

Civil Liability Amendment (Food Donations) Bill 2004

New South Wales

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Civil Liability Act 2002* to provide that a person does not incur civil liability for any death or personal injury resulting from the consumption of food donated by the person if:

- (a) the food has been donated in good faith for a charitable purpose with the intention that the consumer of the food would not have to pay for it, and
- (b) the food was safe to consume at the time it left the possession or control of the donor, and
- (c) the donor has informed the person to whom the food is donated of any relevant food handling requirements or time limit for its consumption.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the amendments to the *Civil Liability Act 2002* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [1] inserts Part 8A in the *Civil Liability Act 2002*, which contains provisions that protect food donors from civil liability in the circumstances referred to in the Overview. The new Part provides that the expressions **food, handling** and **unsafe food** have the same meanings as they have in the *Food Act 2003*.

Schedule 1 [2] amends clause 1 of Schedule 1 to the Act to enable the Governor to make regulations of a savings or transitional nature consequent on the enactment of the proposed Act.

Schedule 1 [3] inserts a new Part in Schedule 1 to the Act. It provides that the new Part 8A applies to civil liability whether arising before or after the commencement of Part 8A, but not to proceedings begun in a court before that commencement.