

## Deatons Pty Ltd v Flew (1949) 79 CLR 370

<http://lawcasesummaries.com/knowledge-base/deatons-pty-ltd-v-flew-1949-79-clr-370/>

### Facts

- A barmaid was working when she hit Flew in the face with a glass
- Flew tried to sue her employer

### Issue

- Could the employer be held vicarious liable for the actions of the barmaid?

### Held

- No, because it was not in the course of her employment.
- It was “an act of passion and resentment done neither in furtherance of the master's interests nor under his express or implied authority *nor as an incident to or in consequence of anything the barmaid was employed to do*”

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Law case summary from [www.lawcasesummaries.com](http://www.lawcasesummaries.com)