Index

Anns test - see Duty of care

Banking

freezing injunctions and duty of care in negligence, 164

Breach of duty limitation period, 125–129

Building – see Construction

Causation

harm to children in immigration detention, 26

Cheques - see Conversion of cheques

Child abuse

mistaken diagnosis social workers' negligence, 135-147

Children

immigration detention – *see* **Immigration detention** right to sue for social workers' negligence, 135–147

Community standards - see Proximity

Compensation

children in immigration detention, 25-26

Construction

builder's duty of care, 106–108 policy factors, 110–113 defective buildings, 105–120 consumer protection 113–119

Consumer protection defective buildings, 113–119

Conversion of cheques liability, 132–134

Crown liability

administrative law, 157 discretionary purpose, 156–157 entitlement theory, 151–152 executory purpose, 157–160 general reliance, 152 immigration detention centres, 27–31 negligence, in, 148–160 current law (Canada), 152–153 justification, 149–151 rationale for modifying analysis, 153–157

Defamation – see Libel

Defective buildings – see Construction

Detention, immigration – see Immigration detention

Disease or disorder - see Personal injury

Duty of care

non-delegable – *see* Non-delegable duties policy/operational distinction, 154–156

Economic loss

bank's duty of care, 169–173

European Convention on Human Rights

local authority's child protection duties, 141– 144

Exemplary damages intentional torts, 166–167

False imprisonment children in immigration detention, 23

Foreseeability

harm to children in immigration detention, 26 negligent misstatement, 129–132

Governments liability of – *see* Crown liability

Human rights children in immigration detention, 16–32

Human Rights Act 1998 (UK) local authority's child protection duties, 141– 144

(2006) 14 Tort L Rev 191

Immigration detention harm suffered by children, 16–32

Individual responsibility - see Responsibility

Insurance defective buildings, 117–119 tort law reform, 5–8, 13

Intentional interference with the person children in immigration detention, 22–23 negligence law reform, 161–168

Jury trial libel actions, 64–78

Justice corrective or distributive, 21–22

Law reform - see Tort law reform

Levinas, Emmanuel philosophy of negligence, 33–50

Liability governments, of – see Crown liability

Libel jury trials, 64–78

Limitation periods personal injury, 125–129

Local government

liability for social workers' negligence, 135– 147

Malice

libel jury trials, 73-74

Misstatement, negligent – see Negligent misstatement

Negligence

banking, in – *see* **Banking** intentional torts and, 161–168 limitation period, 125–129 philosophy Levinas, 33–50

Negligent misstatement physical injury and, 129–132

Non-delegable duties children in immigration detention, 29–31

Nuisance limitation period, 125–129

Obvious risks dangerous recreational activities, 58–63

Occupational health & safety – see Workplace trauma or death

Personal injury

disease or disorder, 127–129 limitation period, 125–129

Privilege qualified, in jury trials, 74–77

Proximity community standards violation, 22 government liability in negligence, 153–154 responsibility, 41–46

Reasonable foreseeability – see Foreseeability

Recreational activities dangerous (NSW), 58 obvious risks – see Obvious risks

Remoteness

reasonable foreseeability test – see **Foreseeability**

Rescuers asymmetric responsibility, 46–50

Responsibility

asymmetric, 33–50 individual, 8

C LAWBOOK CO.

(2006) 14 Tort L Rev 191

Index

Social host liability

Childs v Desormeaux, 174–182

Social workers

negligence children's right to sue, 135–147

Tort law reform

Australia, 13–15 judicial attitudes, 8–11 legislative change, 11–13 overview, 5–15

Trespass

negligence distinguished, 161

Vicarious liability

immigration detention centres, 27–29 **Vulnerability – see also Responsibility** builder's duty of care, 112–113

Workplace trauma or death

breach of statutory duty, 79–87 Australia, 84–87 United Kingdom, 81–84 regulatory change, 87–104 United Kingdom, 90–94 risk management provisions Australia, 99–103 United Kingdom, 94–99