

## Part 1 Tort of Negligence (Cases for Review)

Duty of care – some recognized categories

<p>Occupier to visitors <i>Australian Safeway Stores Pty Ltd v Zaluzna</i></p>	<p><b>Fact:</b> Plaintiff [Zaluzna, respondent] went into the Defendant's store [Australia Safeway, appellant] It was raining outside so the foyer was wet and the defender slipped and injured himself The Plaintiff sued for negligence</p> <p><b>Findings:</b> Courts rejected the traditional approach to occupiers' liability, and decided that from now on the general duty of care formula under <i>Donoghue v Stevenson</i> should be applied to all cases. Here we have a commercial relationship as well as reasonable foreseeability, therefore there is a duty of care. Court argued that when you expect people to come into your shop and pay you money, the least you can do is provide a safe environment.</p>
<p><i>Donoghue v Stevenson</i></p>	<p><b>Fact:</b> Mrs Donoghue went to a cafe with a friend. The friend brought her a bottle of ginger beer and an ice cream. The ginger beer came in an opaque bottle so that the contents could not be seen. Mrs Donoghue poured half the contents of the bottle over her ice cream and also drank some from the bottle. After eating part of the ice cream, she then poured the remaining contents of the bottle over the ice cream and a decomposed snail emerged from the bottle. Mrs Donoghue suffered personal injury as a result. She commenced a claim against the manufacturer of the ginger beer</p> <p><b>Findings:</b> Her claim was successful. This case established the modern law of negligence and established the neighbour test.</p>
<p><i>Grant v The Australian Knitting Mills</i></p>	<p><b>Fact:</b> Dr. Grant, the plaintiff, contracted a severe case of dermatitis as a result of wearing woolen underpants which had been manufactured by the defendants (Australian Knitting Mills Ltd). The garment in question was alleged to contain an excess of <a href="#">sulphite</a>. Upon purchase, he wore them for one entire</p>

	week without washing them beforehand.
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