

3 July 2025
347-25

Approval report – Application A1314

Permitting small dogs and cats in aircraft cabins

Food Standards Australia New Zealand (FSANZ) has assessed an application made by Virgin Australia Pty Ltd to permit food to be served to customers when companion (pet) cats and dogs are present in aircraft cabins under controlled conditions.

On 19 March 2025, FSANZ sought submissions on a draft variation and published an associated report. FSANZ received 51 submissions.

FSANZ approved the draft variation on 26 June 2025. The Food Ministers' Meeting¹ was notified of FSANZ's decision on 3 July 2025.

This Report is provided pursuant to paragraph 33(1)(b) of the *Food Standards Australia New Zealand Act 1991* (the FSANZ Act).

¹ Formerly referred to as the Australia and New Zealand Ministerial Forum on Food Regulation

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Supporting document

The following document which informed the assessment of this application is available on the A1314 page on the FSANZ website: <https://www.foodstandards.gov.au/food-standards-code/applications/a1314-permitting-small-dogs-and-cats-aircraft-cabins>.

SD1 A1314 Risk Assessment

Executive summary

Food Standards Australia New Zealand (FSANZ) assessed an application made by Virgin Australia Pty Ltd (Virgin Australia) to amend the Australia New Zealand Food Standards Code (the Code) to permit food to be served to customers when companion animals (pet cats and dogs) are present in aircraft cabins. The amendment would under proposed conditions permit airlines to continue in-flight food service with companion animals onboard. Arrangements for assistance animals (such as guide dogs) are not affected.

FSANZ evaluated the microbiological food safety risks of companion cats and dogs in aircraft cabins and risk management measures. Zoonotic pathogens from cats and dogs in aircraft cabins present a foodborne disease risk to consumers dining in this setting, which may be slightly higher for young children and immunocompromised individuals. However, mitigation measures such as keeping animals contained, avoiding contact with food handlers, maintaining hygiene and serving mainly pre-packaged foods will reduce this risk to low.

FSANZ also assessed the costs and benefits and found the benefits are likely to outweigh the costs. The amendment enables airlines to continue to serve food when they allow pets in aircraft cabins, subject to requirements outlined in this report. Benefits include greater travel flexibility for pet owners and commercial opportunities for airlines and related businesses. Some passengers may be negatively impacted if they prefer not to travel with pets in the aircraft cabin.

Under current Code requirements, assistance animals such as guide dogs are already permitted onboard and arrangements for assistance animals will not change. Airlines, as food businesses, remain responsible for meeting relevant food safety requirements under Standard 3.2.2 and other applicable standards.

Following assessment and the preparation of a draft variation, FSANZ called for submissions on the draft variation. A total of 51 submissions were received from individuals, food regulators and the Australian Veterinary Association. FSANZ has had regard to these submissions.

Submissions from individuals were almost evenly divided between support and non-support. Concerns outside FSANZ's remit included noise and odours, fear or dislike of travelling with animals, passenger safety and non-food allergens. Food safety concerns focused on crew behaviour, hygiene protocols, contamination from animal excrement, parasites and pathogens and setting a precedent for permitting animals in other food service settings. Supporters agreed the food safety risk is low and the proposed management measures are appropriate. They also welcomed beneficial travel arrangements for pets and owners and noted the permission would align Australia with other like-minded countries.

Submissions from food regulators provided in-principle support, with several jurisdictions preferring additional management measures be prescribed in the Code. Some concerns were raised about implementation and enforcement responsibilities.

For the reasons set out in this report, FSANZ approved the draft variation without change. The approved draft variation will amend the Code to permit food to be served when companion cats and dogs are in aircraft cabins, provided all relevant requirements are met. These include that the animal is kept contained when boarding, onboard and disembarking. The effect of the approved draft variation will be to provide individual airline businesses operating in Australia a discretion to serve food when allowing companion cats and dogs in aircraft cabins provided requirements are met.

1 Introduction

1.1 The applicant

Virgin Australia Pty Ltd (Virgin Australia) is an Australian airline company that operates flights within Australia. Their headquarters is in Queensland.

1.2 The application

Virgin Australia requested an amendment to clause 24 of Standard 3.2.2 of the Australia New Zealand Food Standards Code (the Code) to permit food to be served to customers when companion cats and dogs are in aircraft cabins. Virgin Australia stated their intention to implement multiple controls to manage food safety risks, including containment of the animal; with limits on their size, location and number of animals per flight; and provision of pre-prepared, packaged or low-risk foods to customers. The application was intended to permit companion animals in specified food handling areas; that is, onboard planes where food is served to customers.

1.3 The current standards

Australian state and territory food laws require food for sale and food businesses to comply with relevant requirements in the Code.

Section 1.1.1—14 of the Code in effect requires food businesses in Australia to comply with the food safety standards in Chapter 3 of the Code. These standards apply in Australia only.

Chapter 3 of the Code contains Standard 3.2.2 – Food Safety Practices and General Requirements. Clause 24 of that standard provides that a live animal must not be in an area where food (other than seafood, other fish or shellfish) is handled by a food business. The clause provides two exceptions to this prohibition. Food businesses must permit assistance animals (e.g. guide dogs) in areas used by customers. Food businesses may choose to permit a dog that is not an assistance animal to be in an outdoor dining area.

For Code purposes, commercial airlines are considered food businesses if they handle (as defined) food for sale in-flight. As such, Australian state and territory food laws and the Code do not permit these businesses to have live animals present in the cabin with passengers (subject to the exceptions noted above).

1.4 Reasons for accepting application

The Application was accepted for assessment because:

- it complied with the procedural requirements under subsection 22(2) of the *Food Standards Australia New Zealand Act 1991* (FSANZ Act)
- it related to a matter that warranted the variation of a food regulatory measure.

1.5 Procedure for assessment

The application was assessed under the General Procedure.

1.6 Decision

The draft variation as proposed following assessment was approved without change. The variation takes effect on gazettal. The approved draft variation, is at Attachment A.

The related explanatory statement is at Attachment B. An explanatory statement is required to accompany an instrument if it is lodged on the Federal Register of Legislation.

2 Summary of the findings

2.1 Summary of issues raised in submissions

FSANZ called for submissions from 19 March to 30 April 2025. In total, 51 submissions were received: from individuals/consumers (46), local and state governments (4) and the Australian Veterinary Association (1). Of these, 21 supported FSANZ's assessment and the draft regulatory measure, 24 did not support and five expressed both support and non-support.

