Gifford v Strang Patrick Stevedoring Pty Ltd [2003] HCA 33


Facts

- Gifford’s father was involved in a horrible work accident resulting in his death
- The children never saw his body or the accident, but upon learning the news, suffered nervous shock

Issue

- Could they claim in negligence for nervous shock?

Held

- Yes, because *Tame & Annetts* had done away with the “direct perception” element
- The employer had such control over the working conditions as for it to be reasonably foreseeable
- Children are particularly vulnerable
- The preexisting relationship between employer, employee and employee’s children satisfied the test

Law case summary from www.lawcasesummaries.com