

16 January 2009

Committee Secretary
Senate Legal and Constitutional Affairs Committee
Department of the Senate
PO Box 6100 Parliament House
Canberra ACT 2600

Dear Committee

**Re: Senate into the Disability Discrimination & Other Human Rights
Legislation Amendment Bill 2008**

Guide Dogs SA.NT congratulates Members of Parliament for their commitment to addressing the needs of people with disabilities and endorses for the most part the proposed legislative changes. This submission is concerned specifically with proposed changes to legislation focussing on assistance animals.

Background of Guide Dogs SA.NT

Guide Dogs SA.NT is a member of the International Guide Dog Federation and employs dual qualified instructors. This means our staff are university qualified in Orientation & Mobility training for people who are blind and vision impaired (post graduate study) and qualified to train dogs (3 year specialised training).

Guide Dogs SA.NT has a sound working relationship with the Dog and Cat Management Board of South Australia, and is a member of the South Australian Committee for Accessible Public Transport convened by the Department for Energy and Infrastructure. Guide Dogs SA.NT is the primary trainer and provider of guide dogs and more recently autism assistance dogs throughout South Australia and the Northern Territory.

The international standards for accreditation of guide dogs are attached as an appendix for your consideration. It needs to be acknowledged that guide dog schools internationally set high standards and do this in the knowledge that the standards are aimed toward best practice and to maximise the safety and independence of people with vision impairment and more recently children with autism, their families and carers.

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- **GUIDE DOG SERVICES**
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- **SENSORY DIRECTIONS**
- **HEARING SOLUTIONS**

Concerns of proposed changes to legislation

Guide Dogs SA.NT has listed our concerns and provided details below:

- Suitability of individual
- Suitability of animal in respect to temperament and breed
- Standards and accreditation of training for animal
- Assistance animal rather than assistance dog
- Private or home trained assistance animals

Suitability of individual

The fundamental success of an assistance animal, once trained and working, is based on the person's ability to manage, control and direct the animal accordingly. People with disabilities should have the right to an assistance animal; however the success and safety for the person, the animal and public is strongly linked to insight, judgement and consistent behaviour on the part of the handler. The proposed legislative changes make no requirement or expectation that people with disabilities access appropriate training or assessment.

Suggestion: Individuals must access training and education through an appropriate training organisation or State Board.

Suitability of animal in respect to temperament and breed

The training of an assistance animal is one area of concern; however the temperamental and breed suitability is another. Guide dog schools in particular ensure their staff is suitably qualified to ensure clients receive the specialist service they require. They also develop breeding programs and puppy raising programs to ensure the quality and temperament of the dogs is of the highest standard. Our concern is that assistance animals not accredited under a law of a State or Territory or animal training organisation are not of the same standard and are potentially temperamentally unsuitable to be entering public places. There is also a duty of care to ensure people are not selecting dogs that are considered prescribed breeds as assistance animals. There are many breeds that are perceived as unsafe and our concern is that these breeds will cause fear or avoidance from the public towards all assistance animals.

Suggestion: All assistance animals undertake a public access test to ensure appropriate temperament and suitability to perform the role. Prescribed breeds are not recognised or suitable as assistance animals.

Standards and accreditation of training for animal

Section 9 paragraph (2) subsection (c) of the proposed amendment indicates that assistance animals are to meet standards of hygiene and behaviour appropriate for an animal in a public place. Who will propose the standards and police their implementation? Currently any assistance animal accredited under subsection (a) and (b) would meet standards proposed by the legislation or by the organisation training the animal. These standards are often checked on an on-going basis as with guide dog schools. In South Australia for example a guide dog trained by our organisation is governed by international standards and accredited by the Dog and Cat Management Board.

All guide dogs are trained to the highest standards and our clients and guide dogs are met by internationally qualified guide dog mobility instructors on a yearly basis to ensure they are maintaining safe and efficient standards of work. Our organisation, like many others, has a duty of care to the client, dog and community to ensure safe standards. It is imperative that assistance animals are regulated in a similar way so that risk and duty of care are met. To not regulate these animals in our opinion is negligent.

Suggestion: We would propose that all assistance animals must be accredited by law, as in South Australia with the Dog and Cat Management Board, or are accredited by a prescribed training organisation.

Assistance animal rather than assistance dog

There is concern that more unconventional animals may be used, such as reptiles or primates. Notwithstanding the issues surrounding things such as quarantine, transmittable diseases and hygiene, there is also great concern about the impact and duty of care of the general public. We are uncertain about how the general public would welcome an assistance “snake” and the impact and credibility of assistance animals in general should this occur.

