

Mulligan v Coffs Harbour City Council (2005) HCA 63

<http://lawcasesummarries.com/knowledge-base/mulligan-v-coffs-harbour-city-council-2005-hca-63/>

Facts

- Mulligan was swimming in Coffs Harbor when he performed a dive several times. On the last occasion, he hit a sand dune and became a paraplegic.
- There were no signs warning of the uneven bed as a result of the sand dunes in the area

Issue

- Was it negligent on the part of the Coffs Harbour council?

Held

- Although the risk was foreseeable, it was outside the scope of the duty of care to put up signs
- Although tragic, the Court accepted that sometimes people are ‘authors of their own misfortune’
- It was distinguished from *Rottnest Island Authority* because in Mulligan’s case, the risk was not as obvious.

Law case summary from www.lawcasesummarries.com