

Public DEFENDER

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John Rolfe & Rosemarie Lentini

Please help!

I need some legal advice

Cats in the kitchen

Eateries named and shamed for health law breaches



Kitty caught: This black cat brought nothing but bad luck for the owners of a Canley Heights food store, prosecuted under health and safety laws

SOME cafe and restaurant owners have been caught with animals such as mangy stray cats, pet dogs and ibis in their kitchens, putting their customers at serious risk of food contamination.

A *Public Defender* investigation reveals six shops have been issued with steep fines in the past 12 months for keeping live animals in their food preparation areas.

In some cases, council health and safety inspectors discovered the animals were being fed within the kitchen area, with pet food either poured into bowls or placed

on newspaper on the floor. In one case, a wild game hunter was caught keeping his freshly slaughtered pig, destined for human consumption, beside his hunting dogs.

At Alpha Hot Bread in Campsie, health inspectors found a cat living in a plastic box in a food storage room, complete with a container of cat food and a pile of kitty litter on a piece of cardboard on the cement floor.

While the inspectors were present, another stray cat walked into the premises through the open back door.

Owner Thi An Nguyen told

inspectors the cat had just been given to her and she had not had a chance to take it home. She received a \$330 fine and was also reprimanded for not washing her hands after using the toilet and handling animals.

Alpha Hot Bread is now under new ownership.

At the Mulbring General Store in Kurri Kurri, inspectors discovered an unleashed dog wandering through food preparation areas and eating dry dog food from a bowl. When contacted, employee Mary Ann said they were "not sorry".

Some restaurants, including the popular dumpling destination New Shanghai Chinese Restaurant in Ashfield, were fined for attracting feral animals, stray cats and birds by leaving boxes of unprepared food unprotected at the rear of the property.

Its publicist was apologetic, saying the outlet "takes their hygiene very seriously" and "they're very proactive in the security of their guests and the hygiene of their restaurant".

The NSW Food Authority's director of enforcement and compliance Peter Day

said some cafes caught feeding animals in their shops were repeat offenders.

"It is certainly something we are very strict on because cats and dogs are well known as... carriers of a number of diseases and parasites that can easily be transmitted to humans," he said.

"The biggest danger is toxoplasmosis, which is fairly prevalent in cats and can be a transmitted to humans through food."

Another to flout health and safety laws was the Indian Mart at Westmead, which has since changed ownership.

Company claims in fine print

Frank asks: I signed a two-year contract for advertising but the company was still withdrawing funds from my account after that. The company said that under the contract I signed, if I did not inform them by registered letter no less than 12 months in advance that I did not want the advertising to continue, the contract automatically renewed itself for a further two years. This was not pointed out to me when we signed up.

Have your legal queries answered on our blog with Maurice Blackburn legal expert Giri Sivaraman



This week's blog: Planking

Giri answers: Burying onerous or problematic terms in the fine print of a contract may be both unconscionable and misleading. In your case, if the contract was clearly stated to be for two years, it is arguably misleading to hide in the fine print a clause that automatically extends the term and insist you go through what sounds like an unnecessarily complex termination process. If you do want to argue against having to pay for a further two years, your first step should be to contact your bank and stop the direct debit arrangement. If you did this you could be in breach of your contract with the company, who may initiate debt collection activity against you.

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