South Australia

# Civil Liability (Food Donors and Distributors) Amendment Bill 2008

A BILL FOR

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

# Contents

**The Parliament of South Australia enacts as follows:**

# Part 1—Preliminary

## 1—Short title

This Act may be cited as the *Civil Liability (Food Donors and Distributors) Amendment Act 2008*.

## 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

## 3—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*

## 4—Insertion of Part 9 Division 11A

After section 74 insert:

### Division 11A—Food donors and distributors

### 74A—Food donors and distributors

(1)    In this section, a reference to a *food donor or distributor* is a reference to a person who, acting without expectation of payment or other consideration and for a charitable or benevolent purpose, donates or distributes food with the intention that the consumer of the food would not have to pay for the food and to the agents or employees of such a person.

(2)    A food donor or distributor incurs no civil liability for loss of life or personal injury arising from consumption of the food donated or distributed.

(3) However, the immunity does not operate if the food donor or distributor knew or was recklessly indifferent to the fact that when the food left the possession or control of the food donor or distributor it was unsafe within the meaning of the *Food Act 2001*.

(4) The Minister must, as soon as practicable after the second anniversary of the commencement of this section—

    (a) cause a report to be prepared on the operation of this section; and

    (b) cause a copy of the report to be laid before each House of Parliament.