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La Trobe University. Course. Principles Of Tort Law LAW2TOT. Academic year. 16/17

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Criminal law doesn't grant individuals rights (state prosecutes, not individuals)-in tort the individuals affected can actually sue Tort v Criminal Law  
Duty not to hit you. Sometimes the law imposes a duty where there is no right, this is not tort law Must coexist for jurisdiction inside tort law Right not to be hit

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Like criminal law, tort law requires a wrongful act by a defendant for the plaintiff to recover. Unlike criminal law, however, there need not be a specific intent. Since tort law focuses on injury to the plaintiff, it is less concerned than criminal law about the reasons for the defendant's actions.

### **Reading: Introduction to Tort Law | Business Law**

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⇒ The law takes a restrictive approach to imposing liability in relation to omissions: see the cases of *Smith v Littlewoods Organisation Ltd* [1987] and *Stovin v Wise* [1996] In other words, the law has not been overly willing to impose liability for negligence on someone who has simply omitted to act in a situation

### **Duty of Care: Omissions | Digestible Notes**

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