prominent in the congrega-

Archbishop
Mark Col-
eridge greets
the Attorney
-General,
Hon John
Hatzistergos
MLA, after
the Red Mass



tion were many heads of jurisdiction, including the Chief Justice of NSW, Hon James Spigelman AC; the President of the Court of Appeal, Hon Justice James Allsop; the Chief Judge at Common Law, Hon Justice Peter McClellan; the President of the NSW Industrial Commission, Justice Boland; President of the Administrative Decisions Tribunal, Judge Kevin O'Connor; Chief Magistrate Judge Graeme Henson; President of the Workers Compensation Commission, Judge Greg Keating; and the Solicitor-General for NSW, Michael Sexton SC. Many other judicial officers were also present, from a great many jurisdictions. Former Presidents of the Society attended, including Hon Charles ('Joe') Bannon QC, Janet Coombs DCHS, John McCarthy QC and William

Dawe QC KCHS. The Society's Council expresses its profound gratitude to them, and to all members of the profession present, for their continuing support of this Mass.

The hymns were beautifully led by cantor and Councillor, Rosella Herbert. Choral music from the era of St Thomas More was performed by Sydney vocal ensemble, *Capella sublima*, conducted by Richard Perrignon. Highlights included the 6-part *Kyrie* from Palestrina's *Missa Papae Marcelli*, and the massive 6-part ceremonial motet, *Beatus vir* ('Blessed is he that fears the Lord') by Palestrina's northern Italian contemporary, the polyphonic master Giovanni Asola.

A report of the 2010 Red Mass was published by the *Catholic Weekly* on 7 February 2010.

Archbishop Coleridge's homily

Given at St Mary's Cathedral, Sydney, on
Monday 1 February 2010
By Most Rev Mark
Coleridge, † Archbishop of
Canberra & Goulburn:

Years ago when I was first in Rome as a student, I was greatly impressed that the Italian Ministry of Justice was then called the Ministry of Grace and Justice. This struck me as a profoundly biblical and Catholic understanding of the law. Not only justice but *grace*; and grace came first. I was also impressed by the fact that every court-room in Italy had in it a crucifix as the great emblem of grace. In the meantime, "Grace" has

been dropped from the Ministry's name and in recent times there has been a move in Italy to have the crucifix removed from the court-rooms. Something has been lost with the demise of the word and the loss would be still greater if the crucifixes were taken down.

By celebrating Mass here this morning, we set the word "grace" and the sign of the Cross over the legal year that lies ahead. Most in the legal profession, I imagine, mark the opening of the legal year. Yet not all mark it in quite this way. We gather in a cathedral, and we gather for Mass – we gather, that is, to celebrate the sacrifice of Christ which sets the courts in the shadow of Calvary,

which is a radical thing to do, however traditional and conventional this celebration may seem. The red that gives the Mass its name is certainly a sign of the Holy Spirit as the biblical readings have made clear. But it is also a sign of blood – the blood shed by Christ on the Cross to reveal the absolute justice of God.

In some ways, biblical Law and common law, cathedral and court-room, seem miles apart. Yet what we do here this morning suggests that they may not be as far apart as they seem. This is hardly surprising, given that the world in which common law emerged and evolved was a world shaped in many ways

(Continued on page 3)

*'the sacrifice
of Christ ...
sets the
courts in the
shadow of
Calvary'*

Archbishop Coleridge's homily (cont)



Law Society President, Mary Macken, says the First Reading at the Red Mass

hardly surprising, as Scripture sees it,

heart of the Cross of Jesus who was obedient unto death (cf Phil 2:8). According to Scripture, the human being was created not for slavery but for freedom; and biblical Law is all about defence of that freedom

that we so often get relationships between human beings badly wrong, as you know only too well.

But law and justice look to a further horizon still. They look to mercy. This is a delicate point when addressing those like you who are charged with the administration of the law. The world in which you are immersed from day to day is the world of crime and punishment. But the Mass we celebrate says that the administration of justice finds its proper place within the larger context of mercy. For this community, and for you in particular, the challenge is to find the point where law, justice and mercy meet in a way that respects both the needs of society and the dignity of the human being. The mercy of God knows of crime and punishment, but it looks beyond to see more. Within the logic of crime and punishment, the penalty must fit the offence. Often enough, this is a culture which identifies the offender wholly with the offence. There is, it seems, nothing more to the offender than the

(Continued from page 2)

by Scripture, even if now we inhabit a culture which, to its great impoverishment, has taken leave of the Bible. The common law that you administer is often seen as a necessary evil. No-one – apart from lawyers – likes going to court; but courts are necessary in order to restrain wayward human passions and to protect fragile human rights. The law may be an ass, but it is an ass that bears a heavy and important burden if society is not to descend into chaos.

For the Bible, however, the Law – with a capital L, the Torah – is neither ass nor necessary evil. It is God's greatest gift to the people he has made his own. God's eye fell upon a rag-tag mob of runaway slaves, and he chose to set them in the world as a counter-society of slaves set free – the logic of God to contradict the logic of Pharaoh, "once a slave always a slave". The Law given to this people on Sinai embodied their God-given identity, and it set before them a royal road of Exodus which nothing and no-one could take away. The Exodus was the great liberating act of God, but the question was always: How in our own time and place can we come forth from the Egypt in which we find ourselves oppressed? The Exodus was marvellous, but it was long ago. What of us, here and now? The brilliantly original answer to which the Bible comes is this: obey the Law God has given, and you will know true freedom. This is a vision of liberating obedience; and that paradox lies at the heart of biblical religion, as it lies at the

in a world where it is always threatened. For the Bible, it is a freedom which depends not upon the human exercise of power – be it political, ideological or financial. It is a freedom which depends upon a more than human power. That is the transcendent horizon of all law, in defence of which Thomas More shed his blood. There has to be more to the law than the ruler's will to power. If there is not, then we are caught up in a brutal power-struggle in which the legal process serves the interests of the strong and casts the weak aside. It is precisely this abuse of the legal process against which the biblical prophets rail consistently – the use of the law by the powerful to promote their own interests at any cost.

