

BERNARD COLLAERY
ADELAIDE FESTIVAL '150 PSALMS'
ST PETER'S CATHEDRAL, ADELAIDE
29 FEBRUARY 2020
'TRUST'

1. My dear friends, we acknowledge the land that we meet on today is the traditional land of the Kurna People and we respect their spiritual relationship with this country. We pay respect to Elders past, present and emerging. And I also want to say how privileged I am to speak in this wonderful Cathedral. And I must say, to be in this great reformed State, renowned for its social conscience.

2. My name is Bernard Collaery, I've been a lawyer for 50 years, and Attorney-General somewhere, and I think that I've come to attention for being a lawyer for a witness to something I can't talk about that happened in Dili East Timor, during oil and gas negotiations some years ago. And with that witness I am facing trial this year in the Supreme Court in Canberra.

3. Now, this afternoon we are honoured to have Grete Pederson conducting the famous Norwegian Soloist's Choir, and of course this is my interpretation, about this afternoon's post-reformation music, I think, is very apt for the times we live in in Australia. Particularly for those of you who have been to the 150 Psalms Exhibition across the river – those images created so movingly by Charissa Davies and Alan John, I think bring home to us how far this country - my country, your country - has moved from its historical purpose as a new democracy.

4. Just as Martin Luther and the Protestant reformists used the Psalms, and its music, and its poems, to promote reform of the Church (that was of course at that time corrupted by the sale of indulgences and all manner of temporal excesses), I see 150 Psalms as a clarion call to us for reform in our own country. If you go and look at those compelling images, dozens and dozens of them, the distress of the detention camps, capital punishment of our citizens in Indonesia, all of those graphic images, as you listen to this fantastic choir you may hear the music, which is the music of the reformation, as a call of reform to the institutions that are now governing our lives in Australia, particularly from Canberra.

5. Arguably one of the most important modern philosophers, Immanuel Kant, claimed that the only test for a moral decision is whether it is done in accordance with, and in compliance with, an innate sense of duty. I'd like to repeat that. The only test for a moral decision in our lives is whether we do it in accordance and in compliance with an innate sense of duty. This has been expressed, as you know by many reformers such as the great John Wesley, as to have trust in our 'individual responsibility'. There was a move in the 19th century to move that philosophy to a sense of individual responsibility.
6. Christianity and Judaism generally accept that the existence of God, from which the moral law evolved, is beyond the scope of knowledge. Belief, they say, relies solely on the human capacity for faith. The Sephardic Jews suffering in Spain found eloquent refuge in the psalms. The psalms carry a universal message. And as I understand it, Professor Matthew Anstey and Rabbi Kavinsky, great scholars both of them, will speak more on the shared Christian/Jewish Psalm tradition here next week, I believe on Wednesday.
7. I went to Psalm 19 in preparing my notes – I can see that it is framed in that capacity for faith, and looking at the music for today, hence, God, for whom *The Heavens are Telling* according to Beethoven and Haydn and again Tellerman's cry in *A Mighty Fortress is Our God*. Those wonderful tracts of music embrace the concept of our trust in God. The composers, of course, are declaring loudly, eloquently, defiantly, 'God in whom we trust.'
8. Secularisation in Western society has converted trust in Divine leadership into governance by the State. As you know, trust in the Divine Right of the monarch devolved over the centuries, particularly after the 1689 Bill of Rights in England, into our trust in those we elect to parliament. Nowadays, there is no blind faith. Nowadays, Ministers swear an oath or affirmation to serve the State 'according to law.' Indeed, in the Australian Federal Parliament, set by our Constitution in Section 42, none may take their seat in Parliament without undertaking, swearing or affirming, to serve 'according to law.'
9. And accordingly, those who serve the State have a Constitutional duty to serve 'according to law.' In my proposition, this has not been brought home to our leadership, and it must be, and our leaders must govern according to the ordinary standards of honesty and human decency and dignity. Now, if you doubt that proposition, I

challenge you to go to the 150 Psalms Exhibition – the images there speak silently and relevantly for what I am saying.

10. Yesterday evening I was speaking to Grete Pederson, your famous conductor of your music today. I found it entirely appropriate that your choir is singing music of reform, because I recall the protests by the Norwegian Government following our government's treatment of the master and crew of the Norwegian vessel, '*MV Tampa*', following their rescue in accordance with international conventions, of boat people on the high seas; people in a sinking vessel. At that time I, myself, had the deeply troubling task of providing advice to the United Nations High Commissioner for Refugees in relation to breaches by my own country of the Refugee Convention. Many of you are close to my generation, and you will recall that Australia assisted the drafting of the Refugee Convention. And I grew up, as some of you here did, in the shadow of World War II. I grew up in those years, indeed, not that my grandfather was at peace with it, our farm at Fairy Meadow was resumed for a migrant refugee camp. Our school was flooded with those displaced, and refugee children. Now, we use detention camps, like Nauru, Manus and other places, for those refugees and shamefully, at least in the past but still in some senses, for children.
11. Now, the State cannot demand our trust, our silence - particularly members of our armed and secret services who are entrusted with secrets of State, when those secrets conceal corruption. It is not a two-way street. The secrecy obligations can form no pact of mutual concealment when unlawful conduct is involved.
12. As Luther said, nothing erodes trust in God's purpose more than corruption by God's servants. Likewise, to give it a secular angle, Professor Grayling, himself no believer, says, 'If anyone is expected to observe the law it is the State's own servants.'
13. We trust the State to serve us according to the law, and our social contract is that we are expected to behave according to law. But what does an individual of conscience (someone with a conscience), that is, a person with, as Kant says, an 'innate sense of duty' do if she or he finds the State's Ministers not to be serving according to law. When unlawfulness and impropriety become concealed as a supposed claimed State secret in whom does trust lie? Where does trust lie? How do you deal with that conundrum? Where does a person go who has innate sense of duty, a trust in leadership, where that trust is betrayed? Does that secrecy undertaking amount to a call upon blind faith in the Leader – the matter Luther so strongly condemned? Now, faced with much the

