

# ASSISTANCE ANIMALS IN PUBLIC PLACES

FACT SHEET

## Assistance Animals Framework

Amendments to the *Domestic Animals Act 2000* have introduced the ACT assistance animal framework (the ACT framework) which provides a voluntary scheme for persons with a disability to have their assistance animal accredited, registered and be provided with an ID card.

The framework promotes, protects and clarifies existing rights of access under the *Disability Discrimination Act 1992 (Cth)* for persons who rely on an assistance animal. The framework does not provide new or additional rights over the existing Commonwealth laws.

In order to accredited an assistance animal, a person must either have their assistance animal tested and accredited by completing a Public Access Test by a registered trainer or assessor or have their assistance animal accredited by any of the following recognised organisations:

- > Assistance Dogs Australia
- > Australian Support Dogs
- > Guide Dogs Australia
- > Guide Dogs NSW/ACT
- > Guide Dogs QLD
- > Guide Dogs SA/NT
- > Guide Dogs TAS
- > Guide Dogs VIC
- > Guide Dogs WA
- > Integra Service Dogs Australia
- > MindDog Australia
- > Seeing Eye Dogs Australia – Vision Australia

- > Any assistance animal organisation, Australian or international, that is formally recognised by Assistance Dogs International and the International Guide Dog Federation and is not already listed above.

People who already have an accreditation with another Australian jurisdiction (currently Queensland, Western Australia and South Australia) are also recognised by the ACT Government as having an accreditation under the framework up until the expiry of that accreditation.

This means both businesses and the community can be confident that handlers and their assistance animals who hold an ACT Government issued or recognised organisation assistance animal ID card have met the necessary standards of behaviour and hygiene to be safe in public places, but this does not change the existing rights of access of all assistance animal users.

## Do I have to provide access to persons who use an assistance animal?

**Yes.** Persons who use an assistance animal have rights of access to all public places that people are normally allowed access to, including but not limited to:

- > Cafes, restaurants and pubs
- > Public transport including buses, trams, taxis and ubers
- > Theatres, shopping centres and other entertainment venues
- > Supermarkets
- > Hospitals
- > Hotels.

The assistance animal does not need to be wearing a harness and coat that identifies them as an assistance animal in order to be granted access.

If you are unsure, you can request to see proof of accreditation and identification, which may be in the form of an ACT Government card or a card from a recognised organisation.

It is an offence to refuse access to a person who has an assistance animal or to impose a fee or charge on a person to bring an assistance animal into a public space.

## Do I still need to provide access if an assistance animal is not accredited under the ACT Framework?

**Yes.** Persons who use assistance animals who are not accredited under the voluntary ACT framework have the same access rights under the Commonwealth *Disability Discrimination Act 1992*. A business or individual who refuses access to a non-accredited assistance animal may be subject to repercussions under Commonwealth law.

If you are unsure whether an animal is safe to enter a public place you can request to see evidence the assistance animal is safe and trained. However, a person not being able to produce evidence is not a reasonable excuse to refuse access.

It is always an offence to deny someone with an assistance animal access to a public place. Denying access is a serious decision and there are limited circumstances which would constitute a reasonable excuse to do so. Ultimately, it is an offence to deny access and only a court can determine whether your reasoning for refusing access was a reasonable excuse.

*The diagram on the following page provides guidance on the decision-making process for businesses to allow access to customers who use an assistance animal under both the ACT framework and Commonwealth discrimination law.*

## Assistance animal public access rights

Under Commonwealth discrimination law a person who has an assistance animal has the same rights to access public areas and facilities (e.g. public transport) as anyone else – they cannot be denied access on the basis of having the assistance animal

