

RAOUL WILSON SC
CURRICULUM VITAE

Contact Details

8th Floor Wentworth Chambers
180 Phillip Street, SYDNEY NSW 2000
Tel: 02 9231 1993
email: raoulwilson@8wentworth.com.au

Academic Qualifications

1974 Dux of Canterbury Boys High School
1977 Bachelor of Economics, Australian National University
1979 Bachelor of Laws (Hons), Australian National University
 *Butterworths prize for Constitutional Law and Civil Rights
 *Daphne Olive Memorial prize for Jurisprudence
1981 Master of Laws Cambridge University

Professional experience

1980 Judge's Associate, McGregor J, Federal Court of Australia
1981 Para Legal with Allen Allen & Hemsley
1982 Admitted as a solicitor of the Supreme Court of NSW
August '82-May '84 solicitor with Stephen Jacques Stone James, co-authored a
book on Financial Institutions Duty with Wallace & Mansfield
May '84 Admitted to the NSW Bar read with BC Oslington QC
2002 Member of the Family Law Committee of the NSW Bar Association
2008 Member of the Joint Committee of the NSW Bar Association and the
Law Society of NSW concerning the Succession Amendment (Family
Provision) Act 2008
Oct 2013 Appointed Senior Counsel

Professional Recognition

- Doyle's Guide – Leading Wills and Estate Litigation Senior Counsel New South Wales, 2016, 2017, 2018, 2019, 2020, 2021, 2022
- Doyle's Guide - Recommended Wills and Estate Litigation Senior Counsel Australia 2017, 2018, 2019, 2020, 2021
- Doyle's Guide Australia – Leading Wills and Estate Litigation Senior Counsel 2022

Areas of Practice

Appellate Advocacy

Wills and Estates

Protected estates

Equity and Trusts

Real Property

Family Law property with particular reference to third party interests

Commercial Law

Leading cases

Wills and Estates

Estate of Ali Sultan, Supreme Court of Tasmania, Brett J 25, 26 July 2022, decision reserved (Application for approval of Probate settlement)

Chisak v Presot [2022] NSWCA 100 (Family Provision, the eligibility of grandchildren changes)

Alexakis v Masters, Henry J, 6-17 December 2021, decision reserved -
(appearing for the Salvation Army Property Trust in a Doctor and patient probate undue influence case also involving the Bridgewater v Leahy hypothesis)

Re PDC [2021] NSWSC 1701 (protected estate, s. 86A Trustee Act, variation of Trusts)

Bassett v Bassett [2021] NSWCA 320 (family provision, sons claim, general principles, offers of compromise)

Lewis v Lewis [2021] NSWCA 168 (knowledge and approval, severance, general principles)

Alvarez v Mathews [2021] NSWSC 1551 (widows claim, Parker J)

Estate of Ali Sultan, Supreme Court of Tasmania, Holt AJ, 26 June 2021
successfully appointing an interim administrator in a contested application pending a probate suit

Estate of David Rofe QC [2021] NSWSC257 (Lindsay J, 25 August 2020 – 1 October 2020; appearing for the Plaintiff executor of 10 of the Deceased's 12 wills in a probate suit involving undue influence, capacity, suspicious circumstances and fraud)

Estate Camila Vasquez Perez de la Sala (Feb 21- forum non conveniens, large Singapore judgment, Deceased resident in New South Wales, daughter seeks to restrain grant in New South Wales, settled post mediation.)

Sarant v Sarant [2020] NSWSC 1686 (the widow gets the home subject to the daughters' debt)

Bell v NSW Trustee & Guardian [2020] NSWSC 1164 (contested probate, testator suffered catastrophic brain injury as a teenager)

RE Estates Brooker –Pain and Soulos [2019] NSWSC 671 (principles applicable to disclosure in Probate suits)

Strang v Steiner [2019] NSWCA143 (acting for the beneficiaries in adjusting the burden of provision under s.65 of the Succession Act 2006)

Shannon v Steinmetz [2019] HCASL 332 (special leave, widows claim)

