

The Secretary
Senate Standing Committee on Rural and Regional Affairs and Transport
PO Box 6100
Parliament House
Canberra ACT 2600
email: rrat.sen@aph.gov.au

Clean, well-behaved pets (and assistance animals) should be able to accompany their responsible owners on buses, coaches, ferries, trams and trains in NSW and throughout Australia.

I have a need to make use of public transport as a responsible owner of an assistance animal even so I am denied.

Rail Corp. claims that it allows you to travel with Therapy Dogs
Therapy Dogs which they define as “a dog that provides a therapeutic benefit to the handler or someone other than the handler.” My assistance animal certainly provides me with a therapeutic benefit even so she is not a “Therapy Dog.” My assistance animal is a companion animal but she is not a pet. I do however have an assistance animal (dog).

Rail Corp has an onerous and annual application process for assistance animals, which has been taken up with HREOC as it, in itself, discriminates by treating those with an assistance animal less favorably. See attachment 1 and attachment 2

My assistance animal may pass any public access test if given the opportunity. As the regulations stand there is no process so that I may put my dog, either into train if required or into testing for qualification.

With Rail Corp. there is no compromise policy where even when dogs and their owners are trained to a certain level of obedience. Therefor creates a situation where I as a disabled person with an assistance animal could become stranded miles away from home. This compromise: Conductors and other Station Staff use their discretion in allowing a customer to board with an assistance animal considering other passengers, travel time, whether the animal is restrained and animal cleanliness.

**Companion Animals Act 1998 and
Companion Animals Regulation 1999**

**GUIDELINE ON THE EXERCISE OF FUNCTIONS
UNDER THE COMPANION ANIMALS ACT**

***Issued by: Director General, Department of Local
Government***

January 2007

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6.6 Assistance animals

6.6.1 An assistance animal is defined under the Act to include a guide dog, a dog trained to assist a person in activities where hearing is required, and any other animal trained by a recognised training organisation to assist a person to alleviate the effect of a disability.

6.6.2 A recognised assistance training organisation is either the NSW Guide Dogs

Association or other organisation that can show its training program has met the standards established by Assistance Animals International Inc, or equivalent.

In regards to people who have a disability and already have a dog that assists them on a daily basis, they need to contact a qualified organisation (an organisation that trains Assistance Dogs and is a member of ADI) and organize an appointment to be assessed and to complete ADI's accredited public access test. A fee will be required for these individuals who want there dog to become accredited.

I have contacted Assistance Dogs for Independence, Assistance Dogs Australia, and Guide Dogs Australia all have declined to offer appointment to be assessed and to complete ADI's accredited public access test. Stating that they do not accept dogs from out side of their programs for assessment or training. They could not or would not recommend an organization or private trainer so I might have my assistance animal qualified.

It seems to me that now there is another level of discrimination confounded by **Companion Animals Regulation** and the requirement that animals trained by a recognised training organisation to assist a person to alleviate the effect of a disability. There has not been a listing of those training organisations who have been authorised other than those listed in this regulation. ***There has been no outline of the qualification procedures of training organizations or other organisation that can show its training program has met standards established by Assistance Animals International Inc, or equivalent.*** Thereby becoming impossible to meet the regulations or standards set by public transport providers, local government or any other body following this type of policy.

So some of us fall through the cracks with disabilities out side of the disability needs met by Guide Dogs or the narrow range of physical disabilities met by Assistance Dogs Australia. Because we do not fit into these regulations, we cannot have our assistance animals recognized or our needs met. My disability is in the main invisible. I have a neurological disorder which requires an assistance animal (dog) that has skills to meet tasks specifically meet my disability needs. These skills did not arrive with my dog, fortunately she has learned through training and practice. She now works to relieve much of the effect of my disability. The training my assistance animal receives is specific and on going and will continue throughout her working life.

I have no objections to Assistance Animals being tested for public access. However if standards, regulations, and laws are going to be changed there must be within these changes an equal opportunity for all stake holders. It seems to me that as these changes are about to be enacted no provision has been set for those disable persons who are meeting their own disability needs. It seems that I am living under a false understanding that public transport is for the public, disabled or able bodied.²²

Yours faithfully,

Guy Le Roy
Disabled Viet Nam era Veteran

11/11 Church Street
Ashfield NSW 2131

Ph 0448886682

ATTACHMENT 1

Excerpts from NSW RailCorp Standard on Animals on City Rail and Country Link Services and Premises.

RailCorp make up their own law on what an assistance animal is. By federal law, it is an animal trained to assist a person to alleviate the effects of a disability, or because of any matter related to that fact.

