

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: *Stubbell v Sheford*
 - 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*
 - *Scott 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 actions. 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 Duncanson*. 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*
 - *Rixon v Star 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: *McDonald v McMahon*
 - 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 Duncanson*
 - 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: *Consolidation v Administration Act 2000 (Vic)*
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Good Structure Torts Answer

Jonathan Morgan



Good Structure Torts Answer:

Whispering the Secrets of Language: An Psychological Quest through **Good Structure Torts Answer**

In a digitally-driven world wherever displays reign supreme and immediate conversation drowns out the subtleties of language, the profound techniques and psychological subtleties hidden within words usually get unheard. However, set within the pages of **Good Structure Torts Answer** a captivating fictional value pulsating with natural feelings, lies an extraordinary quest waiting to be undertaken. Published by a skilled wordsmith, that marvelous opus attracts viewers on an introspective journey, delicately unraveling the veiled truths and profound influence resonating within the very cloth of every word. Within the mental depths of the touching review, we will embark upon a genuine exploration of the book is key subjects, dissect their captivating writing fashion, and fail to the strong resonance it evokes strong within the recesses of readers hearts.

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