# Stand Up For Your Rights:

# Travelling with a Seeing Eye Dog

## A Quick Access guide to standing up for your rights when you are travelling with a Seeing Eye Dog.



## Quick Access Guide

## Know your rights

### Always carry your handler’s card

You should always carry your handler’s card because it identifies your dog as having been trained by an accredited organisation, and as such, it is unlawful for you and your dog to be denied access to premises, transport, and goods and services.

The United Nations Convention on the Rights of Persons with Disabilities recognises the rights of all people with disabilities to live independently, inclusively and with dignity in the community. You may at times find yourself in a situation where your rights as a person who is blind or has low vision are compromised. It is important to know your rights so that you have an idea of what is possible, what is reasonable to expect and how your needs may be met. Knowing the laws, policies and practices that are in place to protect your rights will ensure you can speak up for yourself if you are treated unfairly because of your blindness or low vision. These may include:

### The United Nations Convention on the Rights of Persons with Disabilities

Article 9 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) recognises Accessibility as a basic human right, including full participation in all aspects of life on an equal basis with others, including access to facilities and services such as buildings, transportation, and indoor and outdoor facilities. Australia has ratified the Convention and policies and practices should be implemented having regard to these obligations under the Convention.

### The Disability Discrimination Act 1992

The Disability Discrimination Act 1992 (the DDA) is Commonwealth law which makes it unlawful to discriminate against a person with a disability.

The DDA defines two types of discrimination against a person with a disability: direct and indirect. Direct discrimination occurs when a person is ‘treated less favourably than a person without a disability’ (section 5), or when there is a failure to make reasonable adjustments. Disability discrimination can also occur indirectly (section 6) such as when a requirement is imposed which a person cannot meet because of their disability. There may also be indirect discrimination if a person with disability could meet the requirement if reasonable adjustments were made, and those adjustments are not made. The DDA covers a range of areas where there may be discrimination, including the provision of goods, services and facilities (section 24).

According to section 8 of the DDA, disability discrimination occurs when a person is treated less favourably than someone else, entirely based on his or her disability. Under section 9 of the DDA, this includes where a person is discriminated against because they are accompanied by a carer, assistant, assistance animal, or have a disability aid. Seeing Eye Dogs are assistance animals as defined in section 9(2) of the DDA.

### State and Territory Legislation

Australian Capital Territory – Domestic Animals Act 2000, sections 104 to 106 – these sections provide that “a person with a disability accompanied by an assistance animal, has the same right of access to and use of a public place, as a person who is not accompanied by an assistance animal.”

New South Wales – Companion Animals Act 1998, sections 14, 59, 60 and 61 – which provide that a person with a disability is entitled to be accompanied by an assistance animal in any building or public area, that they cannot be denied entry, and it is unlawful to impose a charge for the assistance animal.

Northern Territory – Anti-Discrimination Act 1992, section 21 – provides that a person with a disability is discriminated against if they are treated less favourably because they have an assistance animal.

Queensland – Guide Hearing and Assistance Dogs Act 2009, section 8 – this section provides that a person with a disability accompanied by their assistance dog has access to any public place or public passenger vehicle.

South Australia – Dog and Cat Management Act 1995, section 81 – provides that a person who is wholly or partially blind……is entitled to be accompanied by an accredited disability dog in a public place or public passenger vehicle.

Tasmania – Guide Dogs and Hearing Dogs Act 1967, section 3 – provides that a person who is blind or vision impaired or is a trainer is entitled to be accompanied by a guide dog into any public place or onto any public passenger vehicle.

Victoria – Domestic Animals Act 1994, section 7 – provides that a visually 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.

Western Australia – Dog Act 1976, section 8 – provides that a person who has a disability the effect of which can be alleviated by the use of an assistance dog is entitled to be accompanied by an assistance dog in any building or place open to or used by the public for any purpose, or in any public transport.