

Topic 9: The scope of tort law – Negligence	Rogers v Whitaker	Types of conduct in negligence: Make a statement, giving advice, or failing to do so	Successful
	Perre v Apand Pty Ltd	Types of conduct in negligence: Economic loss	Successful
	Donoghue v Stevenson	Duty of care (1 st element): Neighbor principle	Successful
	Shaddock & Associates Pty Ltd v Parramatta City Council	Duty of care (1 st element): Plaintiff reasonably relied	Successful
	Romeo v Conservation Commission of the Northern Territory	Breach duty of care (2 nd element)	Unsuccessful; drunk
	Adeels Palace Pty Ltd v Moubarak	Damage, loss/injury (3 rd element): 'but for' test; factual causation	Unsuccessful
	Overseas Tankship (UK) Ltd v Miller Steamship Co Pty Ltd	Damage, loss/injury (3 rd element): 'reasonable foreseeability' of harm	Successful

Topic 7: Remedies for breach of contract

Termination

1

Must prove that there has been a breach of condition

Associated Newspapers v Bancks

Damages

1

**Define damages*

Innocent party has suffered loss

Radford v de Froberville

2

Direct losses and consequential losses

Hadley v Baxendale

3

Stress/disappointment

Baltic Shipping Co v Dillon

4

Mitigation of damages

**If successful, defendant only liable for reduced loss*

Burns v MAN Automotive

Specific Performance

1

**Define specific performance*

Not available for personal service

Lumley v Wagner

Injunction

1

**Define injunction*

Defendant about to breach contract

Plaintiff must show:

- (i) Legal right of a proprietary nature
- (ii) Infringement is likely to continue or be repeated
- (iii) Contract is final expression of parties' rights

Buckenara v Hawthorn Football Club Ltd