Steinmetz v Shannon [2019] NSWCA114 (widow's claim, general principles)
Steinmetz v Steinmetz [2018] NSWSC1090 (widows claim)
Estate Raynish [2018] NSWSC1021 (interim distribution)
Stojic v Stojic [2018] NSWSC 723 (contempt, interim administrators)
Estate Stojic [2018] NSWCA 28 (suspicious circumstances, re-hearing)
Lodin v Lodin [2018] HCASL84 (acting for the former wife in her application for special leave to appeal)
Estate Stojic [2017] NSWSC 1235 (removal of executor prior to appeal)
Page v Page [2017] NSWCA 141 (family provision, suicide, blackmail)
Page v Page [2016] NSWSC1218 (family provision, suicide, blackmail)
Estate of Stojic [2017] NSWSC168 (suspicious circumstances), undue influence)
Robinson v Randell [2016] NSWSC1688 (acting for the son of Bart Cummings in an application for removal of a next friend)
Bruce v Cobcroft (no3) [2015] NSWSC1414 (wills construction, rectification, mutual wills, family provision)
Re Cobcroft [2015] NSWSC346 (wills construction)
Bruce v Cobcroft (no4) [2015] NSWSC1897 (wills construction, rectification)
Burke v Burke [2015] NSWCA 195 (family provision, estrangement)
Michovska v Cvetanovska [2015] NSWSC 2160 (family provision, widow's claim)
Estate of Little [2015] NSWSC 1913 (family provision, special administrator)
Grover v NSW T&G [2015] NSWSC 1048 (family provision, grandson's claim)
Laurence v Martin [2014] NSWSC1506 (family provision, widow's claim)
Henderson v Lees [2014] NSWSC1948 (family provision, son's claim)
Curnow v Curnow [2014] NSWSC 896 (family provision, multiple children's claims)
Verzar v Verzar [2013] NSWCA 170 (family provision, widow's claim)
Hedman v Frazer [2013] NSWSC 1915 (family provision, daughter's claim)

Bolger v McDermott [2013] NSWSC 919 (probate, forged will)

Hamilton v Moir [2013] NSWSC 1200 (family Provision – foster child’s claim)

Verzar v Verzar [2012] NSWSC 1380 (family provision, widow’s claim)

Keep v Bourke [2012] NSWCA 64 (family provision - estrangement)

Sammut v Kleeman [2012] NSWSC 1030 (family provision, grandson’s claim)

Fillingham v Harrison [2012] NSWSC 1145 (family provision, claim by 3rd wife)

Thomas v Pickering [2011] NSWSC 572 (family provision, Crisp orders, extension of time)

Parkinson v Diabetes Australia [2011] NSWSC 1530 (wills construction, description of legatee)

Gray v BNY Trust Company [2009] NSWSC 789 (trustees duty to provide documents)

Howe v Lowry [2009] NSWSC 451 (family provision, charities)

Tchadovitch v Tchadovitch [2009] NSWSC 1481, [2010] NSWCA316 (family provision, widows claim calculation of capital sum)

Clifford v Mayr [2009] NSWSC16; [2010] NSWCA6 (family provision, widows gets the home subject to a charge)

Schaverien v Jones [2007] NSWSC 742 (removal of executor, misconduct)

Bowen v Dodd [2006] NSWSC 1121 (family provision, Crisp orders)

James v James [2006] NSWSC1151 (sons claim, lack of relationship)

Public Trustee v Fitter [2005] NSWSC (Forfeiture Act and liability of acquitted killers under the forfeiture rule)

Przewoznik v Scott [2005] NSWSC 74 (family provision, de-facto partner)

Lo Surdo v Public Trustee [2005] NSWSC1186 (estrangement)

Jvancich v Kennedy [2004] NSWCA 293 (family provision, costs)

Prince v Argue [2002] NSWSC1219 (mutual wills, notional estate)

Morgan v MacRae [2001] NSWSC 1017 (duty to account, interim revocation)

Albrow v Cunningham [2000] NSWSC 103 (mutual wills)

Wang v D’ambrosio [1999] NSWSC 227 (acting for the de-facto wife of the

murdered parliamentarian, John Newman in her application for family provision)

Azzopardi v Smart (1992) 27NSWLR232 (caveats)

