



Quiz

Duty of Care and the 'Obviousness' Argument

1. Under the foreseeability provisions in the *Civil Law (Wrongs) Act 2002 (ACT)*, a person is negligent in failing to take precautions against a risk of harm if?
 - a. The risk was foreseeable
 - b. The risk was not insignificant
 - c. In the circumstances, a reasonable person would have taken those precautions
 - d. All of the above
2. What was the nature of the 'Obviousness' issue which was raised in the trial?
 - a. That the risk of injury was so obvious that Coles should have taken steps to address it
 - b. That the risk of injury was not obvious and therefore neither Coles nor the plaintiff could ever have foreseen that the accident would occur
 - c. That it was not obvious that the accident occurred as a result of the safety step itself
 - d. That the risk of injury was so obvious that the plaintiff ought to have been aware of the danger

3. What did the criticism of Coles' training practices come down to?
 - a. Whether or not the training provided was adequate
 - b. Whether the training provided was absorbed by the employees
 - c. Whether the training provided was relevant to the task
 - d. All of the above

4. In the case of *Podrebersek v Australian Iron & Steel*, what did the High Court say about contributory negligence?
 - a. Inattention and inadvertence are forms of negligence
 - b. A distinction has to be drawn between inattention/inadvertence and negligence
 - c. Inattention is a form of negligence, but inadvertence is not
 - d. Inadvertence is a form of negligence, but inattention is not

5. Which is a rule of discovery?
 - a. Relevant material does not have to be discovered if it hurts your own case
 - b. Relevant material must be discovered even if it hurts your own case
 - c. Documents do not have to be relevant to be discovered
 - d. A and C

Answers:

1. d 2. d 3. b 4. b 5. b