The Bible does not doubt that we need laws – the prescriptions and penalties of a legal code. But that is not enough, because laws need to be interpreted and administered in a way that looks to justice. For Scripture, justice involves more than what transpires in the law-courts. Justice looks further to a world of right relationship, not only between human beings but also between the human being and God. The Bible sees right relationship with God and right relationship between human beings as strictly correlated: if you get one wrong, then you get the other wrong. In a culture like ours, which often gets the relationship with God wrong, it is



Abu Bangura reads the Intercessions at the Red Mass

(Continued on page 4)

Archbishop Coleridge's homily (cont)



Archbishop Coleridge preaches from the ambo at the Red Mass

(Continued from page 3)

offence, and the punishment must match that perception. Mercy, however, looks at the offender, sees the offence as it really is, but sees more. It sees that there is more to the offender than the offence.

This is to see as God sees. The God of mercy sees the truth of each of us in ways beyond imagining. He sees our sin, but he sees more. He knows that we are more than our of-

fence, and he loves the more that he sees. In looking at the human being, what God sees in the end is the face of his Son. However disfigured it may be on Calvary, it is still the face of the beloved Son that God sees; and here at this altar we too look on the One whom we have pierced (cf. Zech 12:10; John 19:37), and we glimpse the full truth of the human being.

This morning we stand in the shadow, indeed in the brilliant light of Calvary and we invoke the Holy Spirit. This is because without the Holy Spirit, according to the Book of Genesis, the human being is no more than a lump of soil in the hand of God (cf. 2:7). Without the Holy Spirit, Jesus remains dead in

the tomb and the Church is a corpse, rather than the Body of Christ radiant with the fullness of life, the Church of Pentecost. Without the Holy Spirit, the law becomes an earth-bound exercise of power, where we may have proscriptions and penalties but little justice and no mercy. Therefore: may the Spirit of God come upon you, so that the law-courts will be places not only of justice but also of grace, places where the crucifix may not be found, but where the truth of the Cross is inscribed on the hearts of those, like you, to whom the work of the courts is entrusted. Amen.

Law student, Claire Harris, reads the Intercessions at the Red Mass



By Richard Perrignon

With great sadness, I must report the passing of one of our cherished life members and former Presidents, Hon John Kearney QC, who entered eternal life on 23 November 2009.

A tribute by Justice Dyson Heydon appears elsewhere in these pages. For the benefit of members who may not have known John personally, I set out below the bare bones, as it were, of his distinguished life and career.

John Basil Kearney was born in Sydney

on 11 December 1921, the son of Cyril and Mary Kearney (nee Taylor). He was, as the surname implies, of Irish background. His father Cyril was a solicitor. John was educated by the Society of Jesus at St Aloysius College. After successfully completing the Leaving Certificate in 1938, he began to study law at the University of Sydney.

In 1939, his studies were interrupted by the outbreak of war. He enlisted in the Army, and served with the 2/9 Armoured Regiment in New Guinea and Borneo, where he became a commissioned officer. On being demobbed after the War, he recommenced his legal studies, graduating in 1946. He worked initially as a judge's associate, and was

called to the Bar in 1947. The names of those who were called around that time define the remarkable generation of which he was part. A number of them had served in the armed forces. There is space to list only a few:

1942: John Slattery

1944: Francis Hutley (AIF), Maurice Byers

1945: Robert Hope (AIF), Russell Newton (AIF), Jack Lee (AIF), James Bowring (RAAF)

1946: W B ('Bill') Perrignon (AIF), W J ('Bill') Denton

1947: C J ('Joe') Bannon, Sir Kenneth Jacobs (AIF), R Loveday, E G ('Gough') Whitlam (RAAF), L K Murphy, Sir William Prentice MBE (AIF), Dennis Mahoney (AIF)

(Continued on page 5)

Vale Hon John Kearney QC (cont)



(Continued from page 4)

1948: Harold Glass (AIF), Chester Porter, Frank McAlary, E T ('Ted') Perignon (RAAF), Bill Waterhouse, Gordon Carmichael

1949: Laurence Gruzman (AIF), Tom Hughes (RAAF), G D ('Denys') Needham (AIF), Ken Gee, Adrian Roden, Desmond Merkel (AIF).

1947 was also the year of another milestone in John's life: he married Nona Sherlock – somewhat bravely, as the economic fortunes of barristers have ever been uncertain.

'In accordance with tradition', he would later say of himself, 'the Bar did not yield instant rewards.' John's marriage with Nona, in his own words, 'powered on like a German band', and resulted in five children: Gail, Linda, Carolyn, Marian and James. James is now at the Bar.

In 1974, John took silk. He specialised in Equity, particularly disputes over deceased estates. He was elected to the Bar Council, serving as its Vice-President from 1977 to 1978. At the end of his term, he was appointed a judge of the Supreme Court. He sat in the Equity Division for fourteen years. While at the Bar, John had joined the St Thomas More Society. As a newly appointed judge, he succeeded Hon Jack Slattery QC as its President in 1979, serving in that office until 1981. As a barrister and as a judge, John was renowned not only for his learning, but also for his courtesy and humility. Perhaps the two most famous cases of his

Councillor and DPP solicitor, Rosella Herbert, cantors at the Red Mass

judicial career were *Walton Stores (Interstate) Limited v Maher* (1988) 164 CLR 387 – in which his decision was vindicated on appeal by the High Court, and the principles of promissory estoppel formulated for Australia – and the litigation over the will of Charles Waterhouse, of the famous book-making family.

John was a lover of nature.

He rented a cottage in Mt Wilson, and took his recreation there with Nona whenever the chance arose. Alas, Nona endured a long mental illness, and in 1980, was diagnosed with cancer, while John was our President. She died in 1982.

In 1985, John married a widow, Mary Daly. In addition to being a father of five, he then became a stepfather to her four children: Tim, Anne, Margaret and John. As one would expect, family gatherings became somewhat large affairs, which he enjoyed and described as being 'like a public meeting'.

In 1992, John retired from the Supreme Court. He later became the inaugural Chairman of the St Aloysius College Council, while Rev Fr Tony Smith SJ (a scholastic at Riverview, when I first met him) was Principal. John served as Chairman for two terms, each of seven years.

