



New South Wales

Companion Animals Amendment (Outdoor Dining Areas) Act 2010 No 33

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Companion Animals Amendment (Outdoor Dining Areas) Act 2010 No 33

Act No 33, 2010

An Act to amend the *Companion Animals Act 1998* to allow dogs in outdoor dining areas in certain circumstances. [Assented to 15 June 2010]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Companion Animals Amendment (Outdoor Dining Areas) Act 2010*.

2 Commencement

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

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

Section 14A

Insert after section 14:

14A Dogs not prohibited in outdoor dining areas in certain circumstances

- (1) The relevant legal restrictions do not prohibit a dog (other than a dangerous or restricted dog) from being in an outdoor dining area 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 kept on the ground.
- (2) However, if the outdoor dining area is within a public place declared by a local authority to be an off-leash area:
 - (a) it is not necessary for the dog to be restrained by means of a chain, cord or leash, and
 - (b) the dog can be fed while the dog is on the ground, but not using any apparatus provided for the consumption of food by humans, and
 - (c) the dog can sit on a person's lap, but must not be allowed to sit on any table or chairs or make contact with other apparatus provided for the consumption of food by humans.
- (3) This section does not confer any entitlement on a person accompanied by a dog to use any table and chairs or other apparatus provided in an outdoor dining area by a food business (within the meaning of the *Food Act 2003*) without the permission of the operator of the food business.
- (4) The *relevant legal restrictions* are:
 - (a) section 14 (1) (b), and
 - (b) the *Food Act 2003* and the Food Standards Code (within the meaning of that Act).

- (5) An *outdoor dining area* is an area that:
- (a) is used for the consumption of food by humans, and
 - (b) is not enclosed, and
 - (c) 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.
- (6) An area is enclosed if, except for doorways and passageways, the area is substantially or completely enclosed, whether permanently or temporarily, by:
- (a) a ceiling or roof, and
 - (b) walls or windows (or both).

[Agreement in principle speech made in Legislative Assembly on 22 April 2010
Second reading speech made in Legislative Council on 2 June 2010]

BY AUTHORITY