# GD NEWS

Gillis Delaney Lawyers

Welcome to our latest edition of **GD NEWS** that brings to you information on new trends and issues that impact on the employment and insurance market in Australia. In this month our feature article deals with the recent findings of the NSW parliamentary committee into tort reform and compensation assessment. We can be contacted at any time for more information on any of our articles.

## NSW Tort Reform

The NSW Government in December 2004 appointed the General Purpose Standing Committee to inquire into, and report on the operations and outcomes of all personal injury compensation legislation (including but not limited to: claims by persons injured in motor accidents, transport accidents, accidents in the workplace, at public events, in public places and in commercial premises but not including claims by victims injured as a result of criminal acts) in NSW. The findings of the committee were published on 8 December 2005.

The recommendations are far reaching. If implemented a common regime for the assessment of damages for pain and suffering will be introduced for all compensation claims in NSW with the preferred approach being the current assessment system under the Civil Liability Act. In addition this would result in significantly reduced thresholds for claimants, who, previously, were restricted in their entitlements due to the nature of a medical threshold assessment. There would however be a lowering of the maximum for pain and suffering to $300,000. Economic loss awards will increase substantially with the use of a new actuarial rate to calculate future economic. A new independent tribunal would be established to assess all claims to ensure a consistent approach in motor vehicle, civil liability and workers compensation claims.

The proposed changes would significantly alter the landscape for insurers. Effectively there will be a return to common law claims for workers who will seek to prove negligence on the part of their employer, and an increased level of motor accident claims seeking damages for pain and suffering and a buoyant plaintiff personal injury market.

Will the report lead to a new round of legislative change in tort reform and compensation assessment? With a new NSW Premier facing an election later in the year only time will tell. Nevertheless insurers will be less comfortable facing yet another potential change in the ever evolving NSW insurance market. National consistency cannot occur whilst State governments maintain an individualistic approach to compensation laws.

What precisely did the inquiry conclude? With over 270 pages to digest it is difficult to justice to all of the findings. We have therefore extracted the significant findings and recommendations from the report and have reproduced the findings and recommendations as set out in the report.

Significantly the Committee noted that:

- there are inconsistencies in access to compensation under personal injury compensation law in New South and as a result of these inconsistencies, individuals who suffer injury are treated differently according to whether they suffered that injury at work, in a motor vehicle or in a public place.
- there are important differences between the various personal injury law schemes in New South Wales. Some require compulsory insurance and others do not, some provide early claim notification and assessment and others do not, some provide interim payments pending dispute resolution and others do not. Accordingly, there are good reasons for the maintenance of separate legislative arrangements for injured workers and motor accident victims.
- at the same time, however, where individuals suffer permanent injury with no realistic prospect of recovery, they should have access to the same level of compensation, regardless of whether their injury occurred in the workplace, a motor vehicle accident or in a public place.
- there is scope for a reassessment of some of the motor accident and public liability law reforms made in New South Wales since 1999, based on the long-term profitability of the CTP and public liability insurance lines.
- the improving financial position of the Workers Compensation Scheme would support the provision of greater assistance to injured workers in certain circumstances.
- the Committee is completely opposed to the ongoing use of the MAA Medical Assessment

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***Inside***



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Guidelines and WorkCover Guidelines (based on the AMA Guides). The assessment of whether an injured person should qualify to access non-economic loss damages should be based on disability, not impairment.

