



New South Wales

# Companion Animals Amendment (Outdoor Dining 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 outdoor dining areas in certain circumstances.

## 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** provides that section 14 (1) (b) of the *Companion Animals Act 1998*, the *Food Act 2003* and the Food Standards Code under that Act 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 a person and is restrained by means of an adequate chain, cord or leash that is attached to the dog, and

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Explanatory note

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- (b) the person does not feed the dog or permit the dog to be fed, and
- (c) the dog is kept on the ground.

The proposed provision 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 without the permission of the operator of the food business.

An ***outdoor dining area*** is defined as an area that is used for the consumption of food 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*, the *Food Act 2003* or the Food Standards Code under that Act, but does not include any part of an area that is used for the preparation of food.

First print



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New South Wales

# Companion Animals Amendment (Outdoor Dining Areas) Bill 2010

No. , 2010

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## **A Bill for**

An Act to amend the *Companion Animals Act 1998* to allow dogs in outdoor dining areas in certain circumstances.

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

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<b>Schedule 1</b>	<b>Amendment of Companion Animals Act</b>	1
	<b>1998 No 87</b>	2
<b>Section 14A</b>		3
Insert after section 14:		4
<b>14A</b>	<b>Dogs not prohibited in outdoor dining areas in certain circumstances</b>	5
		6
(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:	7
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	(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	10
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	(b) the person does not feed the dog or permit the dog to be fed, and	13
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	(c) the dog is kept on the ground.	15
(2)	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 <i>Food Act 2003</i> ) without the permission of the operator of the food business.	16
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(3)	The <i>relevant legal restrictions</i> are:	21
	(a) section 14 (1) (b), and	22
	(b) the <i>Food Act 2003</i> and the Food Standards Code (within the meaning of that Act).	23
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(4)	An <i>outdoor dining area</i> is an area that:	25
	(a) is used for the consumption of food by humans, and	26
	(b) is not enclosed, and	27
	(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,	28
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	but does not include any part of an area that is used for the preparation of food.	31
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Schedule 1 Amendment of Companion Animals Act 1998 No 87

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- (5) 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).
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