

## submissions

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**From:** Jason Brewer [REDACTED]  
**Sent:** Wednesday, 13 June 2012 4:25 PM  
**To:** submissions  
**Cc:** [REDACTED]  
**Subject:** Submission from Sunshine Coast Council Queensland - Proposal P1018  
Companion Dogs in Outdoor Dining Areas

**Categories:** Blue Category

Dear Sir/Madam,

Sunshine Coast Regional Council would like to make the following submission in relation to the proposed change to clause 24 of Food Safety Standard 3.2.2 which relates to dogs in outdoor dining areas.

On January 2012 Sunshine Coast Regional Council enacted a local law (*Sunshine Coast Regional Council Local Law No. 2 (Animal Management) 2011 and Sunshine Coast Regional Council Subordinate Local Law No. 2 (Animal Management) 2011*) prohibiting dogs (other than assistance animals) from eating establishments. Where the state legislation makes the food licence holder responsible for the breach, the local law makes the keeper of the animal responsible. The community at the time of consultation of the making of the local law requested this requirement.

A copy of the local law can be viewed at <http://www.sunshinecoast.qld.gov.au/sitePage.cfm?code=local-laws>

Council considers that the current wording in the standard is needed to ensure that these areas where food is provided to customers remains dog free. Alternative tether points away from outdoor dining areas can be established.

The proposal was provided to the councillors for comment with one Divisional Councillor responding within the timeframe.

The Councillor has provided his own submission under separate cover to you.

A copy is provided below:-

[REDACTED]  
SUBMISSION - Companion Dogs(Pets) in outdoor eating areas.

Dear Sir /Madam,

Please accept the following as my formal submission to the above subject. I am an elected representative/councillor for the Sunshine Coast Regional Council and have been a councillor for twelve years now. I am also a pet owner, presently a cat and before that a dog.

In the 12 years there is no doubt in my mind that dogs have created the most dissent in my community and many ongoing problems related to dogs and their behaviour. The behaviour of their owners, and their inability to be responsible pet owners exacerbates the many problems with have with dogs. Allowing dogs into outdoor eating areas is just creating another location and situation where dogs will have the potential create further problems. Importantly, the community is not telling us they want dogs in these establishments. A small minority of people within the community have raised the issue and will continue to do so. This continuous push by a small few does not justify changing what the huge majority are more than happy with.

The issue of allowing dogs into cafes is one that must be considered in many more ways than just the transmission of pathogens. Taking this particular item and using it as the basis for changing the situation is simplistic, narrow-minded and ignores the precautionary principle.

Risk management should be done as an all encompassing process that covers all types of risks when considering such a change. Apart from pathogens there is "amenity, discrimination, staff safety, client/patron safety, animal/dog safety, dog behaviour, people's rights, café functionality, intensity of use, reputation, fear/phobia and local law/public consultation."

All of the above items, plus others topics I'd say, should be given high consideration when considering change. Making a rule change because another State does things differently is also flawed in this case. Just because another State allows dogs in outdoor eating areas doesn't justify making another State the same. Why? Dogs aren't patrons and do not travel interstate to dine at cafes. A very small minority of people take their dog interstate on holidays, so why do we need interstate similarity on this matter? The idea of making it consistent is little more than a bureaucratic invention, as the reason has no real practical justification. Yes it might be good from a COAG perspective, however as dogs rarely travel interstate in large numbers there is really no practical justification for interstate consistency.

**Amenity.** Presently in Qld, a café is one of the few places a person can go without being forced to co-habitate a space with a dog. Our parks, our beaches, our regional paths, our footpaths etc are all places where dogs have a rightful place. In some of these places, where there are particular prohibitions/rules, there are rule breaches everyday where dogs are not controlled as they should be. Yet they are tolerated and allowed to be in these places due to lack of responsibility from owners and the lack of compliance officers by local authorities. So now the push to allow dogs into one of the few places where amenity is protected from the presence of dogs. A dog is another person's companion, not mine, and I should not have my amenity jeopardised by a dog under the table, or in someone's lap at the table next to me. Surely dogs have enough places to play, run, interact etc without them being forced by their owner to change the amenity of what should be a place for the use of tax paying customers.

A big issue with amenity is dogs urinating and/or dog droppings/excrement. A dog will just do it's business where it is, and this is just as people are eating and drinking. People don't do it in public eating spaces, so why should a dog be an exception. I received a call from a Melbourne radio disc jockey last year and he reported a dog leaving the table next to him, cocking it's leg and proceeding to urinate on the floor with it spraying all over his leg. Can it be guaranteed that this will not happen and if it does, will the dog and it's owner be charged with assault. Will the liability also rest with FSANZ in allowing this unsavoury situation to occur? The precautionary principle in this regard is most important, and if this situation is not, in itself, enough to keep dogs from outdoor cafes, then our standards and social etiquettes are taking second place to a minority push, that believes it's acceptable to eat/dine/drink with animals. If I was to squat and allow my bodily fluids to flow over another patron at a café, I'd be charged with assault (just as if I spat on someone). An animal should not be given any leniency and certainly not different to accepted human practice and standards. There is no guarantee that this can be prevented.

