

Week 4: Duty of Care (Negligence)



Donoghue v Stevenson 1932

- Introduced the general principle of negligence
- Drew together the haphazard strands
- You must take care not to injure your neighbour when reasonably foreseeable (Atkin principle, neighbour and product liability) [Case of Annes, announced it as a general principle, High court of Australia disagreed]

Grant v Australian Knitting Mills

- Doctor suffered severe dermatitis after wearing long woollen underwear for two weeks
- Significance: application of neighbour principle

Hedley Byrne & Co Ltd v Heller & Partners Ltd [1964]

- Advertising company relied on free advice from own bank that, based on inquiries with client's bank, client was financially sound
- Significance: major advance in scope, (no longer relying on neighbour) now bankers, auditors, accountants, architects designers owe a DOC

Home Office v Dorset Yacht Co Ltd [1970]

- Truant juvenile prisoners escaped from prison camp, stole yacht and crashed into plaintiff's yacht, causing extensive damage
- Significance: expansion based on foreseeability, notwithstanding independent human act (by prisoners)