



A community based alliance promoting healthy food for all

# food fairness illawarra

## Donating Food

*Making it easier to give back to your community*

Donating food to charity has in the past been difficult due to complex liability legislation.

Recent changes to this legislation has made it easier for food outlets and businesses to freely donate their excess food for charitable purposes.

**These changes are detailed in this fact sheet.**

### Liability of Food Donors: Recent Changes to the Civil Liability Act 2002 (NSW)

#### **New laws introduced to encourage food donations**

In 2005, the New South Wales Government amended legislation to clarify the legal position of companies who donate food in NSW to charities, which then 'on donate' food to people in need.

The amendments protect from civil liability those members of the community who donate food to charities.

The amendments were passed with a view to encouraging businesses to donate food that they might otherwise throw out.

#### **Food donors are protected under the new laws**

A person or business that donates food without payment will not bear any legal responsibility for any unintentional death or injury that results from consuming that food where:

- ▶ you donated the food for a charitable purpose;
- ▶ you donated the food with the intention that the consumer would not have to pay for the food; and
- ▶ the food was safe to consume when you donated it.

In summary, under the new laws, food donors will not be able to be sued for any injuries resulting from a good faith donation of food which appears fit for human consumption and is given for free distribution.

#### **Checklist for food donors**

To receive the protection of the new laws, you need to follow a few simple measures when donating food to organisations which 'on donate' to people in need:

- ✓ the food you donate is safe for consumption (even if it is unsuitable for sale);
- ✓ provide instructions to the person collecting the food about handling the food correctly; and
- ✓ provide instructions to the person collecting the food about the time by which the food should be consumed.

**For more information contact Food Fairness Illawarra**

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