Most submitters provided comments, which are summarised in Table 1 along with FSANZ's responses. FSANZ acknowledges the broader issues outside of food safety raised and notes these issues are largely addressed through other regulatory and policy settings, such as civil aviation requirements.

After considering these comments, FSANZ determined no significant changes were needed to the assessment or the draft variation.

Table 1: Summary of issues and FSANZ responses

Issues raised:	Submitter	FSANZ's response
<p>1. Concerns of health impacts for people with allergies to animals (dander, hair, pheromones; allergies may cause people to sneeze, increasing food safety risks.</p>	<p>individuals (multiple)</p>	<p>Noted.</p> <p>FSANZ risk assessment concluded that permitting companion cats and dogs in aircraft cabins in the manner proposed posed a low food safety risk. That assessment and conclusion was based on the best available scientific evidence.</p> <p>No additional data was provided in submissions on food safety risks. FSANZ's public health and safety remit relates to food safety – non-food allergens are out of scope for this application.</p> <p>FSANZ notes people commonly cough and sneeze for multiple reasons. Normal passenger etiquette of covering sneezes and coughs and food handler hygiene would minimise food safety risks, particularly with packaged food. In addition, airlines must comply with work health and safety requirements to take practicable measures to protect the health and safety of their customers.</p>
<p>2. Fear or dislike of travelling with dogs and cats, leading to inconvenience/ unfairness for customers having to suffer or select other flights.</p>	<p>individuals (multiple)</p>	<p>Noted.</p> <p>FSANZ's cost-benefit assessment acknowledged these factors may concern some consumers. However, FSANZ considers these issues are not relevant to food safety and the Code is not the appropriate management mechanism.</p>
<p>3. Passenger safety concerns due to escaping or released animals.</p>	<p>individuals (multiple)</p>	<p>Noted.</p> <p>FSANZ considers these issues are unlikely to arise due to the containment requirements and the presence and supervision by cabin crew.</p>
<p>4. Concerns about animal noise and odours.</p>	<p>individuals (multiple)</p>	<p>Noted.</p> <p>However, FSANZ considers these issues are not relevant to food safety and the Code is not the appropriate management mechanism.</p>
<p>5. Objections to animals taking up valuable room in an already limited space, and of passengers with companion animals having priority boarding and window seats.</p>	<p>individuals (DC, EA)</p>	<p>Noted.</p> <p>However, FSANZ considers these issues are not relevant to food safety and the Code is not the appropriate management mechanism.</p>
<p>6. There is a food contamination risk from animals' excrement or sneezing, which could</p>	<p>individuals (multiple)</p>	<p>FSANZ's assessment considered contamination risks from animal excrement and bodily fluids. FSANZ concluded these risks would be minimised by</p>

be exacerbated by stress reactions.		containing the animal in a leak-proof carrier. FSANZ also notes the applicant's proposed measure to locate carriers under the seat, further reducing risk. Please see FSANZ's Risk Assessment at SD1 For further information.
7. Concern that animals could hinder, distract or contaminate flight crew; that rules (e.g. animal containment) may not be enforced by crew.	individuals (multiple)	<p>Noted.</p> <p>FSANZ considers these issues are not relevant to food safety, except for potential contamination of or by food handlers. FSANZ concluded the risk to food safety is minimal because of proposed or existing requirements that apply to all food businesses under standards 3.2.2 and 3.2.3:</p> <ul style="list-style-type: none"> • The draft variation mandates the animal carrier be leak proof (preventing spills) and prevent interaction between food handlers and the animal. • Standard 3.2.2 hygiene requirements on food handlers must be met, including handwashing. • Standard 3.2.2 hygiene and general requirements on food businesses must be met, including staff skills and knowledge, ensuring staff are aware of their hygiene obligations, and preventing and protecting food from being contaminated. • Standard 3.2.2 requires food handler skills and knowledge to be commensurate with their activities. <p>FSANZ notes the application states airline policy will prohibit cabin crew physically interacting with the animal. Further, in the event of a biological spill, staff will follow set procedures to manage biohazards (already used for passenger incidents).</p> <p>FSANZ also notes the requirements imposed by civil aviation laws, including that passengers must comply with safety instructions given by cabin crew.</p>
8. Long domestic flights in Australia mean heightened risk of exposure to animals.	individual (SI)	FSANZ's risk assessment included consideration of exposure to animals over multiple hours, noting domestic flights in Australia can be long. FSANZ concluded food safety risks to be low regardless of these time periods when proposed and existing requirements are met. Please see SD1.
9. Ticks and fleas could transfer from animals to other pets and passengers.	individual (SI)	No additional data was provided. FSANZ's assessment and its conclusion of a low food safety risk was based on the best available scientific evidence on foodborne illness attributed to flights. See SD1 for further information.
10. Foodborne illness from flights is likely underreported, so the risk may be higher than FSANZ has assessed.	individual (CM)	<p>Noted.</p> <p>FSANZ's assessment took account of the fact that foodborne illness from</p>

		<p>flights may be underreported. FSANZ notes foodborne illness is likely to be underreported generally, including in other food service settings.</p> <p>FSANZ's assessment and its conclusion of a low food safety risk was based on the best available scientific evidence on foodborne illness attributed to flights. See SD1 for further information.</p>
<p>11. Companion animals permitted onboard could be of variable health status; vaccination is not mentioned in the application; animals may not be de-wormed.</p>	<p>individuals (MJH, SI)</p>	<p>Noted.</p> <p>FSANZ's assessment concluded that the risk of transmission of pathogens to food to be minimal when the animal is contained. That assessment and conclusion was based on the best available scientific evidence. Please see SD1 for further information.</p> <p>No additional data was provided in submissions in relation to the transmission of pathogens to food.</p> <p>FSANZ notes the applicant advised its policy will require that companion animals must be healthy and vaccinated and will also require fit-to-fly certification in appropriate cases (e.g. for elderly animals and specific breeds).</p> <p>See also FSANZ's response at Issue 7 above.</p>
<p>12. Permitting animals onboard contradicts NSW Work Health & Safety Act (which states a duty imposed on a person to ensure health and safety requires the person to eliminate risks to health and safety, so far as is reasonably practicable, or to minimise those risks so far as is reasonably practicable).</p>	<p>individual (SI)</p>	<p>Noted.</p> <p>The application of the NSW Work Health & Safety Act and its interaction with NSW Food Act, which applies the Code, is a matter for the airline and the NSW authorities responsible for those Acts.</p> <p>FSANZ notes that none of the regulators responsible for the food laws that apply the Code raised this as an issue in their submissions.</p>
<p>13. Airline cleaning standards do not account for pets in the cabin and would need to be more stringent.</p>	<p>Individual (MJH), Queensland Health (QLDH)</p>	<p>Noted.</p> <p>Food safety standard (Standard 3.2.2) requires food premises, equipment and food contact surfaces to be clean and sanitary. The requirements are outcomes based and do not prescribe specific cleaning protocols. The onus is on the food business to implement appropriate and where necessary, more stringent cleaning procedures that ensure food is protected from contamination and is safe and suitable to consume.</p>

