

Legislative Council—No 151A

As reported with amendments, report adopted, Standing Orders suspended and passed remaining stages, 13 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*.

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

After section 74A insert:

Division 11B—Supply of food in customers' containers

74B—Supplying food in customers' own containers

- (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—
 - (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.
- (4) In this section, the terms *food* and *recall order* have the same meaning as in the *Food Act 2001*.