



Application for change of the Food Standards Code to permit 'companion animals' to travel in aircraft cabins

**Non-confidential** section of application

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## Applicant's details

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(b)	<b>Name of contact person</b>	██████████
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(f)	<b>Nature of Applicant's business</b>	Airline
(g)	<b>Details of other individuals, companies or organisations associated with the application</b>	████████████████████ ████████████████████

## Confidential Information

This Application is split into three sections:

- 1) This document, being the main application for change to the Australia New Zealand Food Standards Code (the **Code**) to permit 'companion animals' to travel in aircraft cabins. It does not contain any confidential information and is therefore open to public consultation in line with Food Standard Australia and New Zealand's (**FSANZ**) application provisions.
- 2) A separate document Virgin Australia requests to be treated confidentially. Virgin Australia makes this request because this Application includes commercially sensitive information about an innovative project that Virgin Australia plans to launch in the Australian airline industry. Some of these details are not currently in the public domain and the release of this information could negatively impact Virgin Australia's competitive position. The confidential document provides the assessor with commercially sensitive information relevant to the consideration of the Application.
- 3) A non-confidential summary of the confidential document, conceptually outlining the commercially sensitive items covered in the confidential document.

# Justification, Background and Purpose of the Application

This Application by Virgin Australia seeks changes to the Code in relation to “companion animals” (dogs and cats not classified as ‘assistance animals’ for people with disability). The change would permit such companion animals to accompany their owners in aircraft cabins under controlled conditions, such as a proposed limit of the maximum number of pet cabin carriers per flight, with the animal secured in carriers, for the duration of the journey. Controls, such as these, have been designed to maintain the high food safety standards required by the Code.

Virgin Australia has undertaken a thorough review and conducted risk assessments to understand the food safety risks associated with this change and have set out the details below. Through this work, Virgin Australia is confident that the proposal to permit companion animals into aircraft cabins will not increase food safety risk and Virgin Australia expects its controls will maintain the current risk profile for assistance animals which are currently allowed in the aircraft cabin.

The Application is made due to Virgin Australia’s understanding that aircraft cabins constitute “enclosed areas” under the Code, when food and drink is served within the aircraft cabin. The basis for this interpretation is s 24(4) of Standard 3.2.2 of the Code which defines an enclosed area as one that “is substantially or completely closed, whether permanently or temporarily, by (a) a ceiling or roof; and (b) walls or windows or both walls and windows”. Section 24(1) of the Code states that “a food business must not permit live animals in areas in which food is handled” (except for special provisions relating to outdoor areas and assistance animals). It is therefore Virgin Australia’s interpretation that the Code currently restricts its ability to permit companion animals in aircraft cabins, hence necessitating this Application. In correspondence from Queensland Health to Virgin Australia on 30 September 2024 on the topic of permitting companion animals in aircraft, Queensland Health stated:

*“Potential options to have pets on board an airplane are:*

- 1. To exclude the handling of food on flights where pets are on board*
- 2. To make an application to Food Standards Australia New Zealand (FSANZ) to amend the Australia New Zealand Food Standards Code.”*

The full email can be found in the confidential section of this Application. Assistance animals<sup>1</sup> have long been permitted in all (including indoor) dining areas under s 24 of the [Standard 3.2.2 of the Code](#). The benefits of this section of the Code extend to the individuals who rely on these animals, the establishments that permit them, and the broader community.

Companion dogs (per FSANZ’s document [P1018 Companion Dogs in Outdoor Dining Areas](#)) have also, more recently, been permitted in *outdoor* dining areas (the Code, s 24(3)). When assessing food safety risks associated with companion dogs in outdoor dining areas, a [risk assessment](#) carried out by FSANZ itself examined transmission of common zoonotic pathogens associated with (free roaming) companion dogs in outdoor dining settings, and the food safety risk posed to consumers as a result. It concluded that the “*potential risk of foodborne transmission of zoonotic agents from companion dogs to humans is considered to be very low to negligible*”<sup>2</sup> due to a low likelihood that dogs would come in direct contact with food or food preparation areas, and the potential contamination of food directly from dogs would be otherwise appropriately managed through general food safety standards. When assessing these risks in relation to the proposal to permit companion animals into an aircraft cabin, the additional controls outlined in this Application (specifically the animal being in a carrier), further mitigate these risks.

FSANZ’s changes to the Code to allow assistance animals in enclosed dining areas, and companion dogs into outdoor dining areas, were a measured approach in response to community needs, while remaining true to its mission to uphold the highest food safety standards. An additional change to allow companion

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<sup>1</sup> Assistance animals are defined in the *Disability Discrimination Act 1992* (Cth), s 9

<sup>2</sup> Food Standards Australia New Zealand, *Approval Report – Proposal P1018 Companion Dogs in Outdoor Dining Areas*, 3 August 2012, page 3.

animals into the aircraft cabin would reflect the social and economic benefits of an animal's presence in different environments, such as an aircraft cabin, while upholding the highest food safety standards. Potential complaints relating to food safety hazards arising from the presence of animals are closely monitored by the [enforcing state and territory regulators](#). To the best of its knowledge, Virgin Australia has not received complaints about potential food safety risks posed by assistance animals.

Assistance animals are already permitted in aircraft cabins where food and drink are served to passengers. Virgin Australia seeks to amend the Code to permit companion animals in aircraft cabins, in a more controlled way than assistance animals are permitted to date.

The Application outlines details of the fulsome risk assessments conducted by Virgin Australia, supported by advice from the veterinary, food safety, and aviation sectors. As a result of these assessments, Virgin Australia has designed controls to minimise the risk of the introduction of any new food safety hazards, while allowing the Code to reflect community demands in the same fashion as previous changes to the Code mentioned above.

# Precedents

The following precedents are relevant to the consideration of this Application.

## Assistance animals in indoor food areas (including aircraft cabins)

Virgin Australia has carried assistance animals in its aircraft cabins for many years without incidents relating to food safety, to the best of its knowledge.

Permitting assistance animals in aircraft cabins (understood to be “enclosed areas” under the Code when food and drink is being served) is important to provide passengers with disability the opportunity to travel accessibly. When travelling with Virgin Australia, assistance animals usually do not travel in a crate or cage and walk through airports and aircraft cabins while providing the relevant assistance to their owners.

