

STATE & TERRITORY LAW:

PUBLIC ACCESS FOR ASSISTANCE ANIMALS



As Assistance Animals are not mentioned in **Section 51** of the **Australian Constitution**, they fall under State and Territory jurisdiction. This is why they are mentioned only briefly in the **Disability Discrimination Act 1992 (Cth)**. It is essential to remember that where Federal (Commonwealth) law differs from State or Territory law, Federal law takes precedence as per **Section 109** of the **Australian Constitution**.



AUSTRALIAN CAPITAL TERRITORY (ACT)



Under the ACT **Assistance Animal Accreditation Framework** under **Part 5** of the **Domestic Animals Act 2000 (ACT)** allows for accreditation of Assistance Animals for up to 2 years at a time. All handlers of an Assistance Animal maintain public access rights regardless of whether they choose to undertake accreditation.

Accreditation requires completion of a 2–3 hour **Public Access Test (PAT)** undertaken by an ACT registered assessor. You must have a veterinary declaration and evidence of disability from a medical practitioner prior to completing the **PAT**. This accreditation is voluntary with handlers receiving an identification card to give businesses and the community confidence that the Assistance Animal meets standards of behavior and hygiene acceptable for public places.

This accreditation occurs in addition to recognition of an Assistance Animal under the **Disability Discrimination Act 1992 (Cth)**.

To report incidences of discrimination, contact the **ACT Human Rights Commission** or the **Australian Human Rights Commission**.

NEW SOUTH WALES (NSW)



NSW does not currently have an Assistance Animal accreditation system in place. Instead, handlers may apply to NSW Transport to obtain a permit to allow their Assistance Animal to travel on public transport with them. However, Assistance Animals are recognised under the ***Companion Animals Act 1998 (NSW)***.

This occurs in addition to recognition of an Assistance Animal under the ***Disability Discrimination Act 1992 (Cth)***.

To report incidences of discrimination, contact the **NSW Anti-Discrimination Board** or the **Australian Human Rights Commission**.



NORTHERN TERRITORY (NT)



The NT does not currently have an Assistance Animal accreditation system in place. However, some local councils have enacted bylaws to govern Assistance Animals.

This occurs in addition to recognition of an Assistance Animal under the ***Disability Discrimination Act 1992 (Cth)***.

To report incidences of discrimination, contact the ***NT Anti-Discrimination Commission*** or the ***Australian Human Rights Commission***.



QUEENSLAND (QLD)



The Queensland ***Guide, Hearing & Assistance Dogs (GHAD) Act 2009 (Qld)*** protects the public access rights of dogs and their handlers that have been through a certification process. To gain certification, handlers must work with an approved trainer or training organization to train your dog and complete the public access test and certification process.

Accreditation requires completion of a 2–3 hour ***Public Access Test (PAT)*** undertaken by a Queensland registered assessor. You must have a veterinary declaration and evidence of disability from a medical practitioner prior to completing the ***PAT***. This accreditation is voluntary with handlers receiving an identification card to give businesses and the community confidence that the Assistance Animal meets standards of behavior and hygiene acceptable for public places.

This occurs in addition to recognition of an Assistance Animal under the ***Disability Discrimination Act 1992 (Cth)***.

To report incidences of discrimination, contact the ***Queensland Human Rights Commission*** or the ***Australian Human Rights Commission***.

SOUTH AUSTRALIA (SA)



The ***Dog and Cat Management Act 1995 (SA)***

accredits Assistance Animals by the Dog and Cat Management Board. This accreditation protects the public access rights of dogs and their handlers that have been through the certification process.

Accreditation requires completion of a 2–3 hour ***Public Access Test (PAT)*** undertaken by a South Australian registered assessor. You must have a veterinary declaration and evidence of disability from a medical practitioner prior to completing the ***PAT***. This accreditation is voluntary with handlers receiving an identification card to give businesses and the community confidence that the Assistance Animal meets standards of behavior and hygiene acceptable for public places.

This occurs in addition to recognition of an Assistance Animal under the ***Disability Discrimination Act 1992 (Cth)***.

To report incidences of discrimination, contact the ***South Australian Health & Community Services Complaints Commissioner*** or the ***Australian Human Rights Commission***.

TASMANIA (TAS)



Tasmania does not currently have an Assistance Animal accreditation system in place. Therefore, Assistance Animals are recognised under the ***Disability Discrimination Act 1992 (Cth)***.

To report incidences of discrimination, contact the ***Equal Opportunity Tasmania*** or the ***Australian Human Rights Commission***.

VICTORIA (VIC)



Victoria does not currently have an Assistance Animal accreditation system in place. Instead, handlers may apply to ***Public Transport Victoria*** to obtain a permit to allow their Assistance Animal to travel on public transport with them.

This occurs in addition to recognition of an Assistance Animal under the ***Disability Discrimination Act 1992 (Cth)***.

To report incidences of discrimination, contact the ***Victorian Equal Opportunity & Human Rights Commission*** or the ***Australian Human Rights Commission***.

WESTERN AUSTRALIA (WA)



Under the ***Dog Act 1976 (WA)*** and ***Dog Regulations 2013 (WA)***, handlers can apply for accreditation of their Assistance Animal. This accreditation protects the public access rights of dogs and their handlers that have been through the certification process.

Accreditation requires completion of a 2–3 hour ***Public Access Test (PAT)*** undertaken by a Western Australian registered assessor. You must have a veterinary declaration and evidence of disability from a medical practitioner prior to completing the ***PAT***. This accreditation is voluntary with handlers receiving an identification card to give businesses and the community confidence that the Assistance Animal meets standards of behavior and hygiene acceptable for public places.

This occurs in addition to recognition of an Assistance Animal under the ***Disability Discrimination Act 1992 (Cth)***.

To report incidences of discrimination, contact the ***Western Australia Equal Opportunity Commissioner*** or the ***Australian Human Rights Commission***.



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