



GREENWAY CHAMBERS



## ADAM CASSELDEN

SOLICITOR 1995

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### BACKGROUND

Adam Casselden was appointed Senior Counsel in October 2016.

Adam advises and appears in the areas of Commercial Law, Common Law and Transportation Law. He is highly regarded in Inquests and Sports Law. Adam appears in the Supreme Court, the Federal Court, the District Court, the Coroner's Court and various Tribunals. Adam's clients have included Australia's leading banks and insurers, state and commonwealth departments and agencies, ASX-listed companies, domestic and international shipping lines and Airlines, and small-to-medium enterprises.

In the field of Coronial Law, Adam appears as Counsel Assisting the Coroner in complex and high-profile Inquests. Adam also appears in the Coroner's Court for interested parties, including for families and Government departments.

Adam represents high-profile sporting clubs, associations and athletes. Adam has acted as legal counsel for Australian Rugby Union, Football Federation of Australia, NSW Rugby Union, Western Sydney Wanderers FC, Central Coast Mariners FC, Department of Sport & Recreation and NRL players. Adam is a SANZAAR Judicial Officer for Super Rugby and The Rugby Championship, and in 2015

Adam was appointed by World Rugby as a Judicial Officer to the Rugby World Cup in England and Wales. He has been appointed by the NSW Minister for Sport and Recreation to sit on the Combat Sports Authority and in 2016 Adam was appointed to sit on a number of National Sporting Federation Olympic Appeals Tribunals.

Adam has a clear and concise approach to the resolution of legal issues. With extensive litigation experience at the Bar and as a solicitor, he is keenly aware of how to achieve the best outcomes for his clients with a thorough and rigorous analysis of their case. His focus is on diligent preparation, detail and concise communication. He is a proven litigator with a high level of knowledge across a broad range of legal issues.

Adam is passionate about the arts. As an Arts Law 'Guardian Angel', he supports artists and creative organisations to ensure they receive sound advice regarding their rights and responsibilities.

Whenever possible, Adam accepts pro bono briefs referred by Legal Centres.

### FOCUS AREAS + SELECT CASES

#### COMMON LAW

*DY & 3 Ors v Commonwealth of Australia* (Supreme Court of NSW) - a family of four brought proceedings against the Commonwealth of Australia for negligence and false imprisonment resulting in psychiatric injury due to their immigration detention in Papua New Guinea and in the Republic of Nauru by the Commonwealth. These claims were the first of their type brought against the Commonwealth by immigration detainees detained in detention centres located outside of Australia.

*Badraie v Commonwealth of Australia* (2005) 195 FLR 119 - the plaintiff's claim in the Supreme Court was the first of its type to be brought against the Commonwealth. The plaintiff sued the Commonwealth in negligence for psychiatric injury sustained by him as a result of his immigration detention in South Australia and New South Wales.

## COMMON LAW – CONTINUED

***Roads and Traffic Authority of NSW v Dederer (2007) 234 CLR 330*** – in this case the High Court of Australia found that a roads authority did not owe a duty to young persons using a bridge to prevent them from jumping and being injured by the shallow water below. The High Court held that a duty of care imposes an obligation to exercise reasonable care, not a duty to prevent potentially harmful conduct. A prospective test is to be applied when determining what the exercise of reasonable care required in response to a foreseeable risk of injury.

***Fuller-Lyons v State of New South Wales (2015) 89 ALJR 824*** – in this High Court of Australia case the plaintiff suffered severe injuries when he fell from a moving train which was operated by the defendant. The trial judge found that the plaintiff had fallen from the doors of the train as a consequence of the defendant's negligence. The NSW Court of Appeal reversed this finding based on the possibility of other hypothetical occurrences. The High Court held that the Court of Appeal was not entitled to reject the findings of the trial judge based on these other possibilities.

***Shorey v PT Limited (2003) 197 ALR 410*** – the High Court held that the plaintiff was not required to prove her fall was the sole cause of her psychiatric disorder, only that the fall was a cause. The High Court reiterated a long-established legal principle that defendants must take their victims as they find them, even if there is an apparent disproportion between cause and effect. In cases where there are multiple causes the evidentiary onus rests with the tortfeasor to disentangle those multiple causes.

## CORPORATIONS LAW

***Lodge Partners Pty Ltd v Pegum (2009) 255 ALR 516*** - this Federal Court case is authority for the proposition that although the Court will not generally determine questions of construction of a contract on an application to set aside a statutory demand, it may do so on such an application in an appropriate case.

***Medco Group Pty Ltd v Cripps (2009) 27 ACLC 1,404*** – this Supreme Court case determined the meaning of the word “copy” in s. 459G(3) of the Corporations Act 2001.