Yet, RailCorp says it has to be a dog trained to alleviate the effects of their disability on public transport.

I'm travelling with an Assistance Animal. After extensive delays, I get off the train at an unstaffed station. But these conditions say my dog can not toilet without the permission of RailCorp Staff!

I guess that's ok because it was not allowed to drink water on the train either – or not even at the station.

If I breach this condition by allowing my dog to drink or wee, RailCorp can then revoke my pass to travel. Treating less favourably because of an assistance animal? I think so.

Comments: This 'standard' has somehow gone well beyond reasonable and most likely breaches the requirements of the Disability Discrimination Act.

It echoes the annoyance provisions brought in for World Youth Day, gazetted by, coincidentally, the NSW Minister for Transport.

It contains conditions that are unnecessary, redundant, offensive and unachievable. In short, it is off-track.

Although RailCorp claims only to allow:

1. Guide dogs
2. Hearing dogs
3. Dogs trained to assist a person to alleviate the effects of their disability on public transport
4. Assistance dogs in training
5. Police dogs on duty and Police dogs in training.

They also allow "Therapy Dogs" which by their definition means a dog that provides a therapeutic benefit to the handler or someone other than the handler.

They also require an Assistance Dog Pass – every year; if this isn't treating someone with an assistance dog less favourably, I don't know what is. Who in RailCorp is going to make these decisions and what is their medical experience? Some of the conditions of this pass follow (with Barking Mad comments):

- Evidence of disability (ok if limited to a letter from a doctor).
- Evidence that dog is trained to assist on public transport (this is not a requirement to have an assistance animal).
- Dog *and* handler trained by RailCorp approved training or breeding organisation (self-trained assistance animals are legal and an approved training organisation need not be involved for all assistance animals).
- Non-aggressive, obedience to handler, crowd tolerant (fair enough, but how is RailCorp to determine this when issuing a pass).
- Toileting on command (nice, but not applicable to all assistance animals).
- Refresher training every 12 months (this is definitely beyond reasonable, perhaps a better application of training would be

training staff in customer service).

- Signing of an indemnity form. (Passengers without an assistance animal need not sign a form, so neither should passengers with an animal. Both disability and companion animal laws put the onus of a dogs' behaviour on to the handler. The contact with offer and acceptance of a ticket or authority to travel carries with it conditions of behaviour.

Attachment 2**APPLICATION for ASSISTANCE DOG PERMIT**

I,.....of.....
make application for an Assistance Dog Permit (“**Permit**”) for my assistance dog to travel on CityRail and CountryLink train, bus or coach services, Sydney Ferries Corporation services and regular route local bus services and be on RailCorp premises/property and public transport operator’s premises/property (“**the Services and Premises**”).¹
 In accordance with the requirements of the RailCorp *Standard on Animals on CityRail and CountryLink Services and Premises*, I provide with this application the following evidence/documentation of my eligibility to be issued a Permit: -

No Conditions of Issue Documentation**Provided Yes/No**

1 I have a disability within the meaning of the *Disability Discrimination Act 1992 (Cth)* or the *Anti-Discrimination Act 1977 (NSW)*.

Note: If you have a permanent disability within the meaning of these Acts the evidence need only be produced once, at the time of the initial application.

2 My assistance dog is trained to assist me to alleviate the effects of my disability on public transport.

3 My assistance dog has passed an acceptable behavioural training course.

An acceptable behavioural training course is one that is recognised by a training or breeding organisation and approved by RailCorp, which certifies that the dog is trained in, but not limited to, the following skills/attributes: high standard of appropriate behaviour (eg. sociability with other animals, non-aggressive behaviour; obedience to the handler’s commands etc.); non barking behaviour; experience in real-life situations; appropriate hygiene, including toileting on command; travelling in confined and congested spaces; quiet, controlled response to noise, crowds, and stressful situations; and travelling on a train, bus or coach and associated transport facilities.

Note: *the evidence/documentation to satisfy this requirement should be no more than 30 days old from the date of application.*

4 I am trained to handle the dog by the same approved training organisation.

5 My assistance dog and I have undergone refresher training in the past 12 months to maintain our respective skills (if applicable).

6 I have signed the Indemnity Form (in Schedule 1) and had it witnessed.

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Services and Premises include paid and unpaid areas of CityRail and CountryLink premises and services, Sydney Ferries Corporation and regular route local bus operator’s premises and services.

7 My assistance dog is registered with my local Council.

8 Colour photograph of my dog is attached hereto.

By signing this application hereunder, I undertake to comply with the conditions of travel specified in Schedule 2 to this application, and acknowledge that RailCorp reserves the right to revoke the Permit at any time in the event of a breach of any of the Conditions of Issue of the Permit and/or Conditions of Travel by me and/or my assistance dog.

