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IN THE HIGH COURT OF AUSTRALIA

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HODSON

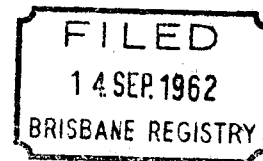
V.

SWIFT AUSTRALIAN CO. (PTY.) LTD.  
AND ANOTHER

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## REASONS FOR JUDGMENT

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*Judgment delivered at* Brisbane  
*on* Friday, 14th September, 1962

HODSON

v.

SWIFT AUSTRALIAN CO. (PTY.) LTD. AND ANOTHER

ORDER

Appeal allowed with costs. Order of  
Jeffriess J. varied by increasing from £4,250 to  
£7,500 the amount awarded for general damages and  
the judgment entered thereon varied by substituting  
the sum of £8,369.7.0 for the sum of £5,119.7.0.

HODSON

v.

SWIFT AUSTRALIAN CO. (PTY.) LTD. AND ANOTHER

JUDGMENT

KITTO J.  
WINDEYER J.  
OWEN J.

HODSON

v.

SWIFT AUSTRALIAN CO. (PTY.) LTD. AND ANOTHER

The appellant was the plaintiff in an action in the Supreme Court of Queensland heard by Jeffriess J. in which he claimed damages for personal injuries caused by the negligence of the defendants. He was awarded £5,119.7.0 and the appeal is brought on the ground that the amount is inadequate. Of the total award, £869.7.0 represented special damages, including an amount of £700 representing a year's wages lost between the date of the accident and the date when the learned trial judge thought that the appellant would probably be able to return to work. The amount of general damages was assessed at £4,250 and it is this amount which the appellant submits is inadequate.

At the date of the trial the appellant was 19 years of age. He had been employed as a farm labourer on a sugar farm near Ingham, his principal duty being to drive a tractor. It appeared that he usually worked on sugar farms for about seven months of the year and during the off season obtained employment in Ingham, sometimes doing unskilled labouring work in an engineering works and sometimes working as a builder's labourer. His injuries consisted of a compound fracture of the little finger of his right hand, which was of little significance, and a severe compound fracture of the femur and tibia in his right leg, which necessitated the amputation of his leg through the thigh. The stump, however, was not satisfactory and a further amputation was done in order to enable him to be fitted with an artificial leg. The learned trial judge took the view that when he became accustomed to the use of his artificial leg he would be able to resume farm

work as a tractor driver and perhaps as an employee in the engineering works, and this no doubt influenced him considerably in assessing the appellant's future economic loss. The evidence relating to the farm work which the appellant had done was meagre and tended to emphasize his work as a tractor driver. In these circumstances it is perhaps not unnatural that his Honour should have taken the view, as he apparently did, that this was the only work which the appellant had been doing but this does not appear to have been the case since the appellant was on occasions called upon to do other farm work which he is now incapable of performing. Apart from this, however, it is obvious that a man whose only means of livelihood is that of a labourer or farm worker must be seriously handicapped by the loss of a leg and may not find it easy to obtain the only kind of work for which he is fitted, whether it be driving a farm tractor or doing other kinds of heavy work. In addition there must, of course, be taken into consideration the pain and suffering which the appellant has suffered and will suffer and the loss of the amenities of life which, in the case of a young man who has lost his leg, is not an inconsiderable matter. Finally there is the fact disclosed by the evidence that the appellant's artificial leg will need to be replaced every five years at a cost, including travelling expenses and time spent on having it fitted, which might fairly be estimated at £150 on the occasion of each renewal.

In all the circumstances we are of opinion that the award of £4,250 by way of general damages was so inadequate as to require the intervention of this Court and that a sum of £7,500 would be a proper figure to award under this head, making the total amount of damages £8,369.7.0. The appeal should therefore be allowed with costs, the judgment appealed from set aside and in its place judgment entered for £8,369.7.0.