Suggestion: A schedule of acceptable animals should be devised in the interest of public health and safety and included in the legislation.

Private or home trained assistance animals

Guide dog, hearing dog and other assistance dog schools around Australia offer training and support to handlers and have a duty of care to ensure the “team” is working to its full capacity and is safe and independent in the community. Their staff are qualified and experienced in the assessment of applicants and the training and assessment of dogs. People who ‘home train’ their own dog do not usually have the level of experience or skills to assess or train to a similar standard. This is of great concern and poses risks for the person, dog and greater community.

Suggestion: Only approved trainers or approved organisations should be training assistance animals. An animal is not approved if the trainer is also the person with a disability who relies on the animal.

Additional concerns in relation to amendment

Section 54A (2) of the proposed amendment suggests that it is not unlawful for a person to request or require that the assistance animal remain under the control of another person on behalf of the person with a disability. This amendment is open to abuse and is somewhat ambiguous. Our concern is that a person can request that an assistance animal remain with a “friend” outside while the person with a disability is permitted inside a public place. This is simple discrimination against the person with the assistance dog. Guide Dogs SA.NT would question the relevance of including this amendment. If the purpose of this is to ensure that assistance dogs are always under the control of the person with a disability or their carer, it would be prudent to include this section, but not with the stipulation that it is lawful for another person to request or require the assistance animal be under the control of another person.

Suggestion: The lawful request of a person is omitted and that section (2) states “The assistance animal must remain under the control of: (a) the person with the disability: or (b) another person on behalf of the person with the disability.

Conclusion

Guide Dogs SA.NT welcomes the Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008. Our organisation has raised a number of concerns in relation to assistance animals and how we believe some of the issues can be resolved. Given our organisations expertise and knowledge in the area of assessing and training dogs and instructing and supporting clients, we would welcome the opportunity to appear before the committee if required.

Appendix 1

INTERNATIONAL GUIDE DOG FEDERATION

STANDARD 5

GUIDE DOG ASSESSMENT & TRAINING

Assessment:

Member organisations must assess the physical and temperamental suitability of dogs for guide dog work prior to commencing training. This must ensure the base temperament of dogs prior to the modification of the training process.

§1. Essential Dog Qualities

1. Physical:

- i* Normal height and correct ratio to breed
- ii* Physically sound, good conformation, balance, stamina and gait.
- iii* Acceptable appearance, coat compatible with climate and within the client's ability to maintain.
- iv* Normally 12-24 months of age at commencement of training, depending on breed and maturity of individual dog

2. Temperament:

- i* Even tempered with a happy disposition, friendly towards animals and humans, trainable and adaptable
- ii* Responsive to human voice, willing to please, and seeks human companionship
- iii* Able to develop and maintain good concentration even in the presence of other animals, particularly dogs. Adaptable to any environmental and/or handler changes.
- iv* Low chasing instinct, possessing working drive but not hyperactive
- v* Excessive sniffing or wind scenting is unacceptable
- vi* Should not demonstrate excessive response to being stroked or handled or display extreme reaction to sound or other stimuli.
- vii* Not shy, sound shy, nervous or suspicious, not aggressive in any way, over dominant or travelsick.

3. Social behaviour:

- i* Of quiet, steady behaviour off duty in social situations
- ii* Should be non-scavenging
- iii* Clean in toileting habits, relieving on command and in appropriate locations.
- iv* The dog must not have a protective nature

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Training

§2 Training principles

Member organisations generally follow guide dog training principles of operant learning, positive reinforcement, negative reinforcement and correction.

In situations of which it is understood by the trainer, that the dog is aware of the appropriate response to a given command but for reason of (for example) distraction the dog chooses not to comply, a level of correction may be necessary.

Correction must be fair, consistent and appropriate to the circumstance and the sensitivity of the dog.

Corrections must not cause the dog unreasonable, physical or emotional discomfort.

No organisation may use or advocate a device or practice whose intent or consequence is to invoke pain, injury, trauma or anxiety.

§3 Performance Standards:

These are basic performance standards. Dogs may be trained for additional specific tasks, which may be required by individual clients, such as follow procedure, leash relieving etc.

