

GREENS LIST

BARRISTERS

Common law General damages/pain & suffering awards 2023 to 2026

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Barristers, Greens List

Case	Brief Facts	Injury	General Damages/Pain and Suffering award	Notes
Tsiaras v SPI Management Pty Ltd [2023] VCC 699	Plaintiff slipped and fell on a dance floor	Physical (left shoulder injury)	Judgement for the defendant. However, assessed at \$150,000	
Cassidy v Metro Trains Melbourne Pty Ltd [2023] VCC 1866	Transport accident- train passenger injured whilst disembarking	Physical (hip and shoulder) and psychological	\$250,000	
Carrie Peters (a Pseudonym) v State of Victoria [2023] VCC 1791	Unlawful arrest and false imprisonment on the part of Victoria Police	Psychiatric injury	\$60,000 [and \$25,000 for aggravated damages]	Held that the claim does not fall within exception under s28LC of the <i>Wrongs Act</i> - plaintiff required to comply with Part VBA
Footscray Football Club v Kneale [2024] VSCA 314	Sexual assault of child spectator by volunteer with sporting club	Psychiatric injury	\$850,000	
Bishop of Roman Catholic Diocese of Wagga Wagga v TJ [2024] VSCA 262	sexual abuse committed by a parish priest in 1970s	psychological injuries (complex PTSD and depression)	\$550,000	
Lapetina v Elgee Park Pty Ltd [2024] VSCA 39	Plaintiff worked as a housekeeper	Psychiatric injury	\$150,000	

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Ripper v Gobel Aviation Pty Ltd (in liq) [2024] VCC 1907	Plane crash during solo flying assessment	Psychiatric and physical injuries	\$150,000	Defendant's appeal was dismissed by Court of Appeal
Collopy v Parks Victoria (No 2) [2024] VCC 1931	Plaintiff worked as a ranger with Parks Victoria	Low back, knees, left shoulder, wrists, hands and consequential psychological injury	\$5,000	Award was for injury to left shoulder only
Haidari v Max Lucas Development and Construction (Assessment of damages) [2024] VCC 865	Plaintiff injured whilst working at a construction site	Physical (spine and neck) and psychological	\$300,000	
McKenzie v Charles Stewart & Company Proprietary Limited (trading as Colac Rental Management) [2024] VCC 429	Plaintiff slipped and fell from a concrete step at the rear of a house he rented	Left ankle injury	Proceeding was dismissed (no breach of duty by defendant) However, assessed at \$170,000	
Hart v Frost-Cornwall [2025] VSC 330	Motor vehicle accident	Knee injury- 3 surgeries	\$400,000	
Folaumoeloa v CCS Commercial Construction Specialists Pty Ltd [2025] VSC 592	Plaintiff sustained partial amputation of finger on construction site while using circular saw	Physical and psychological injury	\$300,000	Assessment reduced by 10% for contributory negligence

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Brown v State of Victoria (No 3) [2025] VSC 765	Claim of battery by reason of use of OC foam by police	Psychiatric injury and temporary physical injury	\$40,000	\$10,000 in aggravated damages
Gawthrop v Bendigo Health [2026] VSC 157	Claim of negligence, assault and battery in relation to vaginal examination	Psychiatric injury	\$275,000	Aggravated damages were sought but not awarded
McMahon v Balint-Smith [2026] VCC 297	Claim of negligence against owner of dog who ran into plaintiff at an off-leash dog beach	Injury to left knee	\$250,000	Matter was heard as a cause – no jury