- the Committee recommends discontinuing the use of the MAA Medical Assessment Guidelines and WorkCover Guidelines.
- the Committee proposes the creation of a new personal injury compensation tribunal, modelled on the processes currently used by the Dust Diseases Tribunal. The tribunal should replace existing mechanisms for determining disputed claims.
- the tribunal should have responsibility for the resolution of all statutory and common law compensation claims under the Civil Liability Act 2002, the Motor Accidents Compensation Act 1999 and the Workers Compensation Act 1987.
- the Committee also supports the Government's use of independent medical assessment under the current statutory schemes, and believes that an independent medical assessment service should be available to the proposed new personal injury compensation tribunal in order to provide independent medical assessment of injuries.
- the Committee believes that the current 10% WPI thresholds for accessing non-economic loss damages under the Motor Accidents Compensation Act 1999 and the Workers Compensation Act 1987 should be discontinued, in favour of the test used in the Civil Liability Act 2002, namely a threshold of 15% of 'a most extreme case', coupled with a sliding scale of damages until the severity of the non-economic loss reaches 33% of 'a most extreme case', as judicially assessed. Importantly, this measure encompasses an assessment of disability, not just impairment.
- the Committee is concerned that for calculation of economic loss the 5% discount rate is simply too high, meaning that many permanently injured people who receive a lump-sum will not have sufficient income on which to live in the future, and believes that a 3% discount rate would be more appropriate
- it recommends the development of guidelines for the assessment of non-economic loss damages in personal injury cases in New South Wales, similar to the Guidelines for the Assessment of General Damages in Personal Injury Cases used in the UK. The Committee believes that this would be a valuable mechanism in maintaining consistency in the awarding of damages across all areas of personal injury law in the proposed new personal injury compensation tribunal.
- it recommends A reduction in the cap on non-economic loss damages available under the Civil Liberty Act 2002 and the Motor Accidents Compensation Act 1999 to $300,000,
- there would be merit in investigating moving to a universal no-fault statutory compensation scheme in New South Wales but the introduction of a universal no-fault compensation scheme would be very difficult at the present time.
- the Civil Liability Act 2002 incorporates a cap on the recovery of legal costs by a successful claimant from a defendant where an award for damages is less than $100,000. The Committee supports the use of this cap; on the basis that it has helped to eradicate small claims, and has helped prevent the erosion by legal fees of damages payable under a verdict. The Committee believes, however, that the cap on the recovery of legal costs should only apply to awards of damages of up to $50,000, as adopted in Queensland and the Australian Capital Territory.
- there should be a review of the duty of care provision of the Civil Liability Act 2002, to examine whether certain provisions are operating in a potentially unjust manner.
- the Government legislate to require disclosure by insurers operating in the public liability market of basic market, premium, claims and liability data to the Parliament, through an amendment to the Civil Liability Act 2002.

Changing times are near. Will the Government act or will the report remain interesting reading only for those who are involved in the insurance market.

Comments by Chief Justice Jim Spigelman of the NSW Supreme Court about the problems of recent tort reform have highlighted concerns about the introduction of caps and thresholds on damages and the restrictions placed on legal fees that make many small injury claims unviable. Nevertheless these issues are likely to remain live issues in the future even if the recommendations are adopted by the Government.

The Productivity Commission's latest figures indicate that claims in District Courts nationally have fallen by over 30 per cent, with NSW recording the greatest fall by over 50 percent. The proposed changes will not result in an increase in the number of cases in civil liability claims but would certainly bring a return of negligence claims to workers and easier access to awards for pain and suffering in motor vehicle accidents.

The proposed new tribunal would be extremely busy delivering to NSW a one stop shop for compensation assessment eliminating the multitude of assessment regimes across the different types of compensation claims.

Previous reforms have been concerned with issues of affordability and availability of insurance. The pendulum is swinging with the public perception that insurers are making larger profits whilst the injured are not adequately compensated.

Insurers must continue to speculate on possible changes to the compensation system and are hampered in their attempts to develop long term pricing of insurance products in a market where the Government continues to make frequent changes. Who can blame insurers for setting prices to account for potential increased claims costs that would follow any increase in compensation benefits We should all be ready for increasing premiums as a result of the release of the Committee's findings.

## A pothole in a field and a game of touch football- What must the school do?

How far must a school go to protect its students. Active children playing games during normal recess can prove to be a real problem for schools. Teenagers are regularly seen playing touch football during lunch on playing fields. Good supervision is not enough. The play area needs to be safe. But what steps must the school take to ensure a playing surface is safe.

Shane Bujnowicz was 14 years of age and a student in Year 9 at the Good Samaritan Catholic College (the College) at Hinchinbrook .The College had a relatively large recreational playing area the approximate size of a football field being about 100 metres long by 30 to 40 metres wide. During the course of a game of touch football with approximately 20 other students and whilst running with ball, Shane stepped with his left foot into what he described as a "*pothole*" in the playing area twisting his leg and thereby severely injuring his left knee. The pothole was shaped like a bowl or a dish and was five to eight centimetres deep at its deepest point. On the day of his accident, the appellant had sought a teacher's permission to play touch football during the lunch break. Permission was granted and the game commenced under the supervision of three teachers, there being some 20 boys involved in the game.