<p>14. Permitting companion cats and dogs onboard would set a precedent for allowing pets in other food service settings.</p>	<p>individuals (MK, CM), Council of City of Gold Coast</p>	<p>Noted.</p> <p>However, FSANZ does not agree. FSANZ's assessment of companion cats and dogs onboard aircraft cabins was strict in scope and reviewed several unique characteristics of this particular food service environment and potential for pathogen transmission via food. These included seating arrangements, air flow dynamics and service of predominantly pre-packaged food. See SD1.</p> <p>Any future proposed amendment to permit companion animals in other food service settings would need to be separately assessed by FSANZ. The risk assessment process of identifying and characterising hazards and determining exposure risks is specific to each proposed Code amendment.</p>
<p>15. Concern that increased numbers of animals will be permitted onboard as people deem them necessary support animals.</p>	<p>individual (JMc)</p>	<p>Noted.</p> <p>The proposed amendment would permit an airline to determine how many companion animals are permitted onboard, according to its own operating protocols and constraints. However, all aviation safety regulations and food safety requirements must still be met.</p> <p>FSANZ considers the number of animals permitted onboard is likely to remain low because of general safety issues, inherent space constraints and other practicalities.</p> <p>FSANZ notes overseas airlines already permitting companion animals onboard restrict the number of animals.</p> <p>Standard 3.2.2 of the Code requires a food business to permit assistance animals - as opposed to 'companion animals' - in areas used by customers. 'Assistance animal' is defined as an animal referred to in section 9 of the <i>Disability Discrimination Act 1992</i> of the Commonwealth.</p>
<p>16. Support for assistance animals being permitted onboard but not companion animals.</p>	<p>individuals (multiple)</p>	<p>Noted.</p>
<p>17. Concern about animal transit through airports and proximity to food handling areas.</p>	<p>Council of City of Gold Coast,</p>	<p>Noted.</p> <p>However, this application relates to the presence of companion cats and dogs in a dining area on a passenger airline. Food handling areas in airports are</p>

		<p>out of scope.</p> <p>FSANZ notes current Standard 3.2.2 requirements do not permit companion animals in indoor food handling areas.</p>
<p>18. Concern animal carriers must remain closed during flight, even during medical emergency.</p>	<p>Australian Veterinary Association (AVA)</p>	<p>Noted.</p> <p>The approved draft variation requires animals to be contained during flight for the reasons set out in this report.</p> <p>FSANZ notes the applicant advised its policy will require that companion animals must be healthy and will also require fit-to-fly certification in certain cases (e.g. for elderly animals and specific breeds).</p> <p>The application of State and Territory animal welfare legislation to airlines and that legislation's interaction with the food laws that apply the Code remains a matter for the airline and the State and Territory authorities responsible for those Acts.</p>
<p>19. Concerns of undue responsibility on vets required to provide animal health certificates.</p>	<p>AVA</p>	<p>Noted.</p> <p>FSANZ understands that prior veterinary certification that animals are healthy and fit to travel is a current requirement under airline policies.</p>
<p>20. Seeking further prescription/inclusion of applicant's proposed measures including:</p> <ul style="list-style-type: none"> • limiting number of animals • limiting size of animals • carrier placement under the seat • service of pre-packaged food • limiting where animals are allowed • prohibiting staff contact with animals • requirement to ensure no contamination arises from animals in aircraft 	<p>Council of City of Gold Coast, New South Wales Food Authority (NSWFA), QLDH</p>	<p>Noted.</p> <p>FSANZ's assessment, based on the best available scientific evidence, is that the containment requirement, in combination with existing hygiene, sanitation and skills and knowledge provisions in Standard 3.2.2 will protect public health and safety. Please see SD1. See also response to 7 above.</p> <p>FSANZ notes overarching civil aviation laws continue to apply to and govern the airlines concerned. Airline policy must comply with the latter, including airline policies and requirements in terms of the companion animal.</p>
<p>21. Seeking clarification on who is the responsible regulator and how the amendment would be enforced.</p>	<p>Council of City of Gold Coast, NSWFA</p>	<p>The approved draft variation amends Standard 3.2.2 of the Code. Standard 3.2.2 is applied by and forms part of Australian food laws. FSANZ's understanding is that nothing in the draft variation will change or effect who is responsible for the enforcement of those laws. FSANZ also understands that Standard 3.2.2 requirements already apply to airlines serving food onboard.</p> <p>This comment relates to implementation and will be referred to the</p>

		Implementation Subcommittee for Food Regulation (ISFR).
22. Request for guidance in Safe Food Australia (see also 35)	NSWFA, Department for Health and Wellbeing – SA (SAH)	Noted. This is a matter for ISFR in the first instance. Please see response to Issue 35 below.
23. Airline should provide clear information to passengers about changes and expectations.	SAH	Noted. FSANZ understands that the applicant is preparing and will provide information to its customers on this change.
24. Concern/note the requirements will apply to all airlines, and other airlines may not have the same procedures and controls to manage risks as Virgin Australia.	QLDH, SAH	Noted. This comment relates to implementation and will be referred to ISFR. FSANZ notes that the Code's food safety standards apply to all food businesses. The approved draft variation was developed and approved on the same basis; the measure applies to all businesses to which that measure is relevant. How a business meets that requirement is up to the business and verified by food regulatory authorities. FSANZ also notes that the Australian domestic passenger airline industry is a highly regulated industry, particularly in relation to passenger safety.
25. Consider mandating standard operating procedures in the Code for handling animals in aircraft including being first on and last off to ensure minimal contact with staff and other people.	QLDH	Not supported. The Code places the onus on each food business to determine how they comply with the Code; requirements are outcome based to allow flexibility in how the required outcome is achieved. FSANZ is not aware of evidence that warrants a change to that taken by Standard 3.2.2 and 3.2.3 and to prescribe such an operating procedure.
26. While not within the FSANZ remit or Code, airlines and food safety regulators are likely to receive increases in complaints due to perceived food safety concerns and the potential for associated issues.	SAH	Noted. FSANZ's cost-benefit assessment had regard to this potential impact.
27. Airlines should implement clear hygiene requirements for passengers traveling with pets, such as sanitising protocols and designated waste disposal procedures.	QLDH	Agreed. Please see response to issue 25 above. Airlines are required to ensure that their hygiene protocols and procedures meet the requirements imposed by Standard 3.2.2.
28. The draft amendment would offer any commercial airline the option to permit companion animals in aircraft cabins if the animal is in a container, regardless of any	NSWFA, QLDH	Noted. FSANZ risk assessment concluded that permitting companion cats and dogs in aircraft cabins in the manner proposed posed a low food safety risk. That

