

CURRICULUM VITAE

ADRIAN CHARLES CANCERI

Barrister

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EDUCATION

- 1989 – 1994 St Gregory's College, Campbelltown
- 1995 – 1999 Bachelor of Laws/Bachelor of Commerce (Economics and Finance) University of Western Sydney Macarthur, Campbelltown Campus

AWARDS

- 1999 Maria Tzannes prize for most outstanding student in Legal Practice Ethics and Management

APPOINTMENTS AND ADMISSIONS

- Admitted as a Legal Practitioner of the Supreme Court of New South Wales – 2000
- Admitted as a Legal Practitioner of the High Court of Australia – 2000
- Admitted to the Bar of New South Wales – 2001
- Admitted to the Queensland Bar – 2002
- Appointed as a Claims Assessor under the *Motor Accident Injuries Act* 2017 (NSW) – December 2017

PRINCIPAL AREAS OF PRACTICE

My practice currently focuses on the following areas:

- Intentional torts
- Common law – personal injuries
- Administrative law
- Professional negligence
- Criminal law
- Alternative Dispute Resolution
- Early on at the Bar I practised primarily in criminal law, mainly in the Local Court and District Court of NSW. I also appeared in a variety of civil cases in those courts and in the Supreme Court.

PROFESSIONAL QUALIFICATIONS AND EXPERIENCE

- Bachelor of Commerce (Economics and Finance), University of Western Sydney: 1995 – 1997
- Bachelor of Laws, University of Western Sydney: 1995 – 1999
- Graduate Diploma in Legal Practice, University of Western Sydney: 2000
- Solicitor, JA Buda & Associates: August 2000 – August 2001
- Bar Practice Course: 2001
- Barrister: August 2001 to date

ACADEMIA

- Tutor – Faculty of Law, University of Western Sydney Macarthur: 2002

SELECT CASES

I have extensive experience appearing in a wide variety of jurisdictions in New South Wales and Queensland. Select cases are as follows:

- ***Riley Gibb-Smith v State of New South Wales*** [2018] NSWDC 204 (3 August 2018)

District Court of NSW

Intentional torts case – false imprisonment, assault and battery and malicious prosecution.

- ***Raad v State of New South Wales (No 2)*** [2017] NSWDC 94 (2 May 2017)

District Court of NSW

Intentional torts case – false imprisonment, assault and battery and malicious prosecution.

- ***Sabidussi v Young*** [2017] QDC 146 (9 June 2017)

District Court of Qld

Damages – personal injuries – plaintiff injured in motor vehicle accident.

- ***Zahed v IAG Limited t/as NRMA Insurance*** [2016] NSWCA 55 (23 March 2016)

NSW Court of Appeal

Administrative law – judicial review of determination of motor accidents compensation claims assessor.

- ***SU v Commonwealth of Australia & Anor; BS v Commonwealth of Australia & Anor*** [2016] NSWSC 8 (3 February 2016)

Supreme Court of NSW

False imprisonment – consideration of the right to residual liberty.

- ***Mamae v McCulloch Bulk Haulage Pty Ltd*** [2015] NSWDC 281 (27 November 2015)

District Court of NSW

Successful application to refer a medical dispute back to the Motor Accidents Authority for further assessment concerning a plaintiff who had sustained a serious psychological injury.

- ***David John Francica v Allianz Australia Insurance Limited*** [2015] NSWSC 1140 (24 July 2015)

Supreme Court of NSW

Successful administrative law challenge to a decision of the Review Panel of the Motor Accidents Authority of NSW.

- ***Rodger v De Gelder*** [2015] NSWCA 211 (23 July 2015)

Court of Appeal NSW

Administrative law – judicial review of reasons of the Review Panel of the Motor Accidents Authority.

- ***TN v BF & Anor*** [2015] FCCA 1497 (12 June 2015)

Federal Circuit Court of Australia

Human rights – defence of application alleging unlawful discrimination under section 46PO of the *Australian Human Rights Commission Act* 1986 (Cth).

- ***Bugat v Fox*** [2014] NSWSC 88 (4 July 2014)

Supreme Court of NSW

Administrative law challenge to the certificate of a medical assessor of the Motor Accidents Authority of NSW.

