

We are writing a submission regarding the Inquiry into the Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008. This submission is a collaboration between two separate assistance dog users, however we wish to withhold our names and not have our contact details published please.

Firstly we would like to address these proposed amendments in particular:

**(5) This Part does not render it unlawful for a person to request the
24 person with the disability to produce evidence that:
25 (a) the animal is an assistance animal; or
26 (b) the animal is trained to meet standards of hygiene and
27 behaviour that are appropriate for an animal in a public place.**

And:

**(6) This Part does not render it unlawful for a person (the 29 discriminator) to
discriminate against the person with the disability
30 on the ground that the person with the disability has the assistance
31 animal, if: (a) the discriminator requests or requires the person with the
1 disability to produce evidence referred to in subsection (5);
2 and
3 (b) the person with the disability neither:
4 (i) produces evidence that the animal is an assistance
5 animal; nor
6 (ii) produces evidence that the animal is trained to meet
7 standards of hygiene and behaviour that are appropriate
8 for an animal in a public place.**

It is our understanding that these proposed changes will make it lawful for any gatekeeper to request our identification. We do support the need for a universally recognised form of identification to show that our dogs are Assistance Dogs, however we fear that if every gatekeeper is given the power to demand an ID card, then we may be subjected to breaches of privacy. Current Assistance Dog Organisation ID cards contain personal information such as our full names, date of birth and depending upon the organisation providing this card it may even indirectly disclose the nature of our disability.

Another problem currently is that while program certified Assistance Dogs do have ID cards, they are not uniform and nor are they common enough for your average store employee to know what is or is not a genuine ID card. Having a nationally issued form of non-disability specific ID eliviates the burden on the gatekeepers to determine what is or is not genuine evidence

No other group of individuals must disclose such details to gain entry into public places. Imagine having to queue at a customer service desk every time you wanted to enter a store. Or having to stop for every door greeter, open bag, take out wallet, get out card, wait while door greeter reads it, take back card, put back in wallet, put back in bag and close bag before entering the store multiple times a day. This would be a significant inconvenience to every Assistance Dog user, and would not represent

equitable treatment, as people without disabilities would not be required to go through such procedures to gain entry to public places.

We propose a nationally recognised or state recognised logo, perhaps in the form of a patch, that must be displayed on the dogs working attire (be that a harness, vest, backpack, leash etc.) The same logo should be used on all Assistance Dogs, regardless of their handler's disability, The benefit of having such a logo displayed on the dog itself is it will be visible to gatekeepers from a distance, allowing the Assistance Dog user to go about their business unhindered. We suggest that this patch/logo/badge etc must be clear, and there must be severe penalties for using it fraudulently or attempting to create a non genuine logo. We propose that the nationally recognised logo must be accepted as evidence for the purposes of 6 (b) (i) and (ii.)

This proposed peice of nationally identifying logo should only be available through the programs that will be recognised under this change:

(2) For the purposes of this Act, an assistance animal is a dog or other 15 animal:

**16 (a) accredited under a law of a State or Territory that provides
17 for the accreditation of animals trained to assist a persons
18 with a disability to alleviate the effect of the disability; or
19 (b) accredited by an animal training organisation prescribed by
20 the regulations for the purposes of this paragraph; or
21 (c) trained:
22 (i) to assist a person with a disability to alleviate the effect
23 of the disability; and
24 (ii) to meet standards of hygiene and behaviour that are
25 appropriate for an animal in a public place.**

However there also need to be provisions in the above change for owner trainers to gain the accreditation

Sometimes there are waiting lists years long to obtain a program issued Assistance Dog, or no program in Australia is currently offering Assistance Dogs for that specific type of disability, or in some cases combinations of disabilities. In these circumstances some disabled individuals may elect to hire private professional trainers, or train the dogs themselves. If owner trainers, or privately hired trainers can prove an individual dog meets the required standards they should still be able to obtain accreditation, and be under the protection of the laws, while remaning independant of organisations.