<p>additional measures. Draft variation does not expressly prohibit situations such as serving non-packaged food, allowing animals close to galley, not checking animal health and hygiene status before boarding.</p>		<p>assessment and conclusion was based on the best available scientific evidence.</p> <p>FSANZ assessment is that requirements for leak-proof animal containment that prevents contact with food handlers, coupled with existing hygiene, sanitation and skills and knowledge requirements of Standard 3.2.2, is the appropriate response.</p> <p>Chapter 3 of the Code places the onus on each food business to determine how they comply with the Code; requirements are outcome based to allow flexibility in how the required outcome is achieved. FSANZ is not aware of evidence that warrants a change to that taken by Standard 3.2.2 and 3.2.3 and to impose such prohibitions or prescribe such operating procedures.</p> <p>FSANZ also notes that the Australian domestic passenger airline industry is a highly regulated industry, particularly in relation to passenger safety.</p>
<p>29. Additional prescription requested in the standard:</p> <ul style="list-style-type: none"> • restriction in size of permitted animals • aircraft cabins to provide appropriate area to effectively house the container to minimise the contact risk of animals with food • explicit prohibition of direct contact between the animal and food handlers in aircraft cabins be added to the requirements for food handlers in Division 4 of Standard 3.2.2 • the commercial airline permitting animals on-board during flights must take all practicable measures to prevent food from being contaminated as a result of the presence of dogs and cats in aircraft cabins. <p>Where a crew member must have direct contact with an animal aboard, company policy must then prohibit that person from food handling activities until the flight has landed.</p>	<p>NSWFA</p>	<p>Noted.</p> <p>FSANZ's assessment concluded that permitting companion cats and dogs in aircraft cabins in the manner proposed posed a low food safety risk. That assessment and conclusion was based on the best available scientific evidence.</p> <p>FSANZ considers prescribing specific animal size or housing area unnecessary from a practical perspective – the approved draft variation in effect restricts the size and location by requiring a container. Further, aircraft safety requirements would ensure the carrier is secure. FSANZ notes the airline states the carrier would need to meet their requirements and be placed under the seat.</p> <p>FSANZ considers adding explicit requirements prohibiting food handler contact with animals and preventing food contamination due to presence of animals onboard are unnecessary because of existing hygiene provisions in Standard 3.2.2. In addition, it would be inconsistent with the general approach to the food safety standards to specifically restrict one particular source of risk; Standard 3.2.2 provides the relevant basis to manage hygiene risks.</p> <p>It is the responsibility of each food business to identify and manage potential</p>

		risks within its operations and to comply with the applicable law. The onus is on each to review its policies and protocols to ensure the latter. Airline policies and protocols may need review and updating to ensure food safety standards continue to be met if food is served and the airline chooses to allow companion animals in accordance with the Code and the applicable food law.
30. The proposed amendment would be applicable to food businesses other than commercial airlines who handle food for sale in aircraft cabins. FSANZ's risk assessment only considered operation by commercial airlines (in-flight) and did not consider all different settings in aircraft cabins where food for sale is handled.	NSWFA	<p>Noted.</p> <p>The submission provided no detail on other possible settings in aircraft cabins where food for sale is handled.</p> <p>FSANZ's understanding is that Standard 3.2.2 would not apply to a non-commercial operation (e.g. not handling food for sale).</p> <p>The draft approved standard applies to 'a cat or dog that is not an assistance animal ...[and that is] present on an aircraft in an area that is used for dining, drinking or both drinking and dining on an aircraft'. FSANZ considers it unlikely the latter would apply to a non-airline food business operating on the ground in premises resembling an aircraft cabin.</p>
31. Concerns the risk assessment has not profiled all types of aircraft cabins. Request more explicit definition of what is covered by the application (i.e. commercial aircraft cabins of certain proportions).	NSWFA	<p>Noted.</p> <p>FSANZ does not consider it necessary to individually assess all possible types of aircraft cabin or prescribe details such as cabin proportions; assessing the broad nature of aircraft cabins is considered sufficient. To assess all would be inconsistent with the regulatory approach establishing broad requirements on other types of food businesses (e.g. food service, caterers, manufacturers).</p>
32. Unclear what is captured under mandatory requirements of civil aviation legislation. NSWFA understands confirmation of the health status of an animal and maintaining evidence of this confirmation is managed under CASA - confirmation would be appreciated.	NSWFA, QLDH	<p>Noted.</p> <p>FSANZ considers the onus is on the food business to implement risk management measures appropriate for its own operations, to achieve compliance with relevant legislation, including food safety requirements and civil aviation requirements.</p> <p>FSANZ notes <i>Civil Aviation Safety Regulations (1998)</i> broadly require measures to operate aircraft in a manner that does not create a hazard; to ensure the safety of persons and cargo onboard; and ensure carriage of the animal does not have an adverse effect on the safety of air navigation. Advice on the latter can be obtained from the Civil Aviation Safety Authority.</p>

