



Summary of Verdict

Donato Campanile v State of Victoria - S ECI 2018 02293

5 March 2020

On 5 March 2020, a jury of six sitting on circuit in Geelong, awarded the plaintiff \$81,000 for pain and suffering and \$184,000 for economic loss. The defendant admitted it was negligent in exposing the plaintiff to galvanised steel fumes but did not admit the nature and extent of the injuries alleged.

The plaintiff was employed by the defendant through the Department of Justice and Regulation, as a Senior Industry Officer at the Marngoneet Correctional Centre in Lara, Victoria. As part of the plaintiff's duties he was required to supervise prison production activities within Factory 1, the metal factory at the premises. The plaintiff claimed during the course of his employment between August 2009 and January 2016, he was exposed to harmful metal fumes whilst working in the metal factory.

The plaintiff suffered respiratory impairment, metal fume fever, irritable Larynx Syndrome/vocal cord dysfunction, headaches, visual impairment of the right eye, obstructive sleep apnoea, gastro-oesophageal reflux, vertigo and cognitive impairments including memory deficit, concentration deficit and slowing of speed of information processing. The plaintiff also suffered from multiple sclerosis which was diagnosed in 2017 and was unrelated to his work.

The main issues in dispute were which injuries related to the exposure and what effect the diagnosis of MS had on his work conditions and his future capacity for work.

Note: a jury does not give reasons for its verdict.