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Thursday 7 February 2019

Public Consultation for the Animal Welfare Legislation  
Amendment Bill 2019

To whom it may concern

Please find following this letter, the Canberra Blind Society's (the CBS) submission to the public consultation into the exposure draft of the Animal Welfare Legislation Amendment Bill 2019.

The CBS welcomes any questions or further discussions about our submission and the draft exposure bill.

We would also like to express our interest in participating in the development and implementation of aspects of the bill including the creation of Assistance Animal Standards, education and awareness programs.

*Yours Sincerely*

Scott Grimley  
For the Board of the  
Canberra Blind Society  
Room 6, Griffin Centre  
Genge St  
CANBERRA CITY 2601

## **Part 5 Assistance animals**

### **Division 5.1 Preliminary—pt 5, 94 Definitions—pt 5 *assistance animal***

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This section refers to animals that have completed training and are accredited as an assistance animal only. Before becoming an accredited assistance animal, an animal requires exposure and training within and around public places. Without this exposure and training it would be difficult to ensure the potential assistance animal meets the expected behaviours for a public environment or expect any handler is able to maintain that behaviour appropriately.

#### **Recommendation:**

The CBS recommends an additional subsection that includes the below or similar text;

- d) an animal being trained to be an assistance animal under the supervision, direction or guidance of an accredited assistance animal trainer, assessor or organisation.

### **Division 5.3 Assistance animal trainers and assessors**

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Section 9(2) of the *Disability Discrimination Act 1992 (Cth)* allows for the accreditation of organisations to train animals as assistance animals. Organisations appear to have been omitted from this amendment bill, potentially creating an initial and continuing burdensome requirement on charitable organisations to raise and train assistance animals with volunteers and trainers.

#### **Recommendation:**

The CBS recommends an additional 4 sections to this division that allows the following;

- Registrar may register an assistance animal organisation
- Registrar may suspend the registration of an assistance animal organisation.
- Registrar may cancel the registration of an assistance animal organisation; and
- Unregistered assistance animal organisations.

The registration of an assistance animal organisation would encompass their training and assessment staff and volunteer raisers and carers only where the organisation

- demonstrated their training program for animals, staff and volunteers meets or exceeds the Assistance Animal standards or other adopted national or international guidelines
- The organisation provides details to the Registrar of their assistance animal trainers, assessors and animal raisers.
- The organisation demonstrates their assistance animal trainers, assessors and animal raisers comply with the requirements for working with vulnerable people as set out for individual assistance animal trainers and assessors in this division.
- The organisation demonstrates their assistance animal trainers, assessors and animal raisers have not been convicted or found guilty under the Act, a corresponding law of a State or the Animal Welfare Act 1992.

Additionally, a new subsection will need to be included in sections 102 and 106 exempting assistance animal trainers and assessors of employed voluntarily or for a salary with a registered assistance animal organisation from needing individual accreditation.

**Division 5.4 Using an Assistance Animal**

**Section 106B Rights of person accompanied by an assistance animal**

Although it is explicitly clear in this section that it is not unlawful to take an assistance animal on or in to public places and premises or charge a fee for an assistance animal, an assistance animal handler may still face public nuisance or failure to move on charges should the police attend where an assistance animal has been refused entry, the handler refused goods and services because of the assistance animal or charged a fee for having an assistance animal.

**Recommendation**

The CBS recommends an additional subsection that includes or is similar to;

- b) a person with disability does not commit an offence when exercising this right to bring an assistance animal on to or into or to enter a public place or premises.

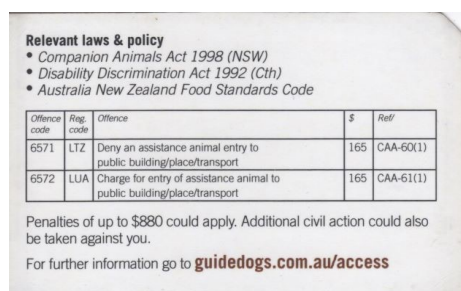
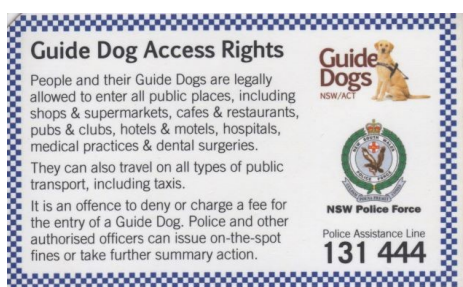
**106C Assistance Animal allowed in public places and premises**

The CBS applauds and welcomes the strengthening of the access rights of all assistance animals to be in or on public places or premises or to be charged a fee for having an assistance animal and the strict liability of these offences.

However, as with the current Domestic Animals Act, this section does not explicitly define who can and will issue any fine for refusing a person with disability accompanied by an assistance animal.

In New South Wales, the Companion Animals Act 1998 (NSW) includes the offence codes of CAA-60(1) Deny an assistance animal entry to public building/place/transport and CAA-61(1) Charge for entry of assistance animal to public building/place/transport, provides NSW Police Officers with the right to issue on the spot fines to the value of up to \$880.

Additionally, Guide Dog handlers are issued with an awareness card, with the above information, to present to staff or management of a place or premises (below) to resolve any attempt to refuse access to place or premises to a guide dog and their handler or charge a fee for being accompanied by an assistance animal.



**Recommendation**

The CBS strongly supports the Animal Welfare Amendment Bill take the opportunity to reflect the example of New South Wales and provide a criminal code for section 106C, allowing ACT Policing to issue on the spot fines for breaching sections 106C and 106D of the bill, should they be called by staff, management or assistance animal handlers.

If this is not possible, the CBS recommends an amendment to Division 7.3 Powers of an Inspector of the Animal Welfare Act 1992 be made to explicitly enable an inspector, which includes Police Officers, to issue on the spot fines for sections 106C and 106D of the bill.

Either recommendation will allow assistance animal handlers to produce access awareness cards similar to those of New South Wales providing all parties options and results in resolving a breach of sections 106C and 106D.

### **Miscellaneous**

Within the sections of 86C(3)(iv), 110(2A)(d), 116(3A)(c) and 101C(3)(d), in relation to prohibition notices and other punitive measures it is often stated; if the person uses an animal for assistance with disability.

The CBS believes the welfare of an animal is of the highest importance. If the welfare of an assistance animal is at risk, additional assistance or support for the person with disability should be considered in the first instance, unless the animal's life is endangered.

Should an animal be seized, a prohibition notice or other punitive measure be taken, a person's disability should not be an explicit legislated consideration as a magistrate would be able to consider this and other conditions in determining a decision in any case before them.