Utilising an assistance animal has long brought about benefits for their owners, as well as economic benefits for those businesses able to host people who rely on such animals. Despite carrying assistance animals for several years (the number of flights with assistance animals has been provided in the confidential section of this Application), Virgin Australia’s internal research has found that over the past three financial years (FY21-24), it has not received any complaints from customers about food safety arising from the presence of animals in the aircraft cabin.

## Other countries’ current practices that relate to the proposed change

Many major airlines<sup>3</sup> operating overseas allow companion animals in the aircraft cabin, each with specific policies regarding types of animals, the conditions under which they are permitted onboard, and advance notice requirements.

### United States

In the United States, the Food and Drug Administration (**FDA**) Food Code ([US Code](#)) provides model food safety regulations and guidelines. Within the US Code, a “food establishment” is defined and includes an operation that is ‘*a conveyance used to transport people*’ and would therefore apply to aircraft.

Section 6-501.115 of the US Code outlines the regulations regarding live animals in food establishments. This section states that unless falling under an exemption, live animals are not allowed on the premises of food establishments. The exempt animals relevantly include police or security dogs, and service animals.

Therefore, it appears that airlines operating into, out of and within the United States are subject to similar food safety restrictions with respect to animals in an aircraft cabin as is the case in Australia. However, it is well-known that airlines operating in this jurisdiction permit animals to travel in the aircraft cabin, in less restricted circumstances than those proposed by Virgin Australia. Virgin Australia has not located information about the enforcement of this US Code or any possible exemptions which may exist for airlines.

Conversations with partner airlines operating in North America have highlighted no substantiated food safety concerns from passengers or crew relating to the presence of such animals, likely owing to the controls implemented by those airlines.

In this jurisdiction, companion animals are required to be kept in a secured carrier under the seat in front of the passenger. Most airlines allow companion animals to be brought into any cabin class

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<sup>3</sup> For example: Alaska Airlines, American Airlines, Delta Air Lines, Frontier Airlines, Southwest Airlines, United Airlines, Air Canada, KLM, Lufthansa and Etihad Airways.

(e.g. Economy, Premium Economy, and Business class), and some allow for more than one animal per passenger.

We note that Virgin Australia partner airline, United Airlines, allow companion animals to travel in the aircraft cabin with food service onboard. United Airlines employs similar controls as proposed by Virgin Australia, including that the companion animal must remain inside a carrier during embarking and disembarking the aircraft, and while on board, the carrier must be stowed under the seat in front of the passenger.

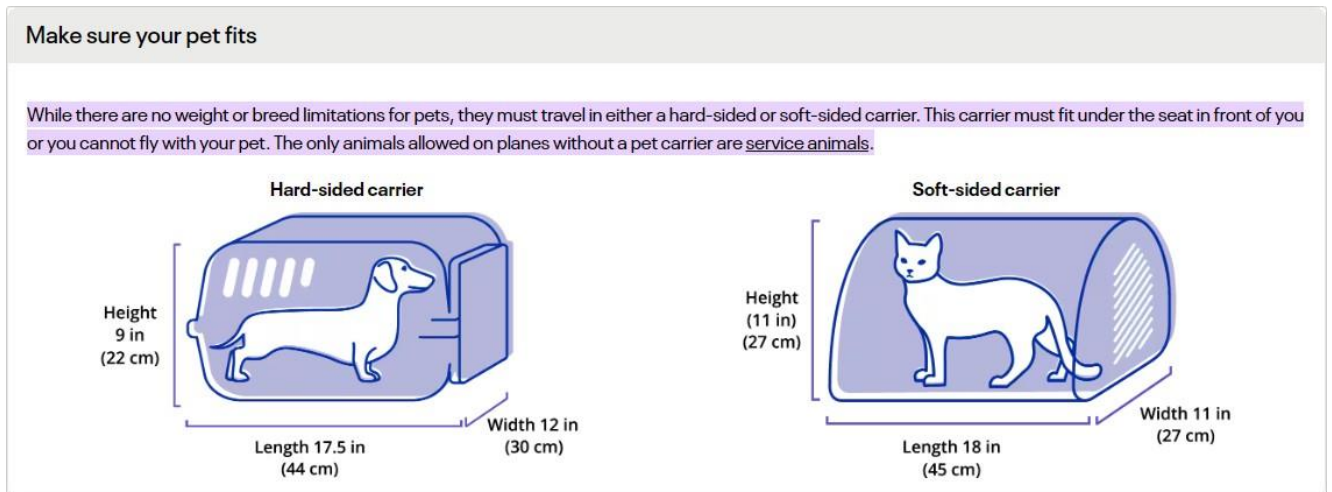


Figure 1: [United Airlines' pet container guidelines](#)

Virgin Australia notes that controls implemented by its partner airlines in North America have formed the basis for Virgin Australia's own design of its proposed controls to mitigate potential risks arising from companion animals within the aircraft cabin.

## Canada

Canada has a regulatory framework of federal and state-based legislation similar to that found in the United States and Australia. It is worth noting, however, that advances in that country have been made on a state level: Ontario regulation [493/17](#), which regulates food premises safety in that state, allows in its 'Part III: Operation and Maintenance' section 14.5

*"Live dogs in an indoor eating area of a food service premise if,*

- i. the only food items that are manufactured, processed or prepared at the food service premise are low-risk food items, and*
- ii. the dogs are in a room where only low-risk or pre-packaged, ready-to-eat food items, or both, are served, sold, offered for sale or displayed, and no manufacturing, processing or preparation of food items takes place in the room."*

In its *interpretation* chapter, Ontario regulation 493/17 defines low-risk food items as food that is "not potentially hazardous food", and pre-packaged food as "food that is packaged at a premise other than the premises at which it is offered for sale".

We note that Virgin Australia's partner airline, Air Canada, allows for pets to travel in the aircraft cabin with food service onboard, employing similar controls to those proposed by Virgin Australia, including that the companion animal must remain inside a carrier during embarking and disembarking the aircraft, and while on board the carrier must be stowed under the seat in front of the passenger.

## Your pet and their carrier

- The carrier will count as the one standard carry-on item which you are allowed to bring on board.
- Your pet must always remain in its **closed carrier under the seat** in front of you.
- Your pet's carrier must be big enough to allow them to stand up, turn around and lie down safely and comfortably, with no part of them extending outside the carrier. Your pet could be refused travel if the carrier is deemed to be too small for them.

