

Bob Bellear (1944- March 15 2005)

A reflection on his life

Close to the anniversary of his death on March 15th, 3 years ago, we honour today, the first Aborigine to become a District Court judge, by this unveiling of his picture. This picture, donated by Peter Zahra, will hang among other past prominent members of this Association, who attained exalted status in the law. Let there be no doubt, their august company can only be enhanced, by his inclusion in the Bar Association's collection. His is, I understand the only picture of a District Court judge included in the Bar Associations picture/portrait collection.

Bob was born in the far north-east of New South Wales, toward the end of WW 2, and grew up near the town of Mullumbimby. His grandfather was a Vanuatuan man, blackbirded to Australia to work on a sugar plantation. His grandmother was an Aboriginal woman from the Noonuccal people of Min-jerri-bah, known as Stradbroke Island. His other grandfather was blackbirded from the Solomon Islands. Bob was one of nine children, and brother of Sol Bellear. He knew poverty, hunger, and as he grew to manhood, a widespread culture of alcoholism.

He left school early, probably around the early 1960s. He had difficulties finding employment. "I couldn't even get a job as a

bank teller”, he once said. He had no doubt of the reason. He told an interviewer in 1978, “Drunkenness was our only refuge. But when you emerge from the haze of drunkenness, there is always the harsh reality of racism to face.”

His way out was to join the Australian Navy, where he trained in, among other trades, mechanical engineering and clearance diving. As a champion centre three-quarters, as they then were known, he represented in the Navy’s Rugby side. Another first for him, was to be the first Aborigine to attain the rank of Petty Officer in the Australian Navy. He left the Navy in 1968 with several qualifications, including in masonry, and fitting and turning. So qualified, he was more easily able to find a job. He gained employment in the Clyde Refinery and elsewhere on the strength of his trade skills.

Petty Officer Belleair was an imposing, handsome man. He met his future wife and soul mate, Kaye Williams. Kaye, from Ballarat, the daughter of a left of centre trade unionist, was at that time going out with one of Bob’s crewmates. She was in the process of moving from Bondi to Kings Cross. He helped her move. Indeed he moved her beyond belief. Within six weeks the couple had fallen in love, married and become inseparable life partners.

They lived, for some time in Redfern, an area even then having a substantial Aboriginal population. This was a time of rising Aboriginal consciousness of the injustices, still being inflicted upon them, for no reason other than race and displacement. The issues

confronting Bob were intertwined: - displacement, housing, health, police victimisation and community acceptance of his people. These were issues, not impacting upon his own life – but upon the lives of his fellow Aborigines. The common theme in all of them was race.

In about 1976 he was writing about the pre 1972 Aboriginal housing crisis in Redfern: He wrote:

The breakthrough arose after a series of conflicts had occurred between local police and the blacks. The police who have been bastards for years, highlighted their oppressive attitudes, when they arrested a number of *Goomies* [Blacks who are not necessarily alcoholics but who consume alcohol in excess of the norms set up by the dominant culture. Excessive alcohol consumption is often a trait of an oppressed minority group]. [They were arrested] for trespassing in empty houses owned by absentee landlords. Those empty house were the only shelter available in the Sydney area where this group of people could have peace of mind and be able to do their own thing without interruptions from the so-called normalcy of the dominant culture to which so many other blacks have conformed.

The 15 blacks arrested were represented in court by the *Aboriginal Legal Service* and were discharged into the care of the three priests from the Redfern Presbytery, and Kaye

Bellea, who at that time was a nurse at Rachael Foster Hospital...

Kaye and the priests then set up House in the Church Hall for the 15 people, which almost immediately rose to about 50 people, as news spread to the occupiers of the other *empties*.

Bellea established the Aboriginal Housing Corporation in 1972. Throughout the 1970's he was a director of both the Aboriginal Medical Service and the Aboriginal Legal Service. Bellea was the leader of a campaign to prevent landlords in Redfern from evicting Aboriginal tenants, and his work led to the Whitlam government transferring ownership of The Block to the Aboriginal Housing Corporation.

Bob's decision to become a lawyer was taken in 1972 as he and Kaye talked at the Clifton Hotel of the systemic patterns of Police intimidation, and harassment practiced against the Aboriginal community in Redfern, particularly on Thursday, Friday and Saturday nights. Jeff Shaw, when A-G, speaking at Bob's swearing in, said of this time:

It was easy for police to arrest Aboriginal people. They had a formula. It was the trifecta, 'unseemly words', 'resist arrest', and 'assault police'. Seeing this injustice repeated week after week hit hard, and there was no way that Bob Bellea was going to sit back and watch it happening."

He completed his HSC studies at Sydney Technical College, and entered a law course at the University of New South Wales. He graduated in 1978, a B. Juris and LL.B. He was admitted to the New South Wales Bar in 1979. After Malinjawaka, he was the second Aborigine to become a practicing barrister. He represented many Aboriginal people in criminal trials, and was often instructed by the Aboriginal Legal Service. In 1987 Bellear was appointed as an assisting counsel to the Royal Commission into Aboriginal Deaths in Custody, another first for him – the first Aboriginal counsel to be appointed as counsel assisting a Royal Commission anywhere in Australia.

