

# Dog Guide Access Legislation

Below you will find Relevant state and territory Legislation for Dog Guide Access within Australia.

## Australian Capital Territory

Primary Act:

[Domestic Animals Act 2000](#)

Sections Applicable:

Section 104, Rights of Persons Accompanied by Assistance Animals

Section 105, Exclusion of Assistance Animal from Public Place

Section 106, Imposition of Excess Charges for Assistance Animal

Excerpt from Section 104:

“ (1) Despite any other territory law (other than the Discrimination Act 1991 ), a person with a disability accompanied by an assistance animal has the same right of access to, and the same right to the use of, a public place as a person who is not accompanied by an assistance animal.

(2) Without limiting subsection (1), a person with a disability does not commit an offence merely by taking an assistance animal onto or into, or allowing the animal to enter, a public place. “

Maximum Fine for Breach of Act:

10 penalty units

Value of One Penalty Unit as of 2012:

\$110.00

Exceptions to Access under Act:

- It is not unlawful to impose a charge to a person with a dog guide if expense is reasonably occurred by the third person because of the presence of the dog guide.

Other Relevant Legislation:

- Discrimination Act (NT)

## New South Wales

Primary Act:

[Companion Animals Act 1998](#)

Section/s Applicable:

14, Dogs Prohibited in Some Public Places

59, Person with a Disability entitled to be Accompanied by Assistance Animal

60, Assistance Animal Not to be Denied Entry

61, Unlawful to Impose Charge for Entry of Assistance Animal

Excerpt from Section 59:

“(1) A person with a disability is entitled to be accompanied by an assistance animal being used bona fide by the person to assist the person, into or onto any building or place open to or used by the public or on any public transport.

(2) The person is not guilty of an offence merely because the person takes the animal into or onto or permits the animal to enter or be in or on any such building or place or any public transport while the person is using the animal bona fide to assist the person.

(3) This section applies despite the provisions of any other Act or instrument made under an Act. “

Maximum fine for Breach of Act:

8 Penalty Units

Value of One Penalty Unit as of 2012:

\$110.00

Fines Issued By:

- NSW Police
- Local Councils

Exceptions to Access Under Act:

- It is not unlawful to impose a charge to a person with a dog guide if expense is reasonably occurred by the third person because of the presence of the dog guide.

Other Relevant Legislation:

- Anti-Discrimination Act 1977 (New South Wales)
- Passenger Transport Act 1990 (New South Wales)
- Rail Safety Act 1993 (New South Wales)

## Northern Territory

Primary Act:

[Anti Discrimination Act 1992](#)

Section/s Applicable:

Section 21, Discrimination by Refusal to Allow Guide Dog.

Excerpt from Section 21:

“ (1) For the purposes of this Act, a person discriminates on the

ground of impairment against a person with a visual, hearing or mobility impairment if the person treats the person with the impairment less favourably because the person has a guide dog. “

Maximum Fine for Breach of Act:

Fixed penalty of \$500

## Queensland

Primary Act:

[Guide, Hearing and Assistance Dogs Act 2009](#)

Section/s Applicable:

Section 8, People with a Disability May be Accompanied by Their Guide, Hearing and Assistance Dogs

Excerpt from Section 8:

“ (1) Despite any other Act, a person with a disability who relies on a guide, hearing or assistance dog to reduce the person’s need for support may be accompanied by the guide, hearing or assistance dog in a public place or public passenger vehicle.

(2) Also, a person with a disability who relies on a guide, hearing or assistance dog to reduce the person’s need for support does not commit an offence merely by taking the guide, hearing or assistance dog into a public place or public passenger vehicle. “

Maximum Fine for Breach of Act:

2 Penalty Units

Value of One Penalty Unit as of 2012:

\$100.00

Exceptions to Access Under Act:

- an in-patient ward
- a labour ward
- a procedure room
- a recovery area
- an area in which the standard of hygiene is maintained at a significantly high level for the purpose of preventing infection or the spread of disease
- an ambulance
- a part of a public place or public passenger vehicle where food is ordinarily prepared
- It is not unlawful for a person with an dog guide to be asked to produce evidence to certify that their dog is an assistance animal.

Other Legislation:

- Anti-Discrimination Act 1991
- Building Units and Group Titles Act 1980.

## South Australia

Primary Act:

[Dog and Cat Management Act 1995](#)

Section/s Applicable:

Section 21, Accreditation of Disability Dogs, Guide Dogs etc

Section 81, Disability Dogs, Guide Dogs etc

Excerpt from Section 81:

“(1) Despite this Act or any other Act—

(a) a person who is wholly or partially blind or deaf, or otherwise disabled, is entitled to be accompanied by an accredited disability dog, guide dog or hearing dog in a public place or public passenger vehicle; and

(b) the occupier or person in charge of a public place or public passenger vehicle must not refuse access to the place or vehicle to a person who is wholly or partially blind or deaf, or otherwise disabled, on the ground that the person is accompanied by a disability dog, guide dog or hearing dog.”