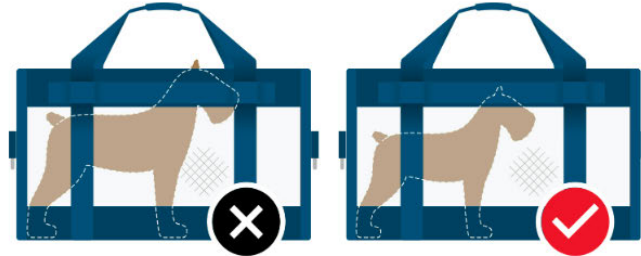


Figure 2: [Air Canada's pet carrier requirements](#)



# Risk assessment and controls to manage potential food safety risk

Notwithstanding FSANZ's own food safety risk assessments on assistance animals (indoors), and companion animals (outdoors), Virgin Australia conducted a thorough risk assessment of potential hazards that could impact its operations, its passengers and its employees by the controlled introduction of companion animals in the aircraft cabin. Subsequently, Virgin Australia designed a number of controls to mitigate any potential hazards throughout the various steps of a customer's journey, which will be outlined in Virgin Australia's draft 'Pets in Cabin Terms and Conditions' (provided in the confidential document accompanying this Application), and reflected in ground, cabin and flight crew procedures.

The following section follows FSANZ's own [CODEX risk analysis framework](#) for evaluating the potential risk associated with food-related hazards, and for assessing ways to manage any identified risk.

## Risk Assessment

Virgin Australia has undertaken a risk assessment to identify, analyse and characterise in preparation for this Application, in accordance with FSANZ's [CODEX framework](#).

Virgin Australia understands that the presence of animals in any areas where food is served and consumed can pose food safety risks, which need to be managed effectively to ensure hygiene and public health. Virgin Australia has therefore commissioned a veterinary zoonosis<sup>4</sup> risk assessment, the insights from which have been considered during the design of the relevant controls. Following risks have been identified and rated on the risk matrix found in the confidential dossier's 'Risk Assessment' file. Consequence and likelihood have been assessed at highest risk exposure, namely at the point of food consumption, noting that most food items offered to passengers are pre-packaged. Controls to manage these risks are outlined in the subsequent section.

Risk description	Consequence (1-5)	Likelihood (1-5)	Control Effect. (1-10)	Risk rating
<b>Faecal-Oral</b> route of infection (disease is transmitted via the faeces of an infected animal to the mouth of a susceptible individual) resulting in Toxoplasmosis	5 (Critical)	1 (rare)	1 (strong)	LOW
<b>Faecal-Oral</b> route of infection resulting illness via bacteria, rickettsia, viruses, parasite	4 (major)	3 (possible)	1 (strong)	LOW
<b>Airborne Exposure</b> of bacteria or dust contaminated with placenta, birth tissues	5 (Critical)	1 (rare)	1 (strong)	LOW
<b>Airborne Exposure</b> resulting in illness	2 (minor)	1 (rare)	1 (strong)	VERY LOW
<b>Vector transmission</b> (a disease that results from an infection transmitted to humans and other animals by blood-feeding arthropods, such as mosquitoes, ticks, and fleas) resulting in illness	2 (minor)	1 (rare)	1 (strong)	VERY LOW
<b>Contamination from animal fur and dander</b> resulting in illness	2 (minor)	2 (unlikely)	1 (strong)	VERY LOW
<b>Contamination from pathogens</b> resulting in illness	2 (minor)	2 (unlikely)	1 (strong)	VERY LOW
<b>Infected urine ingestion</b> resulting in illness	2 (minor)	2 (unlikely)	1 (strong)	VERY LOW

<sup>4</sup> Zoonosis is an infectious disease that is transmitted between species (i.e., from animals to humans).

This zoonosis risk assessment (provided in the dossier), which was used as the basis for the above risk assessment, enables the objective of FSANZ set out in section 18 of the *Food Standards Australia New Zealand Act 1991* (Cth), namely protecting public health and safety when reviewing food regulatory measures, in assessing the risk of food contamination specifically in an aircraft environment. It identifies only “low” and “very low” levels of risks associated with the proposed change, therefore concluding no adverse outcome to public health and safety.

## Risk Management

To manage the risks outlined above, and to show that the “*proposed change will protect public health and safety*” (per Handbook s 3.7.1), Virgin Australia has identified and designed a number of controls that will be implemented when companion animals are permitted in the aircraft cabin, which ensure that the level of food safety risk remains the same as the current risk to food safety in existing legislated areas (i.e. the level of risk posed by presence of assistance animals in indoor dining areas). The key controls are outlined below:

### **1. Companion animal to be placed in an approved carrier for the duration of the journey**

The passenger travelling with a companion animal must present at airport check-in with the animal in a carrier that meets Virgin Australia’s requirements (reflective of [IATA’s live animal container requirements](#)). International Air Transport Association (**IATA**) also provides [guidance for passengers travelling with their dog or cat in the aircraft cabin](#), specifically relating to animals’ “suitability to travel” and requirements for “Dog and Cat Containers”. Controls outlined in that document have been applied in this Application.

Specifically, the animal must remain in that carrier for the duration of the journey, and the carrier must:

- be suitable to keep the animal inside at all times;
- be well-constructed with non-toxic materials;
- have a leak-proof base and be lined with absorbent bedding material;
- be in good condition (free from structural defects such as tears and cracks), clean and odour free; and
- have a secure and functional latching system that prevents accidental opening or escape by the animal.

Self-check-in will not be permitted for passengers with companion animals, so check-in staff will be trained to assess that the carrier complies with the above requirements for carriage in the aircraft cabin.

To be able to travel with their companion animal, the passenger must agree, at the time of booking, that the carrier holding the companion animal will always remain under the seat in front of the passenger whilst on the aircraft. The companion animal must not be removed from the carrier inside the aircraft.

Further detail on the animal carrier is included in the confidential section of this Application.

### **2. Limit on the number of companion animals per passenger and flight**

Virgin Australia will limit the number of companion animals per passenger to ensure that the relevant passenger is able to maintain control of their companion animal throughout the journey. This limit is intended to reduce any potential food-related (and other) risk exposure which could arise from a passenger not having sufficient control over their companion animal.

The policy will also limit the number of companion animals per flight. This cap will also assist to reduce any potential food-related (and other) risks which may arise in connection with each companion animal in the aircraft cabin and allow effective management and implementation of controls.