John was above all a scholarly man, and throughout his life, a lover of poetry. He was never so happy as when in the company of a good book. On weekend afternoons, he would stay home and read Shakespeare. At family lunches, he would recite stanzas from the works of Banjo Patterson and Henry Lawson. On perhaps a lesser level of sophistication, he would occasionally burst into song with an extract from Gilbert & Sullivan.

He was also a spiritual man, who put no store in earthly possessions. After thirty years at the Bar, according to his son, James, his only investment was his

home. He neither played the stock market nor owned a holiday house, nor invested in property, nor even showed any interest in its value. Doubtless, he heeded the words of blessed Paul, who enjoined us to put not our trust in earthly things, for the things of this world are passing away.

In 1999, he was installed by the Pope as a Knight Commander of the Order of St Gregory the Great.

His funeral was held, fittingly, at St Aloysius College on 30 November 2009. The Society was represented by its President, William Dawe QC KCHS. A number of those present delivered eulogies in his honour, including his son, James, his stepson Tim Daly, and a former colleague from the Eight Floor of Selborne Chambers, Hon Justice Dyson Heydon of the High Court of Australia.

The Society and its Council extend their deepest sympathies to Mary Kearney, and to Gail, Linda, Carolyn, Marian, James, Tim, Anne, Margaret and John.

May the soul of our brother in Christ, John Basil Kearney, and all the souls of the faithful departed, through the mercy of God, rest in peace.

For much of the biographical detail, I am indebted to James Kearney and Tim Daly, and to the Obituary published by Malcolm Brown in the Sydney Morning Herald on 27 November 2009. RP



Editor of Utopia, Michael McAuley

Justice Heydon on John Kearney



Eulogy delivered by Justice Dyson Heydon of the High Court of Australia, at the funeral of Hon John Kearney QC, on 30 November 2009 at the chapel of St Aloysius College, North Sydney.

The eulogy delivered by Isaiah Berlin at Maurice Bowra's funeral contained a somewhat bland account of that colourful figure.

Seeking to excuse his restraint, he remarked to a friend: "In eulogies one must tell the truth, and nothing but the truth – but not the whole truth". That is a rule which can be safely broken in the case of John Kearney. For, when the whole truth about him is told, everything revealed is creditable. That is as much the case for the professional side of his life as it is for all the others.

John Kearney was at the New South Wales Bar for 31 years. For the last 15 of those years he was a member of the 8th Floor, Selborne Chambers. For the last four of those years he was a silk. He displayed an enviable degree of acuity and learning across all the main fields of equity practice of those days. He conveyed a well-founded impression of close familiarity with all conceivable aspects of a problem. The familiarity was generated by many years of work on similar problems. The work was carried out with immense fertility of inquiry and

doggedness of will. John Kearney was skill and judgment in action. He attained a supreme mastery of his craft; and not for nothing did his floor colleague, Mr Justice Meagher, confer on him the title of "Mr Equity". In him one fine tradition of the New South Wales Bar reached its apogee – the tradition which requires a barrister to respond with proper consideration to a well articulated question from a more junior barrister who has exhausted all *bona fide* and diligent methods of seeking to solve it. The ethical obligation corresponded with his instinctive and long-life sense of kindness.

His standing amongst his peers was confirmed by election four times to the Bar Council. He attained the high office of Senior Vice-President in 1978. That meant that after two years he would almost certainly achieve a high mark of professional recognition – election to the Presidency of the New South Wales Bar Association. But this path was almost immediately interrupted by an even happier event for the public of New South Wales – his appointment as a judge in the Equity Division of the Supreme Court of New South Wales. He served for nearly fourteen years. The appointment was widely and rightly hailed as a fine one, but it was greater than the government knew. Pausing at that Rubicon in his professional career, it is striking how late he took silk. That reflects only his modesty and self-effacement. For he had no regard for ranks, offices,

titles and honours as such. To him they were only trinkets and tinsel, baubles and sham and show. What counted was fulfillment of obligation, whether as counsel or judge. In court, Mr Justice Kearney was shy, earnest, inquiring and patient. Above all he was courteous. He had the manners of a perfect gentleman. That is because he was a perfect gentleman. He treated famous parties the same way as he treated obscure ones, the rich the same as the poor, the powerful the same as the weak. He treated the most celebrated practitioners, including close friends, in the same way as he treated the most junior, of whom he knew nothing. Many barristers – now in the full flood of prominent careers at the bar or on the bench – will recall his kindness to them when they were very young. They will recall how, during chambers applications for *ex parte* injunctions, he would tactfully explain why some orders would not do and others fitted better with principle. Mr Justice Glass, another colleague on the 8th Floor – himself, like John Kearney, a great judge of impeccable behavior – rightly called him "the gentle judge". He loved fairness with his whole heart and his whole mind and his whole soul. But he was no mere innocent abroad. He knew enough about the dark side of human nature to understand at once when his tolerance of weaker or sloppier minds was being abused, or when foolery or trifling was taking place.

(Continued on page 7)

NSW justices listen to the sermon at the 2010 Red Mass

John Kearney, in his earlier days at the Bar



Justice Heydon on John Kearney (cont)



Professor Gerard Ryan, Dean of Law at Notre Dame University, reads at the Red Mass 2010

They largely remain of great legal significance. They have entered the treatises, and will long stay there. In them you will find the quintessence of powerful legal analysis.

But these outcomes were not goals of his. He had three goals only. One was to understand the evidence and the arguments precisely. A

second was to consider them with application and care. A third was to decide the controversy economically and justly, according to the law. These goals he achieved in full measure. He saw it as his duty to strive for the right, and he was totally dedicated to that duty. Courts of equity are courts of conscience, and no equity judge ever submitted to the demands of conscience more completely than he did.

He did not pursue false ambitions. Flashy displays of scholarship for scholarship's sake were not for him. He knew the vanity of human desires for that immortality. He felt no temptation to deliver messages to the world. He was indifferent to flattery or applause. He was not obsessed with fabrication of suave glittering phrases. If he had to criticise unsatisfactory witnesses or errant parties, he did so reluctantly, only when necessary, and

only to the extent necessary. He did not indulge in gibes or flouts or jeers. He never abused his office. He never gave any party any feeling that justice had been administered in a slapdash or unfair way. On those factors rests his incomparable reputation as a model judge.