**Discrimination.** How is discrimination created via this proposal? One manner is that allowing dogs in is discriminatory in that a dog is only one type of pet/companion animal that deserves consideration if any proposed change. Cats, birds, guinea pigs and many more animals are pets, and a dog in this instance is nothing more than a pet. Yes, in this paper a dog is being termed a "companion", the same as every pet. All pets are companions and deserve the same rights as dogs, in being allowed to accompany their owner. The result of this equality will impact on the amenity and functionality of any café. Therefore, by allowing dogs into outdoor cafes, a discriminatory situation around pets/companion animals is created. Outright discrimination of this kind is not acceptable in today's Queensland, or Australia for that matter. I can just see a Great Dane finding space in an establishment and another owner saying that dog shouldn't be allowed in here, it's too big. A dog is a dog is a dog, one in all in, and then it must follow that other companion pets should be allowed.

It is also discriminates against people in that, where a person cannot or will not eat with an animal present, the dog takes precedence and the person is thereby discriminated against in a public space. A dog should not be given precedence over a person in a public space. I know of children in particular that cannot be in the same place as a dog because of a fear created by an attack or being intimidated by a dog. Where there is only one choice of outdoor café, then the person is thereby forced to take second place to a dog. This like a sense of social engineering.

**Staff Safety.** The more dogs in a café, the more chance of a staff member being tripped up by a lead, being bitten, slipping on dog excrement, transmission of the variety of "worms" via accidental contact/cuts/abrasions/dormant germs or suffering an allergic reaction to a dog. With dogs presently not allowed in outdoor eating areas, there is no benchmark of just what a café would be like. There could be dog at every table.....a rottweiler at one, alsation at another, poodle another, bull terrier another, kelpie another, labrador another etc etc and getting around the area with hot drinks and meals becomes a safety risk and obstacle course. On busy days it's bad enough for staff getting in and around tables without having to worry about multiple dogs and their leads, their temperament, their toilet habits etc.

**Client/Patron Safety.** This item is much the same as above, however the extension is dog owners actually creating an unsavoury situation amongst themselves. This then impacts through verbal and physical abuse creating an unsafe environment. As above, a dog biting another patron is a real problem and the fact that there is no test as to a dog's behaviour or temperament, then an attack is a probability. The number of unprovoked dog attacks every week in Qld and Australia is astonishing. On the majority of occasions we hear the claim that it "was out of character" for my dog to do that. Once again the ultimate situation, by having multiple dogs in outdoor cafes, will create an unknown and probably volatile situation.

**Animal/Dog Safety.** Multiple dogs in close proximity, in a confined space is a recipe for aggression between animals. This is evidenced everyday I go to the beach or the park and see dogs acting aggressively toward each other. Just last night on the news there was report about a dog fight that resulted in people having to put their safety in

jeopardy by pulling the dogs apart. Dogs acting up can also upset tables, chairs and meals, as per the above two Topics, and this has a domino effect on both dog safety and human safety.

**Dog Behaviour.** This is associated to amenity, reputation and safety but a stand alone also. There is no mention of any particular standard of behaviour for a dog, or checking for a certificate from a dog obedience class. A dog will bark, growl, lick, move into another person's space, beg for food, eat off the floor, jump at waitstaff and patrons either aggressively or passively and rest across access ways. Yes the owner has the chance to stop all these things but we all understand the unpredictability of dogs. Some are good, but how do we know how many that will be? We can't and never will because there will be no standard and therefore no way of understanding just what behaviour will occur and what the ramification of that will be. The precautionary principle once again.

**People's Rights.** This topic is also related to discrimination. However, specifically this is about a person not having to choose a lesser option in a public and commercial situation due to a dog. If it was a café built and promoted as a dog café, where the primary source of revenue and patronage is from dogs, then this may not be an issue. But whilst outdoor cafes are primarily built and serviced for humans and their menus created for people, a person should not have to forego a particular establishment due to the presence of a dog or multiple dogs. Additionally, there are many establishments that now have small indoor areas and larger outdoor areas thereby reducing the space available for taxpaying patrons that cannot or will not eat with dogs. Yes the person could go to another establishment, but where is the world going when a dog takes precedence over people. As per above, if there is only one outdoor establishment in a location, it forever deprives people of patronising that establishment due to their position of not dining with dogs.

