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## LawTalk Blog



# I tripped and fell on a footpath. Can I make a claim?

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If you tripped and fell on a footpath and have suffered personal injuries, loss and/or damage as a result of that incident, you may have a [claim for compensation](#).

If the incident occurred on private property like a footpath in a supermarket carpark, you could have a possible claim.

If the fall occurred on public property like a footpath belonging to your local city council, the answer is more complicated. the *Civil Liability Act 1936* was amended in 2004 so that from 1 April 2004, road authorities (including Councils) are not liable for a failure to maintain, repair or renew a road, or to take other action to avoid or reduce the risk of harm that results from a failure to maintain repair or renew a road.

The definition of "road" includes a street, [road](#) or thoroughfare to which public access is available to [vehicles](#) or pedestrians (or both), and includes footpaths, bridges, alley, laneways, carparks, and curbs.

These changes a decade ago effectively gave councils full immunity from any claim arising out of their failure to properly maintain or repair footpaths. So no matter how bad the state of the footpath is and how serious your injuries are, you would not have a claim for compensation against the Council.

However, the 2004 changes only provided immunity for failure to maintain, repair or renew; it does not include an act that caused damage to a footpath. For example, if the Council had arranged for the pavement on a footpath to be dug up and you tripped and fell on that, you could have a possible claim.

Legal advice is necessary to determine whether or not there is any legal basis to claim, who to sue, the chances of success and the costs of litigation.

When making a claim for compensation arising from any personal injury claim in South Australia, there is a time limit of 3 years within which you will need to settle your claim or commence an action in Court.

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*Please note, this Blog is posted in Adelaide, South Australia by Andersons Solicitors. It relates to South Australian legislation. Andersons Solicitors is a medium sized law firm servicing metropolitan Adelaide and regional South Australia across all areas of law for individuals and businesses.*