Signature of applicant

Print name in full

Date

**SCHEDULE 1
RAIL CORPORATION NEW SOUTH WALES (“RailCorp”)
INDEMNITY**

I,.....of.....
(Full Name) (Full Address)

.....have received permission, subject to meeting all of the requirements specified in writing from RailCorp, to allow my assistance dog, to travel on CityRail and/or CountryLink services and/or Sydney Ferries Corporation and/or regular route local bus services and/or be on RailCorp premises/property and/or Sydney Ferries Corporation and/or regular route local bus operator’s premises/property (“**the Services and the Premises**”)2 for the period indicated on the permit.

In consideration of being granted the permission to do so, I agree to and acknowledge the following:

- 1. I will be responsible for any injury, loss or damage however caused or contributed to by my assistance dog to the Services and/or the Premises or any person on the Services and/or the Premises;
- 2. I indemnify RailCorp/public transport operator’s (as above), its employees, servants, agents and contractors against any claims, suits or proceedings brought against it in any court or tribunal by any person in respect of any injury, loss or damage caused or contributed to by my assistance dog; and
- 3. I will be liable to RailCorp/public transport operators (as above) for any damage to RailCorp/public transport operators property or the property/person of third parties caused or contributed in any way by my assistance dog while on the Services and/or the Premises.

SIGNED BY

Applicant full name (Please print)

Applicant signature
Date:

WITNESSED BY

Witness full name (Please print)

Witness signature
Date:

Services and Premises include paid and unpaid areas of RailCorp, Sydney Ferries Corporation and regular route local bus operators premises, property and services.

SCHEDULE 2

CONDITIONS OF TRAVEL

1. An assistance / therapy dog is entitled to travel free with their handler on all CityRail, CountryLink, Sydney Ferries Corporation and local regular route bus services throughout NSW.
2. The handler must carry the relevant proof of entitlement when travelling with the assistance / therapy dog on the Services and/or when on the Premises. The proof of entitlement must be produced if requested by transport employees (including Transit Officers). The handler may also be required to produce identification to verify that the proof of entitlement belongs to him/her, or in the case of dog/s in training, their organisation.
3. Only one (1) assistance / therapy dog may accompany the handler on the Services and/or the Premises at any one time. The exception to this condition is assistance dogs in training.
4. The assistance / therapy dog must be kept under the handler's direct physical control at all times on the Services and/or the Premises by means of a lead, chain or harness.
5. Handlers travelling on Booked services with their assistance / therapy dog must notify CountryLink at the time of booking that they will have their assistance animal travel with them.
6. On Booked services, it may be permissible, in consultation with RailCorp staff, for the assistance / therapy dog to be temporarily left alone and not under the direct physical control of the handler (for example, in order that the handler can obtain food from the buffet car or visit the toilet).
7. The assistance / therapy dog must not:
 - (i) cause any distress or inconvenience to other RailCorp/public transport customers or staff;
 - (ii) cause any risk to the health, safety and welfare of any RailCorp/public transport employee or any other person whilst on the Services and/or the Premises;
 - (iii) disrupt the operations of the public transport provider, RailCorp, the Services and/or the Premises;
 - (iv) sit on seats provided on the Services and/or the Premises; and
 - (v) toilet on the Services and/or the Premises, without the permission of RailCorp/public transport staff.
8. The assistance / therapy dog must not consume food and/or water on the Services and/or the Premises.
9. On Booked services, the assistance / therapy dog may be permitted, following consultation with and approval of RailCorp staff, to consume water and/or food.
10. The assistance / therapy dog must be clean and properly groomed at all times whilst on the Services and/or the Premises;
11. The handler is responsible for the care, conduct and hygiene of their assistance / therapy dog at all times on the Services and/or the Premises, and must clean up any mess made by his/her assistance dog.
12. The handler must comply with all reasonable directions given by any public transport/RailCorp employee whilst entering, being upon or leaving the Services and/or the Premises with their assistance dog.
13. RailCorp reserves the right to revoke the Pass issued to / right to travel for an assistance / therapy dog at any time in the event that the handler and/or assistance dog breaches any of the Conditions of Issue of the Pass and/or Conditions of Travel.
14. The Pass must be renewed every 12 months. It is the responsibility of

the applicant to renew the Pass prior to the expiry of the current Pass.

Please note that any breach of the above conditions may result in withdrawal of the permit.

Completed application, required documentation and signed indemnity form to be sent to;

**Manager
RailCorp Passes and Concessions
PO Box K349
HAYMARKET NSW 1238**