

Torts, 7th Edition

by Duncan Holmes

Reviewed by Allison Ballard, Williams Love & Nicol

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This book offers case summaries for 240 cases spanning from 1704 to 2010. Most of the summaries are for Australian and English cases with the odd New Zealand and Canadian case thrown in for good measure.

The earliest case, **Cole v Turner** (1704) dealt with trespass to the person and held that the least touching of another in anger is a battery, whereas any gentle touching without anger will not be. Fast forward almost three centuries and we find that essentially the same principle still stands. In **Wilson v Pringle** [1987] 1 QB 237, judgment for trespass to the person against a 13 year-old boy who allegedly jumped on P's back intentionally, but argued that he merely pulled P's schoolbag off his shoulder in horseplay, was overturned. Battery was held still to be an intentional and hostile touching of, or contact with, one person by another. Although all are entitled to protection from physical molestation, in a crowded world, people of necessity must take on some risk of injury from the acts of others which are not in themselves unlawful.

Trespass to the person took a new turn in Australia with **Grosse v Purvis** (2003) QDC 151 where P took her former lover to court for 'stalking', arguing that his behaviour amounted to a breach of her privacy. Skoien DCJ formulated a novel test for the tort of invasion of privacy, the stalking was found to be actionable, and damages were awarded. Unfortunately, this decision was not followed up in **Giller v Procopets** (2004) VSC 113 where D filmed sexual encounters between himself and P, some secretly and without consent. D showed the videos to others, gave a copy to P's father and contacted her employer. It was held that whilst there was some encouragement for developing a cause of action in privacy, no such cause of action presently existed.

Overall, "Torts" is very readable and informative, covering a range of torts and providing a quick glimpse into the included cases. As such it is a useful tool for students and others wanting a snapshot of the case.