
Justice and Other Legislation Amendment Bill 2008

Amendments agreed to during Consideration

1 **Clause 14 (Amendment of s 38 (Interpretation))—**

At page 14, line 9—

omit, insert—

‘food donor—

- (a) means an entity that, in good faith for a charitable, benevolent, philanthropic, sporting, recreational, political, educational or cultural purpose, donates or distributes food with the intention that the consumer of the food will not have to pay for the food; but
- (b) does not include—
 - (i) an entity that directly distributes the food to the consumer of the food; or
 - (ii) a volunteer.’.

2 **Clause 15 (Insertion of new ch 2, pt 3, div 2, sdiv 2 and sdiv 3 hdg), proposed section 38A—**

At page 14, lines 19 to 24 and page 15, lines 1 to 19—

omit, insert—

- ‘(1) A food donor does not incur any civil liability in relation to any act or omission done or made by the food donor, when donating or distributing food in the circumstances mentioned in subsection (2), giving rise to harm resulting from the consumption of the food.
- ‘(2) The circumstances are—
 - (a) that the food was safe to consume at the time it left the food donor’s possession; and

- (b) if the food was of a nature that required it to be handled in a particular way to remain safe to consume after it left the food donor's possession—that the food donor informed the recipient of the food of the handling requirements; and
- (c) if the food only remained safe to consume for a particular period of time after it left the food donor's possession—that the food donor informed the recipient of the food of the time limit.

‘(3) In this section—

recipient, of the food, means the entity directly receiving the food from the food donor.’.

3 Clause 38 (Amendment of s 17 (Acting judge))—

At page 24, line 1, after ‘a judge of a’—

insert—

‘supreme court.’.

4 Clause 57 (Amendment of sch 2 (Appointments))—

At page 33, line 22—

omit, insert—

‘(i) the member is the president, the vice president or a commissioner holding appointment as ombudsman;’.

5 Clause 57 (Amendment of sch 2 (Appointments))—

At page 34, line 4—

omit, insert—

‘(i) the member is the president, the vice president or a commissioner holding appointment as ombudsman;’.

6 Clause 73 (Amendment of s 150 (Minute of decision to be made and advice sent by post))—

At page 38, lines 24 to 26 and page 39, line 1—

omit, insert—

‘Section 150(5), ‘28 days’—’.

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