He sat at a time when the Equity Division was passing through a golden age. He was surrounded by immensely capable judges. But even in that age the equity bar, young and old, and not just the equity bar, saw him as a great judge. They saw him as a man utterly dedicated to duty. They saw his performance of that duty as flawless. They saw him as a man of total decency, shining honour, complete probity and adamant integrity. In the common opinion of the Bar, he was the most respected and the most noble and the most beloved of judges on the Supreme Court in that generation – and perhaps of any generation. The common opinion can be wrong. In his case, it was completely right. He humbled himself. He will be exalted.

(Continued from page 6)

He would deal with the malefactor at once. And any counsel who attempted to win the day on a false technicality quickly found that Mr Justice Kearney could easily trump that one with a better.

He presided over his court with grace, dignity, authority and gravity, springing from a profound and scrupulous consciousness of responsibility. In his court the fresh winds of sanity and clarity and calmness blew away the cold fog of obscurity and the heat mirages generated by excessive stress. His dispatch of judicial work was business-like, disciplined and expeditious. He saw the issues steadily, and saw them whole. He never wrote a poor judgment. An unusually large proportion of his judgments entered the law reports.

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events. It provides an opportunity for members to remember and reflect on the activities of the year. It enables members who cannot conveniently attend Society functions - whether by reason of distance, illness, age or otherwise - to appreciate and enjoy them from afar. It is a vital tool of communication, forming part of the mortar which binds members together. The Society's Council thanks you for your generosity.



Law student, Tanneal Sultana, reads the Intercessions at the 2010 Red Mass

Annual Retreat, 2010



Grace Riley reads
at the 2010 Red
Mass

**'numbers
were almost
double the
previous
year'**

Fr Joseph prepares
for benediction



By Anthony Herro

On Saturday 21 March 2010, the Society held its annual retreat at historic St Benedict's Church, Broadway, within the grounds of Notre Dame University. The retreat was led by the Society's spiritual director, Rev Fr Peter Joseph, and generously hosted by Professor Gerard Ryan, Dean of the School of Law at the University. Numbers were almost double the previous year, with close to 30 participants. It was good to see the spouses and friends of these members taking part in the retreat, and in this important way lending their support to the work of the Society. The quiet of the University courtyard surrounding St Benedict's Church contrasted starkly with the frenetic pace of life on busy Broadway, just beyond its boundaries. It provided a tranquil setting for prayer, reflection, and communing with fellow members. A day such as this provides a much-needed respite from the

ever-present demands of daily life. It enables members to reflect on their own role in the Society, in their families, among their friends, and in the broader profession and community in which they live, in light of the Gospel imperatives to love one's neighbour and act accordingly.

The all-day event consisted of Mass, Benediction and exposition of the Blessed Sacrament, saying of the Rosary in common, Stations of the Cross, opportunities for confession, and spiritual talks by Fr Joseph. Participants reflected on passages from the writings of luminaries like St Alphonsus Ligouri. We are most fortunate to have Fr Peter as our spiritual director. His talks were distinguished by their significant preparation, and were greatly appreciated. Breaks for morning tea, luncheon and afternoon tea enabled participants to discuss what they had learned, and to socialise in a more tranquil and reflective environment than is offered at any other event hosted by the Society. It was a most appealing and valuable experience.

Special thanks are due to Councillor Greg Walsh for overseeing the events of the day, and to our Senior Vice President, Michael McAuley, for his generosity in providing tasty delicacies at morning and afternoon tea.

At the conclusion of the day, our President, Richard Perrignon, thanked Fr Joseph for another splendid retreat, and Professor Ryan for graciously providing the University once more as a venue.

Members, their families and guests are fortunate to participate in such a day. The Society has conducted retreats for many years. It will do so again in 2011.

All members are urged to consider setting aside one day in the year to attend the retreat, for the enrichment of their spiritual lives, and for getting to know each other in the quiet and calm of a day of reflection. The date will be notified in January.

[Anthony Herro was the principal organiser of the 2010 Retreat. Ed]

Book review: Sheehan's Apologetics

By Robert Colquhoun

Apologetics and Catholic Doctrine, by Archbishop Michael Sheehan, was first published in two volumes in 1918 by M.H. Gill & Son, Dublin. It was a classic high school text in several countries for over forty years, and sold well over 450,000

copies.

Now in its 7th edition, this venerable tome has been ably revised by our own Spiritual Director, Rev Fr Peter Joseph.

At their best, 'Apologetics' are sophisticated philosophical defences of the claims of their authors. Cardinal Newman's *Apologia pro vita sua*, though autobiographi-

cal in content, is one of the most celebrated modern examples. *Sheehan's Apologetics* is the classic Apologetics, in English, of the Catholic Church. It is in every sense an outstanding work. The revised edition retains its orthodoxy and conservatism, and will definitely interest those who

(Continued on page 9)

Readers at the Red Mass 2010



Above, from left to right: Shadow Attorney-General Greg Smith SC MLA; Attorney-General Hon John Hatzistergos MLC; Bernard Coles QC, Senior Vice-President of the NSW Bar Association

Book review: Sheehan's Apologetics (cont)

(Continued from page 8)

seek the reasons behind Catholic dogma and teaching. In short, this is a magnificent update of an absolute classic.

For Fr Joseph, this far-reaching revision has been a labour of love. For several years, he lived with Archbishop Sheehan's originals and, chapter by chapter, tried where necessary to present the same treasures of wisdom and grace in language and with illustrations more relevant and accessible to modern readership. Fr Joseph has accomplished a tremendous and impressive task. The arguments are presented in a clear, succinct and very readable fashion. He has dispensed with anachronisms, taken into account the documents of the Second Vatican Council and post-Conciliar Papal teaching, and related the work to the Catechism of the Catholic Church. It will interest anyone who is interested in the 'why's' of Catholic teaching.