The proposed limits per passenger and per flight are outlined in the confidential document due to commercial sensitivity.

### **3. Dedicated and spatially separated location for companion animals**

Virgin Australia will require customers travelling with companion animals to sit in designated seats which have been selected for several reasons, including:

- a. distance from galley areas
- b. to provide distance between the location of the stowed pet carrier and the food service carts in the aisle;
- c. safety outcomes (away from bulkheads and emergency exits); and,
- d. to provide distance between the locations of assistance animals and companion animals in the aircraft cabin.

The proposed dedicated seat locations are outlined in the confidential document due to commercial sensitivity.

This control is more stringent than overseas airlines, which allow companion animals in multiple cabins and do not have allocated companion animal seating.

### **4. Ability to relocate adjacent passengers with allergies or compromised immune systems**

Virgin Australia will support the relocation of passengers seated in proximity to companion animals, who have allergies or compromised immune systems relating to such animals. For example, impacted passengers may be relocated to another seat in the aircraft cabin away from the designated companion animal rows. Further detail on the relocation process is outlined in the confidential section of the Application.

### **5. Dedicated seat locations**

Virgin Australia will require passengers travelling with companion animals to sit in specifically designated seats. As noted in item 3(b) above; these designated seats create a separation between the location of the stowed pet carrier and the food service carts in the aisle and keep the animal away from galley areas. Details of seat locations are outlined in the confidential section of the application.

### **6. Pet boarding procedure**

Companion animals will enter and leave the aircraft via the forward door and must be in their carrier during this time, as described in this Application. During boarding, the companion animal will briefly pass by the aircraft's forward galley, however this will occur at a time when food items are already loaded into the stowage area of the galley. Companion animals will be pre-boarded which enables a swift boarding process, further reducing the duration of proximity between the animal and the galley area.

### **7. Airline food handling processes**

All food is delivered to the aircraft in security sealed catering carts or metal boxes. In flight, Virgin Australia conducts a 'buy on board' food and beverage service in Economy from a food cart; refer to the ['Economy onboard menu'](#) found in the dossier to this application. All food (except for some beverages and instant noodle type products) offered and served by Virgin Australia in Economy class remain packaged when provided to customers. Specifically, tea, coffee and water are complimentary, served in disposable cups. For instant noodle and instant pasta products, cabin crew partially open the lid, add hot water and then deliver to the guest. During the meal service, Cabin Crew may need to return to the galley to get additional supplies or to heat a food item such as a toasted sandwich and similar bakery items, which are heated inside their packaging and delivered hot to the guest fully

packaged. These packaging practices, which largely incorporate the need for the customer to unpackage the item before consumption, offer a further control to mitigate cross-contamination when compared to other food consumption areas such as cafes or restaurants. A detailed table is provided in the 'Packaging information' table in the dossier to this application.

The business class offering includes drinks served in glassware and meals served plated.

Virgin Australia catering model also includes the provision of crew meals, prepared in an airline catering facility.

## **8. Availability of 'animal relief areas' at airports**

Virgin Australia is only offering the ability to carry companion animals on selected routes, where originating and destination airports or adjacent areas provide a suitable area for an animal to relieve itself. Most airport operators already offer such areas to provide the opportunity of relief to assistance animals, and significantly reduce the likelihood of relief during flight. Virgin Australia will recommend to passengers they ensure that their companion animal uses these relief areas prior to boarding any flight.

## **9. Availability of 'biohazard kit' in aircraft cabin**

As required by food safety regulations, aircraft operators and staff are equipped to ensure safe handling of food. To manage the unlikely event of a biological hazard (such as animal defaecation), 'biohazard kits' are stowed on board each aircraft and cabin crew follow procedures in using the kit eliminate biological hazards. An extract from the *Virgin Australia Aviation Medicine Handbook* is provided in the confidential section of this Application.

## **10. Elimination of physical interaction between cabin crew and companion animal**

Virgin Australia's policy will prevent cabin crew (deemed 'food handlers' for the purposes of the policy) from physically interacting with companion animals, to further reduce the possibility of cross-contamination as outlined above. Cabin crew will be instructed not to provide medical assistance to animals, and not to refrigerate or heat any medical or food items for a companion animal. For clarity, the passenger is not permitted to open the carrier whilst onboard the aircraft to provide the companion animal with any food or medicine.

## **11. Advanced aircraft cabin air flow and filtering systems**

Advanced cabin airflow dynamics, such as those present in all Virgin Australia aircraft, have long provided an extremely effective control mechanism against transmission of any airborne bacterial and viral hazards. Key attributes of cabin air flow systems (as outlined [here](#) by the IATA which sets global airline standards) include:

- Cabin air is refreshed 20-30 times an hour (approximately 10 times more than in most office buildings).
- Cabin air consists of 50% continuously renewed fresh air from the outside of the aircraft.
- Recirculated cabin air (the remaining 50%) is filtered through high efficiency particulate air (HEPA) filters, capturing 99.993% of airborne particles (including bacteria, viruses, and fungi). HEPA filters have similar performance to those used in hospital operating theatres and industrial clean rooms.
- Airflow from top to bottom: this means that fresh and filtered air (50/50) reaches passengers' breathing space and (potentially present) food *before* it reaches the floor space where the companion animal is located.

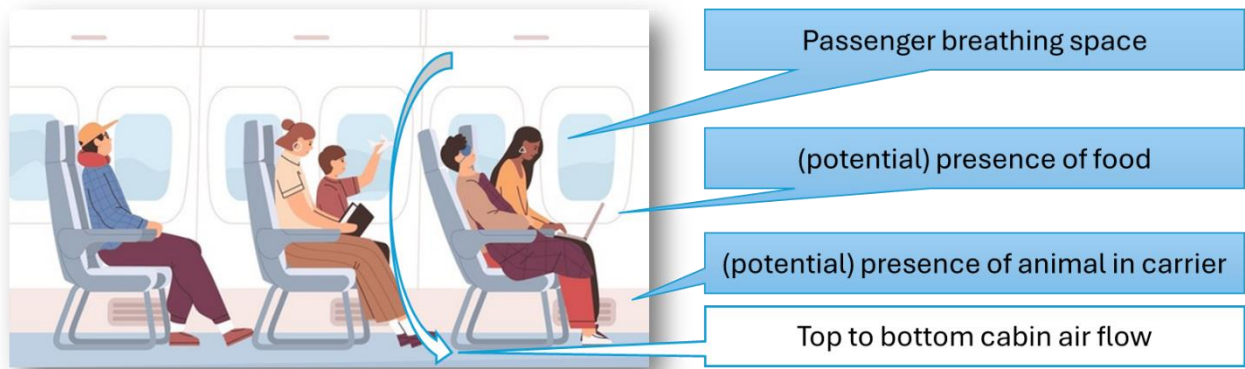


Figure 2: Cabin air flow schematic (source: [Boeing Cabin Air Quality Research and Analytics](#), 2020)

Therefore, air in the cabin of an aircraft has less potential to be the agent for airborne transmission (and therefore affect food safety) than indoor settings (where assistance animals are already permitted).

