

Dangers of Unsafe Glazing

Recent judgments highlight dangers of unsafe glazing

Building owners and operators must ensure glass on their premises meets current Australian Standards or they run the risk of being sued for negligence. This is the clear message from several court cases.

An 11 year old Northern Territory girl successfully claimed \$139,058 in damages after her leg was almost severed when she fell through a glass door. The court found that the owner was liable for not installing toughened Grade A laminated glass in line with current Australian standards.

And in a separate incident, a man was awarded \$11,400 in damages after he walked through a plate glass door at a takeaway store, thinking the door was open. He suffered extensive lacerations to his face. The judge ruled that the store had not placed strips, stickers or markings to indicate the presence of an obstacle. The only indication of the door being closed was a 15cm x 75cm plastic 'Closed' sign.

These follow earlier cases in which:

- An 18 year old South Australian girl was awarded \$23,961 in damages. Her back and arms were seriously lacerated and disfigured by a breaking shower screen. The court found that the owner/operator South Australian Housing Trust, was liable for having glass in the shower screen not up to current Australian Standards.

- A year 11 student was awarded damages of \$260,000 after he fell through school cafeteria glass doors. The court found the school failed to replace plate glass in the cafeteria doors with stronger safety glass required by Australian Standards.

"For both safety and legal reasons, those who may be affected by claims for unsafe glazing practices would be well advised to consider replacing glass that does not meet current Australian Standards - regardless of when the glass was installed," said Australian Glass and Glazing Association Executive Director Ian Koochew.

Mr Koochew said building owners and operators should make sure that all glass products on their premises are:

- glazed to Australian Standard 1288;
- fit for their purpose;
- adequately marked to indicate the presence of glass.

"In addition, all laminated safety glass should be marked with the Australian Glass and Glazing Association (AGGA) accredited installers label. The label shows home owners, builders and inspectors that the correct glass has been installed by an accredited person," Mr Koochew said.

"We have now seen a series of judgments given against landlords and some of the damages payouts have been substantial. Landlords, real estate agents and their legal advisers ignore this at their own peril," he added.

Pool Contract Surfaces

Building a new Pool?... then take advantage of Standards Australia's newest consensus based Contract for the supply and construction of concrete swimming pools and spas.

Standards Australia, the nation's peak standards body, has developed the document with the aid of a wide range of consumer, building and regulatory groups to provide a Contract that is practical, reasonable and fair to all parties concerned.

Unlike its popular predecessor, which was published in 1984, AS 2160.1 - 1998 now contains new clauses on contract inclusions, workmanship and disputes.

It has been thoroughly reviewed to satisfy Principal and consumer requirements of Federal State and Territory laws, and includes a cooling off period and right to terminate the Contract where the contractor has failed to finish the work.

The Contract is also based on more user-friendly terminology and presentation than its predecessor, with eye catching "alerts" and "warnings" in the margins and "items" for specific details which need to be filled in.

Susan Foley, Paralegal with Standards Australia's Contracts and Business Group, said particular attention was paid to insurance issues.

"The Contract now provides that the Contractor must effect a Public Liability policy and Workers Compensation Insurance 'so that they are in force from the date on which the contract commences work'," she said.

Ms Foley said the Standard would be a valuable document for both Contract Principals and consumers.

"It is an immediately accessible Contract which provides the basis for a fair and equitable agreement between parties," she said.

Sketches on Territory Legal History

Continued from page 15

¹⁵ Letter G R McMinn to the Minister 5 1885, reproduced in the correspondence referred to in endnote 26 *infra*.

¹⁶ NTTG 12/7/1884

¹⁷ NTTG 6/8/1884; *Adelaide Observer* 16 1884

¹⁸ NTTG 9/8/1884; *Adelaide Observer* 16. 1884

¹⁹ NTTG 16/8/1884

²⁰ *Adelaide Observer* 16/8/1884

²¹ NTTG 20/9/1884

²² see NTTG 1/11/1884; *S.A. Register*, 1/1 1884. Herbert was a solicitor practising in Palmerston at the time, and was late to become the Judge and Government Resident (1905-1910)

²³ *Adelaide Observer*, 20/9/1884. In a letter published in the NTTG on 1/11/1884 an anonymous correspondent pointed out that Pater's supporters included a "drunken carter, a dismissed policeman, and others whose stock in trade is a window and a few sheets of foolscap, combined with a few who transact all their business in their bedrooms".

²⁴ SA Govt. Gazette, 9 October 1884, p 1383

²⁵ NTTG 11/10/1884; *Adelaide Observer*, 11/10/1884

²⁶ *Correspondence Between Mr Solomon and The Government Resident, Northern Territory*, S.A. Govt Printer, 17/11/188:

²⁷ B. James, *No Man's Land*, (Collins, 1989), p 66-7

²⁸ Emily Pater's grave is in the Goyder Road cemetery, and still in excellent condition. Carment, Wilson & James, op. cit. endnote 12 *supra*, p 55; P.F. Donovan, *Land Full of Possibilities*, (University of Qld Press, 1981) p 158.

³⁰ SA Govt Gazette, 24/7/1890, p178

³¹ 5a

³² Carment, Wilson & James, op. cit. endnote 12 *supra*, p 56

³³ S.A. Govt Gazette, 25/2/1892, p 459

³⁴ *Adelaide Observer*, 13/8/1892

³⁵ *Adelaide Observer*, 20/8/1892

³⁶ NTTG 12/8/1892

³⁷ James, op. cit. endnote 27 *supra*, p 67

"This makes it an excellent alternative for Principals and consumers wishing to avoid problems experienced with the use of other contracts drawn up for similar purposes."

AS 2160.1 - 1998 is now available at Standards Australia offices in all State capitals or from the organisation's Web site at www.standards.com.au