Maximum Fine for Breach of Act:

\$250

Exceptions to Access Under Act:

- It is not unlawful for a person with an assistance animal to be asked to produce evidence that their dog is an assistance animal.

## Tasmania

Primary Act:

[Guide Dogs and Hearing Dogs Act 1967](#)

Section/s Applicable:

Section 3, Rights of Guide Dog Users and Trainers in Respect of Public Places and Transport

Excerpt from Section 3:

“(1) A person who is blind or vision impaired, deaf or hearing impaired or a trainer –

(a) is entitled to be accompanied by a guide dog into any public place or onto any public passenger vehicle; and

(b) does not commit an offence by taking a guide dog into or onto, or permitting a guide dog to remain in or on, a public place or public passenger vehicle.

(2) A person who is in charge of a public place or public passenger vehicle, or the servant or agent of a person in charge of a public place or public passenger vehicle, must not –

(a) refuse to allow a person accompanied by a guide dog into that place or onto that vehicle; or

(b) direct a person accompanied by a guide dog to leave that place or vehicle; or

(c) deny accommodation or service to a person accompanied by a guide dog. “

Maximum Fine for Breach of Act:

20 penalty units

Value of One Penalty Unit as of 2012:

\$130.00

Exceptions to Access Under Act:

- It is not unlawful for a person with an assistance animal to be asked to produce evidence that their dog is an assistance animal.

Other legislation:

- Dog Control Act 2000

## **Victoria**

Primary Act:

[DOMESTIC ANIMALS ACT 1994](#)

Section/s Applicable:

Section 7, Exemptions for Guide Dogs

Excerpt from Section 7:

“(1) A visually impaired person or hearing impaired person who keeps and uses a dog as a guide dog is not liable for an offence under this Act in respect of that dog, where, in acting in the manner which would constitute the offence, the dog was performing its functions as a guide dog.”

“(4) Despite anything in any other Act or subordinate instrument a visually impaired person, hearing impaired person or person training a guide dog may, at all times and in all places, be accompanied by a dog kept and used, or trained by him or her as a guide dog.”

Maximum Fine for Breach of Act:  
Value of One Penalty Unit as of 2012:  
\$125.19

## Western Australia

Primary Act:

[Dog Act 1976](#)

Section/s applicable:

Section 8, Special Provisions for Guide Dogs

Excerpt from Section 8:

“ (1) Notwithstanding anything contained elsewhere in this Act or in any other Act, regulation, local law or by-law a person who is blind or partially blind —

(a) is entitled to be accompanied by a dog bona fide used by him as a guide dog, in any building or place open to or used by the public, for any purpose, or in any public transport; and

(b) is not guilty of an offence by reason only that he takes that dog into or permits that dog to enter any building or place open to or used by the public or on any public transport. “

Most state-based legislation does list a number of areas where dog guides are not permitted and, in some cases, this is not consistent with the provisions stated under the Federal Disability

Discrimination Act.

As an example, under the Queensland Guide, Hearing and Assistance Animals Act, a dog guide is not permitted in an ambulance, while the Federal Disability Discrimination Act on the other hand would not prevent a dog guide from being permitted in the vehicle.

The Australian Constitution states that in instances where a state law conflicts with a federal law, the federal law prevails.

In some cases, state-based legislation may actually be of more use to you in the event that you are refused access to a public place with your dog guide as the Disability Discrimination Act remains unresponsive until a complaint has been lodged.

All state-based legislation, however, with the exception of Western Australia's Dog Act 1976, gives police and local councils the jurisdiction to issue a penalty notice for failure to comply with the Act. This penalty amount may be a fixed amount, or may be

determined by a number of 'penalty units'. The value of a penalty unit varies between states and may change on an annual basis. After the issuing of fines was explored further with police and local councils in NSW, it became evident that there was little understanding of their authority in this area and, in some cases, little awareness of the areas where dog guides were permitted. Blind Citizens Australia followed up on this issue by addressing a letter to the NSW Commissioner of Police, who has subsequently contacted the NSW Education and Training Command to recommend that all relevant training packages be reviewed to ensure that they appropriately emphasise the provisions of the NSW Companion Animals Act. The NSW Police Handbook is also being updated to include a chapter on assistance animals which will highlight the provisions and offences under the Act. This will then be reinforced by a Commissioner's Instruction and article in the Police Monthly.

Blind Citizens Australia will be working with Dog Guide Handlers Australia, a consumer-based organisation that has been established to promote the interests of dog guide handlers in Australia, to address this matter more systemically and ensure that police and local councils are aware of their ability to issue fines for refusal of assistance animals.

Although dog guides are permitted in most public areas under law, it is important to understand that there are a number of responsibilities that come along with this. Under both federal and state legislation, it is not unlawful for you to be asked to produce evidence to verify that your dog is a registered assistance animal. It is also not unlawful for you to be refused access to public premises if your dog does not meet an appropriate standard of hygiene or is not under your direct control, or the control of another person.