1. Conscientious obeying of obedience commands:

- i* Commands such as: Come, heel, sit, down, stay, etc.
- ii* The dog must demonstrate its competency in recognising and responding to specific search and find commands

2. Recall:

- i* The dog must return immediately and make physical contact with its handler in response to hearing its name together with the command 'come'

3. Tension/Speed control:

- i* A guide dog in harness must be relaxed at walk without excessive pulling, bending its back or crabbing. It must concentrate naturally on the route ahead.
- ii* The dog must work at a consistent steady pace, providing safe, effective and fluent movement appropriate to its handler and travel conditions.
- iii* Prior to allocation a Senior Guide Dog Mobility Instructor must test each dog's work.
- iv* Each dog must be worked during its last 6 weeks of training with the handler blindfolded.

4. Obstacles:

- i* These must be avoided in such a way that there is sufficient clearance for a handler to continue on his/her way safely.
- ii* If an obstacle obstructs the whole pavement, the dog must avoid the obstruction and at the same time indicate the need for the handler to return onto the pavement at the first opportunity. The dog must also avoid higher-level obstacles that jeopardize the handler's head or upper body.

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5. Pavement/Sidewalk:

- i* The dog must maintain a central position wherever possible and indicate the presence of the pavement/sidewalk by sitting or standing as close to the edge as practicable, thereby assisting the handler to step down into or out of the road safely.
- ii* The dog must also locate the correct places to cross the road.

6. Street Crossing:

- i* The dog must locate pedestrian traffic light controls, where available.
- ii* Streets must be crossed, on command, in a straight line unless there is danger for the handler, in which case the dog must wait.
- iii* In the event that approaching traffic becomes a danger or where there is an obstacle on the opposite side of the street, the dog must act to ensure the safety of the handler.

7. Traffic Training:

- i* The guide dog handler must assume responsibility for his/her own safety prior to and while crossing roads.
- ii* The dog must be capable of responding appropriately to traffic when guiding the handler across roads.
- iii* The dog must be able to demonstrate that it can judge speed and distance by reacting to oncoming vehicles, at varying distances, appropriate to their speed.

8. Distractions:

- i* It is quite normal for a dog to be distracted by certain stimulants such as other animals or food, however it must readily return concentration to its working task when directed.

9. Public places:

- i* The dog must be well behaved in all locations both on and off duty.
- ii* The dog must remain close to his/her handler and stay where directed when at rest.

10. Public Transport:

- i* The dog must show no distrust or concern at the approach of public transport.
- ii* On command the dog must find the entrance of the vehicle, board in a calm manner, indicate an empty seat, if appropriate and remain where directed without hindrance to other passengers.
- iii* When getting off, the dog must find the way out, wait at the first step, and then precede his/her handler (as appropriate), when directed, at a speed appropriate to the handler's needs and the environment.

11. Rural Walking Ability:

- i* The dog must be capable of working in a situation, where there are no defined footpaths, by the edge of a road.
- ii* Dogs trained to work regularly in such areas must be capable of consistently maintaining distance, close to the verge, whilst working on the left or right side of the road.

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12. Doors:

- i* These must be found on command.

13. Stairs:

- i* These must be found on command, the first step indicated and whether up or down.
- ii* The dog must walk the stairs at a speed appropriate to the handler's needs.

14. Elevators:

- i* On entering a lift/elevator the dog must go to either of the far corners of the lift/elevator, turn around, sit or stand and wait calmly for a command to exit.

15. Escalators/ Travelators:

- i* Escalators and travelators (due to inherent risk) should be avoided if at all possible. However, in circumstances where this is not feasible the guide dog must have received appropriate training and be determined competent prior to guiding the handler onto escalators or travelators.

Membership will not be affected for those organisations which have a policy stating that escalator travel training is not part of their training process.

16. Off-Duty:

- i* The harness must be completely removed whenever the dog is not working.
- ii* When free of leash or harness, the dog must still be responsive to control.

17. Walking on leash (in a non working situation):

- i* The dog must walk in a controlled manner on a loose leash by the handler's side.
- ii* The dog must wear an identification collar at all times, on or off duty.

18. Training Time:

- i* Dogs must receive a minimum of 1 hour per day for at least 80 working days.
- ii* Dogs must receive broad experience through a sequential training course
- iii* During the last 4 weeks, the training must focus on any special requirements of the dog's future handler.

A dog will be considered to be fully trained only when it can perform satisfactorily and safely, both day and night, in reasonable weather and working conditions, in moderate and heavy traffic and can maintain concentration, working effectively, despite some levels of external distractions.