



Summary of Ruling

Salt v State of Victoria [2017] VSC 6

24 January 2017

The Court has confirmed that on the basis of established principles, the *Crown Proceedings Act 1958* (Vic) (**the Act**) provides for a limited removal of Crown immunity in tort. Section 23(1)(b) of the Act renders the Crown vicariously liable in tort for the acts of its servants, agents and independent contractors. The section does not remove the Crown's immunity from personal liability in tort.

The proceeding in which the ruling was made concerns a claim by the plaintiff for damages arising out of alleged negligence of the defendant as her employer. The defendant applied for an order requiring the plaintiff to file an amended statement of claim which provided particulars of the servant, agent or independent contractor for whose negligent act it was alleged that the defendant was vicariously liable pursuant to section 23(1)(b) of the Act.

The plaintiff submitted that she was not required to do so because section 25 of the Act removed the immunity of the Crown for personal (as distinct from vicarious) liability for torts. The Court confirmed that section 23(1)(b) does not remove the immunity of the Crown from personal liability in tort and ruled that section 25 deals with a different matter to that of the Crown's liability, and removes only the historical immunities once enjoyed by the Crown in proceedings.

NOTE: This summary is necessarily incomplete. The only authoritative pronouncement of the Court's reasons and conclusions is that contained in the published reasons for judgment.