<p>33. Concern the proposed permission could be adopted by an overseas carrier arriving in one port (e.g. Sydney) to then go directly to another port (e.g. Perth) – clarification is sought from FSANZ.</p>	<p>NSWFA</p>	<p>Noted.</p> <p>Confirmation on what is considered domestic or international travel for civil aviation purposes (i.e. entering Australian territory) is not a matter for FSANZ to determine or advise on. Advice on this issue could be sought from the Department of Home Affairs or the Civil Aviation Safety Authority.</p> <p>FSANZ's understanding is cabotage (foreign airlines transporting people or cargo on domestic routes) is not permitted in Australia: see Guidelines for international airlines – Cabotage requests Department of Infrastructure, Transport, Regional Development, Communications and the Arts</p>
<p>34. Given the term 'handling of food' captures a wider range of activities than dining, drinking or both drinking and dining, the proposed drafting would allow interpretation that the presence of companion animals should be prohibited in the galley and corridor in an aircraft (because these areas are not used for dining, drinking or both drinking and dining). Whilst SD1 states "during boarding, the animal will briefly pass the aircraft's forward galley; however, this will occur at a time when food items have already been stowed away in the galley", the aircraft galley is the area in which food is handled. Clarity is required to address this gap.</p>	<p>NSWFA</p>	<p>Noted.</p> <p>FSANZ does not consider there is a gap that needs addressing.</p> <p>The Explanatory Statement accompanying the draft variation states: 'New paragraph 24(3)(b) provides that, despite paragraph 24(1)(a), a food business may permit a cat or dog that is not an assistance animal to be present on an aircraft in an area that is used for dining, drinking or both drinking and dining if both the following conditions are met: the animal is in a container; and that container is leak proof and prevents physical contact between a food handler and the animal.'</p> <p>FSANZ noted the passage of the animal past the food handling area during boarding/disembarking. FSANZ considers this passage is fleeting (i.e. the time it takes to walk past the galley is usually no more than 10-20 seconds) and controlled (no food is out; animal is contained; there is no contact between animal and food handlers; and existing hygiene, sanitation and knowledge requirements apply).</p> <p>FSANZ also notes CASA safety regulations would prohibit obstructions in the galley and aircraft passageways.</p>
<p>35. Recommend Safe Food Australia include an appendix on aircraft cabins as guidance for businesses, with risk mitigation measures and specifically carrier design i.e. types of containers that are 'leak-proof' and prevent physical contact between a food handler and an animal.</p>	<p>NSWFA</p>	<p>Noted. This is a matter for ISFR in the first instance.</p> <p>Guidance in Safe Food Australia is primarily designed for regulators rather than businesses. FSANZ considers, given the anticipated small numbers of businesses, flights and companion animals involved, there is a low risk. Please see SD1.</p>

Supporting comments:		
1. Agree the risk to food safety is low with healthy contained animals.	individuals (multiple), SAH	Noted.
2. Support the proposal; provided public health, veterinary responsibilities and animal welfare are properly considered; and appropriate controls in place.	AVA, City of Gold Coast, NSWFA, SAH, QLDH	Noted. FSANZ assessment is that requirements for leak-proof animal containment that prevents contact with food handlers, coupled with existing hygiene, sanitation and skills and knowledge requirements of Standard 3.2.2, are appropriate controls for food safety. Other aspects of public health, veterinary responsibilities and animal welfare are not within FSANZ's remit.
3. The draft amendment strikes balance between protecting safety/hygiene and animal companionship; will be beneficial for many people and their animals; Australia is 'catching up' with other countries.	individuals (multiple)	Noted.
4. Bringing pets onboard avoids stress, expense and risks of cargo travel or alternative arrangements (kennel boarding, leaving pets behind).	individuals (multiple)	Noted.
5. Vaccination/ fit-to-fly veterinary certification is strongly supported.	individuals (multiple), QLDH	Noted. FSANZ notes the applicant advised its policy will require that companion animals must be healthy and vaccinated and will also require fit-to-fly certification in appropriate cases (e.g. for elderly animals and specific breeds).
6. Noted the applicant has proven compliance with aviation safety requirements and had confidence requirements on animals would also be followed.	individual (RI)	Noted.
7. Health risks from people on board (i.e. who are of unknown health status) are likely greater than risks from animals.	individuals (anonymous, DT)	Noted.
8. Allergies can be appropriately managed through current protocols. No issues noted by an allergic person who had been on multiple flights with animals onboard.	individuals (AA, DT)	Noted.

2.2 Risk assessment

FSANZ completed a risk assessment as part of assessing the application (see SD1).

The risk assessment focussed on food safety risks posed by companion cats and dogs being present in aircraft cabins, most of which are microbiological. Non-food risks from cats and dogs and animal welfare aspects are not within FSANZ's remit and were not examined.

The risk assessment examined common zoonotic pathogens potentially associated with companion cats and dogs in Australia; their typical modes of transmission; the likelihood these pathogens are transmitted to humans through a foodborne route; and the food safety risk posed to consumers in aircraft cabins if companion cats and dogs were permitted to be present and food is served.

Aircraft cabins present unique challenges for infection control due to their enclosed environment, limited ventilation and close proximity of passengers. These factors may amplify the risk of disease transmission, particularly when pets are not properly managed or if they are carriers of pathogens. Additionally, the presence of animals in proximity to food service areas poses potential contamination hazards that could contribute to foodborne illness among passengers and crew.

Zoonotic pathogens potentially carried by cats and dogs include bacteria, fungi, parasites, protozoa and viruses. Most foodborne zoonotic pathogens are transferred between companion animals and humans via a faecal-oral route. Other routes of infection include ingesting animal saliva, urine, bodily fluid or a vector such as a flea or tick from the animal.

The public perception of the risk of disease transmission onboard aircraft is greater than the actual risk. Reported foodborne illness outbreaks on aircraft are rare. Although aircraft cabins are enclosed spaces, their environmental control system regulates cabin pressure, temperature, ventilation and air filtration. The system aims to maintain air quality and restrict the spread of pathogens. In addition, compared to other indoor food consumption areas, the food safety risk onboard an aircraft is further reduced because predominantly pre-packaged foods and beverages are served.

Approximately 47 flight foodborne outbreaks resulting in 11 deaths were reported world-wide between 1947 and 2011. In January 2025, the first foodborne illness case in 14 years was reported. The current low incidence of foodborne outbreaks is probably attributable to greater use of pre-packaged meals and improved food handling practices, but may also reflect under-reporting by consumers (as is the case for all foodborne illness).

The identified food safety risks associated with introducing companion cats and dogs into aircraft cabins can be addressed by strict hygiene and containment measures. Such measures include:

- requiring animals to be in pet carriers that are leak-proof and secure, thereby eliminating contact between animals and food handlers as well as contact with food
- serving pre-packaged food and beverages
- designating animal-free zones
- ensuring proper hand hygiene practices among passengers and crew
- cleaning and disinfecting surfaces after exposure to pets.

Many of these measures are linked to hygiene requirements in Standard 3.2.2 and live animals regulations and guidelines.

Zoonotic pathogens originating from companion cats and dogs in aircraft cabins represent a

foodborne disease risk to consumers dining in these settings in Australia. This risk may be slightly higher for young children and immunocompromised individuals.

However, the risk assessment concluded that the overall level of food safety risk from the presence of companion cats and dogs in such settings would be low if appropriate mitigation controls (such as those listed above) are in place.

2.3 Risk management

Following assessment, FSANZ prepared a draft variation and called for submissions on that draft variation between 19 March and 30 April 2025.

Risk management options available to FSANZ following the call for submissions were to either:

- approve the draft variation proposed following assessment, or
- approve that draft variation subject to such amendments as FSANZ considers necessary, or
- reject that draft variation.

