

# Jane Needham SC

## New South Wales Bar

**Admitted:** 3 August 1990  
**Senior Counsel:** 29 September 2004  
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**Other jurisdictions:** Supreme Court of Samoa, High Court of Fiji

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### Professional Appointments:

1991-1993, 1996	UTS: Lecturer in Law (Succession, Pleadings, Land Law)
1994-2015	Elected to Council of the NSW Bar Association
2002-2011	Judicial Member, Administrative Decisions Tribunal
2005-2011	Deputy President and Head of Revenue Division, Administrative Decisions Tribunal
2012-2014	Vice-President, NSW Bar Association
2014-2015	President, NSW Bar Association
2018-2020	NSW Bar Association "Advocate for Change"
2019	Patron, NSW Young Lawyers

### Awards and Recognition

2013	Lawyers Weekly "Senior Barrister of the Year"
2014	Westpac/Fairfax "100 Women of Influence"
2015	NSW Women Lawyers "Barrister of the Year"
	UTS Faculty of Law "Alumni Award for Excellence"
	Doyle's Guide "Leading Estate Litigation Barrister"
2016	Lawyers Weekly "Women in Law Barrister of the Year"
2016-2022	Doyle's Guide recognition in NSW (2022 – pre-eminent) and Australian Estate Litigation Barrister category (2022 – leading)

### Areas of Practice

Succession (including probate, family provision, and estate planning); equity and trusts; appellate advocacy; administrative law (including environmental law); revenue; inquiries, commissions, and inquests.

## **Succession law**

Jane is one of Australia's leading lawyers and has worked nationally and internationally, advising and appearing for high net worth individuals and families, in this field. She has lectured at UTS and has given numerous CPD lectures in succession and is briefed by a wide range of firms, from single-lawyer suburban firms through to international law practices. She is often asked to advise on estate planning issues and has an interest in pre-death resolution of succession disputes where possible.

### **Notable Cases**

- *Mead v Lemon; Estate of Michael Wright* [2015] WASC 71; [2017] WASCA 215; [2018] HCATrans 152 – largest family provision case in Australia at that time (\$1B)
- *Wild v Meduri; Estate of Meduri* [2023] NSWSC 113; a long and complex succession/family provision/constructive trust matter for the successful parties
- *Estate of Nicholas Paul Enright* [2017] NSWSC 1646 – what is a “literary executor”?
- *Abraham v Magistrate Stone, Deputy State Coroner* [2017] NSWSC 1684 – right to burial and construction of the *Coroners Act* 2009 (NSW)
- *Re Estate Sue* [2016] NSWSC 721 – probate case involving delusionary disorder and testamentary capacity
- *Fairbrother v Fairbrother* [2013] NSWSC 461 – insurance and notional estate in family provision
- *Raffe v Raffe* - estate administration involving issues of will construction and judicial advice, High Court of Fiji (2016)
- *Fuimaono v Public Trustee of Samoa* – estate administration involving issues of family descent, Supreme Court of Samoa (2016) and on appeal (2018)
- *Rattigan v Hanly* [2020] NSWSC 1722 – estate administration and right of executors to remuneration from estate
- *Small v Phillips* [2019] NSWCA 222 and 268 – statutory wills

## **Equity and trusts**

Many of Jane's cases are applications for judicial advice or direction, or disputes arising out of family trusts. Many are resolved or do not result in a publicly available decision. Jane is often asked to advise as to succession planning for large net-worth individuals.

### **Notable Cases**

- *Application of Eurolinx Holdings Pty Ltd* [2017] NSWSC 1306 – judicial advice to a trustee in a complex commercial and family dispute arising out of administration of an estate with private international law aspects (main case to be heard in 2019)
- *Application of Clauson* [2017] NSWSC 1265; (2017) 325 FLR 76 – judicial advice relating to administration of an insolvent estate and the treatment of life insurance policy proceeds as protected funds
- *Balcomb v Brownlee* [2015] NSWSC 361 – interpretation of contracts
- *College of Law Pty Ltd v Attorney General of NSW* [2009] NSWSC 1474 – appeared for Attorney-General on administrative scheme regarding charitable trust.

## ***Administrative Law, Environmental Law, and Revenue***

Jane practices mainly in the areas of public housing matters (appearing for pro bono or legally aided clients) and for the Chief Commissioner of State Revenue, and is also briefed in Land and Environment Court cases. She was the Divisional Head of the Revenue Division of the ADT for six years 2005-2011.

### ***Notable Cases***

- *Pasminco Cockle Creek Smelter Pty Ltd v Minister for Planning* [2018] NSWLEC 130 – modifications to a project approval and construction of transitional provisions of the *Environmental Planning and Assessment Act 1979* (NSW)
- *New South Wales Land and Housing Corporation v Diab* [2015] NSWCA 133 – statutory construction in context of meaning of “arrears of rent”
- *No Ship Action Group v. Minister for Sustainability etc & State of New South Wales* [2010] AATA 702 – appeared for the State of NSW on a matter involving a review of a Federal ministerial decision and complex issues in marine environmental law

## ***Inquiries and Inquests***

Jane has been briefed in Commissions of Inquiry which require a deal of nuance and dealing with complex issues, particularly in inquiries involving persons who are bereaved or have survived child sexual abuse. She is currently appearing for a government agency in the Disability Royal Commission. Jane has also conducted inquiries for political or not-for-profit bodies, which are generally confidential reports.

### ***Notable appearances***

- appearing for a person of interest in the *Special Commission into Child Sexual Abuse in the Maitland-Newcastle Diocese* (the Cunneen inquiry) - 2013
- appearing for the Truth, Justice and Healing Council (Catholic Church) in numerous case studies across Australia in the *Royal Commission into Institutional Responses to Child Sexual Abuse* - 2013-2017
- appearing for a provider of aged care services in the *Aged Care Royal Commission*, and a NSW government body in the *Disability Royal Commission*
- appearing for the NSW Police Force in various complex inquests including those involving police suicides, or missing persons (including unidentified human remains);
- Counsel Assisting in the inquest into the death of Nick Newman in late 2021

## ***Mediations, Collaborative Practice, and Expert Determinations***

Jane was awarded the Practitioner's Certificate in Mediation from IAMA in 2009 and appointed to NSW Supreme Court panel of mediators for two years 2010-2012. She both appears in, and conducts, mediations in highly complex and confidential mediations. In 2022-3 she trained as a collaborative practitioner. She has conducted expert determinations in commercial matters, and has been briefed as an expert witness on succession matters in family law proceedings. See <https://www.janeneedhamsc.com> for further details.

## ***Speaking roles***

In 2022 Jane is a sought-after speaker and has spoken on subjects as diverse as literature and the law; the law and social media (see @JaneNeedhamSC on Twitter); and on inclusion and diversity in the legal profession. Please contact Belinda Anderson on [belinda.anderson@13stjames.net.au](mailto:belinda.anderson@13stjames.net.au) in the first instance to discuss speaking roles.