

**Legislative Council—No 32**

As introduced and read a first time, 25 July 2018

South Australia

**Civil Liability (BYO Containers—Waste Avoidance) Amendment Bill 2018**

A BILL FOR

An Act to amend the *Civil Liability Act 1936*.

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## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

- 5 This Act may be cited as the *Civil Liability (BYO Containers—Waste Avoidance) Amendment Act 2018*.

#### 2—Commencement

This Act will come into operation on the day on which it is assented to by the Governor.

#### 3—Amendment provisions

- 10 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

### Part 2—Amendment of *Civil Liability Act 1936*

#### 4—Insertion of Part 9 Division 11B

After section 74A insert:

- 15 **Division 11B—Supplying food or beverages in customers' own containers**

#### **74B—Supplying food or beverages in customers' own containers**

- 20 (1) A person who sells food or a beverage to a customer in the customer's own container incurs no civil liability for loss of life or personal injury arising from consumption of the food or beverage so sold.
- (2) The immunity under subsection (1) extends to the agents and employees of the person selling the food or beverage.

- (3) However, the immunity does not operate if, when the food or beverage left the person's possession or control—
- (a) the person knew or was recklessly indifferent to the fact that it was unsafe within the meaning of the *Food Act 2001*; or
  - (b) the food or beverage was the subject of a product safety recall published on the ACCC website—see <https://www.productsafety.gov.au/recalls>.

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