

I made a submission to this inquiry a few weeks ago, and while reading the other submissions and the transcript of the public enquiry that was held in Sydney I wanted to add a few more things to clarify some of the information which appears to have been given to you.

I and many others are concerned with how the third prong of the assistance animals part may be used, and this is something which I have noted in the submission of the Sydney Opera House. Nobody is really saying that this should be removed, but it does need to be limited to those states in which state based accreditation does not already exist. It does exist in South Australia

[http://www.dogsncats.asn.au/webdata/resources/files/Assessment\\_Criteria\\_for\\_Disability\\_Dogs.pdf](http://www.dogsncats.asn.au/webdata/resources/files/Assessment_Criteria_for_Disability_Dogs.pdf)

and legislation is currently before parliament in Queensland

<http://www.legislation.qld.gov.au/Bills/52PDF/2008/GHADogsB08.pdf>

A public inquiry has just been released in Victoria

<http://www.lawreform.vic.gov.au/wps/wcm/connect/Law+Reform/Home/Newsroom/LAWREFORM+-+Reforms+to+protect+assistance+animal+users+%28news%29>

However there are some internet groups out there in the community telling people that their dogs do not need to sit these public access tests as the federal legislation says that they do not have to and it overrides state legislation. There are people who are concerned with the new Queensland legislation as they know their dogs are not trained to be able to pass any such test. They are being told it does not matter as the federal legislation, even the new proposed laws, do not say that it only in states in which state based accreditation does not exist. Put simply I and I feel many others feel that it needs to be made very very clear that the third prong only applies if state based legislation does not exist for assistance dogs for all types of disabilities. This will also mean that once all states have bought in relevant legislation the federal laws will not need to be changed as they will already be in existence in a way which will naturally make them obsolete. There are people who believe that if you dog makes you feel better it is allowed to be everywhere with you, and that the new requirement for them to behave appropriately in a public place is just about ensuring that the dog is housetrained, and is not overly aggressive!!!

The part for programs should probably say that only programs which are FULLY ACCREDITED MEMBERS of the International Guide Dog Federation and/or Assistance Dogs International are included here. These programs have been independently evaluated to relatively high standards, and while I do not personally think that it is high enough of a standard, the poorer programs in Australia will never be able to achieve accreditation, and this will help to close them down, which in many cases does actually need to be done, as they are giving out very untrained and in many cases even dangerous dogs. Some of these programs do have some level of Assistance Dogs International membership, but it is not accredited membership, which as said above, they would never achieve. It will also alleviate the problem the government may have in trying to assess which programs are and which are not approved. It takes the responsibility away from the government and onto overseas accreditation agencies, and will also help if people are travelling to Australia from overseas, or even New Zealand as it is what is required for guide and assistance dogs to be allowed to spend the period of quarantine in the community.

There is no doubt that state based legislation needs to be bought in ASAP, and this needs to be bought up at COAG and other relevant state federal government meetings.

The Public Interest Advocacy Centre said that people would have difficulty proving the training of their dog. This is very very naive. ALL programs be they guide, hearing or assistance dog programs in the country provide photo ID cards of the team, and this says that they have passed the requirements of public access tests and the like. The South Australian state based assessment program also does this, and the new Queensland legislation will also be doing that. It has been suggested in the report released this week by the Victorian Law Reform Commission. At least 98% of assistance users across the country would have one of these cards, and would not need anything else!! I personally know of 5 owner trainers. They have all had their dogs assessed against the Assistance Dogs International Public Access Test. They had the test done by a Veterinary Behaviourist and they carry with them at all times a note attesting to the fact that their dog has passed this test. They also carry a note from their doctor saying that they are disabled and their dog has been trained to assist with their disability. The only people I know who could not comply with those requirements are those who have dogs which are not trained. If people want to be able to complain about being refused access they need to be able to prove their dogs training, and hence one would think that doing so at the outset would only make things easier for all of them. The Assistance Dogs International Public Access Test takes about 15-20 minutes to sit, which is one of the reasons that I feel that it is not adequate testing of a dogs safety to be in a public place, but it is better than nothing. Organising for someone to put a dog and handler through such a test would not take too much time nor money from owner trainers and any reliable ones would already have done it!! There is no need for this part of the legislation to be delayed in any way!!!

I also wanted to clear up some of the information said by the New South Wales Disability Discrimination Legal Centre, about the carriage of assistance dogs on planes. The Civil Aviation and Safety Authority has issued a directive that only approved assistance dogs can be carried. A number of programs have been preapproved, and for all other dogs to fly in the passenger cabin of the plane the handler will need to apply and prove the dogs training and their disability and why they need the dog in the cabin with them. There is nothing stopping them from placing the dogs in the cargo hold like any other dog. The approval is granted by the Civil Aviation Safety Authority and has nothing to do with individual airlines. This was bought in after a so called trained assistance dog barked all the way on a 3 hour plane journey. The situation in the US has seen people bringing pigs onto planes, which have subsequently got lose and defecated all over the plane. Planes are not like other forms of public transport, they cannot simply stop them and put the dog and handler out, etc. They are also incredibly stressful for dogs, and the dogs will not be able to go to the toilet, etc. Their ears will pop and they will feel the altitude changes. Only incredibly well trained dogs are going to cope with the pressure which this puts on dogs, and is why the RSPCA advocates that dogs carry in special animal designed cargo holds, which are temperature and light controlled, where they are safely contained in crates, and are free to bark and pee if that is what they need to do. I do however know of owner trainers who have had their dogs approved and have flown with them in the passenger cabin of aircraft. If the dog of the person concerned in the case was trained, to the level required and they provided evidence of that training, then it would have been approved for travel in the passenger cabin.

The airlines are in a very difficult position here. They have been issued with written directives from the Civil Aviation Safety Authority stating that if they allow any non approved animal into the passenger cabin of the plane they will lose their authority to fly in Australia. On the other hand they have individuals and lawyers claiming it is discrimination to ask for proof of training and/or disability. I do not believe that this individual would have been refused access if they had presented the relevant information about the dogs training, and

which is something they would have had to do in order to take court action anyway. If they had presented the relevant information and were still refused access then to my knowledge the Civil Aviation and Safety Authority would also take action against the airline concerned. They are happy to provide access to the passenger cabin for dogs which meet appropriate training standards, and for which this can be assessed, but if not they will refuse access to the passenger cabin and tell the person how to transport their dog in the cargo hold.

Preapproved dogs for travel in the passenger cabin of aircraft include the following:

- (a) Guide Dogs as accredited by a relevant guide dog association (eg: Guide Dogs Victoria, Guide Dog Assoc of NSW & ACT and Seeing Eye Dogs Australia);
- (b) Hearing Dogs as accredited by a relevant hearing dog association (eg: Lions Hearing Dogs Inc);
- (c) an assistance dog accredited by any of the following associations
  - i. Canine Helpers for the Disabled, Inc.;
  - ii. Assistance Dogs Australia;
  - iii. Association of Australian Service Dogs; and
  - iv. Australian Support Dogs;

Thank you