### 12. Other aircraft engineering solutions and cleaning practices reducing the risk of food contamination

Unlike in other areas where food is consumed, modern aircraft cabins are equipped with further engineering solutions to provide a healthy and safe environment of benefit to the maintenance of the highest food safety standards:

- Chemical disinfectants are used to clean cabins on a scheduled basis and in compliance with airline cleaning standards with procedural level of thoroughness. In addition to tidying the cabin after each sector, Virgin Australia aircraft are cleaned in adherence with a strict cleaning procedure that sees all contact surfaces (in both galleys and passenger areas) treated with an industrial cleaning and antimicrobial agent long used in hospital and aviation environments. Further information on the cleaning procedures is outlined in the confidential document due to commercial sensitivity.
- Antimicrobial coatings applied to surfaces of aircraft provide continuous protection against viruses.

### 13. Refusal to carry

If Virgin Australia personnel (including check-in staff, ground services, cabin crew, and pilot in command), security screening or law enforcement agency have concerns during the course of the companion animal's journey (in the airport or on board the aircraft), about the behaviour or health of the companion animal, and its potential impact on human health or food safety, Virgin Australia can reject the companion animal from travelling in the aircraft cabin. Reasons for such a decision may include the companion animal demonstrating signs indicative of poor health, limitations in the ability to restrain within the carrier, passenger responsible for the animal being unwilling to comply with the Conditions of Carriage or the terms and conditions agreed to when booking a companion animal to travel in the aircraft cabin, odours from the animal or its carrier, or release of the animal from the carrier. The following section on 'Risk Communication' will outline Virgin Australia's engagement with the various authorities to ensure effectiveness of this control.

In summary, the 13 controls outlined above are designed to prevent the introduction of any new risks to food safety as a result of the proposed change.

## Risk Communication



Per FSANZ's ['Risk Analysis in Food regulation' CODEX framework](#), *Risk communication* is the interactive exchange of information about risk between risk assessors, risk managers (those groups enacting the controls), and interested parties (such as FSANZ and the general public).

In preparation for this Application, Virgin Australia has communicated with relevant external stakeholders and developed documents to support, listed below.

### **Regulator engagement – Civil Aviation Safety Authority (CASA)**

In 2021, CASA amended the *Civil Aviation Safety Regulations*, regulation 91.620 to permit the pilot in command to allow animals to travel in the aircraft cabin, provided that the safety of flight is not adversely affected. CASA's ['Plain English Guide'](#) (often issued by the regulator to make legislative wording more accessible to the general public) stipulates (page 41) that:

*“A person may only bring an animal onto an aircraft with your [pilot in command] permission. Before you give permission, all reasonable steps must be taken to ensure carrying the animal will not adversely affect aviation safety. Exception: A person may bring an animal onto an aircraft without your permission provided they have the permission of the air transport or aerial work operator. The operator may give the person permission provided you and the operator have taken reasonable steps to ensure that the carriage of the animal does not have an adverse effect on the safety of air navigation (EX81/21).”*

Virgin Australia has commenced collaborative engagement with Australia's CASA. The engagement in relation to companion animals considers amendments to Virgin Australia's current flight safety procedures. Note that CASA's focus as a regulator is aircraft safety, rather than food safety.

### **Regulator engagement – Department of Home Affairs**

Virgin Australia is consulting with the [Department of Home Affairs](#) in allowing the screening of companion (non-assistance) animals. Through a collaborative approach a successful outcome will be achieved that is supportive of all stakeholders involved.

### **Regulator engagement – Queensland Health; Food Safety Standards and Regulations**

As outlined in the introductory section of this Application, Virgin Australia has engaged in communication and meetings with Queensland Health, department of food safety standards and regulation. The interchange relates to risks and controls outlined in this Application and will allow both parties with an open communication channel on the introduction of companion animals on flights. A relevant email exchange between both parties has been provided in the confidential section of this Application.

### **Stakeholder training and awareness**

Virgin Australia is finalising (subject to input from CASA) policies and procedures relating to companion animals, to ensure the controls outlined in this application can be consistently and effectively applied.

Stakeholder groups in scope for training or awareness include (but are not limited to) airport staff, cabin crew, flight crew (pilots), engineering staff, and airport operators.

### **Complaints mechanism**

Virgin Australia already closely monitors customer complaints relating to all aspects of its operation through a [range of channels](#), including its website, social media, Guest Contact Centre, and mail.

Additionally, Virgin Australia employees and suppliers are encouraged to report any allegations of wrongdoing or breaches of law through its externally hosted whistleblower hotline. All Virgin Australia

employees have access, and are trained, to report safety concerns including food safety via its Safety Reporting System. This reporting system forms part of a broader Safety Management System where safety events are collated, communicated and actioned in relation to their risk profile.

Virgin Australia will ensure any complaints related to food safety due to the presence of companion animals will be escalated to the companion animal project team, regardless of which of the above channels it may be received. Any complaints received will serve as a basis for continuous improvement measures and strengthening of relevant controls; however, it is worth restating that analysis of such reports (e.g. safety concerns due to the presence of assistance animals) for the past three financial years (FY21-FY24) found no complaints relating to food safety issues.

