



Information for **businesses**

and people in charge of public places





Guide, hearing and assistance dogs are an essential part of our community, particularly for people with disability.

The Guide, Hearing and Assistance Dogs Act 2009 (the Act) is administered by the Department of Child Safety, Seniors and Disability Services and protects the rights of people with disability.

This booklet contains information for upholding your responsibilities as a business or person exercising control of a public place, place of accommodation or public passenger vehicle to allow people with disability to access your business with their guide, hearing or assistance dog.

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A helping hand

Guide dogs help people with vision impairments to move freely in the home and the community

The dog increases their capacity for communication, social interaction, learning, mobility, or self-care and management, at home and in the community.

Guide dogs help people with vision impairments move freely in the home and the community.

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

Assistance dogs help people with various disabilities and specific medical conditions by performing tasks such as opening and closing doors, picking up items, or alerting people with medical conditions, for example, to a change in blood sugar levels or oncoming seizure.

A **primary handler** is a person with disability who relies on a guide, hearing or assistance dog.

An **alternative handler** is an adult who supports the primary handler to physically control the dog, when the primary handler is unable to.



With him, I can live my life in a more confident way.

Brianna and Kirby



The legislation

The Guide, Hearing and Assistance Dogs Act 2009 (the Act) assists people with disability who rely on guide, hearing or assistance dogs and ensures the quality and accountability of guide, hearing or assistance dog training services by:

- protecting the rights of people with disability who rely on guide, hearing or assistance dogs to be accompanied by their dog in public places, public passenger vehicles and places of accommodation
- protecting the rights of approved trainers to be accompanied by these dogs in public places, public passenger vehicles and places of accommodation
- providing a simple and consistent means of identifying properly trained dogs
- regulating the approval of guide, hearing and assistance dog training services.

A **public place** is defined as a place, or part of the place that:

- (a) the public is entitled to use, that is open to members of the public or that is used by the public, whether or not on payment of money; or
- (b) the occupier of which allows, whether or not on payment of money, members of the public to enter.

For example, a beach, a restaurant, a shopping centre, a showground or a cafe.

A **public passenger vehicle** is defined as a vehicle used to transport members of the public such as a bus, ferry, plane, taxi, booked hire vehicles or train.

A **place of accommodation** includes rental accommodation such as a house or flat, a hotel or motel, a boarding house or hostel, caravan and camping sites.

Other legislation that protects the rights of people with disability who rely on guide, hearing and assistance dogs includes the Disability Discrimination Act 1992 (Cth) and the Queensland Anti-Discrimination Act 1991.



Public access

Handlers with certified guide, hearing, assistance and trainee support dogs must be allowed to access public places, public passenger vehicles, and places of accommodation. This includes restaurants, cafes, hotels, retail stores, taxis, buses, trams, ride-booking services, booked hire vehicles, theatres, concert halls, private rental arrangements and holiday accommodation.

This means a person in control of a public place, public passenger vehicle or place of accommodation 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 disability from their certified dog
- segregate a person with a certified dog from other members of the public in the place or vehicle
- charge an extra fee because the certified dog is present.

However, there are some exceptions. A person accompanied by a guide, hearing, assistance or trainee support dog may not enter:

- certain parts of health service facilities including:
 - in-patient wards
 - labour wards
 - procedure rooms
 - recovery areas
 - areas where the standard of hygiene is maintained at a significantly high level to prevent infection or spread of disease
 - areas for isolating people to prevent the movement of pathogens
 - parts of health service facilities where the presence of a dog is likely to significantly impair the safe or effective provision of a health service
- ambulances
- parts of a public place or public passenger vehicle where food is ordinarily prepared.

Public places and public passenger vehicles with a ‘no pets’ policy cannot use this to exclude guide, hearing and assistance dogs—these certified dogs are working dogs, not pets.

You may exclude a person accompanied by a guide, hearing or assistance dog from your facility if that animal’s behaviour poses a direct threat to the health or safety of others.

Handlers, approved trainers, employee trainers and puppy carers must not be separated from their dog or denied access or service because they are accompanied by the dog.

The care and supervision of a guide, hearing or assistance dog is solely the responsibility of the person it accompanies. You are not required to provide care, food or a special location for the dog.

Lawful refusal of entry

The Act does not prevent a person in control of a public place, public passenger vehicle or place of accommodation from performing their normal duties. They may lawfully refuse entry to a person accompanied by a guide, hearing, assistance or trainee support dog if the refusal is reasonable in the circumstances and does not relate to the dog’s presence.

For example, a person accompanied by a guide dog may be required to leave a shopping centre because the centre is closing.

Penalties

Individuals in control of a public place, public passenger vehicle or place of accommodation — such as a waiter, taxi driver, driver of booked hire vehicle or hotel manager — can be fined for failing to comply with the requirements.

Privately owned businesses — such as restaurants, hotels, shops, taxis, booked hire vehicles, theatres and sports facilities — can also be fined. The executive officers of a corporation must ensure their corporation complies with the Act.



Certification

Public access test (PAT)

All dogs must pass a PAT to become certified to ensure they are safe and effective in public places and public passenger vehicles and can be controlled by their handler/s.