To give but one of many examples, Part 11 is styled, "The Church's

Teaching and Governing Authority". Under *Objections against Papal Infallibility*, the treatment of Galileo is dealt with. Whatever view one takes of the Church's actions in that era, the thinking of the time is important in understanding church history, and indeed the history of Catholic Europe. To appreciate the work fully, it is important to understand something of the background of its author, and of its reviser.

Archbishop Sheehan

Born on 17 December 1870 at Waterford in Ireland, Michael Sheehan was educated at St John's College Waterford before going on to tertiary studies at Oxford, the University of Greifswald and the University of Bonn. His studies for the priesthood were undertaken at Maynooth College in Ireland - mother of so many of the priests who built up the Church in Australia. [*One of its nineteenth century Rectors, Monsignor Renehan, was related to our President. Ed*] Sheehan was ordained on 16 June 1895. Great scholar that he

was, he joined the professional staff of Maynooth and became vice-president of the seminary in 1919. He was a leading activist in the restoration of the Gaelic language, as well as being a Latin and Greek scholar. At 51 years of age he was appointed Co-adjutor Archbishop of Sydney and was consecrated on 28 May 1922, with right of succession to Archbishop Kelly. He was involved in developing *The Australasian Catholic Record*, the *Catholic Evidence Guild* and the great 1928 *International Eucharistic Congress* in Sydney. His work in education was constant, energetic and thorough. He organised and addressed annual conferences for Catholic school teachers. But his *magnum opus* was *Apologetics and Catholic Doctrine*, which became a standard work throughout much of the English-speaking world in upper secondary religious education, adult education and the instruction of converts as well as general readership.

Alas for Sheehan, in 1937 it was de-

(Continued on page 10)

Book review: Sheehan's Apologetics



Rev Fr Peter Joseph proclaims the Gospel at the 2010 Red Mass

**'the book
can
hardly fail
to be a
classic ...'**

Listening to the readings at the 2010 Red Mass, from left to right: Notre Dame University law students Abu Bangura, Angelo Pardo, Claire Harris, Monica rose, Grace Riley; NSW Solicitor-General, Michael Sexton SC.

(Continued from page 9) cided that the next Archbishop of Sydney should be Australian-born. Our saintly scholar and energetic faith educator found his right of succession at odds with the times. He resigned with effect from 1 July 1937 and retired to Ireland, where he died on 1 March

1945, aged 74.

Fr Peter Joseph

Fr Peter Joseph was born in Wagga Wagga, New South Wales, the seventh of 12 children. He was educated there at St Maria Goretti Primary School, Bishop Henschke Boys Primary School, and then at St Ignatius College, Riverview, Sydney, where he first met and befriended Bishop Fisher and our President, Richard Perrignon. In 1985, as a seminarian for the Diocese of Wagga Wagga, he was sent by Bishop Brennan to Corpus Christi College in Melbourne. In that time he

was formally enrolled as a student of the Catholic Theological College. He continued his seminary training in Rome for the next six years at the Pontifical Urban College of Propaganda Fide, gaining his S.T.B. and S.T.L. in Dogma, at the Pontifical Urban University.

From 1996-1998 he studied in Rome at the Pontifical Gregorian University, attaining his doctorate in theology in 2003. His thesis was entitled, "The Risen Body in St Thomas Aquinas' Scriptum super Sententiis and Summa contra Gentiles". From 1999-2002 he was Vice-rector, Dean of Studies, and lecturer in theology at Vianney College.

In 2001, he published a revised and expanded version of *Apologetics and Catholic Doctrine*, which was launched in Sydney by Archbishop Pell. Fr Joseph has been a regular contributor to *AD 2000*, and has also had articles and book reviews printed in *The Annals*, *Faith Magazine* (UK), *The Catholic An-*

swer (USA) and *Sursum Corda* (USA).

A member of the Maronite Church, Peter was sent in 2003 to Sydney to take up his appointment as Chancellor of the Maronite Diocese of Australia. He has since been engaged by the Archdiocese of Sydney, and amongst other appointments, has been made chaplain to the St Thomas More Society.

With an author and reviser of the character of these men, the book can hardly fail to be a classic, and well worth reading. In this reviewer's eyes, it lives up to that expectation in spades, and is an enjoyable read to boot.

Why not try it?

Robert Colquhoun is a barrister, philosopher, author and Treasurer of the St Thomas More Society. He is studying for his Masters Degree in Theology. The Revised edition of Sheehan's Apologetics is available for purchase from the Secretary. Ed

Listening to the Word



After the Red Mass



Greeting Archbishop Coleridge after the 2010 Red Mass, from left to right: Past President Janet Coombs DCHS with Professor Gerard Ryan; Barristers Sophie York (Councillor) and Greg Nell SC; Tom Hughes QC.

St Thomas More in Parliament

By Giles Tabuteau & Sophie York

On the crisp, clear evening of Wednesday May 12, 2010, about a hundred guests gathered in the Speaker's Garden of Parliament House in Macquarie Street, to mark the restoration of the historic garden. The centrepiece was a magnificent life-size bronze statue of St. Thomas More, the work of Melbourne sculptor Louis Laumen. Members of both Houses of Parliament, and from both sides of politics, were joined by members of the Society for the unveiling of a commemorative plaque, marking the gift by the Catholic Archdiocese of Sydney to the Parliament of this beautiful work of art. Stunningly lit by golden, glowing garden-lights, it was a substantial and permanent reminder of the values for which More stood. His courage, integrity and fortitude, remarked upon by the speakers, continue to guide and inspire us today. The

sculpture had first been unveiled on June 8, 2006, by Hon John Aquilina, in the presence of His Eminence George Cardinal Pell AC and guests from the Parliament and the Society. On this occasion, the Society's president, Richard Perrignon, spoke first. His eloquence and verve set the tone for the evening and the speakers who followed. They included the Premier, the Cardinal and the current Speaker of the house, Mr Richard Torbay. Mr Perrignon introduced the proceedings with a stirring chronicle of More's career, highlighting the principles by which More lived his public life – and suffered his early death. He welcomed the Premier, Hon Kristina Keneally MLA, who spoke of her own enthusiasm for More and all he stood for. Her speech was a moving and inspiring reminder that he is as relevant for today's parliamentarians as he was nearly 500 years ago to his contemporaries. Both speeches are repro-

duced in this edition of *Utopia*. The occasion was also blessed by the presence of his eminence Cardinal George Pell, who, speaking off the cuff, treated guests to endearing insights into More's character – human qualities which marked him as a man for all seasons, to whom statesmen and parliamentarians could turn in time of moral and ethical challenge. It then fell to the Speaker of the Legislative Assembly, Hon Richard Torbay, to add his perspective and observations as a modern-day successor of More, and to formally unveil the plaque. In this honour, he invited his predecessor, Hon John Aquilina, to join him. The occasion was a happy and memorable one. Amongst the notable guests were Justice John Slattery, his wife Margaret and their son Justice Michael Slattery. The Premier reminded guests that Justice Slattery Snr was the sole