Having regard to the submissions received, and for the reasons set out in this report, FSANZ approved the draft variation as proposed following assessment (Attachment A).

2.3.1 Regulatory approval for companion cats and dogs to be in aircraft cabins

The approved draft variation will amend clause 24 of Standard 3.2.2 to allow a food business to choose to permit a companion cat or dog to be present in an area on an aircraft in which food is served provided certain conditions are met. These conditions are that the animal must be in a container and the container is leak proof and prevents direct contact between a food handler and the animal.

The evidence FSANZ had regard to in deciding to approve the draft variation included submissions received, the risk assessment, the risk mitigation measures identified in the risk assessment, the risk management strategies detailed in the application, and existing obligations on food businesses and airlines.

FSANZ's risk assessment concluded keeping the animal in a carrier is a significant and effective control. The approved draft variation will mandate this measure.

Airline businesses handling food for sale in Australia are already subject to all relevant food safety requirements in Standards 3.2.2, 3.2.2A and 3.2.3. An overarching requirement is that businesses must ensure the food they sell is safe and suitable for human consumption. The requirements cover health and hygiene obligations; controls during all food handling steps including food receipt, storage and processing; food handler skills, knowledge and supervision; cleaning and sanitation; and the premises and equipment. These requirements are outcomes-based and centre on food being protected from contamination.

Airlines that are food businesses (i.e. those serving food and beverages) must ensure these requirements are met, including when they introduce any changes to their operations. This includes the changes that would be required if an airline chooses to permit animals onboard. The airlines concerned would need to revise their usual protocols for cleaning and sanitation, staff training and any other procedures to address those changes and ensure they continue to meet the requirements set by the Code and imposed by Australian food laws.

FSANZ noted the multiple control measures detailed in the application and that Virgin Australia planned to adopt through flight operating policies and procedures, including:

- companion cat or dog is to be kept contained in a carrier approved by the airline
- the animal in the container is to be stowed under the seat in front of the passenger
- designated and limited seat locations for passengers and their contained animal
- food service to provide pre-prepared, packaged or low-risk foods
- controlled cabin air flow and filtering
- provision of biohazard kit in case of emergency spill
- no physical interactions permitted between food handlers (in this case, flight attendants) and companion animals or their food
- passengers not permitted to open the animal carrier inside the aircraft
- cleaning and sanitation regime
- relocation of passengers with animal allergies or compromised immune systems
- provision of animal relief areas at airports
- right to refuse travel, including consideration of the animal's breed and health (including vaccination status and fit-to-fly certification).

It was also noted that airlines operating in Australia are subject to Australian civil aviation laws which impose strict safety requirements and restrict what airlines can do or agree to.

FSANZ's assessment is that public health and safety would be appropriately protected by the above actions, particularly ongoing compliance with existing requirements of Standards 3.2.2, 3.2.2A and 3.2.3, and the proposed requirement for companion animals to be kept in a prescribed container.

Before reaching that conclusion, FSANZ considered whether Standard 3.2.2 should be amended to mandate the service of only pre-packaged food when companion animals are present in the cabin. However, FSANZ considered the risk of contamination of non-prepackaged food is managed by animal containment and compliance with hygiene provisions including requirements to protect food from the likelihood of contamination. Under current requirements, risks with exposed food (for example, served in business class) would require control measures that are adequate to manage those risks.

FSANZ also considered whether to set an animal size limit and determined it was not necessary. The variation's requirement for containment, coupled with civil aviation laws would limit container and therefore animal size to something comparable to carry-on luggage limits.

Placing carriers under a seat located away from the galley and limiting the number of animals onboard, as per Virgin's planned control measures, may further reduce potential risks. However, FSANZ found limited evidence to support amending Standard 3.2.2 to prescribe specific locations within the aircraft cabin or the numbers of animals that could be permitted in a cabin.

2.3.2 Risk management conclusion

For the above reasons, FSANZ decided to approve the draft variation to the Code to permit a companion cat or dog to be present in an area of an aircraft cabin used for dining provided the animal is kept in a container while present. In doing so, FSANZ had regard to the statutory assessment criteria, including the best available scientific evidence and relevant

ministerial policy guidelines (see section 2.5).

2.4 Risk communication

2.4.1 Consultation

Consultation is a key part of FSANZ's standards development process. FSANZ developed and applied a standard communication strategy to this application. All calls for submissions are notified via the Food Standards Notification Circular, media release and Food Standards News.

The process by which FSANZ considers standards development matters is open, accountable, consultative and transparent. Public submissions were called to assist consideration of the draft variation to the Code. FSANZ also consulted with the Civil Aviation Safety Authority on the draft variation and no concerns were raised. FSANZ acknowledges the time taken by individuals and organisations to make submissions on this application.

FSANZ also acknowledges the time and expertise of state and territory government representatives in the Food Safety Management Working Group of the Implementation Sub-committee for Food Regulation.

The draft variation was considered for approval by the FSANZ Board having regard to all submissions made during the call for submissions period.

2.5 FSANZ Act assessment requirements

When assessing this application and the subsequent development of a food regulatory measure, FSANZ had regard to the following matters in section 29 of the FSANZ Act:

2.5.1 Section 29

2.5.1.1 Consideration of costs and benefits

FSANZ assessed the costs and benefits of the proposed regulatory change (as described in section 2.2) and concluded the benefits that would arise outweigh the costs. The reasons for this conclusion are outlined below.

Background to the cost and benefit analysis

Section 29 of the FSANZ Act requires FSANZ to have regard to whether costs that would arise from the proposed measure outweigh the direct and indirect benefits to the community, government or industry that would arise from the proposed measure (paragraph 29(2)(a)).

The purpose of this consideration is to determine if the community, government and industry as a whole is likely to benefit, on balance, from a move from the status quo. This analysis considered permitting companion cats and dogs in aircraft cabins.

The consideration of the costs and benefits in this section is not intended to be an exhaustive, quantitative economic analysis of the proposed measures. In fact, most of the effects considered cannot easily be assigned a dollar value. Rather, the assessment sought to highlight the likely positives and negatives of moving away from the status quo by permitting companion cats and dogs onboard aircraft cabins.

A regulation impact statement (RIS) was not prepared. This is because the proposed regulatory change would introduce a new permission rather than a restriction and will have

no more than a minor impact. FSANZ's decision² to not prepare a RIS is also consistent with the Office of Impact Analysis (OIA)³ decision in 2012 that a RIS was not required⁴ to amend the Code to allow companion dogs in outdoor dining areas (for proposal P1018).

