

South Australia

Civil Liability (BYO Containers) Amendment Act 2022

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

Contents

Part 1—Preliminary

1 Short title

Part 2—Amendment of *Civil Liability Act 1936*

2 Insertion of Part 9 Division 11B

Division 11B—Supply of food in customers' containers

74B Supplying food in customers' own containers

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 2022*.

Part 2—Amendment of *Civil Liability Act 1936*

2—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*.