

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

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

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 2021-2024 and Member, Human Rights Committee in 2025
- 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, 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, 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

Select Cases

Zhang & Ma (No.2)[2025] FedCFamC1F 797, Schonell J- Property and Parenting- Interim Orders- Injunctions. Led by Greg Sirtes SC.

Estate of Pendergast; Pendergast v Shingles [2025] NSWSC 909, Slattery J in Equity-Probate List- Construction – General principles – Structure and scheme of will.

Ma & Penkina [2025] FedCFamC1F 269, decision of Curran J-Property: application for final property orders, parenting: consideration of child's wishes – consideration of risk of psychological harm. Briefed for Independent Children's Lawyer.

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.

Perez Thorn & Thorn [2024] FedCFamC1F 313, Aldridge J- parenting: application for final parenting orders, property: application for final property orders, costs: order made for costs in a fixed sum. Briefed for the Independent Children's Lawyer.

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, Harrison AsJ- Common Law List, judicial review from the Personal Injury Commission concerning a minor injury arising from a motor vehicle accident. Led by Robert Sheldon SC.

Sweeney v He [2023] NSWCA 68, Ward P, Brereton and Mitchelmore JJA; **Sweeney v He [2022] NSWSC 655** and **Sweeney v He (No 2)[2022] NSWSC 854**, Kunc J- concerning constructive trust and common intention; and on costs. Led by Jane Needham SC in Court of Appeal, unled at first instance.

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. Led by Peter Neil SC.

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, Deputy President BM Rayment 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-Equity List, 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. Led by Robert Sheldon SC.

Danny Swinfield v Khudur Nasra [2020] NSWDC 250, Monahan J- torts, motor vehicle accident. Led by Robert Sheldon SC.

Stephenson and National Disability Insurance Agency [2019] AATA 4059, Senior Member Kelly 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, McColl, White JJA and Sackville AJA-Appeal in land law and easements, impact of proposed easement upon servient tenement. Led by Louise Byrne.

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

Decisions in Supreme Court (Protective List) before Lindsay J, 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

- 2025 Chair, Legalwise Conference: AI Skills for Property Lawyers; Legalwise Conference: Navigating the New Aged Care Act and More: the Aged Care Act, Elder Abuse and Aged Care Contracts
- 2024 Chair, Legalwise Conference: The New NDIS Bill 2024: Compliance, Funding Issues and Supported Decision Making.
- 2024 Facilitator at NSW Bar Association presentation by Deputy President Anne Britton of NCAT, in June 2024
- 2024 Presentations for Legalwise on recent cases in the Equity List, Supreme Court of NSW.
- 2023 Speaker at inaugural NSW Regional Women Lawyers Conference, Orange NSW- on Succession and Protective Law
- 2022 Facilitator at presentation by 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 (11th 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) 25th National Conference, Sydney
- 2019 *“Contemporary Challenges in Practice- Protecting the Vulnerable from Elder Abuse,”* 10th 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,”* 4th Annual Aged Care and Retirement Village Law Symposium, Legalwise Sydney.
- 2018 *“Unconscious bias in the Legal System and how it impacts on older people.”* 5th 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 13th 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 12th Global Conference on Ageing, Hyderabad India.

2013, 2014 & 2017

Delegate, United Nations Open-Ended Working Group on Ageing, New York.