

MULTIPLE CHOICE. Choose the one alternative that best completes the statement or answers the question.

1) Which of the following is not an intentional tort?

- A) Assault.
- B) Nervous shock.
- C) Negligence.
- D) Battery.
- E) All of the above.

Answer: C

2) Lucrezia threatens Esther by saying she will spray her in the eyes with a pressure pack can of insecticide. If Esther reasonably believes that Lucrezia will do this and cause her injury, Lucrezia will be liable for the tort of:

- A) assault.
- B) assault and battery.
- C) threatened violence.
- D) battery.

Answer: A

3) Bacho became very drunk at a party. When he saw Flacco, who reminded Bacho of someone he didn't like, he walked up behind Flacco and broke a bottle across his head. Flacco's most appropriate civil action would be to sue Bacho for:

- A) battery.
- B) assault.
- C) assault and battery.
- D) public nuisance.

Answer: A

4) Donnybrook played a 'joke' on Elanor. He told her that her husband has been arrested for murder. Elanor went into depression on hearing the news and is still depressed even though she now knows Donnybrook was lying. Elanor's most likely civil action against Donnybrook is to sue him for:

- A) private nuisance.
- B) public nuisance.
- C) nervous shock.
- D) assault and battery.

Answer: C

5) False imprisonment is an intentional tort in which a person is:

- A) locked in a room.
- B) totally restrained, without lawful excuse, by another person.
- C) imprisoned for giving false answers.
- D) wrongly put into prison by the police.

Answer: B

6) Three defences that can be used to a legal action alleging intentional tort are:

- A) consent, necessity and unavoidable accident.
- B) specific performance, necessity and defence of self, other or property.
- C) *stare decisis*, necessity and unavoidable accident.
- D) injunction, statutory authority and consent.

Answer: A

- 7) If you refuse to return a video that you borrowed from a neighbour you could be liable for the tort of:
- A) kleptomania.
  - B) detinue.
  - C) false imprisonment.
  - D) conversion.

Answer: D

- 8) An example of an economic tort is:
- A) passing off.
  - B) conspiracy.
  - C) interference with a contract.
  - D) all of the above.

Answer: C

- 9) Which of the following statements is most accurate in relation to the common law tort of privacy in Australia?
- A) You have a right to privacy if you are stalked or threatened by a former lover, a debt collector or someone suffering from a mental illness.
  - B) No Australian court has yet recognised a tort of privacy.
  - C) The Australian Law Reform Commission has recommended developing a statutory action for serious invasions of privacy.
  - D) All of the above.

Answer: C

- 10) You cannot sue for a defamatory statement someone made about you unless that statement was communicated to:
- A) 20 persons who are capable of understanding the defamatory meaning.
  - B) five persons who are capable of understanding the defamatory meaning.
  - C) at least 10 persons and the statement was in writing.
  - D) at least one person who was capable of understanding the defamatory meaning.

Answer: D

- 11) You can commit defamation by making a defamatory statement through:
- A) visual material, such as a photograph.
  - B) a telephone call.
  - C) an e-mail.
  - D) all of the above.
  - E) A and B only.

Answer: D

- 12) I went to a conference last week and heard a rumour that a friend of mine has spent time in jail. I told several people about the rumour and assured them it was untrue. My friend heard what I had done and became angry with me. Have I defamed him?
- A) Yes. You can defame someone by repeating a rumour and insisting it was untrue.
  - B) No. You cannot defame someone unless you invented the rumour that attacked their reputation.
  - C) No. You cannot defame someone unless the words you used resulted in a clear and direct attack on their reputation.
  - D) Yes. You cannot defend someone from a rumour unless you have written permission from them to speak about it.

Answer: A

- 13) A defendant who relies on the defence of justification in a defamation case must prove that:
- A) they were justified in making the defamatory statement.
  - B) it was in the public interest to publish the defamatory statement.
  - C) the defamatory statement was substantially true and in the public interest.
  - D) the defamatory statement was substantially true.

Answer: D

- 14) Which of the following are examples of defamatory statements that are protected under the defence of absolute privilege?
- A) A statement made in parliamentary proceedings.
  - B) A statements made by witnesses in a court case.
  - C) A statement made by a politician 'in confidence' to a political reporter.
  - D) All of the above.
  - E) A and B only.

Answer: E

- 15) A defamatory statement about a well known female Australian singer was published in an English magazine. The article was also downloaded by about 15 people in Australia. Which of the following statements is the most accurate about the singer's legal rights?
- A) She cannot sue for defamation in Australia because the physical magazine was not sold or distributed in Australia.
  - B) She has the right to sue the publisher for defamation in Australia.
  - C) She has the right to sue the publisher in Australia if she can prove at least another 15 persons downloaded the article.
  - D) She has the right to sue the publisher for defamation in England only.

Answer: B

- 16) The maximum amount of damages that can be awarded for non-economic loss as a result of a successful defamation action is:
- A) \$100 000.                      B) \$ 500 000.                      C) \$250 000.                      D) \$750 000.                      E) \$1 million.

Answer: C