

By Ben Zipser

Almost 80 years after the House of Lords' seminal judgment in *Donoghue v Stevenson* [1932] AC 562, there continue to be developments in common law countries, including Australia, concerning the elements of the tort of negligence. One such element is that the defendant owes a duty of care to the plaintiff. A related question is the scope or content of that duty. This edition of *Precedent* focuses on these two issues.

Following *Donoghue v Stevenson*, a question that troubled the common law for many years was the circumstances in which a public authority owes a duty of care to individuals, and the scope or content of that duty. In recent times, the law has become more settled. Kenneth Warner considers 'the circumstances in which a public authority owes a duty of care to individuals in respect of personal injury, property damage and pure economic loss, while Keith Rewell SC canvasses the law concerning the duty of care, the scope of duty, the breach of duty and causation in relation to road authorities.

It is evident that motorists owe a duty of care to pedestrians. A more difficult question is the standard of care required of motorists and the circumstances in which there is a breach of duty. Alice Lam considers these questions, specifically in relation to careless child pedestrians. Similarly, financial planners clearly owe a duty of care to

their clients. The more difficult issues concern the content of that duty and understanding the statutory obligations of financial planners to their clients, matters that Greg Curtin addresses in his article.

Jnana Gumbert examines the circumstances in which fast food manufacturers may be liable to consumers for their products under the tort of negligence or trade practices legislation, drawing on the history of and lessons learned from litigation against cigarette manufacturers. Greg Walsh and Anna Walsh cover another topical issue – the circumstances in which a medical practitioner owes a duty of care to non-patients to assist them in a medical emergency – and in my contribution I examine the duty of care owed by health professionals to non-patients and third parties.

This edition of *Precedent* also includes an article on asbestos disease litigation in Australia and the UK, and case notes on recent High Court and appellate court decisions. I commend this edition of *Precedent* to readers. ■

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