

Perre v Apand (1999) 198 CLR 180

<http://lawcasesummaries.com/knowledge-base/perre-v-apand-1999-198-clr-180/>

Facts

- A farmer imported potato seeds infected with bacteria
- Bacteria spread and damaged crops, damaging reputation
- This meant the farmers were unable to sell their potatoes
- They brought an action against the farmer

Issue

- Did the farmer owe a duty of care?

Held

- There was a duty of care
- He was liable for the losses
- Where a D knows, or is likely to know, that his conduct is likely to cause harm to person or property, he must take reasonable care
- Where economic loss is suffered, courts are hesitant to impose but, there were significant factors;

The vulnerability of the P, the control of the D, the D's knowledge of the P and their circumstances and the physical proximity between the parties.

- Vulnerability was significant; farmers couldn't protect themselves.
- There was a high level of control by the D.

Law case summary from www.lawcasesummaries.com