

Business strategies: How Wal-Mart

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*
 - *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: *Commonwealth Administration Act 2006 (Vic)*
- CO MODULE NEXT PAGE

Good Structure Torts Answer

Julia Schneider



Good Structure Torts Answer:

Unveiling the Energy of Verbal Artistry: An Psychological Sojourn through **Good Structure Torts Answer**

In a world inundated with displays and the cacophony of fast connection, the profound power and psychological resonance of verbal beauty frequently diminish into obscurity, eclipsed by the continuous barrage of noise and distractions. Yet, situated within the lyrical pages of **Good Structure Torts Answer**, a fascinating work of literary elegance that impulses with organic feelings, lies an memorable journey waiting to be embarked upon. Composed with a virtuoso wordsmith, that mesmerizing opus courses viewers on a psychological odyssey, delicately exposing the latent possible and profound affect stuck within the delicate web of language. Within the heart-wrenching expanse with this evocative examination, we will embark upon an introspective exploration of the book is main themes, dissect its charming writing design, and immerse ourselves in the indelible impression it leaves upon the depths of readers souls.

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