

Serial 115
Personal Injuries (Liabilities and Damages) Amendment Bill 2010
Ms Lawrie

A Bill for an Act to amend the *Personal Injuries (Liabilities and Damages) Act*

NORTHERN TERRITORY OF AUSTRALIA

PERSONAL INJURIES (LIABILITIES AND DAMAGES) AMENDMENT ACT
2010

Act No. [] of 2010

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2010

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

[Assented to [] 2010]
[Second reading [] 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.

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*.