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COMPANION ANIMALS AMENDMENT (OUTDOOR DINING AREAS) ACT 2010 - COMMENCEMENT

The *Companion Animals Amendment (Outdoor Dining Areas) Act 2010* was assented to by the Governor on 15 June 2010 and commenced on and from that date. New section 14A in the *Companion Animals Act 1998* (the CA Act) provides that dogs are allowed in outdoor dining areas in certain circumstances.

The amendments allow dogs in outdoor dining areas that are generally provided on public footways that use temporary infrastructure to delineate the area. The amendments only apply to human food consumption areas. The prohibition from dogs being in food preparation areas remains.

The amendments enable people to enjoy a coffee or meal without having to leave their dog at home. The changes balance the convenience of having pets in cafes with the protection of public health and safety. The amendments allow café and restaurant operators to make the decision whether or not to allow dogs to enter their outdoor dining area.

Where café and restaurant operators decide to allow dogs in their outdoor dining area, the following conditions must be complied with:

- the outdoor dining area must not be enclosed and must be able to be entered by the public without passing through an enclosed area
- dogs must be on a leash at all times
- dogs must be on the ground at all times
- dogs can be provided with drink but not food
- dangerous and restricted dogs are prohibited.

The following conditions have been included in the Act to deal with outdoor dining areas that are located in council designated off-leash areas:

- dogs are allowed off-leash in these areas but must be under effective control
- dogs can be provided with food as long as the food is on the ground and not provided using apparatus that is used for human food consumption
- dogs 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.

Dog owners continue to be responsible for properly controlling their dogs in these off-leash areas. Owners are responsible for the dog's behaviour and for ensuring that it does not impact on the welfare of other people, dogs and animals in these areas.

Operators of outdoor dining areas will be responsible for informing their patrons of the conditions for having dogs in food consumption areas and should monitor compliance with these requirements or they will risk complaints being made.

A Regulation under the *Food Act 2003* will be made to modify a provision in the Food Standards Code, which will allow dogs in outdoor dining areas where it is permissible under the CA Act.

The existing exemptions from prohibition in public places under section 14(8) of the CA Act continue to apply for police dogs and assistance animals being used bona fide by a person with a disability to assist the person.

Councils should consider whether there is a need for any changes to existing licence agreements between the outdoor dining area operator and the council or future development consent conditions. Councils should ensure that any potential liability issues that may arise from allowing dogs in outdoor dining areas are managed appropriately.



Ross Woodward
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A Division of the Department of Premier and Cabinet