

**Kim Boettcher**

Barrister

Ph. (02) 9229 7380  
Fax. (02) 9221 6944  
E: kboettcher@fjc.net.au

Ground Floor  
53 Martin Place  
Sydney NSW 2000

[www.fjc.net.au](http://www.fjc.net.au)

---

**Admission Dates**

2017 Called to the Bar in NSW  
2003 Admitted as a Solicitor in QLD  
2002 Admitted as a Solicitor in NSW  
2001 Admitted as a Solicitor in England and Wales

**Areas of Expertise**

- Common Law
- Guardianship
- Equity
- Family Provision
- Professional Negligence
- Real Property Law
- Wills & Estates Law
- Protected estates

**Qualifications**

2013 Diploma of Management, Martin College of Business, Design and Technology  
2009 Legal Practice Management Course, NSW College of Law  
1999 Graduate Diploma of Law University of Wales, Cardiff College of Law  
1997 BA (Philosophy), LLB, Australian National University

**Previous Experience**

Seniors Rights Service, Sydney  
Mackays Solicitors, Assistant Solicitor in Civil Litigation Law, Brisbane  
Goldrick Farrell Mullan Solicitors, Assistant Solicitor in Civil Litigation Law, Sydney  
Streathers Solicitors, Trainee Solicitor in Commercial Property, Civil Litigation and Intellectual Property Laws, Mayfair, London

**Appointments**

- Member, inaugural Succession and Elder Law Committee of the NSW Bar Association, appointed 2021
- Member, Legal Services Council, appointed 2014-2017 and reappointed 2017-2020
- Past Board Director, International Network for the Prevention of Elder Abuse (INPEA), appointed 2018
- Past Member, NSW Minister of Fair Trading's Expert Committee on Retirement Village Standard Contract Terms and Disclosure Documents Project appointed 2011
- Past Member, NSW Minister of Fair Trading's Retirement Villages Advisory Council appointed 2013
- Past Member, COTA NSW Policy Advisory Group 2013
- Past Director, Hornsby Kuring-Gai Women's Shelter 2015-2016

- Past Director, Australian National University Union Board 1994

### Professional Memberships

- NSW Bar Association
- Treasurer, International Commission of Jurists Australia

### Select Cases

*EFG bht HIJ v KLM* [2022] NSWSC 714 decision of Hamill J in Supreme Court of NSW  
*Sweeney v He* [2022] NSWSC 655 and *Sweeney v He (No 2)*[2022] NSWSC 854 decisions of Kunc J in Supreme Court of NSW  
*TJYS and National Disability Insurance Agency* [2021] AATA 3409 per BW Rayment OAM WC, Deputy President  
*Robert Colin White v Nicole Maree White* [2021] NSWSC 484 per Rein J  
*Cuschieri Te Puia v Sheerin* [2020] NSWDC 527 per Levy J  
*Danny Swinfield v Khudur Nasra* [2020] NSWDC 250 per Monahan J  
*Stephenson and National Disability Insurance Agency* [2019] AATA 4059 per Mrs JC Kelly, Senior Member  
*Gordon v Lever* [2018] NSWCA 43 per McColl, White JJA and Sackville AJA  
*Wright v Stevens* [2018] NSWSC 548 decision of Hallen J  
 Decisions of NCAT (Guardianship Division) from 2018 to present, successfully obtaining financial management and guardianship orders on behalf of parties, or alternatively orders for proceedings brought against a party to be dismissed.

### Speaking Engagements

- |             |   |
|-------------|---|
| 2022        | Presentation with Sackar J, Supreme Court of NSW, as part of the 2022 Succession and Elder Law Committee Judges Talks: <i>"Wills &amp; Equity: Unconscionable Conduct and Undue Influence."</i>                               |
| 2021        | <i>"Seeking Justice: A Multi-Nation Comparative of Policies and Laws to Protect Older Persons from Violence, Abuse and Neglect,"</i> side event at UN Open-ended Working Group on Ageing, New York (11 <sup>th</sup> Session) |
| 2020        | <i>"Succession Planning and Protecting the Vulnerable from Elder Abuse,"</i> Television Education Network webinar.  |
| 2020        | <i>"Family Provision Decisions in 2020" and "National Disability Insurance Scheme: Legal Obligations and Case Update,"</i> both for Legalwise Seminars.   |
| 2020        | <i>"Developments in Aged Care and Elder Law" and "Elder Law Issues"</i> lectures for NSW Law Society  |
| 2019        | <i>"Emerging challenges and solutions in addressing Elder Abuse,"</i> with co-presenters from India, South Korea, and Israel, International Association of Geriatrics and Gerontology Conference, Taipei, Taiwan.             |
| 2019        | Presenter, National Older Women's Network (NOWN) 25 <sup>th</sup> National Conference, Sydney   |
| 2019        | <i>"Contemporary Challenges in Practice- Protecting the Vulnerable from Elder Abuse",</i> 10 <sup>th</sup> Annual Wills and Estates Conference, Television Education Network, Gold Coast, Queensland.                         |
| 2019        | <i>"All About the Protective List of the Supreme Court of NSW",</i> Legalwise Aged Care and Retirement Village Law Conference.  |
| 2019        | <i>"Elder Law Issues including the impact of the Royal Commission into Aged Care",</i> STEP NSW Lunch & Learn - Guest Speaker   |
| 2019        | <i>"Elder Abuse - managing the risk of liability for elder financial abuse claims",</i> Business Briefing, Newcastle.   |
| 2018        | <i>"The Guardianship List at NCAT: Best Practices and Procedures for Success,"</i> 4 <sup>th</sup> Annual Aged Care and Retirement Village Law Symposium, Legalwise Sydney.   |
| 2018        | <i>"Unconscious bias in the Legal System and how it impacts on older people."</i> 5 <sup>th</sup> National Elder Abuse Conference, Sydney.  |
| 2017        | Guest Speaker, National Council of Women of NSW, Foundation Day.  |
| 2016        | <i>"What you need to know about elders and financial abuse."</i> Financial Counsellors of NSW Conference, Sydney.   |
| 2016        | <i>"Navigating Difficult Capacity Issues - A Client's Right to Choose."</i> Aged Care and Retirement Village Law Conference Sydney, Legalwise CPD Program.  |
| 2016        | <i>"An Intercontinental Comparison of Elder Abuse Prevention Models"</i> with co-presenters from New York, Hong Kong and Quebec, International Federation on Ageing 13 <sup>th</sup> Global Conference on Ageing, Brisbane.   |
| 2015        | Guest Speaker, NSW Young Lawyers Human Rights Committee.  |
| 2014        | <i>"The Right to Privacy for Older People - A Legal Perspective."</i> International Federation on Ageing 12 <sup>th</sup> Global Conference on Ageing, Hyderabad India.   |
| 2013,       |   |
| 2014 & 2017 | Delegate, United Nations Open-Ended Working Group on Ageing, New York.  |