We are concerned that we will be set back to having to fight for validity and acceptance of the invaluable contribution Assistance Dogs can make to people with Psychiatric disabilities. Psychiatric Assistance Dogs do more then "just make us feel better" they provide more then "emotional support" and can be trained to mitigate a genuine psychiatric disability with various tasks and work. Just some examples of the

type of mitigating tasks that bona fide Psychiatric Assistance Dogs can be trained to do are listed here: <http://psychdog.org/tasks.html>

We have been disheartened to see the opinions expressed on this particular type of Assistance Dog in some of the submissions. Psychiatric disabilities are both invisible and still have a large stigma attached to them and this type of discrimination on the basis of type of disability is frightening, and against the intent of disability discrimination laws.

We have been disheartened to see the opinions expressed on this particular type of Assistance Dogs in some of the submissions. For example one submission incorrectly stated that Assistance Dogs cannot be trained to alert to on-coming panic attacks. They claimed that panic attacks are always caused by triggers, and gave the example of a white van as a possible trigger, while claiming an Assistance Dog would need to be a psychic to alert to on-coming panic attacks.

The medical facts are that while some people experience panic attacks that have definite triggers, many people do experience panic attacks "out of the blue" with no external trigger.

"Many people with panic attacks are suffering from Panic Disorder. Panic Disorder is where people experience panic attacks "out of the blue" often with no external trigger. It is the unexpected nature of these attacks that make them so frightening. They often live in almost constant anticipation (conscious or unconscious) of further attacks."
Source: <http://www.panicattack.com.au/>

"Panic attacks are also caused by different possible biological causes. This includes obsessive compulsive disorder, hypoglycemia, hyperthyroidism, post traumatic stress disorder, Wilson's Syndrome, Vitamin B deficiency, mitral valve prolapse and inner ear disturbances and a whole lot more. Phobias can also generate panic attacks when the individual is met with a phobic situation or object."
Souce: <http://www.solvepanicattacks.com/what-is-anxiety-/what-is-a-panic-attack-is-it-a-mental-illness.html>

Many Assistance Dogs are trained to alert to these on-coming panic attacks, much in the same way Seizure Alert Assistance Dogs and Diabetic Alert Assistance Dogs are trained to alert their handlers. The dogs are trained to respond to chemical changes in the body that are normally undetectable to a human, but a dog with it's keen sense of smell can pick up on the smallest changes. With training, their behaviour is then shaped into an alert when they detect this change. An alert often consists of a dog pawing at it's handler or nudging with it's nose. These are legitimate tasks that can assist a person with Panic Disorder by giving a warning before the Panic Attack becomes full-blown. The person can get to a safe place, commence breathing and relaxation techniques as taught by their physician and take fast acting medication if needed. Countless people have been able to decrease their medications as a direct result of the help recieved from of these specially trained Assistance Dogs.

Psychiatric disabilities are invisible and still have a large stigma attached to them and this type of discrimination on the basis of nature of disability is frightening.

Next we would like to voice our support for the following change:

**(2) This Part does not render it unlawful for a person to request or to
10 require that the assistance animal remain under the control of:**

11 (a) the person with the disability; or

12 (b) another person on behalf of the person with the disability.

**13 (3) For the purposes of subsection (2), an assistance animal may be
14 under the control of a person even if it is not under the person's
15 direct physical control.**

We support these changes. Some mitigating tasks may require the Assistance Dog to work at a distance where the use of a leash is temporarily prohibitive or potentially dangerous. For example a mobility dog doing an item retrieve. Also, there are moments in every day life where it is not physically possible for the disabled individual to be holding the dogs leash.

In situations like this (2) (b) is particularly useful that we are lawfully able to have an attending person (husband, family member etc) control the dog in situations where it is not possible for various reasons for us, the disabled handler to maintain effective control (be it voice control or leash control). We have both been in situations in a hospital where our assistance dogs have been required to maintain a down stay on the opposite side of the room so medical staff could complete there duties without having to step over the dog or risk getting tangled in a leash stretched across the room.

Thank you for taking into account our submission. We hope that some of the examples within will give you an idea of how the proposed changes will affect Assistance Dog users on a day to day basis.