



Legislation and public access

Guide, Hearing and Assistance Dogs Act 2009 (the Act)

The Act assists people with disability who rely on guide, hearing or assistance dogs to have independent access to the community. It also ensures the quality and accountability of guide, hearing and assistance dog training services.

How does the Act assist people with disability and ensure quality and accountability of dog training services?

The Act achieves this by:

- protecting the rights of people with disability and trainers to be accompanied by certified guide, hearing, assistance or trainee support dogs in public places, public passenger vehicles and places of accommodation
- providing a simple and consistent means of identifying properly trained dogs
- providing for the approval of guide, hearing and assistance dog training services.

Public access

Handlers, approved trainers, employee trainers and puppy carers may be accompanied by a guide, hearing, assistance dog in public places, public passenger vehicles and places of accommodation. This includes cafes, restaurants, sports venues, buses, taxis, ride-booking services, private rental arrangements and holiday accommodation.

Handlers, trainers and puppy carers must not be separated from their dog, denied service or charged an extra fee because they are accompanied by a certified dog.

The public areas exempt from these rules are:

- certain parts of health service facilities, namely:
 - in-patient wards
 - labour wards
 - procedure rooms
 - recovery areas
 - areas with a significantly high standard of hygiene to prevent infection or spread of disease
 - areas for isolating people to prevent the movement of pathogens
 - a part of a health service facility where a dog's presence is likely to significantly impair the safe or effective provision of a health service
- ambulances
- parts of a public place or public passenger vehicle where food is ordinarily prepared.

Lawful presence

The Act does not prevent a person in control of a public place, public passenger vehicle or place of accommodation from performing their normal duties. They may lawfully refuse entry to a person accompanied by a guide, hearing, assistance or trainee support dog if the refusal is reasonable in the circumstances and is not because the person is accompanied by the dog.

For example, a person accompanied by a guide dog may be required to leave a shopping centre because the centre is closing.

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Other supporting legislation

There are several other pieces of legislation that support the rights of people with a disability to have the same access to public places, public passenger vehicles and places of accommodation:

- The Commonwealth *Disability Discrimination Act 1992* (DDA) — provides public access rights for people with disability who are accompanied by an assistance animal. People with disability accompanied by guide, hearing or assistance dogs that haven't been certified under the Act may have access rights under the Commonwealth's DDA. The Act operates concurrently with the DDA because the DDA makes it unlawful to discriminate against a person on the grounds of that person's disability.
- The Queensland *Anti-Discrimination Act 1991* (ADA) — prohibits discrimination against a person with an impairment, which includes reliance on an assistance dog.

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