

---

# Index

---

## **Breach of contract**

liability for inducing – *see* **Employers**

## **Bullying**

liability for, 41-52  
civil liability, need for, 42-43  
cyber bullying, 49-51  
freedom of speech, 51  
liability in context, 50-51  
definition of “bullying”, 42  
legislation, 48  
schools, 45-47  
duty of care owed by teachers, 45-46  
vicarious liability for schools & school boards, 47  
tort actions against aggressors, 43-44  
United States, 49

## **Causation**

contribution – *see* **Contribution**  
European legal systems, 94-108  
early continental theory, 96-98  
French & Spanish law & doctrine, 105-107  
German adequacy theory, 98-102  
scope of rule or duty approach, 103-105  
intervening acts – *see* **Intervening acts**  
risk of injury  
Sienkiewicz, 61-64

## **Causes of action**

assignment & champerty, 119-124

## **Children**

intervening causation – *see* **Intervening acts**

## **Contribution**

material contribution test (Canada), 86-93  
Clements, 90-91  
contraction, 91-92  
culpability, 92-93  
Hanke, 88-90  
pre-Hanke, 87-88

## **Contributory negligence**

children  
intervening causation and, 157-159

## **Defamation**

negligence and (NZ), 58  
parliamentary privilege and (NZ), 53-58  
privacy and – *see* **Privacy**

## **Employers**

liability for inducing breach of contract, 142-148  
inducing a breach of contract, 142-144  
recent case law, 142  
recruitment & selection process, 144-146  
recruitment consultants’ liability, 147  
restrictive covenants, 146-147

## **Intervening acts**

child protection, 149-160  
acts of other persons under disability, 156-157  
case law development, 150-152  
firearms cases, 152-153  
novus actus interveniens vis-à-vis contributory negligence of children, 157-159  
potentially dangerous articles or substances, 153-156

## **Liability**

bullying – *see* **Bullying**  
employers – *see* **Employers**  
medical – *see* **Medical negligence**  
psychiatric injury – *see* **Psychiatric injury**  
public authorities – *see* **Public authority liability**

## **Loss of a chance**

Tabett v Gett, 76-85  
arguments considered, 78-85  
loss of chance doctrine, 76-78

## **Medical negligence**

legal system (China), 65-75  
administrative regime, 66-68  
judicial regime, 68-70  
laws in practice & defensive medicine, 70-72  
legislative reform, 72-75  
loss of chance – *see* **Loss of a chance**

**Negligence**

- contributory – *see* **Contributory negligence**
- defamation and (NZ), 58
- discrete – *see* **Public authority liability**
- privacy and, 112-113
- public authorities – *see* **Public authority liability**
- systemic – *see* **Public authority liability**

**Nuisance**

- planning law and (Scotland), 29-40
  - 19th century insurance schemes, 30
  - 20th century regime, 31-38
    - good neighbour agreements, 35-36
    - human rights jurisprudence, 37-38
    - national developments, 36-37

**Parliamentary privilege**

- defamation and (NZ), 53-58

**Planning law**

- nuisance and – *see* **Nuisance**

**Privacy**

- imbalance between privacy law & defamation, 109-115
- defamation & privacy, 111
- doctrinal refinement, 111-112
- English law, 113
- Mosley, 109-110
- negligence and, 112-113

**Psychiatric injury**

- liability (Canada), 18-28
  - duty & remoteness, 25-28
  - extent of compensable damage, 21-24
  - recent cases, 19-21
    - Healey, 20
    - Mustapha, 19-20

**Public authority liability**, 3-17

- calibrated approach, 14-16
  - discrete negligence, 14-15
  - systemic negligence, 15-16
- discrete vs systemic cases, 6-9
  - comparison with other judicial distinctions, 8-9
  - discrete cases of negligence, 6-7
  - systemic negligence, 7-8
- duty of care, 5-6
- legal norms & policy arguments, 9-12
  - court's approach to cases of discrete negligence, 9-10
  - court's approach to cases of systemic negligence, 10-12
- new framework for assessing, 12-14
  - categorical problems, 12-13
  - compliance-based problems, 14
  - dialogic problems, 13-14

**Rescuers**

- common law rule, 125-141
  - case law, 127-128
  - compensation, 140
  - duty of care in relation to innocent third party, 131-134
  - medical rescue, 138-139
  - negligent imperilling cases, 128-131
  - negligent rescue attempts & intervening causation issues, 135-137
  - professional rescuers, 134
  - property, 137-138
  - self-rescue, 139-141
  - standard of care required, 134-135

**Risk**

- Causation – *see* **Causation**