

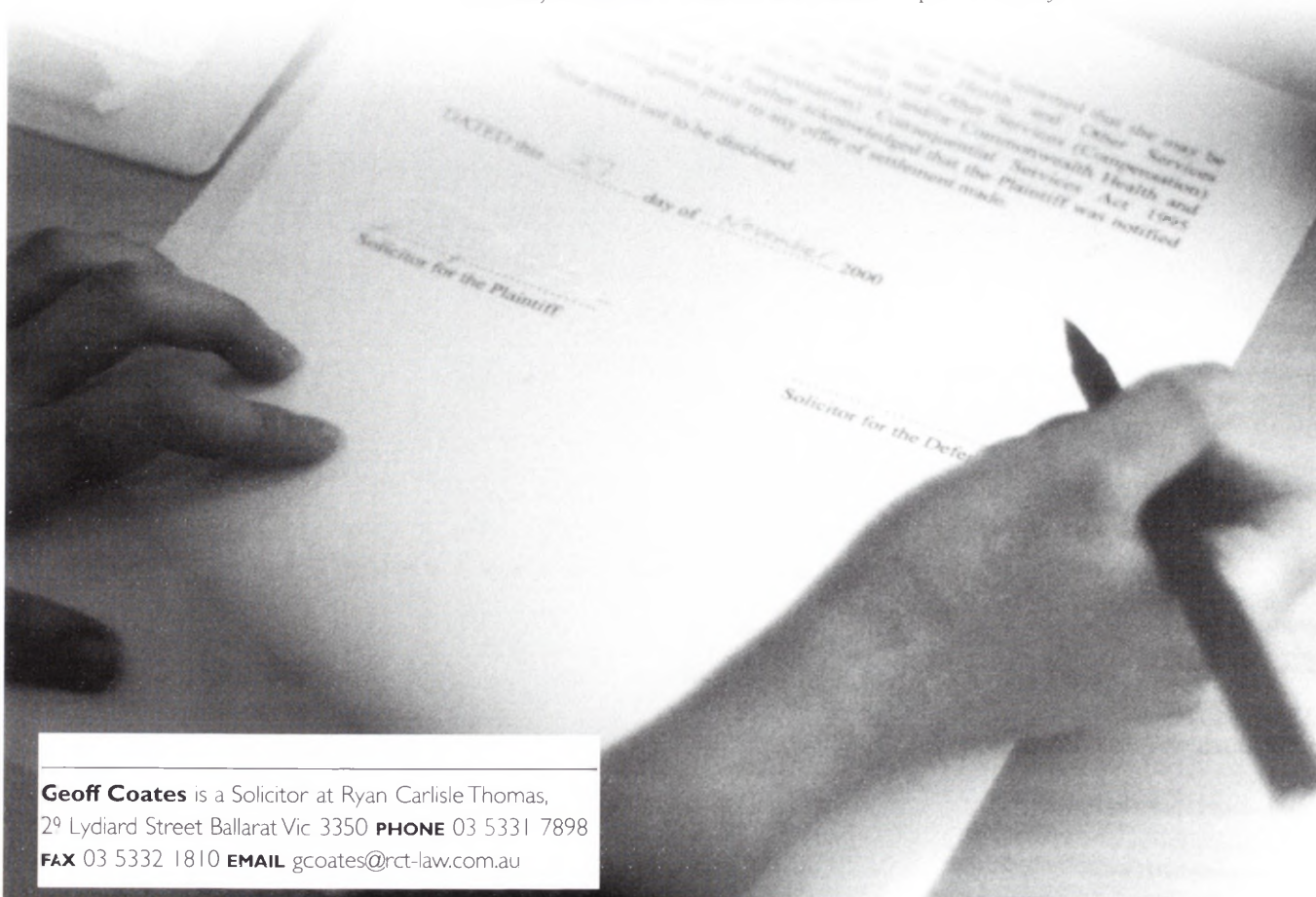
# Contributory negligence in *contract*

**O**n 21 November 2000 the Governor of Victoria gave Royal Assent to the *Wrongs (Amendment) Act*. The Attorney-General, Rob Hulls, said in introducing the Bill that its introduction was “to redress the impact of the High Court’s decision in *Astley v Austrust*. It is expected that similar amendments will be made to equivalent legislation in each of the other states and territories.”

The legislative change follows a resolution of the Standing Committee of Attorneys-General to address the effects

of the High Court’s decision in *Astley*. The amendments try to achieve this aim by altering the definition of “wrong” to include a breach of contract that is concurrent with a duty of care in tort. The amendments are also to make it clear that “a court should reduce a plaintiff’s damages arising from a wrong, if they are guilty of contributory negligence.”

The Attorney -General made it clear in the second reading speech, where the quotations above appear that the intent of the amendments are intended to restore the position to that which existed prior to *Astley*. **PL**



**Geoff Coates** is a Solicitor at Ryan Carlisle Thomas,  
29 Lydiard Street Ballarat Vic 3350 **PHONE** 03 5331 7898  
**FAX** 03 5332 1810 **EMAIL** gcoates@rct-law.com.au