



FIGURE 6.2 Requirements to establish a breach of duty

Requirement 3: Causation (s11 Civil Liability Act)

Did the breach of duty actually cause the injury?

It must be established that the defendant's breach of duty caused the harm suffered by the plaintiff. According to the civil liability legislation, in deciding that a breach of duty caused particular harm, the court must be satisfied that:

1. The breach of duty was a necessary condition of the occurrence of harm (factual causation test)
2. It is appropriate for the scope of the liability of the defendant to extend to the harm so caused (scope of liability test)

Was the harm caused by the breach of duty?

The **"But For" test**: But for (or if not for) the Def's carelessness (their actions or inactions) would the PI have still suffered harm?

Yates v Jones [1990]	
Facts	Yates was injured in a car accident caused by Jones. Visited in hospital by friend who suggested she take heroin to ease the pain. Yates became addicted to the heroin. Yates sued Jones for the cost of the heroin addiction.
Consider	Yates was hit by Jones but became addicted due to her friend's actions