

Operational policy

Visitor Management

Assistance animals in QPWS managed areas

Operational policies provide a framework for consistent application and interpretation of legislation and for the management of non-legislative matters by the Department of Environment and Science. Operational policies are not intended to be applied inflexibly in all circumstances. Individual circumstances may require a modified application of policy.

Access for support dogs or assistance animals

1. Policy statement

Queensland Parks and Wildlife Service (QPWS) are continuously improving access to our parks and forests for people with a disability. This policy assists people with a disability to understand the access requirements for assistance animals to national parks and other areas managed by QPWS.

A person with a disability, and/or their carer, has access rights to QPWS managed areas with their certified support (guide, hearing or assistance) dog, or assistance animal, that are either;

- trained and registered in accordance with the *Queensland Guide, Hearing and Assistance Dogs Act 2009* (GHADA), or
- trained animals that meet the assistance animal requirements as outlined in the *Commonwealth Disability Discrimination Act 1992* (DDA).

1.1 Policy issue

Current QPWS legislation prohibits a person from bringing a live animal into a protected area or having a live animal under their control in a protected area under the Nature Conservation (Protected Areas Management) Regulation 2006(NC(PAM)R), *Recreation Areas Management Act 2006*, Marine Parks Regulation 2006 and Forestry Regulation 2015. However, certified 'support dogs' are exempt under this legislation if the support dog is a guide, hearing or assistance dog or a trainee support dog under the *Guide, Hearing and Assistance Dogs Act 2009* schedule 4.

The *Commonwealth Anti-Discrimination Act 1991* (ADA) and the *Disability Discrimination Act 1992* (DDA) also makes it unlawful to deny access to a person with a disability to a public place when accompanied by their trained assistance animal. QPWS is required by law to comply with this legislation and to provide access to a person with a disability accompanied by their support dog or assistance animal in all public areas of QPWS managed areas.

Significant penalties apply for refusing access to visitors with a certified guide, hearing and assistance dog or trainee support dog, or an assistance animal as defined under GHADA and DDA respectively.



1.2 Objectives

The objective of this policy is to ensure a consistent approach in managing access for certified support dogs or trained assistance animals in QPWS managed areas including national parks, marine parks, forests and recreation areas which;

- Assists members of the public, volunteers and QPWS staff to enable genuine assistance animals to enter and remain in QPWS managed areas,
- Ensures compliance with anti-discrimination legislation,
- Describes the identification procedure for people with a disability with their certified support dog or trained assistance animal for access to a QPWS managed area,
- Describes the process for a person with a disability, or their carer, to request a written approval to bring an assistance animal into a protected area under the DDA,
- Recognises and conserves the natural and cultural values of these protected areas, and
- Provides safe, equitable and enjoyable experiences for visitors to a QPWS managed area.

2. Background

This policy is based on the principle that QPWS managed national parks, marine parks, forests and recreation areas are reserved for the protection of nature, cultural heritage and wildlife, public enjoyment, tourism, research and education. People visit these national parks and protected areas to enjoy wildlife and the natural environment free of the presence or impacts of pets or domestic animals.

Domestic animals, especially cats and dogs, can pose a threat to an areas' natural values and native fauna and are generally banned from national parks and other protected areas managed by QPWS.

For additional information on QPWS policies which deal with other domestic or live animals e.g. stock, bee-keeping and horses in QPWS managed areas please see 'For more information' section in this policy

3. Support dogs and assistance animal legislation

3.1 *Guide, Hearing and Assistance Dogs Act 2009*

In accordance with the *Guide, Hearing and Assistance Dogs Act 2009* (GDADA) certified support dogs are the only type of assistance animal in Queensland which are authorised to enter public places normally prohibited to other animals such as pets, companion animals and domestic animals.

Certified support dogs will wear an identifying coat or harness and have the approved badge or tag (see Figure 1). Trainee support dogs will be identified by a harness or coat only.

Certified guide, hearing and assistance dogs and trainee support dogs can be almost any breed, except a dog that is declared dangerous or a dog that is declared as a restricted breed under local government laws.

People accompanied by a certified support dog, individual trainers, employee trainers and puppy carers of approved training institutions, will carry an identity card (see Figure 2). The identity card must be displayed so it is clearly visible or is readily available for inspection by a QPWS officer. If an identity card cannot be produced, a valid application notice which states they are an approved handler, trainer or employee trainer is also acceptable (see Attachment 1 for sample of a GHADA valid application notice).



Figure 1 Approved QLD Guide Hearing and Assistance Dog Act identifying badge

To become a certified guide, hearing and assistance dog, the dog must be trained by an approved training institution or an approved trainer under the GDADA and have passed a public access test (PAT) to ensure that they are safe and well-behaved in a public place, and be able to be controlled by a handler in all situations.