Impact on the community

The proposed regulatory change would impact airline passengers on Australian domestic flights on which food is served. The change would result in airline passengers being able to travel with their companion cats and dogs, provided the animals are contained and conditions set by airlines are met (see section 2.2 for more information). Passengers choosing to take their pets onboard would need to pay a fee for the transport of their pet and provide the necessary carrier.

Potential benefits to airline passengers include:

- welfare benefits, due to the animal accompanying the passenger on their travel⁵
- greater choice of how to transport companion cats and dogs
- lower cost of pet transport⁶.

In terms of potential costs, there are not expected to be any negative health consequences from foodborne illness. FSANZ assessed the risk of foodborne illness and concluded the risk is low when appropriate controls are in place (see section 2).

The only potential costs to airline passengers are where other passengers object to pets being present on aircraft (a welfare cost). This impact is expected to be minor (relative to the welfare benefits), because:

- pets must be contained in a carrier, preventing contact with other passengers
- the number of pets on a flight is expected to be limited, due to space constraints on aircraft
- airlines could move passengers that object to pets being present to different seats
- it is possible not all flights will allow pets⁷, because individual airlines:
 - may have a blanket policy of not allowing pets airline-wide, which would give passengers the choice of flying on an airline with a different pet carrying policy
 - may offer the service only on selected routes and/or selected flights; reasons for this may include limitations of certain aircraft models, or a policy of limiting the number of flights with pets on a certain route.

Impact on businesses

The proposed regulatory change will impact on airlines that operate Australian domestic flights, noting the use of the permission is voluntary and will therefore only impact airlines choosing to permit companion dogs and/or cats and also serve food. There may also be positive impacts for tourism-related businesses (discussed further below).

² The impact analysis requirements were amended in 2023, as a result the Office of Impact Analysis no longer decides when a RIS is required. For more information, refer to the Regulatory Impact Analysis Guide for Ministers' Meetings and National Standard Setting Bodies on the Office of Impact Analysis website.

³ Known as the Office of Best Practice Regulation, or OBPR, at the time of the decision.

⁴ The OBPR confirmed this in a letter to FSANZ dated 27 February 2012 (reference number 13575)

⁵ This includes the benefit of having the pet on the aircraft, as well as having the pet for the rest of the journey in cases where the pet wouldn't accompany the passenger in the absence of the permission (for example, the passenger did not want to drive with the pet or put the pet in the cargo hold).

⁶ A desktop survey of international airlines that transport pets (as cargo and in the cabin) on domestic flights indicated the cost of transporting a pet via the cabin costs less on the same airline than the cost to transport the pet as cargo.

⁷ Note – this may result in the benefit for some passengers not being realised.

The proposed regulatory change will permit contained companion cats and dogs in aircraft cabins where food is served. The absence of this permission is the only remaining regulatory barrier to allowing companion cats and dogs in aircraft cabins – civil aviation regulations (as of 2021) permit the pilot to allow animals onboard if flight safety is not affected⁸.

Potential benefits for businesses include:

- additional profits resulting from the ability to offer additional services, for both airlines and related businesses such as airports
- increase in the amount of available cargo space on aircraft, in cases where cats and dogs that would have travelled as cargo now travel in the cabin
- potential increase in tourism, for passengers who would not have travelled in the absence of this arrangement⁹.

The magnitude of these benefits was not assessed.

Impact on governments

There may be a minor increase in the cost of enforcing the Code, including the potential for an increase in workload due to increases in complaints received from some consumers.

Conclusions from costs and benefits consideration

FSANZ considered it likely the potential benefits from the proposed change (primarily for airline passengers who wish to travel with their companion cat or dog and for airlines who provide this service) outweigh the potential costs (the most significant being negative impacts on passengers who would prefer not to travel with pets onboard).

2.5.1.2 Other measures

There are no other measures (whether available to FSANZ or not) that would be more cost-effective than a food regulatory measure developed or varied as a result of the application.

2.5.1.3 Any relevant New Zealand standards

There are no relevant New Zealand Standards. Standards in Chapter 3 of the Code apply to food businesses in Australia only.

2.5.1.4 Any other relevant matters

Other relevant matters are considered below.

2.5.2 Subsection 18(1)

FSANZ has also considered the three objectives in subsection 18(1) of the FSANZ Act during the assessment.

2.5.2.1 Protection of public health and safety

FSANZ concluded the variation, together with current food safety requirements, adequately

⁸ See Civil Aviation Safety Amendment (Part91) Regulations 2018 (F2018L01783) [Explanatory Statement](#)

⁹ This could benefit any business in the tourism industry. For example, hotels may experience an increase in bookings for travellers with pets.

protects public health and safety. FSANZ did a risk assessment (see SD1) and concluded the food safety risk associated with companion cats and dogs in aircraft cabins is low when the animals are kept in containment.

2.5.2.2 *The provision of adequate information relating to food to enable consumers to make informed choices*

No relevant issues were identified.

2.5.2.3 *The prevention of misleading or deceptive conduct*

No relevant issues were identified.

2.5.3 Subsection 18(2) considerations

FSANZ has also had regard to:

- **the need for standards to be based on risk analysis using the best available scientific evidence**

FSANZ used the best available scientific evidence to conduct the risk assessment, which is provided in the supporting document (see SD1). The applicant submitted a dossier of information and scientific literature as part of its application. This dossier, together with other technical and scientific information, was considered by FSANZ in assessing the application.

- **the promotion of consistency between domestic and international food standards**

This is not a consideration as there are no relevant international food standards.

- **the desirability of an efficient and internationally competitive food industry**

No relevant issues were identified.

- **the promotion of fair trading in food**

No relevant issues were identified.

- **any written policy guidelines formulated by the Food Ministers' Meeting**

The *Policy Guideline on Food Safety Management for the Retail and Food Service Sectors*¹⁰ interprets public health and safety as: 'Public health and safety in relation to food refers to all those aspects of food consumption that could adversely affect the general population or a particular community's health either in the short term or long term'. FSANZ's assessment considered food safety risks within this scope.

3 Implementation

The variation is intended to take effect on gazettal.

The variation is at Attachment A and the Explanatory Statement for the variation is at

¹⁰ See <https://www.foodregulation.gov.au/resources/publications/policy-guideline-food-safety-management-retail-and-food-service-sectors>

Attachment B.

Attachments

- A. Approved draft variation to the *Australia New Zealand Food Standards Code*
- B. Explanatory Statement

Attachment A – Approved draft variation to the Australia New Zealand Food Standards Code



Food Standards (Application A1314 – Permitting small dogs and cats in aircraft cabins) Variation

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 variation commences on the date specified in clause 3 of this variation.

