

**Kim Boettcher**

Barrister

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**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**

- Protective law and Guardianship
- Probate and Succession
- Real Property
- Administrative Law
- Common Law
- Family law and Care and Protection
- Criminal law

**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 Law, Mayfair, London

**Appointments**

- Member, inaugural Succession and Protective Law Committee of the NSW Bar Association, appointed 2021 and reappointed 2022 and 2023
- 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, International Commission of Jurists Australia from 2011-2022, Treasurer 2018-2022, Member Executive Committee of ICJA Afghan Women Judges Project 2021-2022 and ICJA Sri Lankan Evidence Project 2011-2015
- 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

### Select Cases

***Brydens Lawyers Pty Limited v Uin; Gerard Malouf & Partners Pty Limited v Brydens Lawyers Pty Limited* [2024] NSWSC 124; Hammerschlag J - Equity Division on costs arising from settlement of personal injury proceedings.**

***Jurak v Latham* [2023] NSWSC 1318, Meek J- Equity Division on succession practice and procedure, and obligations of practitioners.**

***Momand v Allianz Australia Insurance Ltd* [2023] NSWSC 1014 per Harrison AsJ- Common Law Division, judicial review from the Personal Injury Commission concerning a minor injury arising from a motor vehicle accident.**

***Sweeney v He* [2023] NSWCA 68 per Ward P, Brereton and Mitchelmore JJA; *Sweeney v He* [2022] NSWSC 655 and *Sweeney v He (No 2)*[2022] NSWSC 854 per Kunc J in Supreme Court of NSW- Appeal concerning constructive trust and common intention; and on costs.**

***Jennings v Wilden* [2023] NSWCA 41, Meagher JA, Mitchelmore JA, and Basten AJA at [3]- Appeal from District Court common law proceedings, on liability and whether damages awarded were excessive and/or unsupported by evidence.**

***EFG bht HIJ v KLM* [2022] NSWSC 714 decision of Hamill J-Common Law Division, application for court suppression and non-publication orders.**

***Lynne Harris v NDIA* [2022], decision of Senior Member Fairall- briefed for National Disability Insurance Agency, review of internal review decision refusing funding for bathroom modifications.**

***TJYS and National Disability Insurance Agency* [2021] AATA 3409 per BW Rayment OAM WC, Deputy President of the Administrative Appeals Tribunal- NDIA Division, review of internal review decision refusing funding of assistance dog for applicant child living with a disability.**

***Robert Colin White v Nicole Maree White* [2021] NSWSC 484, Rein J- application by Trustee for possession of property.**

***Cuschieri Te Puia v Sheerin* [2020] NSWDC 527, Levy J-consideration of Companion Animals Act 1998 (NSW), liability and heads of damages.**

***Danny Swinfield v Khudur Nasra* [2020] NSWDC 250 per Monahan J- torts, motor vehicle accident.**

***Stephenson and National Disability Insurance Agency* [2019] AATA 4059 per Mrs JC Kelly, Senior Member of the Administrative Appeals Tribunal-NDIS Division, review of internal review decision refusing the applicant access to additional supports (driveway).**

***Gordon v Lever* [2018] NSWCA 43 per McColl, White JJA and Sackville AJA-Appeal in land law and easements, impact of proposed easement upon servient tenement.**

***Wright v Stevens* [2018] NSWSC 548 decision of Hallen J- Trust created by will, and whether private discretionary trust or charitable trust.**

*Decisions in Supreme Court (Protective List), briefed to appear for protected persons who are older people or who live with a disability, briefed to appear for an Australian aged care provider, and for relatives and trustees of protected persons.*

*Decisions of NCAT (Guardianship Division) since 2018 (and since 2011 as a Solicitor) in applications involving financial management and guardianship orders.*

## Speaking Engagements

- 2024 Presentations for Legalwise on recent cases in the Succession and Probate List, Supreme Court of NSW.
- 2023 Speaker at inaugural NSW Regional Women Lawyers Conference, Orange NSW- on Succession and Protective Law
- 2022 Presentation with Sackar J, Supreme Court of NSW, as part of the 2022 Succession and Elder Law Committee Judges Talks: *"Wills & Equity: Unconscionable Conduct and Undue Influence."*
- 2021 *"Seeking Justice: A Multi-Nation Comparative of Policies and Laws to Protect Older Persons from Violence, Abuse and Neglect,"* side event at UN Open-ended Working Group on Ageing, New York (11<sup>th</sup> Session)
- 2020 *"Succession Planning and Protecting the Vulnerable from Elder Abuse,"* Television Education Network webinar.
- 2020 *"Family Provision Decisions in 2020" and "National Disability Insurance Scheme: Legal Obligations and Case Update,"* both for Legalwise Seminars.
- 2020 *"Developments in Aged Care and Elder Law" and "Elder Law Issues" lectures for NSW Law Society*
- 2019 *"Emerging challenges and solutions in addressing Elder Abuse,"* 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 *"Contemporary Challenges in Practice- Protecting the Vulnerable from Elder Abuse",* 10<sup>th</sup> Annual Wills and Estates Conference, Television Education Network, Gold Coast, Queensland.
- 2019 *"All About the Protective List of the Supreme Court of NSW",* Legalwise Aged Care and Retirement Village Law Conference.
- 2019 *"Elder Law Issues including the impact of the Royal Commission into Aged Care",* STEP NSW Lunch & Learn - Guest Speaker
- 2019 *"Elder Abuse - managing the risk of liability for elder financial abuse claims",* Business Briefing, Newcastle.
- 2018 *"The Guardianship List at NCAT: Best Practices and Procedures for Success,"* 4<sup>th</sup> Annual Aged Care and Retirement Village Law Symposium, Legalwise Sydney.
- 2018 *"Unconscious bias in the Legal System and how it impacts on older people." 5<sup>th</sup> National Elder Abuse Conference, Sydney.*
- 2017 Guest Speaker, National Council of Women of NSW, Foundation Day.
- 2016 *"What you need to know about elders and financial abuse." Financial Counsellors of NSW Conference, Sydney.*
- 2016 *"Navigating Difficult Capacity Issues - A Client's Right to Choose." Aged Care and Retirement Village Law Conference Sydney, Legalwise CPD Program.*
- 2016 *"An Intercontinental Comparison of Elder Abuse Prevention Models" 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 *"The Right to Privacy for Older People - A Legal Perspective." 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.