(Continued on page 12)

St Thomas More in Parliament (cont)



Past President, Hon Charles Joseph Bannon QC, receives the sacrament from Fr Paul Stenhouse MSC

'Let me tell you why Thomas More is here ...'

Sophie York with the Speaker, Hon Richard Torbay MLA



surviving member from the inaugural founding meeting of the Society, on 14 August 1945. The beautiful setting for More's statue, in the recently restored Speaker's Garden, with its exotic trees and other plantings, provides an oasis of thought and reflection for all parliamentarians – and all those in public life – called upon to confront, and to correctly resolve, the ethical and moral challenges of our time. The statue reminds us that people of religious and moral beliefs are as entitled as others to full participation in dialogue

in the public forum, where moral questions are constantly being posed and answered in the formation of law, justice and social policy. The wording of the cast bronze plaque, unveiled in the Speaker's Garden, Parliament House, Sydney, on May 12, 2010, was as follows:

'St Thomas More by sculptor, Louis Laumen. A gift to the Parliament of New South Wales by the Catholic Archdiocese of Sydney. Bronze statue unveiled on June 8, 2006 in the Speaker's Garden by His Eminence George Cardinal Pell AC, guest of the Speaker of the Legislative Assembly, the Hon. John Aquilina MP,

Member for Riverstone. This commemorative plaque was unveiled by the Hon. Richard Torbay, MP, Speaker of the Legislative Assembly, Member for Northern Tablelands, on May 12, 2010 following the restoration of the Speaker's Garden. St Thomas More Society'

This event was organised by Councillors Giles Tabuteau and Sophie York, with the generous help of Margaret McDonald of the Speaker's Office. The Society is grateful to each of them for a splendid evening, which has done great credit to the Society, and to the Parliament. Ed.

St Thomas More - keynote speech

Delivered at Parliament House, Sydney, by Richard Perrignon, President of the St Thomas More Society, on the occasion of the restoration of the Speaker's Garden, 12 May 2010

It gives me great pleasure to welcome you all to the Speaker's Garden today. We gather to unveil a plaque,

commemorating the renovation of this historic garden. The centrepiece of the garden is a magnificent bronze statue of Sir Thomas More, Speaker of the English House of Commons, which you see

before you.

The sculpture was conceived and executed by the renowned Australian sculptor, Louis Laumen. It was commissioned by the Catholic Archdiocese of Sydney, and presented to the NSW Parliament by the Cardinal in 2006. It was first unveiled here, in the Speaker's garden, on 8 June in that year, by the Cardinal and the then Speaker of the House of Representatives, Hon John Aquilina MP. In the year 2000, More had been proclaimed Patron Saint of Statesmen and Politicians by the late Pope John Paul II. So, it was peculiarly appropriate that his image should be commemorated and rendered in this way, and presented as a gift to the Parliament of NSW, which is the centre of government, and of political life, in our great State.

So, who was Sir Thomas More, you may ask? For the details of his life, I refer you to the short biography prepared by the St Thomas More Society [*available on its website, www.stmsociety.org.au, Ed*]. I will leave you to delve into his biographical details at your leisure. Let me tell you why Thomas More is here, in the Speaker's Garden.

The reason is to be found in the way that he lived, and the way that he died. By profession, More was both a politician and a lawyer. In 1496, he commenced practice as a barrister-at-law at Lincoln's Inn, in London. In 1504, he was elected to the English House of Commons. Both these events happened during the reign of Henry VII of England.

We must remember that

(Continued on page 13)

St Thomas More - keynote speech (cont)

(Continued from page 12)



Richard Perrignon, President of the Society, delivering the keynote speech

More lived in a monarchy, not in a democracy as we do. Parliament was not then the representative body that it is now. To Henry, Parliament was a potential threat. It represented the interests of the barons. Some of them had supported him in the bloody civil war between the noble houses of Lancaster and York - known as the 'Wars of the Roses' - which had won him the throne. Some had not. Henry convened Parliament rarely - six times in twenty-four years - and only for the purposes of raising taxation, because the treaty of Magna Carta (1215) forbade the raising of new taxes without the consent of the barons. Henry could still control who was appointed to Parliament. To dilute the power of the nobility, he ensured that new members included members of the middle class. More was a member of this middle class. His appointment demonstrated that he enjoyed the confidence of the King.

In 1509, Henry died, and was succeeded by his son, Henry VIII. More enjoyed the confidence of the son, just as he had of the father. In 1517, More was appointed to the King's Privy Council. The Council was the predecessor of what would become the Cabinet, after the Cromwellian Revolution of the 17th century. It was the predecessor of the NSW Cabinet, some of whose members stand here today. The next year, in 1518, More became Secretary to the

land.

More's political career reached its height in 1523, when he was appointed Speaker of the House of Commons. To that extent, he was a predecessor of the Hon Richard Torbay, Speaker of the House of Representatives, who will unveil the plaque this evening. As Speaker, More distinguished himself by pleading for freedom of speech for all members of Parliament. He succeeded, at least to the extent it was possible in a monarchy, when the power of the monarch was still absolute. Eventually, freedom of speech would become one of the hallmarks of constitutional democracy. Parliamentary democracy, as we know it, would be unthinkable without it. Parliamentary debate would be stifled by the fear of reprisal by the King and his ministers, or the executive as we know it today.

