

“Let us hear your voices: Tribute to Bob Bellear”

Admission of Lawyers Ceremony

18 August 2017

Supreme Court of the Australian Capital Territory

Chief Justice Murrell

The Court acknowledges the traditional custodians of this land and we pay our respects to their elders, past and present.

Today I am joined by the Honourable Justice Mossop and Associate Justice McWilliam.

We congratulate the newly admitted practitioners. For each one of you, your admission today is a great personal achievement. Welcome to the profession.

An admission ceremony is not only about the person being admitted; it is also about their support crew. Family and friends, you are entitled to be very proud. You have supported your loved one through the stress and exhaustion of what must feel like an eternity of study. Congratulations on your endurance. Today you can celebrate the success to which you have contributed.

Each of the new legal practitioners will have arrived here today by a different path, and each of you will follow a different path from here. But today we come together.

The legal community values the diversity of your backgrounds and experiences. A profession that reflects the diverse community that it serves is apt to inspire greater community confidence.

It is also important for the judiciary to reflect community's diversity. This year, the ACT Supreme Court welcomed Associate Judge Verity McWilliam to the bench, making this Court the first Australian Supreme Court to achieve gender equality on its bench. The appointment of her Honour has both increased the representation of women on the bench and dramatically decreased the average age of the bench.

Newly admitted practitioners, although today is the end of your formal learning, it is the beginning of a career in which, as lawyers, you will never stop learning. The law is always evolving. In a few years, much of the law that you learnt only recently will be redundant.

But do not be disheartened. The skills that you have learned at law school will stand you in good stead throughout your lives and the fundamental principles that are now part of your makeup will endure.

As a member of the legal profession, you are now guardians of the rule of law. The rule of law requires equal application of laws to both citizens and government, access to justice and openness, judicial independence, and adherence to the presumption of innocence.

Commitment to the rule of law and associated human rights may require you to defend the minority against the majority. It may require courage.

But commitment to upholding the rule of law and defending human rights does not have to be exercised through the traditional practice of law. Many law graduates have used the skills of reasoned analysis and persuasive argument that they learned through studying law outside the legal profession. Consider Australian journalist Waleed Aly, author Harper Lee and Nelson Mandela.

You may have grown up watching television characters like Sandy Cohen, the criminal defence lawyer and modern-day Atticus Finch, who refused to let the wealth or prejudice of Newport, OC, deter him from helping the disadvantaged. Perhaps you see yourself as someone like Sandy, who once said: “A good cause? Poor odds? A chance to ruffle some feathers? How could I say no?”

Our legal profession has many fine examples of real individuals who defeated poor odds to ruffle some feathers in a good cause. Let me tell you one story.

It is the story of a boy who was one of nine children. He was raised near Mullumbimby in northern NSW, the grandson of a Vanuatu sugar-cutting slave and an Aboriginal woman from the Noonuccal people of Stradbroke Island. As a child, he saw poverty, hunger and alcoholism in his community.

He left school early to obtain work, but as an Aboriginal person he found none. Eventually, he joined the Royal Australian Navy. He rose to become Australia’s first Indigenous petty officer.

Then he decided to study law. He was inspired to do so because he had seen firsthand the systematic brutality and harassment used by police against the Redfern Aboriginal community. He understood that the law can be a powerful means of achieving social justice.

Aged 27, he returned to school, completed his Higher School Certificate and enrolled in law at UNSW, where I met him. Along with Pat O’Shane, he was one of Australia’s first First Peoples to graduate in law.

In 1979 he was admitted as a barrister. In those days, the bar was populated largely by white, privately educated and relatively privileged men. Of about 600 barristers,

there were about 30 women barristers. He was the third Indigenous person to be admitted as a barrister in NSW.

Our boy from the bush became a formidable advocate. He represented many Aboriginal people. He was counsel assisting the Royal Commission into Aboriginal Deaths in Custody. He helped to establish the Aboriginal Legal Service, the Aboriginal Medical Service and the Aboriginal Housing Company in Redfern. He led a campaign to stop Redfern landlords from evicting Aboriginal tenants. His work contributed to the Whitlam government transferring ownership of The Block in Redfern to the Aboriginal Housing Company.

In 1991, he was appointed a Public Defender in NSW, but continued to work once a week as an overnight volunteer at the Mathew Talbot Hostel for homeless men.

In 1996, Bob Bellear was appointed to the District Court of NSW, the first Indigenous appointee to an intermediate court in Australia. On the District Court, he rejoiced in taking unglamorous circuits in far western NSW, where he could visit Aboriginal communities and administer justice to Aboriginal people.

Bob mentored many young Indigenous people, including students at Tranby College, encouraging them to pursue a career in law. One of his Aboriginal classes said of him:

Throughout the centuries there were men who took first steps down new roads, armed with nothing but their own vision ... What lies behind us and what lies before us are small matters compared to what lies within us.¹

On 15 March 2005, aged only 60, Bob Bellear died from an asbestos-related illness, a legacy of his Navy employment. He was wearing his favourite Che Guevara T-shirt.

He was described as “a beacon to others who practice in the law.”²

Like Bob Bellear, you now understand that the law can be a powerful means of achieving social justice and you know how to use it. You can analyse and interrogate the facts. You are able to challenge injustices and to illuminate public debate.

Use your skills wisely and generously. Use them courageously. Whether it is within the profession or elsewhere, let us hear your voices.

¹ New South Wales Bar Association, *Bob Bellear (1944 – March 15 2005): A reflection on his life* <https://www.nswbar.asn.au/circulars/bellear_speech.pdf>.

² Ibid.

May the road rise up to meet you – wherever your journey leads.