

TORT LAW REVIEW

Volume 16, Number 1

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NOTES

- Is Anns alive and well in Singapore?** – *Cheng Lim Saw* 5

ARTICLES

Confusion, contradiction and chaos within the House of Lords post Caparo v Dickman – *John Hartshorne*

This article seeks to demonstrate how decisions of the House of Lords upon duty of care in negligence following *Caparo Industries plc v Dickman* [1990] 2 AC 605 have introduced confusion into the law and created avoidable difficulties for those who must apply them. It describes the varying concepts which have been adopted by their Lordships when analysing whether to create new duties of care, and explores the extent to which these concepts are intelligible. It draws attention to the contradictory reasoning adopted by their Lordships, which has contributed to general erosion in the integrity of their judgments. It is contended that the making of just decisions and the creation of clear laws are not necessarily mutually incompatible objectives. 8

The legal response to occupational stress claims – *Jesse Elvin*

Employers can be liable in contract and tort for the consequences of occupational stress. However, what exactly is the English common law in relation to occupational stress claims, and in what ways does it differ from the equivalent law in the related jurisdictions of Australia and New Zealand? This article addresses these questions. 23

Vicarious liability: A comparative review of the common law after Ffrench – *Joshua Teague*

The law of vicarious liability has seen significant development across the common law world in recent times. However, courts in different jurisdictions have adopted distinct approaches, and no unified test has emerged. Moreover, the High Court of Australia, while having had regard to developments outside Australia, has not itself adopted a unified test. This article provides a comparative review of common law developments and examines in particular the recent decision of Gray J in the Supreme Court of South Australia in *Ffrench v Sestili* (2006) 98 SASR 1, which has provided a clear pathway for a unified approach in Australia. The decision has also made clear that the risk of the imposition of vicarious liability on an employer is a business risk for which insurers ought to take note. 39

COMMENT – *Rakhi Ruparelia*

- “Denying justice”: Does the tort of negligent investigation go far enough?** 48

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