Shane sued the College and a District Court judge rejected his claim.

The District Court judge found it indisputable that the College owed a duty to take such precautions for the safety of its students as was reasonable in all the circumstances. He also found that the risk of injury to Shane was "reasonably foreseeable in that when you allow twenty students on a day-to-day basis to go onto a field and to play touch football or any sport, there is some risk of injury, of twisting an ankle, of injuring a knee."

The judge after excluding as an appropriate response to the relevant foreseeable risk that the College should have forbidden the use of the playing area altogether, then went on to acknowledge that the only other way the risk might have been avoided was for the College to have instituted a system of regular close inspections of the playing area "square metre by square metre". This level of inspection, the judge surmised, could have been carried out by the children of the school, the teachers, groundsmen or a yardman or by the College parents. The critical reasoning for rejecting the claim was the following:

> "However, it seems to me, the area being large, and that any regular inspection would be time consuming, and perhaps expensive, and that in any event, the school had no real reason to institute such a system. There had been no complaint. In the absence of complaint or any incident, this step, it would seem to me, was not reasonably called for. If notice of some problem had been given before this incident, the school might have had an obligation, it seems to me, to institute a system to identify such dangers.
> …If the area had been top-dressed and levelled, and there had been no prior notice, it seems to me that no reasonable person would require the school to institute such a system of inspection."

Shane appealed. The Court of Appeal disagreed with the trial judge and found the College had been negligent and decided to return the case to the District Court to assess damages.

The court found the College had a duty to take reasonable precautions for the safety of its students playing the running sports of soccer and touch football upon the playing area which required it to implement a regular system of inspection of that area for the purpose of identifying and remedying holes, depressions or indentations of the nature of those which the Deputy Principal of the respondent regarded as being unsafe for children playing ball sports.

Justice Tobias in determining the issue stated

> “Furthermore, even though such a system would have required the inspection of the surface "square metre by square metre" ….there was no reason to believe that the implementation of such a system would have been time-consuming as his Honour suggested. After all, the dimensions of the playing field were only 100 metres by 30 to 40 metres and therefore covered an area of approximately 4,000m². Even an inspection "square metre by square metre" once a week should not have taken more than two hours. But if such an inspection regimen proved too burdensome, the area to which it was applied could have been reduced to a size sufficient for the playing of the games which required its implementation.”

The Court of Appeal found the system the College had in place for ensuring that the playing area was safe for use by the students for the purpose of the various games and activities permitted to be played thereon, was extremely ad hoc. Firstly, the personnel who used the area such as the PDHPE teachers, if they became aware of anything that was unsafe, would report it. Secondly, if the teachers on playground duty became aware of anything untoward, they would also report it. Thirdly, if the Principal or staff member who performed the mowing became aware of any problem they would also report it in the same way as the PDHPE staff. Every other teacher had an obligation to report anything they noticed whilst on duty. Fourthly on occasion students on detention would be required to pick up stones, rocks or pebbles that had come to the surface after heavy rain. Fifthly, if anything was found to be unsafe and was reported, then the Deputy Principal would be the one to go down and check the area. Finally even though he asserted that he had played some form of sport or carried out some form of physical activity on the playing area on "*hundreds of occasions*", it was assumed by him that if anything unsafe was discovered by those participating in the activity, it would be reported to one of the supervising teachers by the students.

More was required and as a consequence the College faces a costly damages claim. A little unfair some may say. In cross-examination during the trial, the Deputy Principal conceded the pothole or depression was unsafe. That concession ultimately led to the end result of a finding of negligence. The case is a reminder for schools that they must regularly inspection playing fields before students undertake sporting activity on the fields.

## What is an obvious risk and what are the consequences?

Australian Courts have in some circumstances declined to find that an occupier has breached its duty of care where pedestrians have failed to take care for their own safety. Injured pedestrians tripping on uneven paving stones or holes or the other kinds of hazards which a pedestrian should expect in the course of walking along a public street in an urban area have failed in damages claims. Does the failure of the claim result from the conclusion that the risk was obvious?

The Court of Appeal in NSW has recently reminded us that what is obvious to one is not obvious to others and the crux of the issue in determining claims is not what is expected from the pedestrian but rather what duty is owed by the occupier.

