

IN THE HIGH COURT OF AUSTRALIA

DONOGHUE

V.

ST LUKE'S HOSPITAL PTY. LIMITED

REASONS FOR JUDGMENT

Judgment delivered at SYDNEY
on FRIDAY, 9th AUGUST 1968

DONOGHUE

v.

ST. LUKE'S HOSPITAL PTY. LIMITED

ORDER

Appeal dismissed with costs.

DONOGHUE

v.

ST. LUKE'S HOSPITAL PTY. LIMITED

JUDGMENT

BARWICK C.J.

DONOGHUE

v.

ST. LUKE'S HOSPITAL PTY. LIMITED

The appellant received a verdict in the Supreme Court of New South Wales in an action tried with a jury for the sum of \$10,500 as damages for injuries sustained as the result of what she claimed was a breach of the respondent's duty of care towards her as its invitee to its hospital premises in Sydney known as St. Luke's Hospital. The appellant had slipped upon the wet surface of terrazzo paving at the entrance to, and whilst entering, that hospital.

On an appeal by the respondent, the Supreme Court (Court of Appeal Division) by a majority decision, set aside that verdict upon the ground that, assuming the relationship of invitor and invitee to have arisen between the parties, and the condition of the paving at the entrance to the hospital to have constituted an unusual danger in the relevant sense, there was no material before the jury upon which it could have concluded that the appellant at the relevant time knew or ought to have known of that danger. The detailed facts of the occurrence as established before the jury and relevant portions of the evidence are clearly and sufficiently set out by Mr. Justice Walsh in his judgment on the respondent's appeal to the Supreme Court. His Honour, in my opinion, there gives proper emphasis to the respective facts of the case and I find no need whatever

to add to or to qualify his recital. Further, I am content to adopt in their entirety his Honour's reasons for ^{allowing} ~~dismissing~~ the appeal to the Supreme Court and the manner in which his Honour has expressed them. In my opinion, this appeal should be dismissed for the same reasons.

DONOGHUE

v.

ST. LUKE'S HOSPITAL PTY. LIMITED

JUDGMENT

KITTO J.

DONOGHUE

v.

ST. LUKE'S HOSPITAL PTY. LIMITED

I agree.

DONOGHUE

v.

ST. LUKE'S HOSPITAL PTY. LIMITED

JUDGMENT

MENZIES J.

DONOGHUE

v.

ST. LUKE'S HOSPITAL PTY. LIMITED

I agree with the Chief Justice
that this appeal should be dismissed.

DONOGHUE

v.

ST. LUKE'S HOSPITAL PTY. LIMITED

JUDGMENT

WINDEYER J.

DONOGHUE

v.

ST. LUKE'S HOSPITAL PTY. LIMITED

I agree with the Chief Justice
that this appeal should be dismissed.

DONOGHUE

v.

ST. LUKE'S HOSPITAL PTY. LIMITED

JUDGMENT

OWEN J.

DONOGHUE

v.

ST. LUKE'S HOSPITAL PTY. LIMITED

For the reasons given by the Chief
Justice I agree that the appeal should be
dismissed.