In 1991, I think it was, he was appointed a Public Defender – again the first Aboriginal barrister to be so appointed. It was there that he, Peter Zahra and I, as with all the Defenders, were all close colleagues. There are two stories worth telling from this time. On a Monday night, Bob was among the last to leave. Peter Zahra tells the story of walking by his chambers well after six on several occasions and noting Bob was changed into jeans. Monday night was his night of volunteering at the Matthew Talbot hostel. It was not something well known on the floor – it was simply something that Bob did on a Monday night.

I have referred to his concerns about racism in the 1960's. It was a concern that never left him. As sometimes happens with the PDs, there was a period, of perhaps unfounded concern, as to whether the government would continue to support the PD's. One of the PD's said philosophically – "Well, we will all survive. Look at

the experience and expertise we've gained here." Bob, every bit as able as the rest of them, retorted – "That's okay for you – you don't have to worry about racism. On the open market things are much tougher if you're black."

In 1993, while still a Defender, he was awarded an honorary doctorate of laws by Macquarie University, another first for Bob Bellear – he was the first member of the public bar to be so honoured. Three years later, on 17 May 1996, Bob Bellear was appointed a judge of the District Court of New South Wales, the first Aborigine to be appointed to any intermediate court in Australia.

The photograph we are unveiling today was taken as he stood to make his judicial promises. He stands striking in appearance, proud of who he is, formidable, humble, gracious and garmented as always, in immense dignity. He served as a judge for eight years. He showed himself to be a man of learning, compassion and humanity. He did not try to remain in Sydney, instead preferring the rural circuit, where he could visit Aboriginal communities in regional centres. During this time he mentored young Indigenous lawyers, and encouraged students to attend his courtroom, including students from Tranby College. And Yes, he was also a Director of Tranby.

The 2003-2004 class wrote of him:

Throughout the centuries there were men who took first steps down new roads, armed with nothing but their own vision. You are certainly one of those men.

You have given other Aboriginal people a path to follow. Even though we had only met just once this was enough to inspire us.

Our dreams are an index to [our] future. Your dream is an index to your greatness.

What lies behind us and what lies before us are small matters compared to what lies within us.

You are a man of greatness.

To his everlasting credit he loved with passion the South Sydney Rugby League football club. With equal passion he held a place in his heart for the Moree Boomerangs Footballers.

In his later life, this man of greatness was affected by mesothelioma, contracted during his time with the Royal Australian Navy, when as an apprentice engineer he was exposed to asbestos fibres used to insulate pipes. He well knew he was dying. Many of us visited him in the grim weeks before the end. He was manly, courageous, dignified, and accepting. Judge Belleair died at his home on March 15, 2005.

He passed to his eternal reward wearing a Che Chevara T shirt. For me, his so doing is rich in symbolism reminding me of his passion for social justice and a fair go for the underprivileged, his fighting spirit, his awareness there was still battles to be fought for the causes he believed in.

The NSW Government granted him a state funeral, held at the Sydney Town Hall. It was attended by about 2000 guests. High ranking dignitaries were present including our beloved Governor Marie Bashir, former Chief Justice Laurence Street, ministers of state, and judges. Of equal importance to Kay Bellear – and I suspect to Bob was the presence of many of his clientele and Aboriginal brothers from Matt Talbot and the city parks who, too shy to come into the Town Hall, held their own grieving ceremony beneath the Town Hall steps.

Peter Manning, from whom I have already borrowed much wrote of him on his passing:

Bob Bellear was a role model for his people, a source of enormous pride and joy to his family, especially his loving wife Kaye, and a beacon of hope in dark times for all those who believe in Aboriginal rights and justice. He wore his extraordinary achievements with great humility. A great friend, an easy mate, he never lost his ordinary touch. He will remain strong in the hearts of all he touched...”

True it is I claim the concept of seeking a place for Bob Bellear in the Bar Association’s picture/portrait collection. But it would be

unfair to limit Peter Zahra's contribution as simply financing my dream. To him Bob Belleard is as precious as he was to me; as admired by him as he was by me; as significant a beacon to others who practice in the law, as he was to me. This is Peter Zahra's gift to the Bar Association; yet he has allowed me the glamour role of this unveiling.

Together, we proposed to Kay to permit us to approach the Bar Association to hang his portrait in a place of prominence. We thought such a move would lend encouragement to other Aborigines at the bar to have the courage to follow in his footsteps – to use him as a pathfinder for their own careers. However, as I reviewed his life's journey in more detail I realized that we should commend his life as an inspiration to us all.

Postscript

Your attendance here today has been an honoring of two great parishioners of the great Father Ted Kennedy at St Vincent's, Redfern – Mum Shirl, whose foundation you have already supported with \$25 donations tonight, and Bob Belleard. I ask you to support with equal generosity his last great wish, The Bob Belleard Diabetic Clinic, being set up and conducted by donations to the Aboriginal Medical Service. Cheques should be made out to the Aboriginal Medical Service and marked The Bob Belleard Diabetic Clinic. Donations are tax deductible.

Sources: Wikipedia, the free encyclopedia; Peter Manning, Breakthrough by Bob Belleard; Barry Healy (Green Left Weekly).