



Guide, hearing and assistance dogs legislation

Information for businesses



The Queensland *Guide, Hearing and Assistance Dogs Act 2009* commenced on 1 July 2009. This Act seeks to:

- assist people with a disability who rely on a guide, hearing or assistance dog to have independent access to the community
- ensure the quality and accountability of guide, hearing and assistance dog training services.

In doing this, the Act reaffirms an individual's rights of access if they are supported by a certified guide, hearing or assistance dog. It also puts in place a mechanism for the easy identification of guide, hearing or assistance dogs that have been certified under the legislation. This is by way of an approved badge issued by the Department of Communities, and fitted to the coat or harness. It should be noted that a dog may be wearing other badges in addition to the badge issued by the department.

This is not the only legislation that is in place to support people with a disability to live their lives within the community.

The Commonwealth *Disability Discrimination Act 1992* supports:

- the elimination, as far as possible, of discrimination against persons on the ground of disability in the areas of:
 - work, accommodation, education, access to premises, clubs and sport
 - the provision of goods, facilities, services and land
 - existing laws
 - the administration of Commonwealth laws and programs
- ensuring, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community
- the promotion, recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.

Under the Commonwealth legislation, discrimination includes treating a person with a disability less favourably because that person is accompanied by a guide or hearing dog, or other animal trained to assist them to alleviate the effect of their disability.

The Queensland *Guide, Hearing and Assistance Dogs Act 2009* does not over-rule these rights. It should be noted that even if a dog does not display the approved badge issued by the Department of Communities they may still have access rights under the *Disability Discrimination Act 1992*. If a person with a disability feels that they have been discriminated against they still have the right to lodge a formal complaint under the *Disability Discrimination Act 1992*.

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A helping hand

Guide, hearing and assistance dogs perform a range of tasks to help people with a disability in their everyday lives.

Guide dogs help people who are blind or vision-impaired to move freely in the community.

Hearing dogs alert their deaf or hearing-impaired owners to specific sounds, such as a phone ringing, an alarm sounding, or a baby crying.

Assistance dogs help people with physical, sensory or psychiatric disabilities. They may help to open and close doors, pick up dropped items, or flick light switches.

Many Queenslanders just can't live without them.

That is why guide, hearing and assistance dogs are now allowed to access all public areas of our community.

The *Guide, Hearing and Assistance Dogs Act 2009* confirms these rights, and significant fines apply from 1 September 2009 if individuals or businesses deny access to a person accompanied by a certified guide, hearing, assistance or trainee support dog.



Public access rights

All certified guide, hearing, assistance dogs and trainee support dogs must now be allowed to access public places and public passenger vehicles – such as cafes, restaurants, clubs, buses, taxis etc.

This means a person exercising control of a public place or public passenger vehicle must not:

- refuse entry to, or permission to be in, the place or vehicle
- refuse service in the place or vehicle
- separate a person with a disability from their dog.

There are a few exceptions. A guide, hearing or assistance dog or trainee support dog may not enter:

- certain parts of a health service facility, including:
 - an in-patient ward
 - a labour ward
 - a procedure room
 - a recovery area
 - areas where standards of hygiene are maintained at a significantly high level for the purpose of preventing infection or the spread of disease
 - an ambulance (although some paramedics will allow it under certain circumstances)
- a part of a public place or public passenger vehicle where food is ordinarily prepared.

However, the Act does not prevent a person exercising control of a public place or public passenger vehicle from refusing entry to, or requesting a person leave, for any reason other than the person being accompanied a certified dog.

For example, a person exercising control of a shopping centre may require a person accompanied by a guide dog leave the premises because the centre is closing.

Note that the care or supervision of the dog is solely the responsibility of the individual with a disability. Businesses are not required to provide care or food or a special location for the dog.

Further, a person accompanied by a guide, hearing or assistance dog may be liable for any damage caused to property.

The *Disability Discrimination Act 1992 (Commonwealth)* also confirms the rights of people with a disability accompanied by guide, hearing or assistance dogs.



Respect the badge





Certified guide, hearing and assistance dogs can be almost any breed, but will be easily recognised by the badge on their coat or harness. Please note, dogs may be wearing other badges or branding in addition to this badge of certification.

People accompanied by a certified dog, including approved trainers and puppy carers, will also carry an identification card.

If you are exercising control of a public place or public passenger vehicle and you can see no obvious identification and you have doubts as to their authenticity, you may ask to see the person's identification card to ensure the dog is certified under the Act.

