

Business strategies: New challenges

References

- To succeed in an action for battery the Plaintiff must prove on Balance of probabilities that:
 - D caused some form of "physical interference" with his/her person.
 - The interference was direct;
 - The act was intentional or negligent; and
 - There was no "consent" of lawful justification for such conduct.
 - (i) Direct application of physical force
 - Any unwanted contact, no matter how trivial is battery: *Collins v Wilcock*
 - Need not be hostile or done in anger: *Coll v Turner*
 - Not limited to bodily contact: *Sherwell v Bradford*
 - Interference followed so closely by D's act that it could be considered part of the act (can be an unbroken series of consequences): *Scott v Shepherd*
 - *Smith v Shepherd*: D threw lighted gun powder squibs at market, in a series of throwing by others to avoid injury it hit P in the face and took out his eye. Held: injury was direct result of D's action. D was liable in battery
 - Act of D must be active and not passive (e.g. blocking a door entirely passively or like a wall would not constitute battery): *Irwin v Hyde*
 - (ii) Fault
 - There is no liability unless the act is done intentionally or negligently: *Coll v Turner*
 - D must bring about the action consciously which result in battery: *McNairne v Dawson*; In this case court held that P did not consent to blow struck by D when he had let go off the ball in AFL match
 - Knowledge of contact is not essential: *Murray v Ministry*
 - *Rice v Silver City Casino*: D placed hand on P shoulder to get his attention – no battery
 - (iii) Consent
 - If P has consented to the act, then there is no battery: *McNairne v Dawson*
 - But consent must be given freely and without fraud or duress: *R v Williams*
 - Sports have implied consent unless it is outside the rules of the game: *McNairne v Dawson*
 - Conduct part of everyday life is no battery: *Collins v Wilcock*
 - In medical emergency, it is permissible to give medical treatment without consent, "subject to knowledge of any refusal by patient": *Reper v Whistler*
 - In case of incompetent persons, guardian can give consent: *Commonwealth Administration Act 2006 (Vic)*
- CO MODULE NEXT PAGE

Good Structure Torts Answer

James Goudkamp



Good Structure Torts Answer:

Adopting the Song of Phrase: An Psychological Symphony within **Good Structure Torts Answer**

In some sort of eaten by monitors and the ceaseless chatter of fast transmission, the melodic beauty and psychological symphony created by the published term often fade in to the back ground, eclipsed by the relentless sound and distractions that permeate our lives. Nevertheless, situated within the pages of **Good Structure Torts Answer** a charming fictional treasure filled with fresh thoughts, lies an immersive symphony waiting to be embraced. Constructed by a wonderful composer of language, that charming masterpiece conducts readers on an emotional journey, skillfully unraveling the hidden tunes and profound affect resonating within each cautiously crafted phrase. Within the depths of this moving assessment, we shall explore the book is key harmonies, analyze its enthralling writing fashion, and submit ourselves to the profound resonance that echoes in the depths of readers souls.

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