



Government of **Western Australia**
Department of **Health**
Public Health

Proposal P1018
Food Standards Australia New Zealand (FSANZ)
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SUBMISSION ON PROPOSAL P1018 – COMPANION DOGS IN OUTDOOR DINING AREAS

The Department of Health, Western Australia (DOHWA) would like the following comments considered in relation to Proposal P1018 – Companion Dogs in Outdoor Dining Areas. The DOHWA supports the proposed variation to clause 24 of Standard 3.2.2 of the *Australia New Zealand Food Standards Code* (the Code).

The request from the Food Regulation Standing Committee (FRSC) for FSANZ to undertake a risk assessment on the presence of dogs in outdoor dining areas and, subject to outcomes of this assessment, review clause 24, was initiated by the DOHWA. This proposal stemmed from an increase in media attention and public concern regarding restrictions on the presence of dogs in outdoor dining areas in Western Australia (WA) in late 2009. The strict application of clause 24 conflicted with the public perception of the risk posed by dogs in outdoor dining areas.

Since the development of Standard 3.2.2 in 2001 there has been a change in dining habits with an increase in outdoor dining. The current Standard does not take in to consideration the food safety risk in relation to dogs in outdoor dining areas. In WA this has lead to inconsistency in the application of clause 24 and criticism from enforcement agencies regarding the fact that this clause does not appear to adopt a risk based approach to the issue of dogs in outdoor dining areas. In response, in 2010 the DOHWA issued a regulatory guideline in WA to permit live animals in alfresco dining areas subject to safe and suitable food practices, and permission of the food business.

Other jurisdictions have also received public and political pressure to allow dogs in outdoor dining areas. New South Wales, South Australia and Queensland have all implemented regulations to allow the presence of dogs in outdoor areas. The proposed amendment to clause 24 will address the inconsistencies in the adoption of

the clause across the jurisdictions and will take a national approach to food regulation in line with the *Food Regulation Agreement 2011*.

The FSANZ risk assessment has ascertained that the food safety risk posed by dogs in outdoor dining areas is very low to negligible. The proposed variation to clause 24 reflects this and will allow food businesses to manage any risks associated with dogs in outdoor dining areas, in line with the risk based approach of the Code. Food businesses complying with the food safety standards, Chapter 3 of the Code, will already be managing the risks associated with dogs in outdoor dining areas.

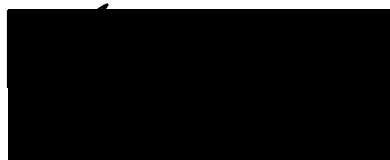
The DOHWA has recently become aware of a food business that has introduced a dog menu and is preparing and selling dog food on their premises. The FSANZ cost benefit analysis (section 3.2.1.3 of the proposal) states that *'the removal of this restriction may allow for businesses to investigate new niche marketing opportunities and service provisions'*. It is unclear if it is FSANZ's intention that food businesses may undertake activities such as the provision of dog food by businesses as a new niche marketing opportunity. It is important to note that these activities were not considered in the FSANZ risk assessment and were not the intention of the proposed amendment to clause 24, and therefore the DOHWA does not support such activities.

Although the original request to FSANZ was to undertake a risk assessment on the presence of pet animals in outdoor dining areas, the risk assessment and subsequent proposed amendment to clause 24 is confined to dogs. This reflects the initial issues raised by the DOHWA that related specifically to dogs in outdoor dining areas, and therefore the proposed amendment addresses the concerns of the DOHWA.

The DOHWA supports the proposed variation to clause 24 of Standard 3.2.2 of the Code. This variation is the most effective way to address the issue of inconsistency in adoption of this clause across the jurisdictions, and will reflect the very low risk associated with dogs in outdoor dining areas, allowing food businesses to take a risk based approach to food safety.

Thank you for considering the above comments. Should you wish to clarify or discuss any of these comments please contact Rebecca Delsar on (08) 9388 4931, or rebecca.delsar@health.wa.gov.au.

Regards



**MANAGER
FOOD UNIT**

12 June 2012