

IN THE HIGH COURT OF AUSTRALIA

THE MOREE DISTRICT HOSPITAL

V.

HODGINS

REASONS FOR JUDGMENT

Oral

Judgment delivered at Sydney

on Monday 17th November 1969

THE MOREE DISTRICT HOSPITAL

v.

HODGINS

ORDER

Appeal dismissed with costs.

THE MOREE DISTRICT HOSPITAL

v.

HODGINS

JUDGMENT

(ORAL)

BARWICK C.J.

THE MOREE DISTRICT HOSPITAL

v.

HODGINS

Having heard all Mr. Mahoney has said, I find no reason to disagree with the judgment of the Supreme Court that the jury could properly conclude that the appellant had not taken reasonably adequate safeguards to protect the respondent from what was obviously a risk of injury in the performance of his work as a boiler attendant and that the respondent had not contributed to his own injury by failing to take reasonable care for his own safety. I agree with the reasons of the Supreme Court for reaching that conclusion.

Further, I agree with the Supreme Court that the jury's verdict was excessive and that the Supreme Court properly set it aside. The Supreme Court itself assessed the damages which it is now entitled to do. I am not satisfied that, having regard to the respondent's injuries, the amount of damages assessed by the Supreme Court, namely, \$20,000 in all, was outside the range of a proper exercise of discretion in the assessment of damages.

Accordingly, in my opinion, this appeal should be dismissed.

THE MOREE DISTRICT HOSPITAL

v.

HODGINS

JUDGMENT
(ORAL)

KITTO J.

THE MOREE DISTRICT HOSPITAL

v.

HODGINS

I agree.

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THE MOREE DISTRICT HOSPITAL

v.

HODGINS

JUDGMENT
(ORAL)

MENZIES J.

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THE MOREE DISTRICT HOSPITAL

v.

HODGINS

I agree.

THE MOREE DISTRICT HOSPITAL

v.

HODGINS

JUDGMENT
(ORAL)

OWEN J.

THE MOREE DISTRICT HOSPITAL

v.

HODGINS

I agree.

THE MOREE DISTRICT HOSPITAL

v.

HODGINS

JUDGMENT
(ORAL)

WALSH J.

THE MOREE DISTRICT HOSPITAL

v.

HODGINS

I agree.