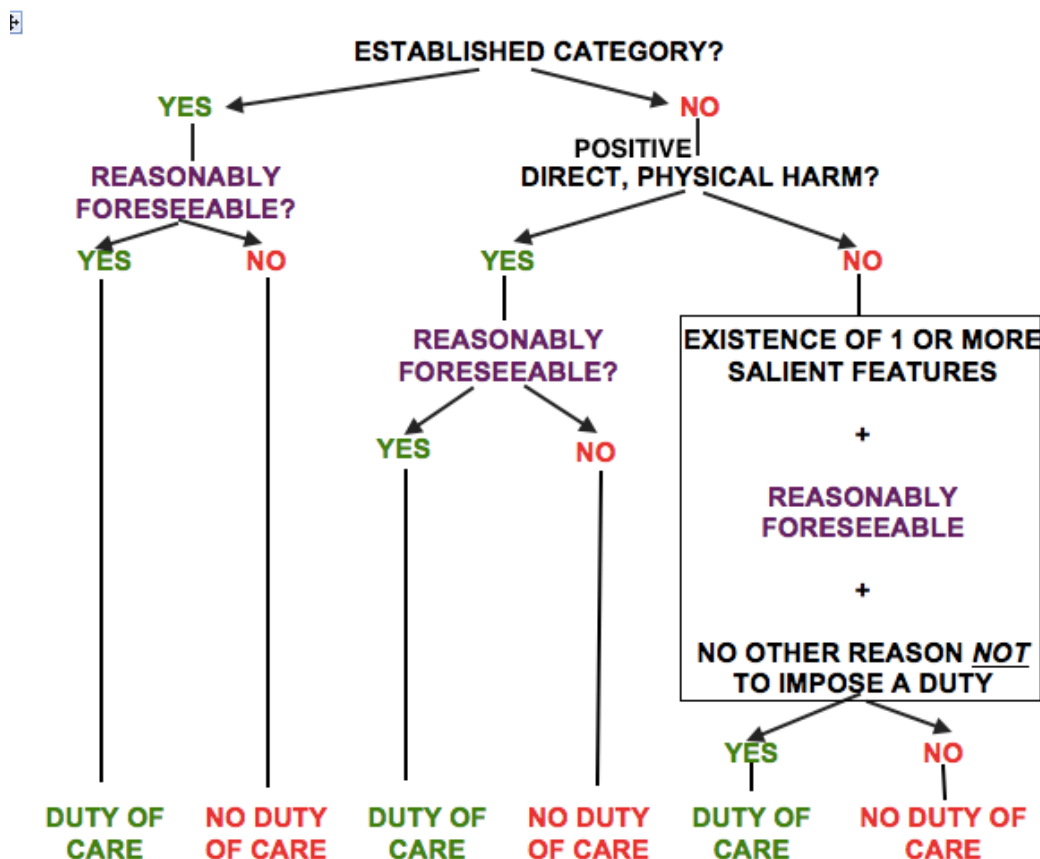


- Foreseeability of damage of that general nature to that class of P's is sufficient

### Complex New Cases/Omissions

- Unusual (e.g. not physical/not direct) cases or omissions (requiring act from defendant) require:
  - Reasonable foreseeability of harm of that kind to that class of P's
  - One or more of relationship factors/'salient features'
  - No conflicting policy reasons not to impose duty



### The Salient Features

*(Briefly explain rationale)*

- Factors used to determine whether relationship is sufficiently close to impose DoC
- Rationale:
  - Limit liability
  - Protect individual autonomy
- **NSW v Godfrey (2004)** (Escaped prisoner enters news agency with gun and scares P (pregnant) – P's baby gives premature birth, baby disabled)
  - Used salient features (absence of control/responsibility/proximity/relationship + potentially indeterminate liability to establish that there was no DoC of prison guard beyond immediate vicinity of gaol)
- **Caltex Refineries v Stavar (2009)**
  - Listed 17 'salient features' which can be grouped into four categories

### Vulnerability/Reliance

*DoC where harm is RF + D knew/ought to have known P was reliant on them*

- **Agar v Hyde (2000)\*** (Rugby players became quadriplegic playing 'hooker')