The Court of Appeal once again has reminded us about the High Court's comments in *Thompson v Woolworths (Qld) Pty Limited* that

> "[i]f the obviousness of a risk, and the reasonableness of an expectation that other people will take care for their own safety, were conclusive against liability in every case, there would be little room for a doctrine of contributory negligence,"
>
> and that a court must still undertake a balancing exercise in determining whether the facts of a case demonstrate that a duty of care is owed and whether there has been a breach of the duty of care.

Angela Langham was attending a soccer match in which her nephew was participating The soccer match was being played at Poulton Park, Connells Point which was occupied by Connells Point Rovers Playing Club (the Club). There was a low copper log fence separating the playing field of the Park from an adjoining area used as an informal carpark There were two gaps in that fence. The first was approximately one metre wide and served as a pedestrian access from the carpark to the playing field. The second was approximately five metres wide and was a dirt roadway providing both vehicular and pedestrian access between the carpark and the playing field. On her arrival at the Park Langham observed that the carpark was full, there being vehicles parked on both sides of a central dirt strip. In particular, vehicles were parked nose into the copper log fence in such a way as to obstruct from view both the pedestrian access and the vertical posts marking the outer limits of the vehicular entranceway. Having driven past the gap in the row of parked vehicles which constituted the road entranceway, Langham stopped to permit another vehicle on her left to exit from its parking place, whereupon she parked her vehicle in that space. She then proceeded with her three year old son (whose hand she was holding) back towards to the road entranceway. According to Langham she unfortunately did not observe a rope which had been strung by Club between the vertical posts on either side of the road entranceway, with its lowest point approximately 10cm above the ground. Not noticing the rope suspended across the entranceway and, apparently, concentrating on proceeding quickly with her excited son to where her nephew was playing soccer, the appellant and her son tripped on the rope and, as she described it, "*just fell flat on our face*".

Langham instituted proceedings against the respondent in the District Court alleging negligence in exposing her to the risk of injury from tripping over the rope in circumstances where it was difficult to see so that it should have been identified by a flag or some other form of marking to make its presence obvious to persons approaching it. The proceedings came before her Honour Judge J C Gibson who found in favour of the Club upon the basis that it had not breached its duty of care to the appellant. Langham appealed and succeeded on appeal.

The Court of Appeal noted "There was nothing associated with the natural state or condition of the ground upon which Langham was walking which would constitute an obvious hazard of the nature of those referred to in the pedestrian cases. In the present case, the Club had erected a rope barrier which, to any person who did not anticipate its presence, clearly constituted a trap for pedestrians who were, in effect, invited by the respondent to use the entranceway as a pedestrian route from the carpark to the playing field."

The Court of Appeal was critical of the suspension of the rope between the two vertical posts in a place which the Club knew would be used as a point of pedestrian access from the carpark to the playing field which effectively involved the creation of a concealed hazard which was quite out of the ordinary compared to the types of hazards referred to in the cases where liability has been rejected involving the tripping of pedestrians on uneven driveways or footpaths.

It was determined by the court that the hazard was of an unusual kind created by the Club "in circumstances where there was no reason for persons entering the entranceway between the parked vehicles to anticipate or expect that there would be a low slung rope the same colour as the ground over which it was suspended, obstructing their otherwise unimpeded access to the playing field and over which they would have to step in order to avoid the risk of injury."

Of particular importance was the finding the risk was not obvious and the rope constituted a hazard or trap created by the Club and it was therefore an obstruction of a kind that called for some warning of its presence.

The Court of Appeal reminded us that

> "… obviousness depends to a significant extent on the circumstances and the position of the perceiver. That which is obvious from one position or at one time of day or in some circumstances, may not be obvious where those factors change. To determine what is obvious in a particular case, it may be useful to take the specific circumstances of the plaintiff into account and then to inquire whether there was some aspect of her circumstances which was not reasonably foreseeable by the occupier. So long as there was no such unforeseeable circumstance, the question of obviousness must be answered by reference to her particular circumstances."

The Court of Appeal held there was a clearly foreseeable risk of harm which, in the prevailing circumstances, required a response by the Club which had the effect of warning those unfamiliar with the area of the presence of the rope barrier across the entranceway. Langham was awarded damages of $233,758.

## A Tragic Accident But No Damages

Quadriplegia cases always attract sympathy from the courts however damages do not simply flow as a result of a significant catastrophic injury.

