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Update Summary

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PERSONAL INJURY LAW MANUAL QUEENSLAND

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Currently updated by
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Update Summary

The following new commentary has been provided by Lisa Blumke.

Occupier's liability

Sporting premises

In *Venues NSW v Kane* [2023] NSWCA 192, the plaintiff, who had attended the McDonald Jones Stadium in New South Wales slipped and fell while descending a set of concrete steps, injuring herself. The plaintiff alleged that she slipped on one of the steps because the edge of the steps was not compliant with the Building Code of Australia, and there was no handrail. On this basis, the plaintiff sued Venues NSW for negligence for breaching its duty of care. See [8.350].

Medical Negligence

The failure to warn

In *Jones v Central Queensland Hospital and Health Service* [2024] QSC 165 the plaintiff received radiation treatment for a tumour, and as a result, the bone in the sacrum effectively died. This led to subsequent multiple fractures and other complications. The plaintiff sought an extension of the limitation period related to her claim for damages for personal injuries in which she alleged negligence relating to a failure to warn and the negligent delivery of services. See [9.120].

Product Liability

Marketing – Labelling

In *Forostenko v Springfree Trampoline Australia Pty Ltd* [2024] QSC 1 the plaintiff suffered an injury when he landed flat-footed on the edge of a trampoline mat, which was overlaid with webbing and marked with yellow lines, and covered cleats installed underneath. The plaintiff sued the defendant manufacturer of the trampoline in negligence, alleging that he injured himself due to the trampoline having a safety defect. See [10.250].