

A person with a disability may be entitled to be accompanied by an assistance animal (usually a dog), in public buildings where animals would normally be excluded.

A service or accommodation provider cannot exclude a person because he or she is accompanied by a guide or hearing dog. To do so is unlawful under the Disability Discrimination Act (DDA) unless unjustifiable hardship can be shown.

### Assistance Animals

Assistance animals are classified into one of three categories:

- a. Guide Dogs for the visually impaired;
- b. Hearing Dogs for the hearing impaired;
- c. Assistance Dog/Animal for other disabilities (including mental or physical impairment).
- d. Working Guide Dogs or 'Learner' puppies in training, for example, are easily recognisable, but this is not the case with all assistance animals, as the law does not require that they display visual identification. They can be of any breed or size and the capacity in which they are assisting the person may not be immediately obvious, making their status difficult to determine.

### The presence of animals at a UTAS workplace is conditional upon the following.

- The animal must be accredited or trained to assist a person to alleviate the effect of a disability, or be in training to provide such assistance.
- The animal must meet standards of hygiene and behaviour that are appropriate in a public place.
- Upon request, the handler must be able to produce evidence of appropriate accreditation or training of the animal.
- The animal must be under the effective control of its handler or another person on behalf of the handler.
- The handler is not exempt from liability for any damage to property caused by the animal.

The governing Disability Discrimination Act states that it is not unlawful to insist that certain provisions are met if the animal is to remain.

### Companion animals

The DDA applies directly to discrimination because a person is accompanied by a guide dog, hearing dog or other animal trained to alleviate the effects of a person's disability. A companion animal is not within this definition. The fact that an animal is house trained or has had obedience training is not likely to be sufficient for this purpose.

DDA section 9 prohibits discrimination only against people with a disability. It does not apply to anyone who does not have a disability but wishes to be accompanied by an animal. A need or desire for companionship does not in itself amount to a disability under the Disability Discrimination Act.

### Other assistance animals

Assistance animals other than guide or hearing dogs are covered by the DDA. Note, however, that access to premises with these animals is not necessarily covered by rights of access provided for guide dogs under other legislation. Any right of access under the DDA is subject to possible claims of unjustifiable hardship and would also require evidence of the animal being trained to meet a need for assistance because of a person's disability.

Further guidance is available from the Australian Human Rights Commission website at

<https://www.humanrights.gov.au/our-work/disability-rights/projects/assistance-animals-and-disability-discrimination-act-1992-cth>

and the Australian Disability Clearinghouse on education and training <http://www.adcet.edu.au/disability-practitioner/student-access/Support-Animals-on-campus/>

Please talk to your supervisor if you are uncomfortable in the presence of animals or suffer allergic reactions to them, so that alternative arrangements can be made when dealing with people accompanied by assistance animals.

Please direct any enquiries to the Work Health and Safety Unit at [health.safety@utas.edu.au](mailto:health.safety@utas.edu.au) or phone 6226 6298