



## HIGH COURT OF AUSTRALIA

8 June 2016

ROBINSON HELICOPTER COMPANY INCORPORATED v GRAHAM JAMES  
MCDERMOTT & ORS  
[2016] HCA 22

Today the High Court unanimously allowed an appeal from a decision of the Court of Appeal of the Supreme Court of Queensland. The High Court held that the majority of the Court of Appeal erred in overturning the primary judge's findings of fact concerning the cause of a helicopter crash.

In May 2004, a helicopter manufactured by the appellant ("Robinson") crashed, resulting in the death of the pilot and the first respondent ("Mr McDermott") suffering serious injuries. The crash was caused by the failure of the helicopter's forward flex plate; one of the four bolts securing the flex plate ("Bolt 4") was incorrectly assembled and, when so assembled, was not tightened to the requisite degree ("the defect"). After reassembly, but before the crash, the flex plate had been subject to a number of routine inspections by pilots and engineers but the defect had not been detected.

Mr McDermott, along with his wife and employer, brought proceedings against Robinson in the Supreme Court of Queensland in negligence and under the *Trade Practices Act 1974* (Cth) ("the TPA"). The essential question at first instance and on appeal was whether the Maintenance Manual for the helicopter ("the Manual") provided an adequate inspection procedure for the detection of the defect. The primary judge dismissed Mr McDermott's claims, holding that the Manual provided adequate instructions to identify the defect. A majority of the Court of Appeal allowed Mr McDermott's appeal, holding that the Manual did not provide adequate instructions to detect the defect and, ultimately, that Robinson was liable either in negligence or under the TPA. In so doing the majority of the Court of Appeal came to a different conclusion from that reached by the primary judge regarding the likely appearance of Bolt 4 at the time of the relevant inspections.

By grant of special leave, Robinson appealed to the High Court. The High Court unanimously allowed the appeal, holding that the primary judge's findings of fact accorded to the weight of lay and expert evidence and to the range of permissible inferences, and that the majority of the Court of Appeal should not have overturned them. Accordingly, the primary judge was right to hold that it was not shown that the contents of the Manual fell short of what was required to discharge Robinson's duty of care in the circumstances of this case. The High Court further held that, even if it were accepted that Robinson had breached its duty of care in the manner alleged by Mr McDermott, it could not be concluded that the breach of duty was causative of the crash.

- *This statement is not intended to be a substitute for the reasons of the High Court or to be used in any later consideration of the Court's reasons.*