

## NEW SOUTH WALES

### DRAFT NON-GOVERNMENT BILL

To be introduced by: Mr J T Parker, MP

# Companion Animals Amendment (Dining Areas) Bill 2017

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to provide that legal restrictions that would otherwise make it an offence to allow a dog to be in an area where food is consumed do not prohibit a dog from being in such an area (whether indoor or outdoor) if:

- (a) the dog is under the effective control of some competent person and is restrained by means of an adequate chain, cord or leash that is attached to the dog, and
- (b) the person does not feed the dog or permit the dog to be fed, and
- (c) the dog is prevented from being in any part of an area that is used for the preparation of food, and
- (d) the dog is not a dangerous, menacing or restricted dog.

The relevant legal restrictions are:

- (a) a provision of the *Companion Animals Act 1998* that prohibits dogs being in a food preparation or consumption area (that is, any public place, within 10 metres of any apparatus provided for the preparation or consumption of food), and
- (b) provisions of the *Australia New Zealand Food Standards Code* (compliance with which is made mandatory by the *Food Act 2003*) that prohibit food businesses from permitting live animals in areas in which food is handled.

Neither of those restrictions applies to assistance animals being used by a person with a disability, so the new provisions will not limit the access of assistance dogs to any dining area.

The provisions being amended already include further exemptions applying to outdoor dining areas in off-leash areas. Those further exemptions will continue to operate for such dining areas.

The amendments do not confer any entitlement on a person accompanied by a dog to enter or use any dining area without the permission of the operator of the relevant food business and do not affect the other requirements of the *Australia New Zealand Food Standards Code* and the *Food Act 2003* relating to hygiene and cleanliness.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

**Schedule 1** specifies the limited circumstances (listed in the Overview) in which dogs in dining areas that are indoor will not breach the legal restrictions referred to in the Overview.

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**Companion Animals Amendment (Dining  
Areas) Bill 2017**

No , 2017

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**A Bill for**

An Act to amend the *Companion Animals Act 1998* to permit dogs in indoor dining areas.

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Companion Animals Amendment (Dining Areas) Act 2017*.

**2 Commencement**

This Act commences on the date of assent to this Act.

## **Schedule 1      Amendment of Companion Animals Act 1998 No 87**

**[1] Section 14A Dogs not prohibited in dining areas in certain circumstances**

Omit “an outdoor dining area” from section 14A (1). Insert instead “a dining area”.

**[2] Section 14A (2)**

Omit “outdoor dining area is”. Insert instead “dining area is an outdoor dining area and”.

**[3] Section 14A (3)**

Omit the subsection. Insert instead:

- (3) This section does not confer any entitlement on a person accompanied by a dog:
  - (a) to enter or use any dining area that is not within a public place without the permission of the operator of a food business (within the meaning of the *Food Act 2003*), or
  - (b) to use any table and chairs or other apparatus provided in an outdoor dining area by such a food business without the permission of the operator of the food business.

**[4] Section 14A (5) and (5A)**

Omit section 14A (5). Insert instead:

- (5) A *dining area* is an area that:
  - (a) is used for the consumption of food by humans, and
  - (b) can be entered by the public without passing through an enclosed area in which dogs are prohibited by this Act or the other relevant legal restrictions,but does not include any part of an area that is used for the preparation of food.
- (5A) A dining area is an outdoor dining area if it is not enclosed.

**[5] Section 14A (7)**

Insert after section 14A (6):

- (7) This section does not affect the other requirements of the *Food Act 2003* and the Food Standards Code (within the meaning of that Act) relating to hygiene and cleanliness.