NOTE - Additional information regarding guide, hearing and assistance dogs and the GHADA can be found on the Department of Communities website www.disability.qld.gov.au or by calling 1800 210 976 or emailing ghadogs@communities.qld.gov.au

3.2 Commonwealth *Disability Discrimination Act 1992*

The Commonwealth *Disability Discrimination Act 1992* (DDA) also provides access rights for people with a disability who are accompanied by an assistance animal. Under the DDA legislation section 9 an assistance animal must be trained to assist a person with a disability to alleviate the effect of the disability and to meet the standards of hygiene and behaviour acceptable for a public place.

QPWS has a public safety responsibility and poorly trained dogs and animals pose a risk to themselves, their owners and other members of the public. QPWS must be satisfied that all assistance animals comply with Commonwealth, State and local government legislation and regulations. Aspects to be considered include:

- breed of the animal
- demeanour of the animal
- training (including hygiene, sanitary requirements and public safety)
- nature of the assistance provided.

QPWS has the right to refuse access to assistance animals that do not comply with the DDA. Non-compliant animals include:

- breeds that are banned by local government authorities or declared dangerous dogs,
- savage, excitable and noisy animals,
- animals suspected of carrying infectious disease or pose a risk to the health of other animals,
- animals posing a risk to public health and safety,
- animals that do not respond to control and assistance commands
- animals that are not toilet trained for public places
- animals that do not provide assistance to the person that alleviates the effect of a disability and are for the purpose of comfort and companionship only.



Figure 2 Example of QLD Guide Hearing and Assistance Dog Act Handler and an Approved Trainer identity cards

4. Approvals for bringing assistance animals into QPWS managed areas

4.1 Certified Guide, Hearing and Assistance Dogs under the GHADA

Visitors with a certified guide, hearing or assistance dog, or trainee support dog under the GHADA are permitted to access all public areas of QPWS managed areas and do not require any prior approval or permit from QPWS. However, they must be able to identify themselves as a person who is accompanied by a properly trained and certified guide, hearing or assistance dog or trainee support dog with approved identification under the GHADA. Failure to do so may result in refusal to bring the dog into QPWS managed areas.



4.2 Other Guide, Hearing and Assistance Dogs

A person with a guide, hearing or assistance dog that is not certified under the GHADA may still be accorded access rights as a support dog under the Commonwealth's DDA. An identity card issued by a registered training organisation may be accepted as proof of eligibility to bring a support dog into QPWS managed areas.

4.3 Access for assistance animals under the *Disability Discrimination Act 1992 (DDA)*

Under Section 9(2) of the DDA a person accompanied by an assistance animal is responsible for providing proof that their animal is specifically trained to give help to the person in relation to their disability and trained to meet standards of hygiene and behaviour that are appropriate for an animal in a public place. Failure to do so may result in refusal to bring the animal into QPWS managed areas.

Where animals are not certified under the GHADA, but do provide assistance to the person to alleviate the effects of a disability, and comply with the requirements for a trained assistance animal under the DDA (Section 3.2 above) then QPWS may issue a written approval for an assistance animal under the DDA.

To request a written approval to bring an assistance animal into a QPWS managed area under the DDA provisions a person must provide QPWS with a written request 2 weeks prior to their proposed visit. You must include the following documentation required under the DDA, including:

1. A written letter from a health professional such as medical practitioner, psychologist, occupational therapist or diversional therapist stating that the person has a specific psychological or medical condition that is alleviated by the use of an assistance animal, and
2. A statutory declaration from an approved individual animal trainer or animal training organisation that certifies that the assistance animal has:
 - been trained to respond to control and assistance commands, and
 - is toilet trained for public places and public passenger vehicles, and
 - been trained to meet standards of hygiene and behaviour appropriate for an animal in a public place, and
 - a demeanour that does not frighten, disturb and cause injury to other people or animals when in public places, and
3. A copy of local government registration of the assistance animal that specifies the breed.

In situations where a visitor, accompanied by an animal, does not have a current written authority from QPWS, the above documents (1-3) must be carried at all times by the person, or their carer, and provide these documents when requested by a QPWS officer.

Failure to provide a copy of a written authority from QPWS, or the documents required by the DDA listed above, may result in refusal for the animal to enter and, if need be, removal from the QPWS managed area.