same five centuries ago (this is why I say this music today is a clarion call for reform in our country), Luther and subsequent Protestant reformers had a clear answer. Their clear answer went to the Reformation. And with the Reformation went this extraordinary music, this great challenge for us all to follow a proper path – God's path. And of course, there were many brave reformers who suffered in that time. So as this remarkable choir sings, I ask you all to give some thought to those suffering now in Australia and the need to halt the drift in our democracy.

14. There can be no excuse for sly opportunism involved now, and blatantly now, in Australian Leadership in Canberra. Trust needs no lighthouse. We know innately, all of us, by our conscience, the right way there. Hegel called it, (as I remember from First Year Philosophy, dare I say it, 60 years ago), the 'migration of the soul'. Now, perhaps that translates in Australian idiom to 'you gotta do the right thing mate.' But while belief relies solely on the human capacity for faith, trust relies on compliance with our innate sense of duty. Now, sadly, there is a growing divergence between the State as an exemplary beacon, particularly for our young, and, a conniving opportunism associated with ambition and power for power's sake.
15. The psalms sung today are a collation of value statements. Some, particularly those that predate both the Old and the New Testaments, endorse universal values such as today, I speak of trust, others will speak of courage, sacrifice, and justice. Other psalms encourage positive action for good. What is our capacity for positive action for good in face of the drift that is currently going in the democracy our forebearers fought, pioneered and died for?
16. Trust, in my contention, is the very commencement of the universal order. A babe at the breast is absolutely vulnerable but innately trusting. As that individual moves through life, she/he are commanded by their own individual responsibility. Laws that empower Ministers now to declare what is or is not in the national interest have enabled breaches of trust to be held behind black letter laws. Recently, in Canberra, one among us was tried, sentenced and jailed in secret. This is the same breach of trust that inspired the Reformation, and its accompanying music that you will hear today.
17. Of course, we trust our leaders. And most of them we can trust – indeed, we should trust. But we do trust them, for example, not to claim falsely that fathers and mothers might throw their infants into the sea for means of securing a visa. When we shake hands (as did our Prime Minister with the Prime Minister of East Timor after signing an

explicit written promise to negotiate in good faith), we pledge as Australians our historic purpose as an honest new democracy. The black lettering of so-called national security laws brought in after 9/11, is now being used as a ruse to hide appalling breaches of trust, which constitute a denial of individual responsibility – a ‘systemic error’, as they may say, ‘not my pitch,’ ‘I didn’t make the decision,’ ‘it wasn’t me it was someone else,’ and so forth. When duty calls in such a circumstance the psalms give us the courage to face up to cruel retribution. I think it would be good, and I think if any of you who are so disposed to spare a thought as the Choir sings shortly for a brave veteran patriot suffering, who is currently suffering in mind and body because he had the courage to seek reform. I speak of ‘Witness K’. And I cannot tell you anything about it anymore.

18. Now, I’d just like to finish on a personal note. I have a band of cousins in Adelaide, and some years ago a cousin rang me and he said he’d been sitting in a barber’s chair here in Adelaide and he sat next to an elderly, retired WW II Beaufighter pilot who was sitting next to him in the barber’s chair. The conversation led to the former Wing Commander telling him of his 445 Australian Beaufighter squadron and eventually, identifying the fact that that Wing Commander had flown with my father. Indeed, he recounted the circumstances of my father’s own death in action. He said that on the day before in spring of 1944, he’d watched my father walking around the landing field in Norfolk, England, collecting poppies and wildflowers. Those of you who know Norfolk and Cambridgeshire, I’ve been working at Cambridge for some years, will know the wonderful expanse of poppies and wildflowers that appear (not wild flies, we’ve got them), and he said he’d seen Edward Collaery, my father, putting flowers in the camouflaged netting that the squadron had put above the band in the mess, where there was to be a dance the following night. This was just after D Day, and there were heavy losses in that Australian squadron. Sadly, my father perished in a dawn attack on the morning before the dance. But the dance went on with the flowers in the netting. Now, my cousin was quite moved by that experience hearing that story and he rang me straight away that afternoon. I went to this calico bag of letters – my father wrote lots of letters to my mother during the war, and this prompted me to trawl again through his letters. In his very last letter, he speaks of the operations post D Day, and there is a paragraph where he says, ‘I trust our leaders will bring my mate Bernard McMahon home from is Japanese prisoner of war camp, and I trust we’ll have no more of this cruelty.’

19. And that of course, my dear friends, is another trust that must be honoured. Thank you.