

QUEENSLAND LAWYER

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ARTICLE

The Saturday night pub brawl: Tort law doesn't always come to the rescue – *Chris Salerno*

In the law of negligence it is rare for one person to owe a duty of care to another person in relation to injuries suffered by that person at the hands of a third party. However, the duty of care owed by a licensee to patrons of a hotel is one such exception. This duty extends to controlling the criminal conduct of one patron vis-à-vis another patron, usually by evicting the aggressive patron. However, as the recent Queensland case of *Livermore v Crombie* [2006] QCA 169 shows, this duty is not a duty to guarantee the safety of patrons, but only a duty to take reasonable care for their safety. Consequently, in the case of sudden and random attacks by one or more patrons on another, it is rare for the licensee of the hotel to be held liable for the injuries suffered by the victim. 307

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