	Guide, Hearing and Assistance Dogs Act 2009	
Employee Trainer		
Name: Firstname SURNAME	Card No.: 000000	
Institution: Name	Issued: 00/00/00	
Category: Name	Expires: 00/00/00	

	Guide, Hearing and Assistance Dogs Act 2009	
Puppy Carer		
Name: Firstname SURNAME	Card No.: 000000	
Institution: Name	Issued: 00/00/00	
Category: Name	Expires: 00/00/00	

However, only request identification if you have strong grounds, as the person with a disability has the same rights to privacy as other members of the public.

Remember too, that not all forms of disability are obvious – for example, the person may have a psychiatric disability, a sensory disorder or chronic diabetes.

Certification

Trained dogs can become certified under the *Guide, Hearing and Assistance Dogs Act 2009* if they:

- can perform physical tasks and behaviours to assist a person with a disability in a way that reduces that person's need for support
- can pass a public access test conducted by an approved trainer or training institution
- are not a restricted breed as defined under the *Local Government Act 1993*
- are de-sexed and vaccinated
- have not been declared a dangerous dog under a local law.

A guide, hearing or assistance dog is not a pet or a 'companion' dog, it is a highly trained working dog.

Public access test

All dogs must pass a public access test to become certified. This ensures they are safe in a public place or public passenger vehicle, and are able to be controlled by the person they accompany.

Any dog that displays aggressive behaviour such as growling, biting or raising hackles will not pass the public access test. Similarly, any dog that urinates or defecates in a building, or shows uncontrollable behaviour, will also fail the test.

Dogs certified under the Act must also undergo regular skill updating and testing to ensure they remain effective and safe.

Penalties

Under the *Guide, Hearing and Assistance Dogs Act 2009*, significant fines apply to individuals or businesses that deny access to a certified guide, hearing or assistance dog.

Individuals

Individuals in control of a public place or public transport vehicle, such as a waiter, bar tender or taxi driver can be fined up to \$10,000.

Corporations

Privately owned businesses such as restaurants, hotels, shops, taxis, theatres and sports facilities can be fined up to \$50,000. The executive officers of a corporation must ensure their corporation complies with the Act.



Complaints

If you have a complaint or a concern, there are some steps you can take. For example, if a person comes to your establishment with a dog, but has no identification, you are entitled to ask if the dog is needed for the support of a disability. The *Guide, Hearing and Assistance Dogs Act 2009* provides identification for certified dogs and approved handlers.

The *Disability Discrimination Act 1992* (Commonwealth) also provides that person with a disability who relies on a guide, hearing or assistance dog must be allowed access to public places and public passenger vehicles.

However, a person with a disability accompanied by a guide, hearing or assistance dog can still be liable if they or their dog cause any damage to property. You are within your rights to either refuse them entry or request they leave if they act in a way detrimental to the usual running of your business. The steps to take are:

1. Talk calmly to the person first

Many concerns can be resolved quickly and easily by speaking about them with the relevant person at the time.

2. Act quickly

If you still have a concern, please call the Guide, Hearing and Assistance Dogs hotline on **1800 210 976**.

3. If you wish to make a formal complaint

Contact the Department of Communities (refer to details on the back cover of this booklet). Write down everything that occurred in order. Include a description of what happened, dates, witnesses, phone calls, letters or meetings. Also, detail the outcome you are seeking or the action you would like the Department of Communities to take.

Etiquette

When you meet a person with a guide, hearing or assistance dog, it is important to remember that the dog is working.

Keep in mind that even though it may appear that the dog is not performing a task at that moment, it is still on call and must give its full attention to the person it is accompanying.

Here are a few tips:

Do

- speak to the person first
- keep in mind that the dog has a very important job to do
- know that the dog loves to work and is well treated
- remember that the dog is highly trained
- teach others that the dog is working
- be aware that guide, hearing and assistance dogs are allowed in public places.

Don't

- talk to, call, or make sounds at the dog
- touch the dog without asking – and receiving – permission
- be offended if asked not to pat the dog
- feed the dog
- give commands to the dog – this is the owner's job
- ask personal questions about the person's disability or intrude on their privacy
- be offended if the person declines to chat about the dog.

Contacts

For more information about the *Guide, Hearing and Assistance Dogs Act 2009* contact:

Telephone: 1800 210 976 (toll-free within Australia)*

TTY: (07) 3877 8226

Email: ghadogs@communities.qld.gov.au

Postal address: Guide, Hearing and Assistance Dogs
GPO Box 806
Brisbane QLD 4001

Online: www.qld.gov.au/ghadogs

* Calls from mobile phones are charged at applicable rates.