Paul Wilkins, dived into a public swimming pool at North Broken Hill. He struck his head on the tiled floor and suffered a spinal cord injury at C5/6 with incomplete C5 quadriplegia. The North Pool was subject to the control and management of the Broken Hill Council.

Wilkins was approximately 6 ft tall, weighing 65 kg, and was 14 years of age. He had just arrived at the complex, but he was familiar with it and the signs displayed. The main pool was 25m x 14m, with a tiled surface, a concrete perimeter surround and a raised tile border. The water was clear. It was 1.15m deep at the shallower, western end. Wilkins ran to the edge of that end of the pool and projected himself into the air with his left foot. In the event, the dive was steeper than he usually executed. He struck the tiled bottom of the pool on the left side of the head above the line of the top of the ear and behind the ear.

There was an admitted duty of reasonable care to avoid the foreseeable risk of injury to users of the pool. A District Court Judge found the Council to be in breach of that duty in one respect. The particular upon which the appellant established breach of duty related to the consistency with which the Council's employees had enforced the prohibition on diving. The judge accepted the evidence of two pool attendants that they took action from time to time to reprimand pool users over certain types of misconduct, including (on occasions) diving. The judge also accepted the evidence of Wilkins and his witnesses that it was common for persons to dive into the pool, including at the shallow end, without reprimand by pool staff. Given that there was a risk of serious injury to a person of the plaintiff's height diving into water 1.15m deep, the learned judge concluded that the Wilkins had established negligence in this regard. Since, however, the breach was not shown to have materially contributed to the injury, the claim failed.

Wilkins appealed but was unsuccessful.

The Court of Appeal stated

> "Unfortunately for the appellant(Wilkins), he did not persuade the trial judge that he would not have dived as he did had there been a stricter, non-negligent regime of warning/enforcement directed at him and pool users in general. This is a conclusion not shown to be affected by error of law or fact."

The Court of Appeal noted that the trial judge recognised that Wilkins did not fully appreciate the risk he was taking and it did not follow that such a state of mind was caused or materially contributed to by the Council's negligent conduct. The trial judge acknowledged that there was insufficient evidence to support a conclusion that in the absence of the many repeated breaches of duty by the pool attendants over a long period, Wilkins would still have been injured in the same manner. Nevertheless the Court of Appeal accepted the evidence was available for the judge to make the following findings and in doing so applied the correct legal principles:

> "[It] seems to me that the evidence of the plaintiff's disinclination to comply with rules makes it difficult for him to prove the causal link between the failure to enforce the diving prohibition with greater consistency and his injury on this day.
>
> The plaintiff was aware of the signs saying, "walk don't run" near the entry to the North Pool. He understood that he was not to run around the pool. He had previously been admonished by pool attendants for running at the pool and on one occasion he had been asked to leave because of this conduct. He understood that the prohibition on running on the concrete pool surround was because of the risk of injury from falling. Nonetheless from time to time he did run on the concrete pool surround.
>
> On occasions the plaintiff engaged in other activities that he knew to be prohibited including blocking the water slide and climbing onto the back of other swimmers. He understood that this was behaviour for which one could be asked to leave the pool complex.
>
> I do not accept that had the plaintiff seen a sign such as those subsequently installed at the North Pool bearing the words "no diving" he would have heeded the prohibition. Had the prohibition on diving been enforced with the same consistency as the prohibition on "bombing", climbing on the backs of swimmers and on running was enforced by the pool attendants, I am not persuaded that it is likely that the plaintiff would not have dived into the shallow end of the pool on this day. The dive was a running dive. I am satisfied both that running across the concrete pool surround was prohibited by notice and that the prohibition was actively enforced by the pool attendants.
>
> I am unpersuaded that the evidence supports the inference that the repeated failure to enforce the prohibition on diving can be said to have led the plaintiff to believe that it was safe for him to dive. While some of those who gave evidence were not aware of the no diving pictograph at the shallow end of the pool, the plaintiff was not one of them. I am satisfied that at the age of 14 he understood the sign to mean that diving was prohibited.
>
> I have concluded that the Council's breach of duty in failing to enforce with greater consistency the prohibition on diving into the pool at the shallow end did not materially contribute to his injury."

Once again we are reminded that you must take responsibility for your own actions and accidents no matter how tragic the result will not necessarily result in a damages payout.

