

Western Australia

**Volunteers (Protection from Liability)
Amendment Act 2006**

As at 26 Oct 2006

No. 53 of 2006

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Volunteers (Protection from Liability) Amendment Act 2006

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**Volunteers (Protection from Liability)
Amendment Act 2006**

No. 53 of 2006

**An Act to amend the *Volunteers (Protection from Liability) Act 2002*
and for related purposes.**

[Assented to 26 October 2006]

The Parliament of Western Australia enacts as follows:

s. 1

1. Short title

This is the *Volunteers (Protection from Liability) Amendment Act 2006*.

2. Commencement

This Act comes into operation on a day fixed by proclamation.

3. The Act amended

Except as stated in section 12, the amendments in this Act are to the *Volunteers (Protection from Liability) Act 2002**.

[* *Act No. 32 of 2002.*]

4. Long title amended

The long title is amended by deleting “that work,” and inserting instead —

“

that work;

- **to protect persons who donate food or grocery products from incurring civil liability for personal injury resulting from the consumption of that food or the use of those grocery products,**

”.

5. Heading for Part 1 inserted

Before section 1 the following heading is inserted —

“

Part 1 — Preliminary

”.

6. Section 1 amended

Section 1 is amended after “*Volunteers*” by inserting —

“ and Food and Other Donors ”.

7. Section 3 amended

Section 3(1) is amended by inserting in the appropriate alphabetical positions —

“

“**food**” has the meaning given to that term in section 3(1) of the *Health Act 1911*;

“**grocery product**” means —

- (a) a personal hygiene product; or
- (b) a household cleaning product; or
- (c) a medical product that may be sold or supplied without a written prescription that authorises that sale or supply; or
- (d) anything prescribed by the regulations for the purposes of this definition,

but does not include food;

“**personal injury**” includes —

- (a) death; and
- (b) pre-natal injury; and
- (c) impairment of a person’s physical or mental condition; and
- (d) disease; and
- (e) recurrence, aggravation or acceleration of an injury or disease;

”.

8. Section 5 amended

- (1) Section 5(1) is amended by deleting “This Act” and inserting instead —

“ Part 2 ”.

s. 9

(2) After section 5(1) the following subsection is inserted —

“

- (1a) Section 8A applies to food and grocery products donated on or after the day on which section 10 of the *Volunteers (Protection from Liability) Amendment Act 2006* comes into operation.

”

9. Heading for Part 2 inserted

After section 5 the following heading is inserted —

“

Part 2 — Protection of volunteers from liability

”

10. Part 3 inserted

After section 8 the following Part is inserted —

“

Part 3 — Protection of food donors and grocery product donors from liability

8A. Protection of food donors and grocery product donors from liability

- (1) A person (the “**donor**”) who donates food or a grocery product in the circumstances described in subsection (2) does not incur civil liability for any personal injury that results from the consumption of the food or the use of the grocery product.
- (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 that 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) In subsection (1) —
- “person who donates food or a grocery product”**
does not include a person who distributes food or a grocery product donated by another person.

”.

11. Heading for Part 4 inserted

Before section 9 the following heading is inserted —

“

Part 4 — Regulations

”.

12. Consequential amendments

- (1) The *Carers Recognition Act 2004** section 5(2)(b) is amended after “Volunteers” by inserting —

“ *and Food and Other Donors* ”.

[* *Act No. 37 of 2004.*

For subsequent amendments see Western Australian Legislation Information Tables for 2005, Table 1, p. 50.]

- (2) The *Disability Services Act 1993** section 3A(2)(b) is amended after “Volunteers” by inserting —

“ *and Food and Other Donors* ”.

[* *Reprint 2 as at 15 July 2005.*

For subsequent amendments see Western Australian Legislation Information Tables for 2005, Table 1, p. 124 and Acts Nos. 34 of 2004 and 38 of 2005.]

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