

Inquiry into the Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008

Sydney Opera House welcomes the proposed amendments to the Disability Discrimination Act 1992 (DDA) which relate to assistance animals and providing more certainty for businesses and service providers around the operation of section 9 of the DDA.

A recent situation at Sydney Opera House highlighted the need for greater clarity under the existing legislation. We therefore welcome the proposed amendment to exempt from unlawful discrimination requests to produce evidence that an assistance animal has been trained to meet standards of hygiene and behaviour that are appropriate for an animal in a public place.

Recommendations

The third limb of subsection 9(2) in relation to the definition of 'assistance animal' still provides for operational uncertainty under the Act in regards to what is an 'assistance animal'.

We suggest that this more flexible definition of 'trained' in the third limb be specified under the Act as only an alternative in the event that 9(2) (a) and (b) cannot be demonstrated i.e. that a person with a disability does not live in a State or Territory that has a relevant accreditation scheme, or access to a recognised assistance animal trainer, rather than an alternative that is equal to 9 (2) (a) and (b).

The third limb does not adequately clarify what evidence is required to verify the status of an appropriately trained assistance animal. We recommend that the Act require independent verification that a high standard of appropriate training has occurred based on standard criteria, especially in the case of those people who have informally trained their animal. It is our responsibility to ensure that any animal admitted into our venues meets appropriate standards of health and hygiene and has been properly trained to deal with large crowds and noisy venues.

Guide Dogs regularly attend our performances; it is our understanding that all Guide Dogs go through an accreditation process that involves thorough training in relation to hygiene and toileting and emphasises socialisation and appropriate public behaviour. We therefore think it is realistic to expect other assistance animals to meet comparable standards of training and behaviour through a similar accreditation process, providing businesses with confidence that they are not breaching other by-laws in permitting an animal onto the premises or placing other patrons at risk.

Sydney Opera House recognises the essential role assistance animals play in ensuring people with disabilities have dignified and independent access to the community, we therefore welcome efforts to provide greater clarity on these issues for both service providers and people with assistance animals.

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