

**Food Standards (Proposal P1018 – Companion Dogs in Outdoor Dining Areas) Variation**

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The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The Standard commences on the date specified in clause 3 of this variation.

Dated 4 October 2012



Standards Management Officer  
Delegate of the Board of Food Standards Australia New Zealand

**1 Name**

This instrument is the *Food Standards (Proposal P1018 – Companion Dogs in Outdoor Dining Areas) Variation*.

**2 Variation to Standards in the *Australia New Zealand Food Standards Code***

The Schedule varies the Standards in the *Australia New Zealand Food Standards Code*.

**3 Commencement**

The variation commences on 11 October 2012.

**SCHEDULE**

**[1] Standard 3.2.2** is varied by omitting clause 24, substituting –

**“24 Animals and pests**

(1) A food business must –

- (a) subject to subclauses (2) and (3), not permit live animals in areas in which food is handled, other than seafood or other fish or shellfish; and
- (b) take all practicable measures to prevent pests entering the food premises; and
- (c) take all practicable measures to eradicate and prevent the harbourage of pests on the food premises and those parts of vehicles that are used to transport food.

(2) A food business must permit an assistance animal in areas used by customers.

(3) A food business may permit a dog that is not an assistance animal to be present in an outdoor dining area.

(4) In this clause –

**assistance animal** means an animal referred to in section 9 of the *Disability Discrimination Act 1992* of the Commonwealth.

**enclosed area** means an area that, except for doorways and passageways, is substantially or completely closed, whether permanently or temporarily, by –

- (a) a ceiling or roof; and
- (b) walls or windows or both walls and windows.

**outdoor dining area** means an area that –

- (a) is used for dining, drinking or both drinking and dining; and
- (b) is not used for the preparation of food; and
- (b) is not an enclosed area; and
- (c) can be entered by the public without passing through an enclosed area.

**Editorial note:**

Section 9 of the *Disability Discrimination Act 1992* refers to a guide dog, a dog trained to assist a person in activities where hearing is required and any other animal trained to assist a person to alleviate the effect of a disability.