

THE TORT LAW REVIEW

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NOTES

Barristers' Negligence – *Stephen Todd*.....69

ARTICLES

Personal responsibility and the “new” volenti –
Mark Lunney

This article explores how ideas of personal responsibility have been incorporated into actions for negligence against occupiers and providers of recreational activities. It identifies a trend, both at common law and in legislation, to express distaste for the plaintiff's conduct by finding that the defendant has not breached any duty owed to the plaintiff. It concludes that the use of ideas of personal responsibility in this way is crude, and that if personal responsibility is to have a role in allocating responsibility in the law of tort, it needs to be redefined in more nuanced and flexible terms.76

Genetically modified organisms and private nuisance liability – *Karinne Ludlow*

The interaction of tort law with the national regulatory scheme for genetically modified organisms (GMOs) and new State restrictions on GMO releases is a recently created uncertainty for farmers. In light of these regulations, this article examines the liability of those releasing agricultural GMOs in Australia for private nuisance. It is submitted that whilst the national scheme is of little assistance to those defending themselves in tort proceedings, the State legislation has considerable

relevance. Interestingly, releasers of non-prohibited GMOs are least likely to be liable in those States with legislation prohibiting certain GMO releases rather than in those States without such legislation.92

Actionable violence or “just part of the game”? Applying standard trespass and negligence principles to sports violence in Canada – *Trevor E Fenton*

This article examines the application of tort law to injuries caused by one player to another player during sports competitions. Courts are reluctant to impose liability on those who participate in socially useful activities. It is argued that a disciplined application of standard tort law principles to sports violence cases would not expose players to undue liability. Instead, such an approach would lead to more consistent and satisfactory results.122

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5. Austin, n 4, p 56.

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6. Sheehy EA, Stubbs J and Tolmie J, "Defending Battered Women on Trial: The Battered Woman Syndrome and its Limitations" (1992) 16 Crim LJ 220.
7. Sheehy et al, n 6 at 221.

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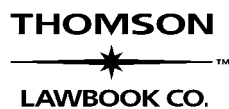
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