



## Assistance Animals

This document has been created to provide Clubs with an overview of the legislation and rules regarding assistance animals. Please note that this is not an exhaustive list of everything in connection with assistance animals.

### What is an Assistance Animal?

An assistance animal is an animal that has been properly trained to assist someone with a disability.

Section 9(2) of the *Disability Discrimination Act 1992 (Cth)* (DDA Act) defines an assistance animal as a dog or other animal that is either:

- (a) accredited under a law of a State or Territory that provides for the accreditation of animals trained to assist a persons with a disability to alleviate the effect of the disability; or
- (b) accredited by an animal training organisation prescribed by the regulations for the purposes of this paragraph; or
- (c) trained:
  - (i) to assist a person with a disability to alleviate the effect of the disability; and
  - (ii) to meet standards of hygiene and behaviour that are appropriate for an animal in a public place.

Assistance animals are most often dogs, although provided they satisfy the above, other types of animals can be valid assistance animals.

In terms of accreditation, in South Australia those organisations that can accredit assistance animals only do so for dogs. Section 21A of the *Dog and Cat Management Act 1995 (SA)* (Dog and Cat Act) details which organisations can accredit assistance dogs in SA and this includes:

- The Dog and Cat Management Board
- The Royal Society for the Blind of SA Inc
- The Guide Dogs Association of SA and NT Inc (and all other Guide Dog Associations in Australia)
- Lions Hearing Dogs Inc
- Assistance Dogs Australia
- Righteous Pups Australia Inc
- Vision Australia

If an animal is not accredited it can still meet the definition of an assistance animal by satisfying the requirements as set out in section 9(c) of the DDA Act. This is where a person has a disability and the animal is trained to assist with alleviating this and they also meet standards of hygiene and behaviour appropriate for an animal that will be in a public place.

Should a Club discriminate against someone with an assistance animal they can be fined and risk a discrimination claim being made against them.

### **What about emotional support animals, therapeutic animals or other animals?**

It is important to note that emotional support animals are not recognised by both State and Federal legislation in Australia. Additionally therapeutic animals are not covered in the DDA Act or Dog and Cat Act and are only mentioned in the *Equal Opportunity Act 1984 (SA)* (EA Act) in the context of people applying for accommodation and not in regards to entering public places.

Due to the above, if someone has such an animal then they will have to satisfy the requirements of an assistance animal in order to be entitled to the legal entitlements detailed later in this fact sheet.

Clubs must also be aware that under the Australian and New Zealand Food Safety Standards (Food Safety Standards), Standard 3.2.2, apart from assistance animals, fish, seafood and shellfish; no other live animals are allowed in areas where food is handled. Food handling areas include dining and drinking areas and therefore if a non-assistance animal is allowed into these areas a club risks being found in breach of the Food Safety Standards.

There is however an exemption to the above under Food Safety Standards, Standard 3.2.2 Clause 24, which states that **dogs** that aren't assistance animals can be permitted in non-enclosed **outdoor** dining areas. This is entirely up to a club to allow this to happen or otherwise.

### **Can we ask for evidence?**

Under section 54A(5) of the DDA Act it is not unlawful for a person to request or require someone to produce evidence that an animal is an assistance animal and that it is trained to meet hygiene and behaviour standards appropriate for an animal in a public place.

In terms of how evidence can be presented there are two main ways in which this can be done:

1. A person can present evidence that the animal is accredited as an assistance animal such as by presentation of an identity card.
2. A person presents evidence that shows they have a disability and the animal is trained to assist the person with this and that it meets required hygiene and behavioural standards eg. via a signed medical certificate and/or a vet or training certificate.

Should suitable evidence not be presented then it is not unlawful for their animal to be refused entry or to be asked to leave the premises.

It is also not unlawful to request or require someone to keep their assistance animal suitably under control or to have another person do so on their behalf. An assistance animal can also be denied entry where someone

reasonably suspects that the assistance animal has an infectious disease and it is reasonably necessary to do so to protect public health or the health of other animals.

Under the Dog and Cat Act where a person falsely claims a dog is an assistance dog they can face a hefty fine.

An example of what a valid accreditation / identity card may look like is shown below:



### **Where are assistance animals allowed to enter?**

Assistance animals are generally allowed into any areas that are open to the public such as public transport, supermarkets, restaurants and clubs. The Dog and Cat Act specifies in section 81 that a person who is wholly or partially blind or deaf, or otherwise disabled, is entitled to be accompanied by an accredited assistance dog in a public place or public passenger vehicle. Additionally under section 88 of the EA Act it is unlawful to impose a condition or requirement on someone that would result in them being separated from their assistance animal.

The Food Safety Standards, Standard 3.2.2 specifies however that while assistance animals are allowed in areas open to customers, including areas where food is handled such as dining and drinking areas, they aren't allowed in non-public food preparation areas like kitchens.

As explained earlier, an assistance animal is allowed to be excluded from an area if they are not being suitably controlled and/or there is reasonable grounds to believe it has an infectious disease and they need to do this to protect public health and/or the health of other animals.

### **What steps can be taken to ensure our club complies with the rules?**

Staff should be made aware of the rules on assistance animals, particularly those in "front of house" roles. It should be made clear that where valid evidence is presented, a person must be allowed into public areas with their assistance animal, unless where they have an infectious disease or are not being properly handled.

Clubs can also consider implementing a "dog policy" or "animal policy" that details the rules on assistance animals, what their stance is generally in allowing animals into the premises (eg. will pet dogs be allowed in outdoor dining areas) and asking for evidence.

Stickers or signs in prominent positions that outline the clubs policy can also be put up such as a sign at an entrance stating that no animals apart from assistance animals will be allowed from this point and that the person involved may be asked to provide evidence.