Equity and Trusts

Ludwig v Jeffrey (no. 4) [2021] NSWCA 256 (trustees right to an indemnity)

Hayward v Speedy [2021] NSWSC 943 (Lindsay J, inter-vivos undue influence)

Mentink v Olsen [2020] NSWCA182 (Unconscionable conduct, special disadvantage)

Olsen v Mentink [2019] NSWSC 1299 (Unconscionable conduct, undue influence)

Parslow v NSW Land & Housing [2018] NSWSC 843 (acting on a pro bono basis for a housing commission tenant in her claim for a life interest over a Millers point property on the grounds of equitable estoppel)

Sutton v NSW Land & Housing [2016] NSWSC 848 (acting for a housing commission tenant in her claim for a life interest over a Millers Point property on the grounds of equitable estoppel)

Aldred v Aldred (Pembroke J, 12 December 2016) (acting for 2 sons of the late Peter Aldred in their claim for breach of trust arising from the sale of a Potts Point unit block in 1988)

Marshin Holdings as Trustee of the Marshin Trust (Rein J 26 September 2016) (acting for the trustees of the estate of Abraham Saffron in their application for Judicial Advice)

White v Wills [2014] NSWSC1160 (application to set aside a testamentary contract on the grounds of undue influence, Contracts Review Act)

Re Sarah [2013] NSWCA 379 (appearing amicus curiae in a contested adoption appeal)

Quinn v Bryant [2012] NSWCA 377 (acting for a granddaughter in her claim to half of her grandmother's estate on the grounds of proprietary estoppel, anticipatory breach)

Gray v BNY Trust Company [2009] NSWSC 789 (trustees duty to provide documents)

Sullivan v Sullivan [2005] NSWSC 10 (acting for a sister at first instance and in obtaining leave to appeal in her claim to a home on the grounds of proprietary estoppel)

Northey v Juul [2005] NSWSC 933 (trustees duty to account on wilful default basis)

D V Munday [2005] NSWSC 207 (paternity testing)

Attorney-General v Fulham [2002] NSWSC 629 (acting for the Leukemia foundation in an application by multiple charities to settle a Cy-pres scheme)

Privet v Vovk [2003] NSWSC1038 (control of the corpse, right to cremation)

Escott v Brikka [2000] NSWSC 458 (right of burial, control of the headstone)

Real Property

Anderson v Anderson [2017] NSWCA 131 (powers of attorney, s 42 fraud)

Anderson v Anderson [2016] NSWSC 1204 (s42 fraud, joint tenancies)

Pernice v Jingalong [2015] HCA Trans 227 (s42 fraud, acting in an application for special leave against a finding a compromise agreement reached at mediation was a binding accord and satisfaction)

EJ Copper v Galdes [2015] NSWSC 1335 (release of deposit)

Bowling v Bowling (no3) [2012] NSWSC1069 (co – owners)

Power v Power [2011] NSWSC288 (sale of land under power of attorney, ademption)

Sullivan v Sullivan [2005] NSWSC 10 (acting for a sister at first instance and in obtaining leave to appeal in her claim to a home on the grounds of proprietary estoppel)

James v Barker [2009] NSWSC 725 (restraining severance of a joint tenancy)

Family Law

August 2022 (Advising the Case Guardian whether oral Declarations of Trust in favour of minor children were liable to be set aside under s.106 of the FLA 1975.

Estate Bell (August 2022, Hallen J, application for interim provision of litigation costs in cross-vested Family Law, probate proceedings, decision reserved)

May 2022 – Advising the Financial Manager of a Protected Person whether it had power to execute a Financial Agreement under s. 90B, UC of the FLA 1975

Buikstra & Buikstra [2019] FamCA421 (acting for the husband in successfully defending a claim that his interest under a discretionary trust is matrimonial property under s.79 of the Family Law Act)

Trustee of Bankrupt estate of Hicks and Hicks [2019] FamCA695 (s. 79A rehearing)

Trustee of Bankrupt estate of Hicks and Hicks [2018] FamCAFC37 (s79A Family Law Act) (acting for the wife in an application by the trustee in bankruptcy to set aside consent orders for fraud)