**Café Functionality and Viability/Intensity of Use/Reputation.** How many dogs will be in an outdoor café? Five, ten, twenty or more. Who knows and just what does that mean for how an establishment operates, and is perceived? This topic relates to some of the above, like safety, but multiple dogs does have the ability to change it's functionality, and thereby it's viability. The costs of cleaning, to ensure an establishment does not have: odour, germ carrying residues on floors/furniture/surfaces, urine, excrement, fleas/parasites on floors/surfaces and other dog related matter, would need attention. The intensity of use by dogs would determine the extra costs to business. This is also related to the precautionary principle.....better to prevent transmission concerns than to fix the problem after a patron has been affected. As above, it's not all about transmission via food. Health and hygiene are more far reaching than that singular position.

The reputation of an establishment could be made or broken due to the intensity or number of dogs. Even people that like dogs, and are owners of dogs, will be put off if an establishment is clogged with dogs on a regular basis. The reputation of the establishment, just like the reputation of some of our beaches, is tarnished due to the number of dogs and the concerns raised by their presence and behaviour.

**Fear and Phobia.** This topic has been touched on above but again it's about people with a real fear or phobia of dogs. They are not able to access and patronise an establishment due to their condition. Thereby putting the welfare of an animal before a human in a public and commercial space. Many people, and in particular children, that have been attacked or accosted by dogs, carry with them a fear and/or phobia about dogs and cannot be in the same confined space. These people should not be further disenfranchised by allowing dogs into another domain that was never meant for dogs, or any animal for that matter.

**Local Laws/Public Consultation.** Here on the Sunshine Coast, the Sunshine Coast Council conducted a thorough consultation program for the creation of our new Local Laws(LL). The Council introduced a NEVER BEFORE LOCAL LAW that made it an offence for an owner to take any animal into an eating establishment, outdoor or indoor. This is in addition to the standard already in place that made the business owner the only person responsible for a person taking an animal into an establishment.

This new LL created a great deal of debate and media coverage, yet the submissions for and against were not too much different. The total number of submissions was very low and this was a reflection of the acceptance that dogs have not got a place in eating establishments. With the coverage the new LL received, the thousands of dog owners on the Coast, and lobbyists from further afield, could have rejected the proposed new LL by their objections, but this did not eventuate. The people have spoken here on the Sunshine Coast and our LL is now in place and I believe the huge majority of people are quite happy and content with the law.

Interestingly, I was approached numerous people and had written submissions from dog/pet owners asking me to not allow dogs/animals /pets into outdoor cafes, despite them being owners themselves.

One point that most dog owners do not want to mention is the fact that when they are invited to a bbq, dinner, lunch, drinks at a private residence, they never take their dog with them. Why, because it's not accepted social protocol to take your dog into these situations. Why then, should it be acceptable to take their dog to public places with unknown people and make complete strangers eat with their companion dog/pet? If they're comfortable not packing their dog up and taking it with them when they go to a private social gathering with friends, why should they then have the right to have their animal intrude into the space being used by others in the confined space of outdoor cafes in the public domain.

Why would the standard need to be changed? There is no demonstrated need, just a desire by some to eat with a dog in an establishment, and the call for a consistent across-State situation. These in themselves do not go close to justifying that a change is needed. That Assistance Dogs are allowed is quite right and proper as this allows people to access these public and commercial spaces safely and conveniently. However, opening this to all dogs, because that's what it is, is another thing altogether. As mentioned, there will be no outdoor place apart, from our own private residence, that a person can enjoy without the presence of a dog. Enough is enough, please allow me and the huge majority of people that don't want dogs in outdoor eating establishments, to have these places protected as our last bastion of human primacy.

Allowing the café owner to decide should not be the issue but it is part of the proposal. It shouldn't come to that and if it does, creates a type of competition that business owners do not need and once again, there is no demonstrated need from the industry being shouted to the world. Dogs being secured nearby, with a bowl of water, is quite sufficient and is working well at present. Asking a café owner to jeopardise his or her traditional standards to compete with dogs, that's what it amounts to, is the wrong principle here. Once we blur the lines of principle, there is no turning back. All companion animals should have the same rights, and all owners of companion animals should have the same rights as the owners with dogs as companions. That is not what the hospitality industry needs and if it ain't broke, there's no need to fix it.

In this case, things are not broke, so please leave things as they are in Queensland. Thank you for your time, and consideration of my submission.

*Regards,*

*Cr. Tim Dwyer*

*Division 2 Electorate,*

*Sunshine Coast Regional Council.*



Thank you for the opportunity to provide a submission to be considered in part of this review of the standard.

Yours sincerely

Jason Brewer | Healthy Places Manager  
Healthy Places Unit | Community Services  
Sunshine Coast Regional Council



Website: [www.sunshinecoast.qld.gov.au](http://www.sunshinecoast.qld.gov.au)

Mail: Locked Bag 72 Sunshine Coast Mail Centre Qld 4560

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