# Proposal: Change to Food Safety Code Australia / New Zealand

This Application seeks a change to standard 3.2.2. s 24 of the Code, which currently reads:

<p><b>24 Animals and pests</b></p> <p>(1) A food business must –</p> <ul style="list-style-type: none"><li>(a) subject to subclauses (2) and (3), not permit live animals in areas in which food is handled, other than seafood or other fish or shellfish; and</li><li>(b) take all practicable measures to prevent pests entering the food premises; and</li><li>(c) take all practicable measures to eradicate and prevent the harbourage of pests on the food premises and those parts of vehicles that are used to transport food.</li></ul> <p>(2) A food business must permit an assistance animal in areas used by customers.</p> <p>(3) A food business may permit a dog that is not an assistance animal to be present in an outdoor dining area.</p> <p>(4) In this clause –</p> <p><b>assistance animal</b> means an animal referred to in section 9 of the <i>Disability Discrimination Act 1992</i> of the Commonwealth.</p> <p><b>enclosed area</b> means an area that, except for doorways and passageways, is substantially or completely closed, whether permanently or temporarily, by –</p> <ul style="list-style-type: none"><li>(a) a ceiling or roof; and</li><li>(b) walls or windows or both walls and windows.</li></ul> <p><b>outdoor dining area</b> means an area that –</p> <ul style="list-style-type: none"><li>(a) is used for dining, drinking or both drinking and dining; and</li><li>(b) is not used for the preparation of food; and</li><li>(c) is not an enclosed area; and</li><li>(d) can be entered by the public without passing through an enclosed area.</li></ul>
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Noting the Handbook suggests *not* to include proposed drafting in an application, Virgin Australia's Application seeks the above section of the Code to be amended to allow "animals that are not assistance animals" (like subparagraph (3)) to be permitted in aircraft cabins, provided relevant controls to ensure food safety (as outlined in this Application) are in place.

## Community consultation trial to assess food safety related risks and the effectiveness of controls

To assist with FSANZ's community consultation process, Virgin Australia proposes a controlled trial to determine (through customer and staff feedback) any potential impact of the change to food safety. The trial is proposed to be limited to a small number of domestic routes, which will allow Virgin Australia and the relevant regulators and authorities to gain insight into the effectiveness of managing any potential risks associated with the introduction of companion animals to aircraft environments. As Virgin Australia intends to maintain an open communication channel with regulators (including FSANZ) throughout the trial, Virgin Australia proposes that this trial forms part of the relevant regulators' consultation process. Virgin Australia commits to sharing insights and learnings gained from stakeholder feedback to the relevant regulators and use it as a basis to strengthen controls where required.



# Cost and benefits of the Application

## Cost and benefits to the consumer

The proposed change to the Code is expected to bring about a significant benefit to members of the community who rely on their companion animals for support, beyond that provided by assistance animals to people with disability. The proposal also follows an increasing trend of introducing pet-friendly policies, such as Bunnings' policy to "[welcome well-behaved pets](#)", Spirit of Tasmania's [recent introduction of pet-friendly cabins](#), the increasing emergence of [pet-friendly hotels](#), and many [workplaces' encouragement to bring pets to the office](#).

Community demands on more inclusive pet policies in all living environments have extended to the aviation industry. In a social media survey of Virgin Australia's Facebook followers in 2021, 85 per cent of the respondents voted in favour of the airline permitting pets to be in the cabin on Virgin Australia flights.<sup>5</sup>

Community benefits of being permitted to take a companion animal on a flight include emotional support provided by companion animals outlined on the [RSPCA website](#), as well as reduced stress for both animals and owners.

Refer to the confidential section of this Application for quantified detail.

## Cost and benefits to industry and business

Virgin Australia incurs project cost associated with being the first Australian carrier to seek this change. However, while Virgin Australia is set to pay any costs associated with regulatory changes (including FSANZ' assessment of this Application), Virgin Australia is not expected to derive an *Exclusive capturable commercial benefit (ECCB)* (per FSANZ's definition).

The opportunity to offer passengers the ability to bring companion animals on board aircraft opens an additional revenue stream to any airline operator wishing to introduce this offering. The anticipated price point for bringing a companion animal on board a Virgin Australia flight has been stipulated in the confidential section of this Application and will assist in recouping initial project costs over time, provided the companion animal product uptake rate aligns with business expectation. Note that additional cost associated with the carriage of a companion animal only applies to the passenger(s) with the companion animal(s); all other passengers' fares remain unchanged.

Virgin Australia, like any airline wishing to offer the carriage of companion animals in the cabin, will require investment in the development of policies, processes, procedures, and training.

Allowing some animals to travel in the cabin instead of the cargo hold also has the potential to free up cargo space allowing transportation of items such as urgent medicines and perishable products.

## Cost and benefits to Government

Subject to airlines implementing the companion animal product, and subject to passengers

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<sup>5</sup> Virgin Australia Facebook survey, conducted in July 2021, with 8,451 respondents.

taking up the offer, increased revenue will increase taxable income and therefore increased tax generated from the aviation industry (GST and company tax).

Increased regulatory cost of ensuring compliance with legislation changed as a result of this Application is not expected beyond that of regulators already auditing the existing food safety obligations that apply to airline operators.

Like with any change in long-standing processes, government regulators may receive initial complaints relating to the presence of companion animals on aircraft, however these will more likely relate to inconvenience or dismay than to food safety. Local and state government may therefore require some additional attention to triage these complaints, however quantification of the cost is not foreseeably quantifiable at this point.

Regulators are however likely to derive a public perception benefit from taking a progressive approach which aligns Australia with other jurisdictions. Virgin Australia considers it unlikely that regulators will derive a monetary benefit from the proposed change.

## Assessment procedure

As per the Handbook, the Application must provide details as to what an Applicant considers is the appropriate procedure to be adopted in assessing the Application (i.e., general, minor, major or high-level health claim variation).

Virgin Australia considers the change proposed by this Application to be a *general procedure*, to allow (per FSANZ's Application handbook):

- "the opportunity for public comment,
- An assessment of the risk to public health and safety
- An assessment of risk management measures, and
- The development of a basic community communications strategy to address public concern."

## Conclusion

Virgin Australia is cognisant of the potential impact of the presence of companion animals in an aircraft cabin. However, Virgin Australia is confident that it has identified the key food safety risks through a stringent risk assessment and is able to implement appropriate controls to ensure that no new risks to food safety are introduced as a result of this proposed change.

Therefore, Virgin Australia requests that FSANZ accepts its application to change the Code to allow animals which are not assistance animals in the aircraft cabin and that this proposed change be considered a "general procedure".