Dated [To be completed by the Delegate]

[insert Delegate's name and position]

Delegate of the Board of Food Standards Australia New Zealand

Note:

This variation will be published in the Commonwealth of Australia Gazette No. FSC XX on XX Month 20XX. This means that this date is the gazettal date for the purposes of clause 3 of the variation.

1 Name

This instrument is the *Food Standards (Application A1314 – Permitting small dogs and cats in aircraft cabins) Variation*.

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

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

3 Commencement

The variation commences on the date of gazettal.

Schedule

Standard 3.2.2—Food safety practices and general requirements

[1] Subclause 24(3)

Repeal the subclause, substitute:

(3) A food business may permit any of the following:

- (a) a dog that is not an assistance animal to be present in an outdoor dining area;
- (b) a cat or dog that is not an assistance animal to be present on an aircraft in an area that is used for dining, drinking or both drinking and dining if the animal is in a container that:
 - (i) is leak proof; and
 - (ii) prevents physical contact between a food handler and the animal.

Attachment B – Explanatory Statement

EXPLANATORY STATEMENT

Food Standards Australia New Zealand Act 1991

Food Standards (Application A1314 – Permitting small dogs and cats in aircraft cabins) Variation

1. Authority

Section 13 of the *Food Standards Australia New Zealand Act 1991* (the FSANZ Act) provides that the functions of Food Standards Australia New Zealand (the Authority) include the development of standards and variations of standards for inclusion in the *Australia New Zealand Food Standards Code* (the Code).

Division 1 of Part 3 of the FSANZ Act specifies that the Authority may accept applications for the development or variation of food regulatory measures, including standards. This Division also stipulates the procedure for considering an application for the development or variation of food regulatory measures.

The purpose of the application was to permit companion cats and dogs onboard aircraft cabins under controlled conditions. The Authority considered the application in accordance with Division 1 of Part 3 and has approved a draft variation - the *Food Standards (Application A1314 – Permitting small dogs and cats in aircraft cabins) Variation* (the approved draft variation)

Following consideration by the Food Ministers' Meeting (FMM), section 92 of the FSANZ Act stipulates that the Authority must publish a notice about the draft variation.

2. Variation is a legislative instrument

The approved draft variation is a legislative instrument for the purposes of the *Legislation Act 2003* (see section 94 of the FSANZ Act) and is publicly available on the Federal Register of Legislation (www.legislation.gov.au).

This instrument is not subject to the disallowance or sunset provisions of the *Legislation Act 2003*. Subsections 44(1) and 54(1) of that Act provide that a legislative instrument is not disallowable or subject to sunset if the enabling legislation for the instrument (in this case, the FSANZ Act): (a) facilitates the establishment or operation of an intergovernmental scheme involving the Commonwealth and one or more States; and (b) authorises the instrument to be made for the purposes of the scheme. Regulation 11 of the *Legislation (Exemptions and other Matters) Regulation 2015* also exempts from sunset legislative instruments a primary purpose of which is to give effect to an international obligation of Australia.

The FSANZ Act gives effect to an intergovernmental agreement (the Food Regulation Agreement) and facilitates the establishment or operation of an intergovernmental scheme (national uniform food regulation). That Act also gives effect to Australia's obligations under an international agreement between Australia and New Zealand. For these purposes, the Act establishes the Authority to develop food standards for consideration and endorsement by the FMM. The FMM is established under the Food Regulation Agreement and the international agreement between Australia and New Zealand, and consists of New Zealand, Commonwealth and State/Territory members. If endorsed by the FMM, the food standards

on gazettal and registration are incorporated into and become part of Commonwealth, State and Territory and New Zealand food laws. These standards or instruments are then administered, applied and enforced by these jurisdictions' regulators as part of those food laws.

3. Purpose

The purpose of the approved draft variation is to amend clause 24 of Standard 3.2.2 of the Code to allow a food business that is an airline to permit a cat or a dog to be present on an aircraft in an area that is used for dining, drinking or both drinking and dining if certain conditions are met.

4. Documents incorporated by reference

The approved draft variation does not incorporate any documents by reference.

5. Consultation

In accordance with the procedure in Division 1 of Part 3 of the FSANZ Act, the Authority's consideration of Application A1314 included one round of public consultation following an assessment and the preparation of a draft variation and associated assessment summary. FSANZ called for submissions on the draft variation from 19 March 2025 to 30 April 2025. Further details of the consultation process, the issues raised during consultation and by whom, and the Authority's response to these issues are available in an approval report published on the Authority's website at www.foodstandards.gov.au.

A working group of representatives from state and territory government food regulatory agencies provided advice to the Authority during the development of the draft variation.

A Regulation Impact Statement was not required because the proposed variation to Standard 3.2.2 is likely to have only a minor impact on consumers, industry and government.

6. Statement of compatibility with human rights

This instrument is exempt from the requirements for a statement of compatibility with human rights as it is a non-disallowable instrument under section 44 of the *Legislation Act 2003*.

7. Variation

References to 'the variation' in this section are references to the approved draft variation.

Clause 1 of the variation provides that the name of the variation is the *Food Standards (Application A1314 – Permitting small dogs and cats in aircraft cabins) Variation*.

Clause 2 of the variation provides that the Code is amended by the Schedule to the variation.

Clause 3 of the variation provides that the variation will commence on the date of gazettal of the instrument.

Item [1] of the Schedule to the variation amends Standard 3.2.2 (Food safety practices and general requirements) by repealing subclause 24(3) of that Standard and substituting it with a new subclause.

Subclause 24(3) provides an exception to the requirement imposed by paragraph 24(1)(a) of the Code that a food business must not permit live animals in areas in which food (other than seafood or other fish or shellfish) is handled.

The current subclause 24(3) provides that a food business may permit a dog that is not an assistance animal to be present in an outdoor dining area. Subclause 24(4) provides definition for the terms 'assistance animal' and 'outdoor dining area'.

New paragraph 24(3)(a) restates the current subclause 24(3). The paragraph provides that, despite paragraph 24(1)(a), a food business may permit a dog that is not an assistance animal to be present in an outdoor dining area.

New paragraph 24(3)(b) provides that, despite paragraph 24(1)(a), a food business may permit a cat or dog that is not an assistance animal to be present on an aircraft in an area that is used for dining, drinking or both drinking and dining if both the following conditions are met: the animal is in a container; and that container is leak proof and prevents physical contact between a food handler and the animal. Subclause 24(4) defines what is an 'assistance animal' for the purposes of the paragraph.