Trustee of Bankrupt estate of Hicks and Hicks [2017] FamCA 462 (s.79A Family Law Act)

Bass and Bass [2016] FCAFC 64 (Child support trust)

Bathis- Brown v Woods [2015] NSWSC1194 (apprehended violence orders, vexatious litigants)

Firth & Hale – Forbes [2014] FamCAFC 187 (Child support assessment)

Re Sarah [2013] NSWCA 379 (contested adoption)

Zaronias v Constantine [2005 NSWCA324 (de-facto relationships)

Bowmaker v Hodgson [2003] NSWSC 792 (de-facto relationships)

Wilson v Vine [2003] NSWSC341 (de-facto relationships)

Parn v Parn [2003] NSWSC110 (de-facto relationships)

DeL v Director – General Department of Community Services

(1997)190CLR207 (child abduction, Hague Rules)

Commercial and General law

Du v Feng [2020] NSWSC 875 (loan or joint venture, summary judgment)

Al Maha v Liu [2020] NSWCA108 (agents commission, inequality of bargaining power, s.55A Property Stock and Business Agents Act 2002)

Quince v Quince [2020] NSWSC326 (video link evidence, Covid 19)

Vasilas v Ezko Property Services (April 2019 – acting for the plaintiff shareholder and beneficiary of a unit trust in an oppression suit which was mediated after 14 days hearing in the Commercial Division of the Supreme Court of NSW)

Sherrin Hire v Tidd Ross Todd [2014] FCA939; [2015] FCA1107 (acting for a large New Zealand importer of Elevated Work Platforms in defending a claim of defective manufacture and design on the basis of exemption clauses, proportionate liability, reasonable user and limitation of actions)

Spanline Weatherstrong v Tabellz [2013] FCA 1019 (acting for a roofing franchisee in defending a claim of misleading and deceptive conduct, passing off on the grounds of appropriate labelling)

AIIB v Baird [2009] NSWSC 723 (insurance brokers, restraint of trade, damages)

Mid City Skin Cancer v Zahedi-Anarak [2006] NSWSC 615 (restraint of trade confidential information)

Plum v CBA [2005] FCA 790 (acting for a rural customer in a claim of misleading and deceptive conduct and fraud by a CBA bank manager)

Bell v St Michaels Golf Club [2003] NSWCA 159 (acting for the Golf Club in its claim for a declaration that an auditor had improperly qualified his report)

Johnny Oceans v Page [2003] NSWSC 952 (Just and equitable winding up)

White v IMB [2002] NSWCA 164 (Banker and customer, equitable damages)

Bank of New South Wales v Chia (2000) 50 NSWLR 587 (banker and customer, receivers and managers)

Fedorovitch v St Aubins [1999] NSWSC776; [1999] NSWSC506 (oppression, winding up of company share title units; valuation of shares)

Gugerli v Minister for Immigration (1992)36FCR68 (s.17 Australian Citizenship Act 1948, forfeiture of citizenship)

Articles Publications & Seminars

*The Blended Family in a Will Context (4 November 2019)

*The Rights of beneficiaries in Family Provision Litigation (1 September 2019)

*Resolving Disputes Early (20 November 2018)

*The Law of Testamentary Promises (UNSW 27 February 2018)

*The Defaulting Executor and Defaulting Trustee (3 August 2017)

*The Law of Compromise in Estate Litigation (June 2017)

*The Duty of Executors and Fiduciaries to Account (19 March 2016)

*The Appellate Jurisdiction in Family Provision Cases following *Burke v Burke* (UNSW 26 November 2015)

*Is Estrangement Dead in the Water post *Keep v Bourke*, *Andrew v Andrew* (3 March 2013)

*Mutual Wills, and Testamentary Contracts (7 November 2014)

*Recent Developments in Estate Litigation (Wollongong Law Society 25 February 2006)

“From Separation to the Grave – Family Law and Estate Planning” (Legalwise 8/11/06)

“Sexually Transmitted Debt- Family Law and Bankruptcy” (2002) 22 Australian
Bar Review 225

Financial Institutions Duty – Untangling the Web, Butterworths, 1983, Wallace
Mansfield & Wilson

October 2022