As the son of Henry VII, Henry VIII knew only too well the dangers of Parliament, and its uses. He, too, could influence who held office. When More became Speaker in 1523, he enjoyed the King's closest trust. Unfortunately for More, Henry VIII decided to call on Parliament for more than just authority to raise taxes.

Henry wanted to divorce his wife, the Spanish Princess, Katherine of Aragon, and marry her lady-in-waiting, Anne Boleyn. He wanted a male heir. Henry asked his Lord Chancellor, Cardinal Wolsey, to pressure the Pope for an annulment. The Pope declined. In 1529 Wolsey was effectively sacked, and probably later assassinated. Henry appointed Sir Thomas More in Wolsey's place as Lord Chancellor of England. Thus, More became the first law officer of the land.

As the Pope would not yield, Henry decided to remove him as head of the Church in England, and assume that title for himself. It was a bold and unprecedented move. It was fraught with risk. Even the King did not enjoy the moral authority to do this alone. So, he

King. In 1521, he was knighted. He became, 'Sir Thomas More'. He was appointed Sub-treasurer of Eng-

land. In 1532, rather than become embroiled in all this, More resigned the Chancellorship. He would survive for scarcely three more years.

In 1534, Parliament obliged the King by passing the *Act of Supremacy*, and the *Act of Succession*. By the first, the King was declared: "the only Supreme Head in Earth of the Church in England". The second Act declared void the King's marriage to Katherine of Aragon, ratified his marriage to Anne Boleyn, declared Anne's descendants to be the rightful heirs to the throne, and provided that anyone who did not swear allegiance to her heirs when required to do so was guilty of high treason, punishable by death.

On 14 April 1534, More was arrested for failing to take the oath. He was imprisoned in the Tower of London, and interrogated repeatedly. His home and property were forfeited to the Crown. His family were turned out onto the street. He would languish in prison for over a year.

On 1 July 1535, he was tried for treason before a panel of judges. They included the father, brother and uncle of Ann Boleyn. Not surprisingly, he was convicted and sentenced to death.



Law student, Angelo Pardo, reads at the 2010 Red Mass

(Continued on page 14)

St Thomas More - the keynote speech



Hon Richard
Torbay MLA

*'Truly, a man
for all seasons,
whose life &
martyrdom
have inspired
men & women
throughout
the ages.'*

(Continued from page 13)

Five days later, on 6 July 1535, he was beheaded at Tower Hill. It is said the King asked him to keep his last words short. He complied. He is recorded as saying, 'I remain the King's good servant, but God's first.' And with those words, he explained how he had lived his life: as a statesman loyal to the Crown, and as a statesman loyal to his conscience. More was both a statesman and a lawyer. Many such men and women have graced this Parliament in

our own lifetime. Some of them stand with us here tonight. What distinguished More was that he was prepared to face death, rather than compromise on crucial matters of conscience. How many of us would do that today? Fortunately, we live in a democracy. For that reason, we are not likely to be called on to pay the supreme sacrifice, as this man was. But whether we are in politics, or the law, or both, there comes a time when we are called upon to abide by our consciences,

and still, this comes at a price. Sometimes, at a great price.

The greatest of Australian statesmen are distinguished by their courage in the face of adversity; by their determination to do the right thing, and act in accordance with moral principle, even when it is electorally or politically dangerous to do so.

Thomas More reminds us of that challenge.

His statue, here, reminds us of that challenge.

The NSW Premier on More

**Delivered by the Premier,
Hon Kristina Keneally
MLA, in reply to the
President's speech of 12
May 2010 (above)**

We come together on the traditional land of the Gadigal people of the Eora nation, and I pay my respects to their elders, past and present. It is not often in our parliamentary and public life that a monument is dedicated twice, and with two unveilings, in the space of four years. But surely no one is more deserving of that honour than St Thomas More - that towering figure in the intellectual and spiritual history of western civilisation, whose memory we celebrate this evening.

We may ask:

What possible relevance has an ascetic figure from another age to

the concerns of 21st century Australia? What message can a man who lived five centuries ago bring to a distant country - a country he had never heard of - in a world he could not have imagined?

The answer lies in the eternal relevance and power of his life and example.

We are indebted to the Catholic Archdiocese of Sydney for the gift of this statue of St Thomas More, first unveiled in 2006. The [St Thomas More] Society has worked for many years to preserve the memory, and honour the spirit, of Thomas More.

And this evening I want to pay special tribute to Justice John Slattery, the only surviving member of the first meeting of the Founding committee of the Society in 1945. Justice Slattery is with us with his wife, Margaret, and their son, Justice Michael Slattery. And as all of them would know, St Thomas More was also the son of a judge. And many other things, of course, during

his extraordinary life of public service: a member of Parliament; Speaker of the House of Commons; member of the King's Council; royal secretary; Chancellor of the Exchequer; barrister; writer; judge; historian; diplomat and philosopher. Truly, a man for all seasons, whose life and martyrdom have inspired men and women throughout the ages - not only those who share his faith and love of the Church, but good people from all walks of life, all levels of society, and especially those of us who have taken on public office in our own time.

His appeal is universal. In the words of Pope John Paul II, who I deeply admired, and who proclaimed St Thomas More Patron of statesmen and parliamentarians, More was *'esteemed by everyone for his unfailing moral integrity, sharpness of mind, his open and humorous character, his extraordinary learning ...'*, and above all,

(Continued on page 15)



Premier
Keneally
speaks at
the unveiling
of the
plaque

UTOPIA

The NSW Premier on More (cont)



Statue of St Thomas More, by Louis Laumen

(Continued from page 14)

for 'his inflexible firmness in rejecting any compromise with his own conscience.'

Would we all not wish to be able to claim as much? He remains the supreme example in history of the good man in public life, setting an almost unattainable standard for those who follow, and especially, if I may say so, for all of us working in the notorious confines of the NSW Bear Pit.

The St Thomas More Society in NSW began as a community of Catholic law-

yers. And it is possible to see, in the

anxieties that brought them together after the upheavals of the Second World War, a mirror of the concerns still shared by many people today. The convenor and first chairman of the Society, G.J. O'Sullivan, said in his opening address - and Justice Slattery may recall his words:

'We are living in an age and times not unlike those which witnessed the martyrdom of St Thomas More. Then, as now, change and novelty were making the very air electric. A cloud hung over men's minds, just as today; and no man was wise enough to foretell or foresee what might happen next.'

