



## Public liability claims if injured while shopping

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Going to the supermarket or your local shopping centre is a regular occurrence for many people from week to week. In Victoria, stores are required to take reasonable care for your safety when you are on their premises. If they fail to do so and this results in you sustaining a permanent injury, then you may have options to pursue compensation for your injuries. This is called a public liability claim.

### What type of accidents might occur in supermarkets and other shops?

Common accidents that can happen while shopping includes:

- slips on wet floors or items;
- trips over objects left in the walking path;
- trips on uneven flooring in stores or car parks;
- injuries caused by faulty or unsafe trolleys;
- injuries caused by faulty or unsafe escalators;
- slips and trips on staircases that were not maintained properly, for example, if the handrail was broken.

You can learn more detail about the types of injuries that may lead to a claim in our previous blog, [“Public liability claims – what injuries are covered in “slip and fall” incidents”](#).

# You must have a “significant injury” to claim public liability compensation

To bring a claim in negligence against a store, you must have suffered a “significant injury”. We explain [the term ‘significant injury’ in more detail here](#).

Examples of some of the types of significant injuries that might lead to a public liability claim due to an injury while shopping include:

- spinal injuries;
- broken bones;
- head injuries;
- significant cuts; and

This is not an exhaustive list. If you are not sure whether you have suffered a significant injury, you should seek legal advice.

[Free advice to find out where you stand: 1300 700 761](#)

## What sort of compensation is available if injured while shopping?

In order to claim compensation, there are a number of key elements that need to be established.

- Firstly, your injury must meet the significant injury threshold to claim for pain and suffering damages. This means that your injuries are permanent, stable and meet the required significant injury threshold as outlined by the *Wrongs Act*
- Secondly, you need to establish that the occupier or person responsible owed you a duty of care.
- Thirdly, you need to be able to prove that the occupier or person responsible breached their duty of care, ie. failed to provide you with a safe environment.

If the above criteria are met, you may be able to claim damages for pain and suffering and economic loss.

1. Pain and suffering damages: this type of damages aims to recognise the loss of enjoyment of life or any other non-economic consequences suffered by you in the past and the future as a result of your injuries.
2. Economic loss: this type of damages aims to recognise the economic impact of your injury. For example, if you are unable to work for a period following the accident or on a more permanent basis, you will have an economic loss that will entitle you to compensation. Any other expenses, such as medical expenses incurred as a result of the injuries or care required as a result of the injuries, may also be able to be claimed.

## Time limits for public liability claims

In Victoria, to claim public liability compensation, you must generally issue court proceedings within three years of the accident occurring. There are some limited circumstances where this time limit can potentially be extended but it becomes more difficult to

pursue a claim.

It is, therefore, important that you do not delay getting legal advice. The earlier you engage an experienced public liability lawyer, the better.

[It costs you nothing to find where you stand: 1300 700 761](tel:1300700761)

## Am I also responsible for my own safety while shopping?

As well as the store owing you a duty to take reasonable care for your safety, individuals are also required to take reasonable care for their own safety and to avoid a risk of injury to themselves. For example, if you see a water spill on the floor and you deliberately walk through it, any compensation claim may be void.

If you were partially at fault in the accident, this can, in some circumstances, reduce the amount of available compensation but does not necessarily mean you cannot make a claim. This is a concept known legally as contributory negligence.

We strongly recommend seeking advice from an experienced public liability lawyer to assess the viability of your claim and advise you on the potential compensation options that are available. It's important to remember that the insurer's interests (or the shopkeeper's) are not the same as yours. Do not simply accept that there is no claim, including where you may have already lodged a claim, and it has been denied by the insurer.

## Some practical steps to take if you have been injured in a supermarket or other shop

If the incident has not already been reported to the store, you should notify them as soon as practicable.

It is a good idea to write down a comprehensive account of what happened as soon after the incident as possible. If you are able to, take photographs of the cause of your injury, eg. uneven pavement or spilt liquid, as this can assist at a later stage. It is also wise to write down any witnesses' names and their contact details as they may be able to assist in the future.

Make sure you are getting the medical treatment you need for your injuries. Having contemporaneous medical evidence which documents the cause of your injuries and what they are is very important for a public liability claim. Taking photographs of the injuries you have sustained can also assist.

Ensure you keep all receipts for any monies spent on medical treatment, including medications, as this can assist with claiming these back later on. If you require care from family members or friends following the accident, keep a logbook of the hours they have spent caring for you, as this can also aid in the process at a later stage.

## Get help from a public liability lawyer

Guardian Injury Law has a wealth of experience with public liability claims. We know from our experience that injuries in stores (supermarkets, shopping centres or smaller shops) can arise in all manner of circumstances.

The viability of any potential public liability claim needs to be assessed on a case-by-case basis. Call us today for free advice about your options. We also run viable public liability claims on a no win no fee basis.

## Contacting Guardian Injury Law

[1300 700 761](tel:1300700761)

[enquiries@guardianinjurylaw.com.au](mailto:enquiries@guardianinjurylaw.com.au)

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*This article is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.*