

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 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 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*
 - *Stone 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: *McNairne v Dawson*
 - But consent must be given freely and without fraud or duress: *A v M'Leane*
 - 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: *Consolidation & Administration Act 2000 (Vic)*
- CO MODULE NEXT PAGE

Good Structure Torts Answer

L Cohen



Good Structure Torts Answer:

The book delves into Good Structure Torts Answer. Good Structure Torts Answer is an essential topic that must be grasped by everyone, ranging from students and scholars to the general public. This book will furnish comprehensive and in-depth insights into Good Structure Torts Answer, encompassing both the fundamentals and more intricate discussions.

1. The book is structured into several chapters, namely:
 - Chapter 1: Introduction to Good Structure Torts Answer
 - Chapter 2: Essential Elements of Good Structure Torts Answer
 - Chapter 3: Good Structure Torts Answer in Everyday Life
 - Chapter 4: Good Structure Torts Answer in Specific Contexts
 - Chapter 5: Conclusion
2. In chapter 1, this book will provide an overview of Good Structure Torts Answer. The first chapter will explore what Good Structure Torts Answer is, why Good Structure Torts Answer is vital, and how to effectively learn about Good Structure Torts Answer.
3. In chapter 2, this book will delve into the foundational concepts of Good Structure Torts Answer. This chapter will elucidate the essential principles that must be understood to grasp Good Structure Torts Answer in its entirety.
4. In chapter 3, the author will examine the practical applications of Good Structure Torts Answer in daily life. The third chapter will showcase real-world examples of how Good Structure Torts Answer can be effectively utilized in everyday scenarios.
5. In chapter 4, this book will scrutinize the relevance of Good Structure Torts Answer in specific contexts. This chapter will explore how Good Structure Torts Answer is applied in specialized fields, such as education, business, and technology.
6. In chapter 5, this book will draw a conclusion about Good Structure Torts Answer. The final chapter will summarize the key points that have been discussed throughout the book.

The book is crafted in an easy-to-understand language and is complemented by engaging illustrations. It is highly recommended for anyone seeking to gain a comprehensive understanding of Good Structure Torts Answer.

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