A written request for approval to bring an assistance animal into a QPWS managed area, including all necessary documentation, should be sent to the following address (allow 20 business days to process):

Queensland Parks and Wildlife Service

Assessments and Approvals

Department of Environment and Science

PO Box 15187, City East QLD 4002

Level 21 – 111 George Street

BRISBANE QLD 4001

Enquiries: 13 QGOV (13 74 68)

Email: qpws@des.qld.gov.au

Website: www.des.qld.gov.au

5. Wildlife parks and centres require special consideration

QPWS manages Daisy Hill Koala Centre, Walkabout Creek Wildlife Centre and David Fleay Wildlife Park as wildlife and environmental education centres open to the public. These facilities often accommodate endangered wildlife and occasionally very young, orphaned or injured wildlife which can be easily frightened by the presence of a dog.

QPWS will generally allow access to its wildlife centres and parks for a person with an approved assistance animal. However, QPWS staff may restrict access to certain wildlife enclosures where native animals come in close contact with visitors due to concerns about risks to the welfare of wildlife or the assistance animal and precautions are required to ensure visitor, staff and animal safety.

5.1 Guidelines for visitors accompanied by assistance animals

In order to reduce the potential stress and injury to the captive wildlife and risks to our visitors, we ask that a person accompanied by an approved assistance animal, follows these recommendations;

Step 1 prior to visiting the wildlife centre you call ahead to advise staff of your intended visit so they can better accommodate you and your assistance animal;

Step 2 upon arrival at the wildlife centre please advise staff that you are accompanied by an approved assistance animal so staff can make any necessary arrangements to ensure you enjoy your visit;

Step 3 present your identify card or approved documentation for the assistance animal to the staff, and

Step 4 during your visit please follow all advice given by our staff to ensure the safety of yourself and your assistance animal, other visitors, the native wildlife and our staff.

Existing consents

Any written approvals or permits to bring a live animal into a protected area, granted prior to this policy, shall continue to have effect, subject to any conditions attached to such approval, until it expires, is surrendered, reviewed or is revoked by QPWS.

For more information

Information on related departmental policies and guidelines dealing with domestic or live animals, or exotic animals in QPWS managed areas can be found on the QPWS website (www.des.qld.gov) under the following titles;

- *Approval to take a live animal into a protected area*
- *Domestic animals kept by staff in protected areas*
- *Domestic animals in marine parks*
- *Managing beekeeping on QPWS managed lands*
- *Horse Riding*
- *Grazing on QPWS managed lands*
- *Recreational fishing on protected areas*
- *Keeping and using exotic animals under the Nature Conservation Act 1992*

Reference material

Nature Conservation (Protected Areas Management) Regulation 2006 (NC(PAM)R)

Marine Park Regulation 2006

Recreation Areas Management Regulation 2006

Forestry Regulation 2015

Guide, Hearing and Assistance Dog Act 2009 and Regulations

Disability Discrimination Act 1992 and Regulations

Disclaimer

While this document has been prepared with care, it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment and Science should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

Approved By

Ben Klaassen

Signature

7 June 2013

Date

Deputy Director-General
Queensland Parks and Wildlife Service

Enquiries:
Assessment and Approvals
Parkaccess@des.qld.gov.au

Appendix 1 - Definitions

These definitions are derived from the *Guide, Hearing and Assistance Dog Act 2009* (GHADA), *Commonwealth Disability Discrimination Act 1992* (DDA) and QPWS policy documents.

Approved assistance dog trainer means an approved trainer or approved training institution approved in the category of assistance dog trainer (GHADA).

Approved badge means a badge, for a guide, hearing or assistance dog, issued by the chief executive Approved (GHADA).

Approved guide dog trainer means an approved trainer or approved training institution approved in the category of guide dog trainer (GHADA).

Approved hearing dog trainer means an approved trainer or approved training institution approved in the category of hearing dog trainer (GHADA).

Approved trainer means an individual approved under part 3 of the GH&AD Act for training guide, hearing or assistance dogs (GHADA).

Approved training institution means a corporation approved under Part 3 for training guide, hearing or assistance dogs (GHADA).

Assistance animal means a dog or other animal accredited under a law of the State, or accredited by an animal training organisation prescribed by regulations, or trained to assist a person with a disability to alleviate the effect of the disability and trained to meet the standards of hygiene and behaviour appropriate for an animal in a public place (DDA section 9).

Assistance dog means a dog trained to perform identifiable physical tasks and behaviours to assist a person with a disability to reduce the person's need for support (GHADA).

Companion dog means a dog that may be trained to provide companionship and support in the home and to provide pet therapy and interactions in facilities, but do not have adequate skills to accompany people with a disability in public places.

Employee trainer means a person employed by an approved training institution to train guide, hearing or assistance dogs (GHADA).

Guide dog means a dog trained to be an effective guide for a person with disability attributable to a vision impairment (GHADA).

Handler of a guide, hearing or assistance dog, means the person with a disability who relies on the dog (GHADA).

Handler's identity card means an identity card, issued by the chief executive of Department of Communities, showing a person with a disability who relies on a guide, hearing or assistance dog with the dog that the person relies on (GHADA).