## References in the non-confidential dossier

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ABC news, “*Push to allow pets into Australian workplaces, as report shows human benefits to office companion animals*”, ABC news website, accessed 23 August 2024, < <https://www.abc.net.au/news/2024-08-12/push-to-allow-pets-at-work-benefits-to-office-companion-animals/104159246>>

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Concrete Playground, “*The 15 Best Dog-Friendly Hotels in Australia for 2024*”, Concrete Playground website, accessed 23 August 2024, < <https://concreteplayground.com/brisbane/travel-leisure/dog-friendly-hotels-australia>>

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Food Standards Australia and New Zealand (FSANZ), “*Application handbook*”, FSANZ website, Australian Government, accessed 23 August 2024, < <https://www.foodstandards.gov.au/food-standards-code/consultation/applicationshandbook>>

Food Standards Australia and New Zealand (FSANZ), “*Risk Analysis in Food Regulation*”, FSANZ website, Australian Government, accessed 23 August 2024, < <https://www.foodstandards.gov.au/sites/default/files/publications/riskanalysisfoodregulation/Documents/risk-analysis-food-regulation-full-pdf.pdf>>

Food Standards Australia and New Zealand (FSANZ), “*Risk assessment - Companion Dogs in Outdoor Dining Areas*”, FSANZ website, Australian Government, accessed 23 August 2024, < <https://www.foodstandards.gov.au/sites/default/files/food-standards-code/proposals/Documents/P1018%20Companion%20Dogs%20in%20Outdoor%20Dining%20Areas%20AR%20SD1.pdf>>

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2024, < <https://www.ontario.ca/laws/regulation/170493>>

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# FSANZ checklist for Application submission

Source: [FSANZ application handbook](#)

Check	Page No.	Mandatory requirements
		<b>Checklist for General requirements</b>
		<b>A Form of application</b>
OK	all	Application in English
OK	Separate file	Executive Summary (separated from main application electronically)
OK	all	Relevant sections of Part 3 clearly identified
OK	all	Pages sequentially numbered
OK	all	Electronic copy (searchable)
OK	18	All references provided
OK	2	<b>B Applicant details</b>
OK	3	<b>C Purpose of the application</b>
OK	3	<b>D Justification for the application</b>
OK	13	Regulatory impact information
n/a	n/a	Impact on international trade
OK	All	<b>E Information to support the application</b>
n/a	n/a	Data requirements
		<b>F Assessment procedure</b>
OK	17	General
n/a	n/a	Major
n/a	n/a	Minor
n/a	n/a	High level health claim variation
		<b>G Confidential commercial information</b>
OK	Separate confidential document	CCI material separated from other application material
OK	3	Formal request including reasons
OK	Separate document	Non-confidential summary provided
		<b>H Other confidential information</b>
OK	Separate confidential document	Confidential material separated from other application material
OK	3 & 17	Formal request including reasons
		<b>I Exclusive Capturable Commercial Benefit</b>
OK	16	Justification provided
		<b>J International and other national standards</b>
OK	5	International standards
n/a	n/a	Other national standards
OK	22	<b>K Statutory Declaration</b>
		<b>L Checklist/s provided with application</b>
OK	20	3.1.1 Checklist
OK	all	All page number references from application included
OK	20	Any other relevant checklists for Chapters 3.2–3.7
		<b>Checklist for applications for food production, Food safety standards (3.7.1)</b>

OK	all	A.1 Public health and safety data
OK	16	B.1 Projected costs to food industry

# Statutory Declaration

Commonwealth of Australia  
STATUTORY DECLARATION  
*Statutory Declarations Act 1959*

1 Insert the name, address and occupation of person making the declaration



make the following declaration under section 9 of the *Statutory Declarations Act 1959*:

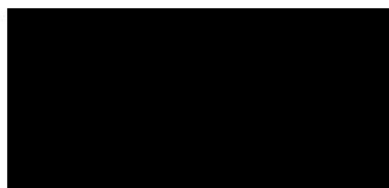
2 Set out matter declared to in numbered paragraphs

2

1. The information provided in this application fully sets out the matters required.
2. The information provided in this application is true to the best of my knowledge and belief.
3. No information has been withheld that might prejudice this application, to the best of my knowledge and belief.

I believe that the statements in this declaration are true in every particular, and I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, the punishment for which is imprisonment for a term of 4 years.

3 Signature of person making the declaration



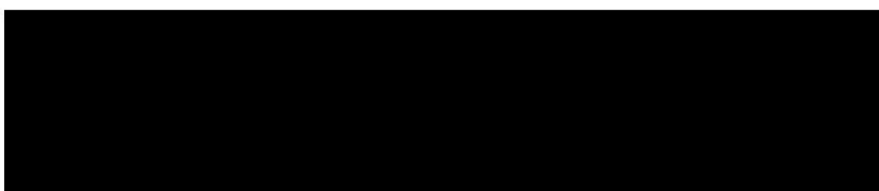
4 Email address or telephone number of person making the declaration

5 Place  
6 Day  
7 Month and year

Declared at <sup>5</sup> on <sup>6</sup> 4<sup>th</sup> of <sup>7</sup> October 2024

Observed by me,

8 Signature of person observing the declaration being made



9 Full name, qualification and address of person observing the declaration being made

10 Email address and/or telephone number of person observing the declaration being made





A statutory declaration under section 9 of the *Statutory Declarations Act 1959* may be made before—

(1) a person who is currently licensed or registered under a law to practise in one of the following occupations:

Architect	Chiropractor	Dentist
Financial adviser	Financial Planner	Legal practitioner
Medical practitioner	Midwife	Migration agent registered under Division 3 of Part 3 of the <i>Migration Act 1958</i>
Nurse	Occupational therapist	Optometrist
Patent attorney	Pharmacist	Physiotherapist
Psychologist	Trade marks attorney	Veterinary surgeon

(2) a person who is enrolled on the roll of the Supreme Court of a state or territory, or the High Court of Australia, as a legal practitioner (however described); or

(3) a person who is in the following list:

Accountant who is:

- a) a fellow of the National Tax Accountants' Association; or
- b) a member of any of the following:
  - i. Chartered Accountants Australia and New Zealand;
  - ii. the Association of Taxation and Management Accountants;
  - iii. CPA Australia;
  - iv. the Institute of Public Accountants

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public

APS employee engaged on an ongoing basis with 5 or more years of continuous service who is not specified in another item in this list

Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)