## What duty is owed to a specialist independent contractor who is injured while working at an occupier's premises.

An occupier of premises does not owe a specialist independent contractors engaged to perform work on the premises a duty to warn of defects which the specialist contractor is accustomed to encounter and safeguard themselves against.

Nathan Davis was an employee of Pallet Packing Supply Company ("PPSC"). Part of PPSC's business was the installation, maintenance and removal of pallet racking systems in factories and warehouses. Davis was injured whilst he was working for PPSC at a factory owned by Nolras Pty Ltd.

At the time Davis was injured, Nolras was intending to move to a new factory and had contracted with PPSC to dismantle its racking systems. PPSC instructed Mr Davis, and a co-worker (Mr Howell), to perform the contracted task. Shortly before Davis was injured, he and Howell had commenced dismantling a rack of chipboard shelves about six metres high. They were standing on separate shelves undoing screws that affixed the shelves to horizontal steel members forming part of the racking system. Davis heard a cracking sound. He looked down to see Howell falling. The chipboard on which Howell had been standing had broken in half and one piece had flown into the air. Davis was concerned that this piece of chipboard would land on Howell. To prevent Howell from being injured, Davis dived onto his knees and caught the flying piece of chipboard. In so doing so, he injured his knee. The trial judge found that Davis's conduct "was a natural and appropriate response to the danger created by the fracture of the chipboard". The broken chipboard was found to be swollen and affected by water. After Howell had fallen, Davis looked up at the roof above the racking and saw "daylight shining through like little crevices, little particular corners between the sheets". The trial judge found that water entering the factory premises during wet weather had affected the chipboard.

Davis sued Norlas alleging negligence. Firstly, he argued Nolras was negligent in failing to maintain or repair the roof and in allowing rainwater to enter the factory premises with the result that water had fallen onto the chipboard shelving of the racking system and weakened the shelf. Secondly, it was alleged Nolras, should have warned him – prior to him commencing work – that on previous occasions chipboard shelves had been made wet by rain penetrating through the roof and had thereby, possibly, been weakened. He brought a claim against Nolras for the damages he suffered in consequence of those injuries, but a judge dismissed the claim. Davis appealed and the NSW Court of Appeal also determined that the claim should be dismissed.

The first limb of the negligence claim was easily disposed of by the Court of Appeal as the risk of harm in this case was the risk of injury to a person falling from a water-affected chipboard shelf. It is that risk that had to be eliminated. Failing to repair the roof was not relevant to that risk. Repairing and maintaining the roof was not a reasonable response to the risk of harm that existed.

In respect to the alleged failure to warn the Court of Appeal noted "PPSC was an expert in the business of dismantling racking systems of the kind from which Howell fell. Nolras had entered into a contract with PPSC where PPSC undertook to dismantle the racking system at the factory. The question therefore arises whether the water-affected shelf constituted a defect in the factory which PPSC, as an expert in dismantling racking systems, was accustomed to meeting and safeguarding its employees against. Put in another way, was it reasonable for Nolras to rely solely on PPSC and its employees, as experts in the field, to take appropriate steps to safeguard themselves against water-affected shelves and not warn them that rainwater had come in contact with the shelving."

Significantly Davis's evidence confirmed that on occasions he would find chipboard shelving, used internally, that had been damaged by water and he knew that water-damaged chipboard shelving might be unable to support a person's weight.

The Court of Appeal stated

"An occupier of premises does not owe to specialist independent contractors engaged to perform work on the premises a duty to warn of defects which such specialist contractors are accustomed to encounter and safeguard themselves against…….However, this principle does not extend to allowing an occupier to leave such a contractor in ignorance of a fact material to the decision how to perform the work if, using reasonable care, the contractor might not discover it…… a specialist contractor may be taken to expect to encounter and safeguard himself or herself against those risks which are ordinarily incidental to performance of his or her specialist function, so that such risks are not regarded as necessitating a warning"

Water damage to chipboard shelving was a hazard not infrequently encountered by Davis and his colleagues. As a consequence Norlas did not owe a duty to Davis to warn him about the previous water damage. A fair result as Davis still retains his rights against his employer for workers compensation.

*Warning. The summaries in this review do not seek to express a view on the correctness or otherwise of any court judgment. This publication should not be treated as providing any definitive advice on the law. It is recommended that readers seek specific advice in relation to any legal matter they are handling.*

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