Hearing dog means a dog trained to be used as an aid by a person with disability attributable to a hearing impairment (GHADA).

Identity card means for a person with a disability - a handler's identity card, or for an approved trainer, employee trainer or a puppy carer - a trainer's identity card (GHADA).

Identifying coat means a dog coat that identifies a dog as a guide, hearing, assistance or trainee support dog; and complies with the requirements prescribed under a regulation. Person exercising control means a person exercising control of a public place or public passenger vehicle, over access to, or permission to remain in, the place or vehicle (GHADA).

Puppy carer means a person who is employed by an approved training institution and is responsible for the socialisation of a trainee support dog that is under 18 months of age (GHADA).

QPWS managed areas - include the following areas managed by Queensland Parks and Wildlife Service:

- State forests or recreation areas (forest recreation areas) and other lands managed under the *Forestry Act 1959*;
- protected areas (State land) managed under the *Nature Conservation Act 1992* – national parks, forest reserve and regional park;
- recreation areas (RAM areas) managed under the *Recreation Areas Management Act 2006*; and
- marine parks managed under the *Marine Parks Act 2004*.

Support dog means an assistance dog, guide dog, hearing dog or trainee support dog under the GHADA Schedule 4.

Trainee support dog means a dog, or puppy, that is being trained by an approved trainer or approved training institution to be a guide, hearing or assistance dog (GHADA).

Trainer's identity card means an identity card for an approved trainer, employee trainer or puppy carer (GHADA).

Appendix 2 – Sample of GH&AD Act valid application notice

**Queensland
Government**

Our reference: COM 13271-2010

Department of
Communities

Office of the
Director-General

03 SEP 2010

Dear Mrs

I am pleased to provide you with your Handler Identity Card following your successful application under the *Guide, Hearing and Assistance Dogs Act 2009*.

This important Queensland Government initiative is designed to give you and Udo access to Queensland's spaces and places, as well as confidence to the community about the high level of training Udo has attained.

Your Handler Identity Card is valid for five years. Please check your details are printed correctly and keep your card with you as you may be required to identify yourself as an approved handler of a guide dog. In the event that your card is lost, stolen or damaged, this letter will act as an approval notice until you contact the Department of Communities to issue you with a new card.

Please find enclosed a badge which confirms that your dog is now a certified guide dog. The badge should be attached in a prominent position to your dog's harness or coat.

Should you have any queries about the Guide, Hearing and Assistance Dogs Project, please call 1800 210 976 during business hours or email ghadogs@communities.qld.gov.au

Yours sincerely

CARD ATTACHED HERE
(A2010/080004)


Linda A. Apelt
Director-General

Enc

13th floor 111 George Street
Brisbane Queensland 4000
GPO Box 806 Brisbane
Queensland 4001 Australia
General Enquiries
Telephone +61 7 3235 4312
Facsimile +61 7 3235 4327
Email dgoffice@communities.qld.gov.au
Website www.communities.qld.gov.au

Appendix 3 – Extract from DDA 1992

9(2) For the purposes of this Act, an assistance animal is a dog or other animal:

- 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.

Note: For exemptions from Part 2 for discrimination in relation to assistance animals, see section 54A.

54A Assistance animals

1. This section applies in relation to a person with a disability who has an assistance animal.

Note: For when a person with a disability has an assistance animal, see subsections 9(2) and (4).

2. This Part does not render it unlawful for a person to request or to require that the assistance animal remain under the control of:
 - a) the person with the disability; or
 - b) another person on behalf of the person with the disability.
3. For the purposes of subsection (2), an assistance animal may be under the control of a person even if it is not under the person's direct physical control.
4. This Part does not render it unlawful for a person (the discriminator) to discriminate against the person with the disability on the ground of the disability, if:
 - a) the discriminator reasonably suspects that the assistance animal has an infectious disease; and
 - b) the discrimination is reasonably necessary to protect public health or the health of other animals.
5. This Part does not render it unlawful for a person to request the person with the disability to produce evidence that:
 - a) the animal is an assistance animal; or
 - b) the animal is trained to meet standards of hygiene and behaviour that are appropriate for an animal in a public place.
6. This Part does not render it unlawful for a person (the discriminator) to discriminate against the person with the disability on the ground that the person with the disability has the assistance animal, if:
 - a) the discriminator requests or requires the person with the disability to produce evidence referred to in subsection (5); and
 - b) the person with the disability neither:
 - i. produces evidence that the animal is an assistance animal; nor
 - ii. produces evidence that the animal is trained to meet standards of hygiene and behaviour that are appropriate for an animal in a public place.
7. This Part does not affect the liability of a person for damage to property caused by an assistance animal.