Bailiff

Bank officer with 5 or more continuous years of service

Building society officer with 5 or more years of continuous service

Chief executive officer of a Commonwealth court

Clerk of a court

Commissioner for Affidavits

Commissioner for Declarations

Credit union officer with 5 or more years of continuous service

Employee of a Commonwealth authority engaged on a permanent basis with 5 or more years of continuous service who is not specified in another item in this list

Employee of the Australian Trade and Investment Commission who is:

- (a) in a country or place outside Australia; and
- (b) authorised under paragraph 3 (d) of the *Consular Fees Act 1955*; and
- (c) exercising the employee's function at that place

Employee of the Commonwealth who is:

- (a) at a place outside Australia; and
- (b) authorised under paragraph 3 (c) of the *Consular Fees Act 1955*; and
- (c) exercising the employee's function at that place

Engineer who is:

- a) a member of Engineers Australia, other than at the grade of student; or
- b) a Registered Professional Engineer of Professionals Australia; or
- c) registered as an engineer under a law of the Commonwealth, a state or territory; or
- d) registered on the National Engineering Register by Engineers Australia

Finance company officer with 5 or more years of continuous service

Holder of a statutory office not specified in another item in this list

Judge

Justice of the Peace

Magistrate

Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*

Master of a court

Member of the Australian Defence Force who is:

- a) an officer
- b) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service
- c) a warrant officer within the meaning of that Act

Member of the Australasian Institute of Mining and Metallurgy

Member of the Governance Institute of Australia Ltd

Member of:

- a) the Parliament of the Commonwealth
- b) the Parliament of a state
- c) a territory legislature
- d) a local government authority

Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*

Notary public, including a notary public (however described) exercising functions at a place outside

- a) the Commonwealth
- b) the external territories of the Commonwealth

Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office providing postal services to the public

Permanent employee of

- a) a state or territory or a state or territory authority
- b) a local government authority



with 5 or more years of continuous service, other than such an employee who is specified in another item of this list  
Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made  
Police officer  
Registrar, or Deputy Registrar, of a court  
Senior executive employee of a Commonwealth authority  
Senior executive employee of a State or Territory  
SES employee of the Commonwealth  
Sheriff  
Sheriff's officer  
Teacher employed on a permanent full-time or part-time basis at a school or tertiary education institution

**For special witnesses to complete – Tick as applicable**

- I am a **special witness** under the *Oaths Act 1867*.  
(see section 12 of the *Oaths Act 1867*)
- This document was made in the form of an electronic document.<sup>6</sup>
- I electronically signed this document.<sup>7</sup>
- This statutory declaration was made, signed and witnessed under part 6A of the *Oaths Act 1867* – I understand the requirements for witnessing a document by audio visual link and have complied with those requirements.<sup>8</sup>

**\*\* IMPORTANT NOTE \*\***

**PLEASE COMPLETE THE NEXT PAGE TITLED  
"HOW THIS DOCUMENT WAS MADE".  
PLEASE ATTACH THIS PAGE TO YOUR STATUTORY DECLARATION.**

*The footnotes are to assist in the completion of the form and can be deleted once complete.*

<sup>1</sup> Include this statement if you electronically signed the document or if you physically signed the document over audio visual link and then sent a scanned copy of that document to the witness. Cross out if not applicable.

<sup>2</sup> Include this statement if you or your substitute signatory electronically sign the document using an accepted method under the *Oaths Act 1867*. Cross out if you signed the document on paper.

<sup>3</sup> Include this statement if the document was made over audio visual link. Cross out if not applicable.

<sup>4</sup> Insert the witness's capacity that makes them eligible to witness the statutory declaration, including as a special witness under section 16C or part 6A of the *Oaths Act 1867*. For example, Australian legal practitioner, lawyer, justice of the peace, commissioner for declarations, notary public, a justice of the peace or commissioner for declarations approved by the Chief Executive under section 12(2) of the *Oaths Act 1867*, government legal officer, etc.

<sup>5</sup> For example, the name of the law practice for the Australian legal practitioner, the name of the government department of the government legal officer, the name of the law practice for a justice of the peace who witnesses documents for a law practice, etc.

<sup>6</sup> Tick this box if you electronically signed the document or if you physically signed the document and sent a scanned copy of that document to the declarant.

<sup>7</sup> Tick this box if you electronically sign the document using an accepted method under the *Oaths Act 1867*. Do not include this statement if you signed the document on paper.

<sup>8</sup> Tick this box if the statutory declaration was made over audio visual link.

## HOW THIS DOCUMENT WAS MADE

*Please attach this page to your statutory declaration*

**NOTE: FAILURE TO COMPLETE THIS TABLE DOES NOT INVALIDATE THE DOCUMENT**

*The signatory (declarant) or substitute signatory must complete this section*

SIGNATORY / SUBSTITUTE SIGNATORY to complete	
<b>Who signed this declaration?</b>	
<input checked="" type="checkbox"/>	the signatory (declarant)
<input type="checkbox"/>	a substitute signatory
<b>How did the signatory/substitute signatory sign?</b>	
<input type="checkbox"/>	on paper
<input checked="" type="checkbox"/>	electronically
<b>How was this declaration witnessed?</b>	
<input type="checkbox"/>	in person
<input checked="" type="checkbox"/>	over audio visual link

*The witness must complete this section*

WITNESS to complete	
<b>How did you (the witness) sign this document?</b>	
<input type="checkbox"/>	on paper
<input checked="" type="checkbox"/>	electronically
<b>What document did you (the witness) sign?</b>	
<input checked="" type="checkbox"/>	The same physical (paper) document that was signed in the presence of the signatory/substitute signatory
<input type="checkbox"/>	A copy of the document that was signed by the signatory/substitute signatory (e.g a scanned copy of a paper signed document, a photocopy or printout)
<input type="checkbox"/>	A counterpart of the document (a copy of the document without the signature of the signatory/substitute signatory)
<b>What form of document did you (the witness) sign?</b>	
<input type="checkbox"/>	paper
<input checked="" type="checkbox"/>	electronic (tick this if you electronically signed the document or if you physically signed a copy of the document signed by the signatory/substitute signatory and then sent a scanned copy of that document to the signatory or other person)
<b>How was the substitute signatory directed to sign (if applicable)?</b>	
<input type="checkbox"/>	in person by the signatory
<input checked="" type="checkbox"/>	over audio visual link by the signatory