Dogs will not pass the PAT if they:

- display aggressive or uncontrollable behaviour, such as growling or biting
- toilet indiscriminately in a building.

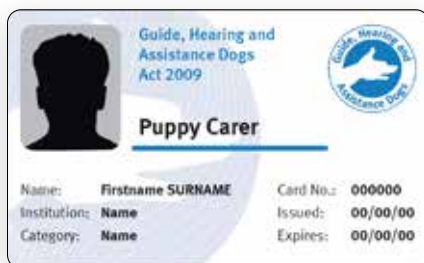
Dogs certified under the Act will undergo regular skill updating to ensure they remain safe and effective in public.

Certification requirements

An approved trainer or training institution can only certify a dog if it:

- can do at least one of the following:
 - guide a person with a vision impairment
 - aid a person with a hearing impairment
 - perform identifiable physical tasks and behaviours to assist a person with disability in a way that reduces their need for support
- has passed a PAT conducted by the approved trainer or training institution within seven days before being certified
- is not a restricted dog breed defined under the Animal Management (Cats and Dogs) Act 2008 or declared a dangerous dog under a local law
- is de-sexed and vaccinated.

Guide, hearing and assistance dogs are different to therapy, emotional support and companion dogs. Such dogs are not considered 'assistance or service' dogs or recognised under the Act, as the dog may not be trained to undertake specific, identifiable physical tasks and behaviours to reduce the handler's need for support.



Identification

The Act requires approved handlers, trainers, puppy carers and their certified dogs to be easily identifiable when they're in public places, public passenger vehicles and places of accommodation.

While these dogs can be almost any breed and size, they can always be recognised by a round blue and white badge on their coat or harness. Handlers accompanied by a certified dog also carry approved identity cards.

This identification is required for handlers, trainers, puppy carers and certified dogs to access public places, public passenger vehicles and places of accommodation.

If you control a public place, public passenger vehicle or place of accommodation, you may ask to see the person's handler identification card to ensure the dog is certified under the Act.

Handlers and their guide, hearing or assistance dogs without a badge or identification card may still be eligible to access a public place. Refusal to allow access may be unlawful under the Queensland Anti-Discrimination Act 1991 and the Commonwealth Disability Discrimination Act 1992.

Remember that not all forms of disability are obvious — for example, the person may have PTSD or diabetes.



Etiquette

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

Even if it appears the handler and dog are not performing a task at that moment, the dog is still on call and must give their full attention to their handler. Here are a few tips.

Do:

- ✔ speak to the person first
- ✔ know the dog loves to work and is treated well
- ✔ remember the dog is highly trained
- ✔ teach others the dog is working
- ✔ be aware that guide, hearing and assistance dogs are allowed in public places, on public passenger vehicles and in places of accommodation.

Don't:

- ✘ talk to, call at or make sounds at the dog
- ✘ touch the dog without permission
- ✘ ask personal questions about the handler's disability or intrude on their privacy
- ✘ be offended if you are asked not to pat the dog or the handler declines to chat about the dog
- ✘ feed the dog
- ✘ give commands to the dog.

Benefits for businesses

If your business welcomes guide, hearing and assistance dogs, it will:

- broaden your customer base
- assist people who rely on guide, hearing and assistance dogs to access the community
- help to educate the community about inclusiveness for people with disability.

Complaints

If you have a concern about a person with their guide, hearing or assistance dog, there are some steps you can take.

If a person comes to your establishment with a dog but has no identification (i.e. a handler's identity card and the dog is not wearing the proper coat or harness displaying the approved badge), you are entitled to ask the person to produce evidence that the dog is a certified dog and that it has been trained to meet appropriate levels of hygiene and behaviour.

It is unlawful to discriminate against someone because they have a disability, so you should be mindful that a person and their dog may still have access rights under other legislation such as the Disability Discrimination Act 1992 (Commonwealth) and/or the Anti-Discrimination Act 1991.

There are limited circumstances where you can refuse entry or request a person with their guide, hearing or assistance dog to leave your establishment. For example, if a guide, hearing or assistance dog is acting in a manner that presents a risk to the health and safety of other people at the place, you may ask the person and their dog to leave. You may also refuse entry or ask a person with a guide, hearing or assistance dog to leave if the person is acting in an inappropriate or disruptive manner. You should aim to resolve the issue quickly and easily by discussing with the person the concerns you have.

If you have concerns about the behaviour of a certified guide, hearing or assistance dog, you can contact the department at **ghad@qld.gov.au**



For further information:

Phone: 13QGOV (13 74 68)

TTY: 133 677

Email: ghad@qld.gov.au

Postal: Locked Bag 3405, Brisbane QLD 4001

Website: qld.gov.au/ghad

Lodging a complaint

Phone: 07 3097 7203

Email: ghad@qld.gov.au

Postal:

Department of Child Safety, Seniors and Disability Services

Guide, Hearing and Assistance Dogs Team

Locked Bag 3405

Brisbane QLD 4001

Guide, Hearing and Assistance Dogs Act 2009

qld.gov.au/ghad