- ***Nast & Nast*** [2010] FamCA 132 (26 February 2010)

Family Court of Australia

Family law – children.
- ***Glover-Chambers v Motor Accidents Authority of NSW & Anor*** [2010] NSWSC 17 (3 February 2010)

Supreme Court of NSW

Administrative law – challenge to decision of medical assessor of the Motor Accidents Authority of NSW.
- ***Garcia v Motor Accidents Authority of NSW*** [2009] NSWSC 1056 (2 October 2009)

Supreme Court of NSW

Administrative law – challenge to decision of medical assessor – construction of s 62(1) of the *Motor Accidents Compensation Act* 1999 (NSW).
- ***Kiem Dang Investment Pty Limited v Jewel Food Stores Pty Ltd & Ors*** [2009] NSWSC 870 (28 August 2009)

Commercial law – tenancy dispute.
- ***AB Pty Limited v Australian Crime Commission*** [2009] FCA 119 (19 February 2009)

Federal Court of Australia

Administrative law – challenge to notice served by Australian Crime Commission.
- ***Tudor Developments Pty Ltd v Makeig*** [2008] NSWCA 263 (21 October 2008)

Court of Appeal of NSW

Equity – estoppel – election – whether estoppel qualified power to avoid contract under s 96A of the *Home Building Act* 1989 (NSW).

- ***Presidential Security Services of Australia Pty Ltd v Clinton Joseph Brilley*** [2008] NSWCA 2004 (9 September 2008)

Court of Appeal of NSW

Criminal law – corporate criminal liability – whether company capable of committing an offence.

Torts – intentional torts – assault and battery.

- ***Vella v Ayshan*** [2008] NSWSC 84 (15 February 2008)

Supreme Court of NSW

Equity – contracts – contract and conditions for sale – description of property and subject matter of sale – failure to provide the property described in the contract for sale.

- ***Educational and Computing Software Pty Ltd v Kumar*** [2008] NSWSC 66 (7 February 2008)

Supreme Court of NSW

Licence to occupy premises – defence of claim for possession of premises - cross-claim for damages.

- ***R v Taiseni, Motuapuaka, Leota, Tuifua*** [2007] NSWSC 1090 (21 September 2007)

Supreme Court of NSW

Sentencing – manslaughter by unlawful and dangerous act – joint criminal enterprise.

- ***Samaha & Anor v Corbett Court Pty Ltd; Corbett Court Pty Ltd v Samaha & Anor*** [2006] NSWSC 1441 (22 December 2006)

Supreme Court of NSW

Retail lease – misrepresentation – whether lessor made misleading and deceptive representations to intending lessee.

- **McGregor v Henry** [2006] NSWSC 368 (20 April 2006)

Supreme Court of NSW

Application to be released from undertaking not to interfere with possession of leased premises – construction of lease.

- **DP & VP** [2006] FMCAfam 120 (21 March 2016)

Federal Magistrates Court of Australia

Family law – property.

- **Shah Haddad t/as Liverpool City Cars and 4WDs v Lansvale Intersection Pty Ltd** [2006] NSWSC 44 (17 February 2006)

Supreme Court of NSW

Appeal of decision of Local Court – *Sale of Goods Act* 1923 (NSW), sections 17(1), (2).

- **Santos v Santos** [2014] NSWSC 679 (29 July 2004)

Supreme Court of NSW

Family provision – application by former wife for provision.

- **G&S & Anor** [2004] FMCAfam 286 (5 July 2004)

Federal Magistrates Court of Australia

Family law – children.

- **Bamforth v Betcke & Ors** [2003] NSWCA 116 (15 May 2003)

Court of Appeal of NSW

Whether orders setting aside dismissal orders in District Court properly made – whether valid exercise in discretion to reinstate proceedings struck out.

- ***Yoshino v Niddrie*** [2003] NSWSC 57 (13 February 2003)

Supreme Court of NSW

Equity – presumption of advancement – mother purchases property in joint names of daughter and son-in-law.

HOBBIES AND INTERESTS

- Member of Bar Association of NSW Football Team: 2010 - 2018
- Member of Lokomotiv Cove FC: 2012 - 2018