Bailments

Attack Plan

Framework of Answer:

- **Issue:**
  - Whether there is bailment between A and B for item A.
  - Whether bailment has been terminated.
- **Rules:**
  (determine if bailment exists)
  - Under ***Hobbs v Petersham***, bailment requires: delivery of goods conveying transfer of possession and control; voluntary acceptance of responsibility by the bailee; a specific purpose; and an obligation to return goods to the bailor.
  - There are two types of bailment. A gratuitous bailment involves safekeeping with no consideration (***Thomas Brown & Sons Ltd v Deen***), while a bailment for reward involves safekeeping or doing something to goods for payment (***A1 Perfect Plumbing v BMW Prestige***)

  (difference between bailment and license)
  - Under ***Greenwood v Council of the Municipality of Waverly***, Licence is a permission to use premises to store goods and does not involve a transfer of possession.

- **Application:**
  - Determine whether there is bailment, go over each of the three elements in ***Hobbs v Petersham***.
  - Compare with ***Greenwood*** ie simply merely licensing storage space as a service to store goods, this is not a transfer of possession as owner has exclusive access to the goods at any time
  - Determine what type of bailment ie compare with ***Thomas Brown & Sons*** if applicable

  **Unlikely to be anything to do with duties as no cases for duties have been mentioned.*

- **Conclusion:**
  - There likely is/isn't bailment
  - Bailment has/hasn't likely been terminated