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24 February 2011

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JM;rp

The Honourable John Rau MP  
Attorney-General  
DX 336  
ADELAIDE SA

Dear Mr Attorney

**Review of Food Donor Protection Law**

Thank you for your letter of 22 December 2010, addressed to the President, inviting the Society's comments on the operation of the food donor provisions of the *Civil Liability Act* (s 74A).

As a direct result of the amendments to the South Australian legislation that OzHarvest was able to set up an operation in Adelaide. It is a not-for-profit organisation which has rescued excess food from restaurants, retailers, food outlets and corporate kitchens across Sydney, Canberra and Wollongong to feed communities at risk.

I have worked very closely with OzHarvest throughout this process and my comments in response to your letter are based on their feedback and are as follows

*What is known about any change in the amount of food donated to charities since the new law started?*

Since the amendments to the Act were introduced, "OzHarvest Adelaide" has commenced its operation in South Australia and has just completed its fifth successful week of food rescue. In that time, more than 12,000 meals have been rescued and delivered to 21 charities who feed disadvantaged people in the South Australian community. These recipients include but are not limited to: The Salvation Army, St Vincent de Paul, Anglicare, Lutheran Community Care, Hutt Street Centre, Catherine House, St Lukes Whitmore Square and Uniting Care Wesley. The food collected is mostly perishable, fresh food has been donated to OzHarvest by 20 different food businesses, outlets or distributors. These food donors include but are not limited to; The Adelaide Convention Centre, The Intercontinental Hotel, Sumo Salad, University of Adelaide, University of South Australia, Mondello Farms, South Australian Tourism Commission and Aussie Farmers Direct.

*If there has not been any increase in donations, why might that be?*

OzHarvest Adelaide has reported an increase in donations. It anticipates further increases as the organisation becomes better known.

*Has there been any change in the quality or safety of food donated to charity under the new law?*

OzHarvest Adelaide operates under very strict rules associated with food rescue. It has a refrigerated vehicle for distribution of food; food is distributed on the same day as the collection and all employees employed by OzHarvest are fully trained in food safety.

*Are there any known instances of a consumer being harmed as a result of food donated under the new law?*

OzHarvest reports that they have not received any concerns or any advice that a consumer has been harmed in any way.

*Have charities or food recipients any concerns about the way the new law is operating, and, if so, how should those concerns be addressed?*

OzHarvest Adelaide has not heard of any concerns about the way the new law is operating from the perspective of charities or food recipients.

*Have food donors or distributors any concerns about the way the new law is operating and, if so, how should they be addressed?*

OzHarvest Adelaide has not heard of any concerns about the way the new law is operating from the perspective of food donors or distributors.

The information above is from the perspective of OzHarvest Adelaide as I understand that this is the only organisation operating under this particular model of food rescue and distribution to the community, in Adelaide. An organisation, Foodbank, provides food to charities but the model involves the organisation storing large amounts of non-perishable foods to which charities have access on payment of a small fee. Another model which exists involves a relationship between a charity and a food provider. An example of this is the Hutt Street Centre for the homeless which has a relationship with the Hilton Hotel.

Since OzHarvest began in January 2011, they have seen a steady increase of food donors using their services and as a result the number of charities receiving the food is also increasing. We understand that OzHarvest therefore has plans to purchase a second refrigerated vehicle within the next six months.

From the above, it is clear that the amendments to the Civil Liability Act which enabled OzHarvest to start up an operation in South Australia have been highly successful.

Yours sincerely



Jan Martin  
EXECUTIVE DIRECTOR