A food business is prohibited from permitting live animals in areas where food is handled or served. Exemptions are in place for seafood, shellfish, other live fish and assistance animals such as guide dogs. A food business may choose to allow dogs in outdoor dining areas if certain criteria are met. This fact sheet provides information and advice on allowing dogs in outdoor dining areas.

**Assistance animals**

All food businesses must allow an assistance animal in areas used by customers. This applies to both indoor and outdoor dining areas and any other customer area. Assistance animals are not permitted to enter non-customer areas such as a kitchen, storeroom or other places where food is handled.

The definition of an ‘assistance animal’ is contained in section 9 of the *Disability Discrimination Act 1992* and refers to an animal trained to assist a person with a disability to alleviate the effect of the disability.

**Dogs in outdoor dining areas**

A food business may permit dogs to be present in outdoor dining areas provided it meets the definition below. It is the food business’ choice as to whether or not they permit a dog to be present in an outdoor dining area. Animals other than dogs or assistance animals are not permitted in outdoor dining areas.

*Outdoor dining area* means an area that—

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

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

- a ceiling or roof; and
- walls or windows or both walls and windows.

**When is an area an ‘outdoor dining area’?**

To be considered an outdoor dining area, all of the criteria included in the definition must be met.

- It is used for dining, drinking or both drinking and dining
- It is not used for the preparation of food
- It is not an enclosed area.
NOTE: It is considered that an outdoor area with a roof and plastic sheeting which can be rolled down dependant on the weather meets the definition of an enclosed area under the Code and therefore is not considered an outdoor dining area therefore dogs are not allowed.

- It can be entered by the public without passing through an enclosed area.

Examples of outdoor dining areas include:

- open footpath dining with no cover
- a footpath dining area with a canopy but no walls
- an open beer garden with direct street access.

Local governments are responsible for licensing food businesses and for the enforcement of the provisions relating to dogs in outdoor dining areas. It is therefore recommended that food businesses obtain the advice of their local government prior to permitting dogs in outdoor dining areas.

Further considerations for food businesses

Food businesses that permit dogs in outdoor dining areas must ensure they maintain high standards of food safety and personal hygiene and must therefore consider and manage issues that may arise from the presence of dogs at their food premises to ensure that they maintain compliance with the Food Act 2006. Issues may include:

- ensuring food service staff refrain from touching dogs, as this creates a risk of cross contamination
- if food service staff do touch a dog, they should wash their hands with soap and warm water and dry thoroughly, prior to further handling or service of food
- the provision of water, storage of dog food and the cleaning and storage of bowls for dog food or water
- removal and disposal of dog urine/excrement.

It is highly recommended that food businesses develop procedures for:

- cleaning up dog waste
- dealing with dog misbehaviour e.g. barking, fighting with other dogs
- dealing with customer complaints.

To continue to ensure customers’ safety and comfort, food businesses may also wish to consider the following matters if they decide to permit dogs in outdoor dining areas:

- space available for dogs including signage to designate or identify dog areas
- barking and behavioural issues
- possible trip hazards, e.g. leashes on pathways
- the availability of tether points for dogs
- insurance and public liability.

It is highly recommended that all food businesses prominently display appropriate signage to inform customers:

- of the food business’ decision to allow, or not to allow, dogs in outdoor dining areas
- of the areas in which animals are permitted
- how the food business caters for the animal at the premises e.g. whether the business provides water bowls or dog food
- how they are required to deal with dogs while at the premises.
It may also be helpful to keep formal advice about dogs in dining areas to provide to customers, such as the Queensland Health fact sheet *Dogs in outdoor dining areas – information for customers*.

**For further information**

Queensland Health have a variety of fact sheets with detailed information on food safety. These fact sheets can be accessed at [www.health.qld.gov.au/foodsafety](http://www.health.qld.gov.au/foodsafety).

If you have any further questions relating to dogs in outdoor dining areas, contact the local government for the area where your food business is located. Contact details can be found in the White Pages or at [www.dlgp.qld.gov.au/local-government-directory](http://www.dlgp.qld.gov.au/local-government-directory).