

**House of Assembly—No 188**

As received from the Legislative Council and read a first time, 14 October 2021

South Australia

**Civil Liability (BYO Containers) Amendment  
Bill 2021**

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

This Act may be cited as the *Civil Liability (BYO Containers) Amendment Act 2021*.

#### 5 2—Amendment provisions

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*

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

10 After section 74A insert:

#### **Division 11B—Supply of food in customers' containers**

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

- 15 (1) A person who sells food to a customer in a container supplied by the customer incurs no civil liability for any personal injury caused by the use of the container.
- (2) The immunity under subsection (1) extends to the agents and employees of the person selling the food.
- (3) However, the immunity does not operate—
  - 20 (a) if the use of the container by the person selling the food was negligent; or
  - (b) if use of the container was unlawful under any Act; or
  - (c) if the food was subject to a recall order at the time it was sold.
- 25 (4) In this section, the terms *food* and *recall order* have the same meaning as in the *Food Act 2001*.