

**PERSONAL INJURIES (LIABILITIES AND DAMAGES) AMENDMENT ACT  
2010**

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# NORTHERN TERRITORY OF AUSTRALIA

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Act No. 36 of 2010

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An Act to amend the *Personal Injuries (Liabilities and Damages) Act*

[Assented to 18 November 2010]

[Second reading 11 August 2010]

The Legislative Assembly of the Northern Territory enacts as follows:

**1 Short title**

This Act may be cited as the *Personal Injuries (Liabilities and Damages) Amendment Act 2010*.

**2 Commencement**

This Act commences on the day fixed by the Administrator by *Gazette* notice.

**3 Act amended**

This Act amends the *Personal Injuries (Liabilities and Damages) Act*.

**4 New section 7A**

After section 7

*insert*

**7A Donors of food and grocery products**

- (1) A person who donates food or a grocery product (the *donor*) in the circumstances specified in subsection (2) does not incur civil liability for a personal injury caused by the consumption of the food or use of the grocery product.

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(2) The circumstances are:

- (a) that the donor donated the food or grocery product:
  - (i) in good faith for a charitable or benevolent purpose; and
  - (ii) with the intention that the consumer of the food or user of the grocery product would not have to pay for it; and
- (b) that the food was fit for human consumption, or the grocery product was safe to use, at the time it left the possession or control of the donor; and
- (c) if the food or grocery product was of a nature that required it to be handled in a particular way to ensure it remained fit for human consumption, or safe to use, after it left the possession or control of the donor – that the donor informed the person to whom the donor gave the food or grocery product of those handling requirements; and
- (d) if the food or grocery product remained fit for human consumption, or safe to use, for only a limited time after it left the possession or control of the donor – that the donor informed the person to whom the donor gave the food or grocery product of that time limit.

(3) For subsection (2), food is safe for consumption at a particular time if, at that time, it is not unsafe or unsuitable within the meaning of section 10 or 11 of the *Food Act*.

(4) In this section:

***food***, see section 7 of the *Food Act*.

***grocery product*** means any of the following:

- (a) a personal hygiene product;
- (b) a household cleaning product;
- (c) a medical product that may be sold or supplied without a written prescription authorising the sale or supply;
- (d) another product prescribed by regulation.

***person who donates food or a grocery product*** does not include a person who distributes food or a grocery product donated by another person.

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**5            New Part heading**

After section 34

*insert*

**Part 6            Transitional matters for Personal Injuries  
(Liabilities and Damages) Act 2003**

**6            New Part 7**

After section 35

*insert*

**Part 7            Transitional matters for Personal Injuries  
(Liabilities and Damages) Amendment Act 2010**

**36            Application of section 7A**

Section 7A applies only in relation to a person who donates food or a grocery product, as mentioned in that section, after the commencement of the *Personal Injuries (Liabilities and Damages) Amendment Act 2010*.