

Necessary and insufficient factual causes in the law

Presented by **Emerita Professor Jane Stapleton KC (Hon) FBA**
together with commentary by **The Honourable Patrick Keane AC KC FAAL**

Event details

Date: Thursday 14 September 2023, 5:30pm
(Brisbane time)

Location: Banco Court, Supreme Court of
Queensland (in person event only)

About the lecture

In response to the COVID-19 pandemic, the UK Government decided to take swingeing lock-down measures in March 2020 that resulted in billions of dollars of business interruption loss to hundreds of thousands of enterprises in that country. In a landmark 2021 decision concerning insurance cover for such losses, a unanimous UK Supreme Court rejected 'but-for' as the exclusive test of factual causation and confirmed that the law recognises that an unnecessary and insufficient factor may be a factual cause of an indivisible loss.

This talk will describe the revolutionary procedure deployed in the case, how the Justices' insightful introduction of non-insurance cases and commentary was crucial to the crafting of their decision and how profound an impact it may have across the entire landscape of the law.

About the speaker

Professor Stapleton is a distinguished Emerita Professor of Law at the Australian National University. She is one of the world's leading experts on the law of torts and her work has been cited extensively by appellate courts and law reform bodies across the common law world. Her research in recent years has focused in particular on the concept of causation as it operates in common law legal systems and has proven influential in shaping the civil liability legislation in all Australian jurisdictions.

She is a Corresponding Fellow of the British Academy; a recent recipient of the highly acclaimed Prosser Award; an Honorary Bencher of Gray's Inn; and a member of the Council of the American Law Institute.

She has held previous academic appointments at Harvard, Cambridge, Oxford, Texas and Columbia Law Schools.

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