



New South Wales

Companion Animals Amendment (Dogs in Outside Eating Areas) Bill 2010

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Companion Animals Act 1998* to allow dogs in outside eating areas, such as cafe tables on footpaths.

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 **Amendment of Companion Animals Act 1998 No 87**

Schedule 1 [2] provides that a dog is not prohibited from being in an outside eating area despite existing provisions in the *Companion Animals Act 1998*, the *Food Act 2003* and the Food Standards Code under that Act that prohibit dogs from being in food preparation and consumption areas. These provisions will not prohibit a dog

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from being in an outside eating area as long as the dog is under the effective control of a competent person, is kept on the ground and is restrained by a chain, cord or leash that is not more than 1 metre in length.

An ***outside eating area*** is defined as an area in which food is consumed by humans that is not enclosed and that can be entered by the public without passing through an enclosed area in which dogs are prohibited by the *Companion Animals Act 1998*.

Schedule 1 [1] includes a note in the provision of the *Companion Animals Act 1998* that prohibits dogs from being in food preparation/consumption areas to draw attention to the new provision.

Introduced by Mr C P Hartcher, MP

First print



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Companion Animals Amendment (Dogs in Outside Eating Areas) Bill 2010

No. , 2010

A Bill for

An Act to amend the *Companion Animals Act 1998* to authorise the presence of dogs in outside eating areas in certain circumstances.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Companion Animals Amendment (Dogs in Outside Eating Areas) Act 2010</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6

Schedule 1	Amendment of Companion Animals Act 1998 No 87	1 2
[1]	Section 14 Dogs prohibited in some public places	3
	Insert after section 14 (1) (b):	4
	Note. However, see section 86A, which permits dogs to be in outside eating areas.	5 6
[2]	Section 86A	7
	Insert before section 87:	8
86A	Dogs in outside eating areas	9
(1)	The food safety restrictions applicable to dogs do not prohibit a dog from being in an outside eating area if:	10 11
(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:	12 13 14
(i)	is attached to the dog, and	15
(ii)	is not more than 1 metre in length, and	16
(b)	the dog is kept on the ground.	17
(2)	If the outside eating area is within a public place declared by a local authority to be an off-leash area, it is not necessary for the dog to be restrained by means of a chain, cord or leash.	18 19 20
(3)	An <i>outside eating area</i> is an area in which food is consumed by humans:	21 22
(a)	that is not enclosed, and	23
(b)	that can be entered by the public without passing through an enclosed area in which dogs are prohibited by this Act.	24 25
(4)	An area is enclosed if, disregarding doorways and passageways, the area is substantially or completely enclosed (whether permanently or temporarily) by:	26 27 28
(a)	a ceiling or roof, and	29
(b)	walls or windows (or both).	30
(5)	If, under this section, the food safety restrictions applicable to dogs do not prohibit a dog from being in an outside eating area, a person does not contravene this Act, the <i>Food Act 2003</i> or the Food Standards Code, merely because the dog is in that outside eating area.	31 32 33 34 35

- (6) The *food safety restrictions applicable to dogs* are: 1
- (a) the provisions of this Act that prohibit dogs from being in 2
food preparation/consumption areas (section 14 (1) (b)), 3
and 4
 - (b) the *Food Act 2003* and the Food Standards Code. 5
- (7) In this section: 6
- Food Standards Code* has the same meaning as it has in the *Food 7
Act 2003*. 8