

Leichhardt Municipal Council -v- Montgomery [2007] HCA 6

<http://lawcasesummarries.com/knowledge-base/leichhardt-municipal-council-v-montgomery-2007-hca-6/>

Facts

- The council engaged a third part contractor to work on a road
- Due to their negligent behavior, the contractors left a hazard which injured a passerby

Issue

- Did the contractor of the road authority owe a non-delegable duty in this instance?

Held

- No, the general rule of non-delegable duty will not apply to the contractors of Road Transport Authorities, based on construction of the *Roads Act*
- Unless a principal/road authority is found on the facts to have a non-delegable duty of care, it will be necessary to show actual negligence on the part of the principal/road authority to establish liability.
- *Note, you will need to look at the construction of the act to see if it is non-delegable*

Law case summary from www.lawcasesummarries.com