

Animal Welfare Advisory Council

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Disability Rights Unit,
Human Rights and Equal Opportunity Commission
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Re: Assistance animals under the Disability Discrimination Act (DDA).

One of the issues, as you rightly point out in the discussion paper, that has come to our attention and that needs addressing, is the matter of recognition of which animal training establishments are able to train animals to an acceptable standard as assistance animals. This has been of concern to the NSW Animal Welfare Advisory Council for some time. However, we have taken a broader view and tried to encompass all dog training establishments in our considerations and have included the full range of trainers from attack/guard dogs to obedience trainers.

We are in the process of drafting two codes of practice regarding dog training establishments that would be incorporated within the Prevention of Cruelty to Animals Act 1979. These are the Dog Trainers Code and the Security Dog Trainers Code. We expect that these codes will be completed in 2004. We would expect that if a trainer could demonstrate that he/she had an establishment that was up to the standard of the Dog Trainers Code that this might go at least some of the way there to demonstrating that the assistance dog had been appropriately trained. We presume that if the DDA were to contain a list of recognised training agencies that all would be up to the standard set out in the Dog Trainers Code.

It would seem sensible to amend the DDA so as to only allow dogs to be used as assistance animals. This would limit the opportunities for people to use such animals as primates, pigs, ferrets, rats etc. that could conceivably be trained to render assistance in some form or another and are arguably likely to pose more of a public hazard than a trained dog.

It would also seem that the definition of a disability in the DDA is actually very broad. Indeed category (c), having in the body organisms capable of causing disease or illness, would capture all people in the population, as everyone is carrying a range of pathogens that are capable of causing disease, but usually don't! To take this line of thinking further, would it not be sensible to limit the use of assistance dogs to people that actually have a physical disability? The assistance dog should then be allowed to accompany the disabled person in public places where it could be reasonably expected that the dog would be able to, at least on occasion, directly assist

the person overcome the physical effect of the actual disability. 'Physical disability' would need defining in the Act.

Such a requirement would disallow situations where the animal is used as a social lubricant, was used for defensive purposes, or was used to do tricks to assist with earning an income. All of these situations may be legitimate forms of indirect assistance to a person with a disability, but not capable in themselves of justifying why a disabled person should be accompanied at all times in public by their assistance animal.

We hope that these comments will be of some assistance in the review of the DDA.

Yours sincerely

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For Steve Atkinson
Chair, NSW Animal Welfare Advisory Committee

Cc:
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