Of course times change, community standards change. But it remains true that our world is full of complex moral and political challenges, as it has always been.

People in public office are still confronted with ever-increasing pressures and heightened public expectations to solve seemingly-intractable global and local problems - whether it be climate

change or an economic crisis, technological change, or demographic change. Amid all the combativeness and distraction of modern democratic politics, the example of St Thomas More remains a beacon of integrity, enlightenment and principle. We may no longer believe in utopia's - either one of More's devising or another - but More showed us that each of us can strive according to his or her conscience for a world that is just, peaceful and fair to all, including especially the vulnerable of society, the poor, the unemployed, the ill, the homeless, all those who feel marginalised, or alienated from the prosperous society that is modern NSW.

Five centuries after his martyrdom, More gives us the courage and inspiration to work for a better world - a world founded on compassion, on decency, on the values for which he gave his life: moral integrity, principled leadership, honesty and truth.

Ladies and gentlemen, I commend each of you for your role in carrying on the enduring message of St Thomas More, and I am proud to celebrate the rededication of this statue in his memory.

President's message (cont)

(Continued from page 1)

of the Mass, which are showcased in this edition.

The Red Mass was followed by the annual retreat at St Benedict's Church, Broadway, on Saturday 21 March 2010, led by our Spiritual Director, Rev Fr Peter Joseph. The event was organised by our indefatigable Secretary, Anthony Herro, with the generous assistance of Anna Walsh and Greg Walsh.

On 12 May 2010, the bronze statue of our patron Saint, sculpted by Louis Laumen and donated to the NSW Parliament by our patron, Cardinal Pell, was re-installed in the renovated Speaker's Garden at Parliament House. A delightful afternoon tea was organised at the garden by Giles Tabuteau and Sophie York, and attended by many Parliamentarians and members of the Society. Both this event, and the Retreat, are detailed in this edition.

The Patronal Feast Day was celebrated on

22 June 2010, with Mass in the Crypt at St Mary's Cathedral. Father Joseph concelebrated with the Chancellor of the Diocese of Parramatta, Rev Fr Bob McGuckin, and Rev Fr Robert Kozmos from Serbia. The Patronal Feast Day address, *'Religious Freedom: What it is, and what it isn't'*, was delivered by Dr Michael Casey.

The Patronal Feast was followed by a Society function on 16 August 2010, at which author Roy Williams addressed members on *'A Lawyer's Defence of the Christian God'*. The event was generously hosted by Allens Arthur Robinson at their city offices. We are grateful to Michael Quinlan, and to Roy Williams, for making this event possible. Perhaps the happiest event of the year was the marriage of Councillor and DPP solicitor, Rosella Herbert, to Matthieu. The Society extends its congratulations and best wishes to the happy couple.

Rosella Herbert receives the Sacrament from Fr Paul Stenhouse MSC



This the second edition of *Utopia* in its new format, under the editorship of Michael McAuley. This edition pays tribute to one of our former Presidents, the late Hon John Kearney QC, who even in retirement, was a constant and much-

(Continued on page 16)

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**'The King's good
servant, but God's first'**



President's message (cont)

(Continued from page 15)

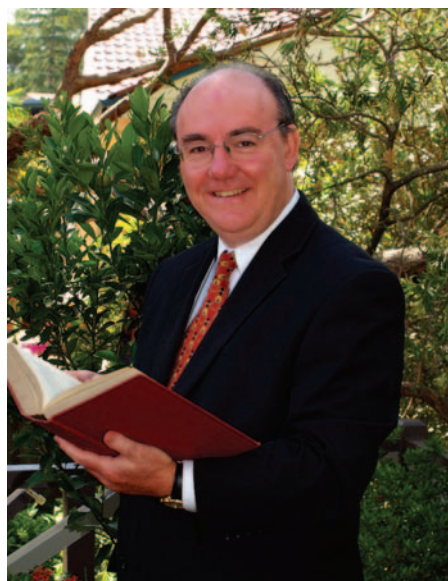
loved participant in the Society's events. During the year, the Council was saddened to receive word of the passing of a number of other distinguished members. They included retired Judge of the District Court, Paul Urquhart QC, Frank McAlary QC, Damer Aloysius Walsh and John Polin. Margaret McAuley, the mother of our Senior Vice-President, also passed away this year. Our sympathies are extended to all their families, and our prayers are with them.

The Society prays for its deceased members at the Red Mass, at the annual retreat, on the Patronal Feast Day, and throughout the year. It is fitting that their lives, and their passing, be recorded and honoured in this Journal. Should members become aware of the passing of colleagues, please notify the Secretary, so that due notice may be given, and the prayers of the Society directed accordingly. As Christians, it is important that we not only cherish the living, but also honour those who have gone before us, marked with the sign of faith.

With thanks to all those members who participated in the events of the year, I look forward to an equally vigorous 2011, and hope to see members and their families at the Christmas Party, and at the Red Mass in 2011.

Yours in Christ,
Richard Perrignon

[Richard Perrignon is a Judicial Member of the Administrative Decisions Tribunal of New South Wales, a practising barrister, and a senior lecturer in law at Notre Dame University, Sydney. Ed]



Richard Perrignon
President
St Thomas More Society



Editorial

- Michael McAuley (Editor)
- Robert Colquhoun KHS (Assistant Editor)

Contributors

- Archbishop Mark Coleridge
- Justice Dyson Heydon
- Hon Kristina Keneally MLA
- Giles Tabuteau
- Sophie York
- Robert Colquhoun KHS
- Anthony Herro
- Richard Perrignon

Photos

- All photos of the 2010 Red Mass by Kerry Myers, editor of *The Catholic Weekly*. Reproduced by kind permission.
- Pages 5 & 8: photo-portraits of Michael McAuley and Fr Peter Joseph by Richard Perrignon
- Pages 12-15: Photos of the evening at Parliament House by Kerry Myers and others
- Page 16: Photo-portrait of the President by Ida Lucy Perrignon

Layout & graphic design

- Richard Perrignon