



Summary of Verdict

Leonard Wigney v Superior Paving (Aus) Pty Ltd and Winslow Constructors Pty Ltd - S CI 2017 04047

12 February 2020

The plaintiff injured his low back at work on 27 September 2013.

The plaintiff was employed by the first defendant as a concreter / labourer. The second defendant was the head contractor responsible for construction works being undertaken at a new housing subdivision site on the Melton Highway. The first defendant was engaged by the second defendant to install footpaths and cross-overs at the subdivision.

On the day he was injured the plaintiff and other workers were spreading crushed rock within formwork in preparation for pouring a concrete path. The crushed rock was supplied and deposited within the formwork by the second defendant.

The plaintiff suffered a jarring injury to his low back when his shovel struck a piece of asphalt or clay within the pile of crushed rock he was spreading. He claimed the second defendant was negligent for delivering, and the first defendant for instructing him to spread, the load of contaminated crushed rock. On day five of the trial the plaintiff settled with the defendants.

The jury were required to determine questions of liability and contribution between the defendants. On 12 February 2020, the jury determined the first defendant 40% liable and the second defendant 60% liable.