



New South Wales

# Companion Animals Amendment (Dining Areas) Bill 2018

## 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 enclosed area of a hotel or small bar where food is consumed do not prohibit a dog from being in such an area, subject to the same restrictions that currently apply to dogs being in outdoor areas of hotels, small bars or other premises. As a result, a person will not be prohibited from allowing a dog in an enclosed dining area of a hotel or small bar 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 area in a hotel or small bar.

The amendments do not confer any entitlement on a person accompanied by a dog to enter or use any part of the dining area of a hotel or small bar that is not within a public place without the permission of the operator of the food business that is being conducted there 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      Amendment of Companion Animals Act 1998 No 87**

**Schedule 1** specifies the limited circumstances (listed in the Overview) in which dogs in enclosed areas of hotels and small bars where food is served will not breach the legal restrictions referred to in the Overview.



New South Wales

# Companion Animals Amendment (Dining Areas) Bill 2018

## Contents

---

		Page
	1 Name of Act	2
	2 Commencement	2
<b>Schedule 1</b>	<b>Amendment of Companion Animals Act 1998 No 87</b>	<b>3</b>



New South Wales

# Companion Animals Amendment (Dining Areas) Bill 2018

No , 2018

---

## **A Bill for**

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

---

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

**1 Name of Act**

This Act is the *Companion Animals Amendment (Dining Areas) Act 2018*.

**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 certain dining areas**

Insert “, or being in the dining area of a hotel or small bar (whether or not enclosed),” after “outdoor dining area” in section 14A (1).

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

Omit the subsection. Insert instead:

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

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

Omit the subsection. Insert instead:

- (5) In this section:
- dining area* means an area used for the consumption of food by humans, but does not include any part of such an area that is used for the preparation of food.
- food business* and *operator* have the same meaning as in the *Food Act 2003*.
- hotel* and *small bar* have the same meaning as in the *Liquor Act 2007*.
- outdoor dining area* means a dining area that:
- (a) is not enclosed, and
  - (b) can be entered by the public without passing through an enclosed area in which dogs are prohibited by this Act or by the other relevant legal restrictions.