

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

[2010-33]



New South Wales

Status Information

Currency of version

Repealed version for 15 June 2010 to 15 June 2010 (accessed 6 October 2024 at 19:21)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 16.6.2010.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 16 June 2010

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



New South Wales

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

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).