

### **TUTORIAL QUESTION for WEEK 7 (ELEMENTS OF NEGLIGENCE)**

Last December, Paula took her eight year old twin daughters, Ami and Bea, to the Flower Show at Dataran Shah Alam. The event was managed by a company called Flora Fauna Sdn Bhd. After watching the parade and the flower arranging competition, Paula decided to buy some flowers for her mother. Ami and Bea wanted to take part in a colouring contest which was being held in one of the tents set up for that purpose. Paula enrolled them in the contest and once the contest started, she left them in the tent and went to the nearby stalls selling flowers and potted plants.

While Paula was busy looking at and choosing the flowers, she heard a loud noise, followed by the sounds of screaming and shouting. She turned around and saw that the part of the tent where she just left her children had collapsed. She rushed to the scene and saw that some of the people seating in that area had been crushed. Paula became anxious and agitated when she saw that both Ami and Bea were among those who were injured. However, she was not able to get to them. Shortly after, Ami and Bea, together with other injured victims, were taken to the nearest hospital by the staff of Flora Fauna Sdn Bhd. Paula quickly followed the ambulance in her car.

When the ambulance arrived at the hospital, doctors and nurses immediately treated the injured victims. The next day, Paula was relieved to see that Bea had almost recovered. However, Ami's condition was much worse since she has a congenital heart disease. The doctor who was treating her had failed to detect her condition and so, had not taken appropriate steps to deal with her heart problem. The incident caused Ami to develop extreme fatigue. Since then, she has been unable to perform her daily activities like go to school or even to walk up the stairs at their house.

Investigations later revealed that the tent collapsed because it had not been properly set up. This had caused the main pole to fall and crushed the people in the tent, including the children taking part in the colouring contest.

Based on relevant authorities, discuss the possibility of claims in negligence against Flora Fauna Sdn Bhd.

# Blonds Essays Questions For Torts

**Joacim Rocklöv**



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