



Quiz

Workplace Injuries: The importance of evidence

1. What was the key dispute between the parties in *Smith v Ulan Coal Mines Limited* (No 2) (2020) NSWSC 416?
 - a. The quantum of damages
 - b. The cause of the injury
 - c. The defendant's liability
 - d. The extent of the injury
2. Which of the following did the judge find needed to happen for an injury of the kind submitted by the plaintiff to occur?
 - a. There had to be a leak of hydraulic pressure
 - b. The hydraulic pressure had to be energised
 - c. The plaintiff had to put part of his body in close proximity to the hydraulic system
 - d. All of the above
3. What was the finding of the judge in regard to the guarding of the machine?
 - a. The guarding was inadequate and therefore the defendant was negligent
 - b. There was a foreseeable risk of injury and therefore the defendant should have provided more adequate guarding on the machine

- c. There was no foreseeable risk that somebody would put their hand inside the guard of the machine near where the fittings were and the guarding was adequate
 - d. Both A and B
- 4. What did His Honour find in relation to the foreseeability of the risk of injury?
 - a. Without any pressure in the pipes there was no foreseeable risk of injury being caused of the kind that was caused in this case
 - b. The circumstances that the plaintiff claimed the injury meant that he was not operating in a place of work
 - c. The risk of injury was foreseeable as the machine was a high pressure machine and there was no warning on the machine that inserting a body part in the machine could be dangerous
 - d. Both A and B
- 5. Why did the plaintiff's claim in relation to the doctrine of res ipsa loquitur fail?
 - a. The cause of the injury was known
 - b. The cause of the injury was unknown
 - c. The extent of the injury was unknown
 - d. The risk of the injury was known

Answers:

1. B 2. A 3. C 4. D 5. A