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File Ref: QCHO/5561

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Standards Management Officer
Food Standards Australia New Zealand
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Dear Sir / Madam

Submission – Proposal P1018– Companion Dogs in Outdoor Dining Areas

Thank you for the opportunity to provide a submission on the Call for Submissions for Proposal P1018.

This submission provides technical advice and comments related to this issue. It was prepared with the advice of officers from other relevant Queensland Government agencies. The submission does not represent a Queensland Government position, which will be a matter for the Queensland Government when notification is made by the FSANZ Board to the Legislative and Governance Forum on Food Regulation.

It is suggested in the interests of clarity and transparency that a clear rationale needs to be provided as to why the proposal was restricted to companion dogs and not more generally to companion animals. Furthermore, given the findings of the risk assessment, a rationale should be provided for why the proposed permission to allow companion dogs into dining areas was limited to outdoor dining areas only.

It is noted the scope of the risk assessment is mainly restricted to zoonotic risks. Additional factors that could be considered as part of the risk assessment include the following:

- physical contamination from dogs such as saliva, urine and hair
- the public health risks more generally, rather than just via food
- management of allergic reactions related to dogs
- whether there should be size restrictions on dogs, because larger dogs have a greater potential to contaminate table tops and food contact surfaces, and knock over tables, chairs and customers.

Consideration could also be given to:

- provision of hand washing facilities for anyone who has handled a dog, so they may wash their hands prior to eating.
- designation of dog and non-dog areas

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- workplace health and safety issues, for example, serving staff tripping over a dog or a dog knocking over a table of hot drinks.

Whilst it is noted the following matters may go beyond food regulation issues, the following issues have been raised as possible impacts on legislation enforced by local governments. For example:

- impact of changes to the Food Standards Code on local laws that govern footpath dining
- possible problems regarding public liability insurance
- impact on dog regulation laws, for example, in the situation where a dog rushes toward food a child drops, placing fear in the child may constitute a 'dog attack.'

Consideration may also be needed as to the potential impacts of companion dogs on assistance animals within the confines of a food business. It is unclear as to whether additional precautions and training of assistance animals (particularly guide dogs) could be required in instances where the assistance animal is threatened by a companion dog and therefore may not be able to adequately perform its duties.

The proposed definition of 'enclosed area' is open to interpretation and may cause issues in interpretation and consistent interpretation. For example:

- Is an area with plastic cafe blinds on all sides an enclosed place by definition, i.e. are blinds a temporary wall? (Probably not by dictionary definition)
- How open does a screen or frame need to be before it is considered substantially closed?
- Do the walls and windows need to be on all sides? For example, is a veranda an enclosed space, or an area with an awning and one wall, or an awning and two walls, a roof and three walls?
- Is a fence, or balustrade, or hedge, etcetera, a wall?
- Is an open pergola considered to be a ceiling or roof?
- Is a louvre roof, which can be opened or closed to keep out rain a roof? Is a louvre roof that is open no longer a roof?

It is noted that there is a typographical error in the draft variation on page 9 of the Call for Submissions Report. In the Schedule 'Standard 3.3.2.' should actually be 'Standard 3.2.2.'

If the intention is to return to national consistency on this matter, clear guidance material for food businesses and enforcement agencies will be vital, irrespective of whether the proposed permissions are successful or not. Given the work already done by FSANZ on this issue, it would appear appropriate for FSANZ to develop or facilitate the development of this guidance material, or at least host it on the FSANZ website. The guidance material could include information on:

- interpretation of the requirements, especially how to determine whether an outdoor dining area is enclosed
- additional precautions food handlers need to take if dogs are permitted into the business
- important matters related to the hygienic cleaning, storage and handling of containers used for feeding and watering dogs
- hand washing facilities for customers
- facilities required and staff policies regarding cleaning of dog saliva, urine, faeces, hair etcetera
- doggy bags (for dogs).