

## Intentional Torts

Any direct invasion of a protected interest (integrity, liberty and privacy) from a positive act is actionable subject to legal justification

### Battery

Battery is the intentional contact with the body of another person without that person's consent. The elements to constitute a battery are as follows:

1. **A Positive Act** – as opposed to an omission (however omissions can be a continuation after a positive act even if accidental) (**Fagan v Metropolitan Police Commissioner**)
  2. **Direct (fault element) and Intentional or negligent act** – intention to do a direct act, not necessarily causes the consequence. Where directness is an interference with the person (**Hutchins v Maughlan**)
  3. **Unlawful touching** – Touching without consent that would not occur in the generally acceptable ordinary conduct of daily life (**Rixon v Star City Casino**)
- **Scott v Shepherd (1773)** – “intermediate acts of battery are merely continuations of the defendants original act if they are inevitably excited in self defense
  - **Rixon v Star City Casino (2001)** – “any touching of the person can amount to battery with the exception of what is generally acceptable in the ordinary conduct of everyday life”