

## Donating food in the Illawarra

Every day, perfectly good food goes to waste across our region, while 38% of locals experience food insecurity. The good news? Donating food is not only a powerful way to support your community, it's also legally protected in NSW.

### **You are not liable when you donate food – here's why:**

The Civil Liability Act 2002 (NSW), protects businesses and individuals who donate food in good faith, provided a few simple conditions are met. Under the Act, you are protected from civil liability if:

- The food is donated for a charitable or benevolent purpose (e.g. to a charity or not-for-profit).
- The food is given without receiving a payment or benefit
- The food is safe to eat at the time it leaves your possession.
- You provide information to the recipient to keep the food safe (e.g. storage, handling, or expiry timeframes).

\*This means you can't be sued if someone becomes ill after consuming food you donated in good faith, for free, and in a safe condition.

### **Food Donations Checklist for Businesses**

- 🔍 Check food for visible spoilage
- 📦 Keep cold food below 5°C or hot food above 60°C during transport
- 🚫 Keep raw and cooked foods separate
- 🕒 Label the date the food was made, or ensure the use-by is clear
- 📋 Provide clear instructions on storage and handling
- 🍷 Store food in clean, covered, food-grade containers



**Food Authority:**  
**Donating Food**



**Making food  
donation  
tax deductible**



**Email**

**foodfairness@healthycities.org.au  
to begin donating your  
surplus food!**

**<https://foodfairnessillawarra.org.au>**