

Peter Michael Seery 6 February 1933 – 22 October 2000 *By His Honour Judge Peter Dent QC*

Peter Michael Seery was admitted to the New South Wales Bar on 1 July 1967, in fulfilment of a burning ambition to be a barrister. He carried to its ranks great personal qualifications of honesty, integrity and deep compassion for his fellow man.

He was tutored by Ernie Knoblanche QC and by him trained to be a barrister's barrister. He eschewed the fast turnover approach of many of his contemporaries and insisted upon mastering his client's case at the first opportunity and pursuing that case wisely and vigorously, to secure for every client the best result that could be achieved in the circumstances.

Seery avoided specialisation because of his personal belief that counsel should be able to acquit themselves competently in every jurisdiction and with that talent he was of enormous assistance, in particular, to country solicitors and clients on the circuits where he appeared. Once Seery accepted a brief it was rapidly put in order and thereafter it stayed in order until finally disposed of.



Peter Seery

Peter suffered more than his fair share of life's adversities and bore them manfully. When others brought their problems to him, and many did, he counselled them with wisdom and kindness.

Irish-Australian to the core, he was gifted with a splendid sense of humour and a laugh that could be heard blocks away.

He served with distinction as an acting judge of the District Court of New South Wales and as an arbitrator. He retired from active practice in 2000, to be sadly taken

from this life too swiftly thereafter, to the great sorrow of his widow Moira and their children, who's comfort and welfare had been Peter's first priority throughout his life.

Should I in future encounter a child frightened by the sounds of thunder, I will explain that 'It's nothing to worry about, it's only Peter Seery laughing in heaven'. His colleagues in Wentworth, University and Henry Parkes Chambers will understand that well.

FEATURES

The Barristers' Benevolent Association

By a member of Bar Council

Every year there are barristers who encounter personal misfortune or require some form of assistance in order to overcome a problem. At least once a year a barrister or a member of their family suffers a catastrophe.

Sudden deaths, serious illness, accident, refusal of indemnity by an insurer, mental illness, cancers, suicides, HIV/AIDS, alcoholism, families of deceased members who have some need and serious financial misfortune are all problems which have been addressed by the Barristers' Benevolent Association over the last few years.

In each case, the barrister, former barrister or family member has been provided with assistance. The Association can respond to calls for assistance without formality and without delays. There are no formal applications, forms, waiting periods, means tests or other predetermined administrative requirements.

There have been times when assistance has been provided on the same day as information about a problem became known.

The assistance given is generally financial, but it is not limited to money. Arrangements have been made for legal assistance, for independent psychiatric assessment, for negotiating housing, negotiating with banks, preparing financial position statements, or dealing with other aspects of members' financial problems and intervening with creditors where that becomes necessary.

Every aspect of the operation of the Benevolent Association, from the donations made to the Association, notification that a member is in difficulty, or assessing and providing assistance, is an expression of the collegiate nature of the life of a group of independent individuals collectively operating as the Bar.

The Association is generously supported by the Bar and its former members, is active, efficiently run and extremely effective in the assistance it provides.

Background of the Association

The Association was started in about 1936. Because of the state of the records of the early decades of the Bar, it is difficult to precisely identify the circumstances that brought it into existence. The copy of the last printed version of the Rules and Regulations is dated 1939 and refers to amendments of 1938. The Hon. Secretary noted on the document was A B Kerrigan and the Treasurer was A E Rainbow.

The Object of the Association 'is to afford assistance in necessitous and deserving cases' to members and former members of the Bar, their family and other dependents. At the moment, the language of the Objects speak of wives, widows and others determined to be dependents of barristers, but following last year's renovation of the Memorandum and Articles of the Bar Association, a similar renovation is under way with the Barristers' Benevolent Association.

The Committee of Management of the Association consists of the members of the Bar Council. By convention, the President of the Bar Council is the chair of meetings of the Benevolent Association. By decision of the Committee of Management, the five office holders of the Bar Council (President, Senior and Junior Vice-Presidents, Treasurer and Secretary) have delegated to them a power to provide assistance in cases of emergency, should a need arise between scheduled meetings. Situations of that type often arise.

Financial reports of the Association are audited every year, but the funds of the Association are professionally managed. A review of management strategies was conducted last year by the Executive Director and his staff, and as a result a change of investment manager occurred to ensure a lower cost to the Association and a better administrative response to the requirements of the Committee of Management.

Although there have at times been heavy demands on the funds of the Barristers' Benevolent Association, it has steadily grown as a result of the generosity of donors to the Association on the one hand, and successful investment on the other. Contributions from members and former members totalled almost \$60,000 in the year ended 30 June 2000. The fund presently stands at about \$1.9 million. Its accounts are published in the annual report of the Bar Association.

Because the Association is a charitable trust, donations are tax deductible.

Provision of assistance

Information that a member is in difficulty can come from any source. The most common source of information is from barristers who are aware that a floor member is in difficulty. Very often clerks will make contact, but sometimes family members will make an approach, either direct to a member of the Bar Council or Executive Director or through a floor member or clerk. Sometimes, but much less frequently,

the barrister will make a direct approach. Often understandable but unnecessary embarrassment will make members reluctant to seek assistance. Numerous barristers and their families have had assistance of one kind or another from the Benevolent Association.

A telephone call or a letter to the Executive Director or to any member of the Bar Council is all that is needed to start the process and it is treated with the utmost confidentiality. Usually, some member of the Council or the Executive Director makes enquiries on behalf of the Committee of Management to whatever sources are both necessary and authorised by the person seeking assistance. Because the Committee of Management has the duties of a trustee, proper enquiries are made, but privacy, confidentiality and promptness have always been the hallmarks of the Association's activities.

Naturally the first person contacted, where possible, is the one needing assistance. That may be the barrister, a surviving partner, or the children of a barrister or former barrister who is ill or has died.

A first report by the member or Executive Director to the Committee of Management is often oral but, where necessary, documents evidencing the problem are provided or a written report is prepared.

The Fund will provide interest free loans but is reluctant to be treated as a bank or a source of bridging or short term finance. Wherever there is a real need and the Benevolent Association can provide useful help, it will be provided.

Generally, effective assistance can be provided and the Fund is large enough to meet the more urgent problems that can arise. There are some widows of members who have been provided with regular assistance over a prolonged period. Most financial assistance, however, is provided in the form of a lump sum loan or grant rather than ongoing payments.

Assistance has been provided to meet living expenses, funeral expenses and moving costs. Money has been lent to obtain transcript to defend private proceedings and to give assistance to a child of a deceased member who was then able to complete some studies. Money has been advanced to meet debts before the sale of chambers or some other asset and money has been provided for ordinary expenses when a spouse or child has died.
