

Operational policy

Visitor Management

Certified Support Dogs and Assistance Animals in QPWS managed areas

Operational policies provide a framework for consistent application and interpretation of legislation and for the management of non-legislative matters by the Department of Environment and Science. Operational policies are not intended to be applied inflexibly in all circumstances. Individual circumstances may require a modified application of policy.

Policy issue

Current State legislation generally prohibits a person from bringing a live animal into certain areas managed by the Queensland Parks and Wildlife Service (QPWS), including national parks.

However, despite these legislative restrictions, a person can enter these areas with a certified support dog or an assistance animal if certain legislative requirements are met under the *Anti-Discrimination Act 1991 (Qld)* (ADA), the *Guide, Hearing and Assistance Dogs Act 2009 (Qld)* (GHADA), or the *Disability Discrimination Act 1992 (Cth)* (DDA).

Background

Domestic animals, including cats and dogs, are not part of the ecology of the natural environment, including the lands for which QPWS is responsible for managing and maintaining. Consequently these animals are generally prohibited from national parks and most other QPWS managed areas.

Domestic animals brought into natural areas can cause a range of impacts and issues such as:

- behavioural impacts on native animals;
- adverse effects on amenity and conflicts with other park user groups;
- potential animal escape leading to introduction of genetic materials, disease and pathogens to native animal populations or establishment of feral populations;
- the spread of weed seeds through attachment onto and dislodgement from an animal, or deposition of seeds in faeces; and
- introduction of disease or pathogens to water and land.

As a State land manager, the Department of Environment and Science (through QPWS) is responsible for upholding the requirements prescribed under the legislation it administers, whilst also striving to provide safe, equitable and enjoyable experiences for visitors to QPWS managed areas. QPWS managed areas include national parks, conservation parks, marine parks, State forests and recreation areas

Purpose

The purpose of this policy is to outline the current legislative framework applicable to use of certified support dogs or assistance animals in public areas and ensure a consistent approach by QPWS in managing access by persons with certified support dogs or assistance animals to public areas within QPWS managed areas. The policy:

Certified Support Dogs and Assistance Animals in QPWS managed areas

- assists QPWS staff to understand the relevant legislation and circumstances that apply to a person's use of a certified support dog and assistance animals to enter and remain in public areas within QPWS managed areas;
- assists people to understand their entitlements and obligations prior to bringing assistance animals into national parks and other QPWS managed areas;
- outlines how QPWS complies with anti-discrimination laws;
- describes the identification procedure for people accompanied by a certified support dog under the GHADA to enable access to a QPWS managed area;
- provides guidance to visitors with a disability accompanied by an assistance animal (if the animal is not certified under the GHADA), in relation to the evidence the person may provide to meet the requirements for an assistance animal under the DDA when visiting a QPWS managed area;
- describes the process for a person, or their carer, to request written pre-approval from QPWS to bring an assistance animal into a QPWS managed area where necessary; and
- does not apply to animals that are for the purpose of comfort and companionship only (i.e. the animal does not provide assistance to a person by alleviating the effect of a disability).

Departmental obligations

The ADA, the GHADA and the DDA provide for visitors to public places within QPWS managed areas to be accompanied by a certified support dog or trainee support dog (GHADA and ADA) or an assistance animal (DDA). All field and administration staff involved with the administration of public access to QPWS managed areas must be aware of their obligations under this legislation and the rights of specific members of the community to be accompanied by such animals.

The arrangements under each of these pieces of legislation can vary and are outlined below.

Obligations under the *Anti-Discrimination Act 1991 (Qld) (ADA)*

The ADA makes it unlawful to discriminate on the basis of a person's 'impairment' if the discrimination occurs in the area of administration of State laws and programs and the conduct results in that person being treated less favourably than someone without the impairment. QPWS has responsibility for the administration of State legislation and programs for the areas it manages for the State and must not discriminate against persons when carrying out its responsibilities.

Under the ADA, a 'guide, hearing or assistance dog' has the same meaning as that in the GHADA. In this policy, the term 'certified support dog' is used in relation to QPWS obligations under both the GHADA and the ADA.

Obligations under the *Guide, Hearing and Assistance Dogs Act 2009 (Qld) (GHADA)*

While it is generally an offence to bring a domestic animal into a QPWS managed area, under the GHADA, a person with a disability who relies on a guide, hearing or assistance dog (in this policy, referred to as a 'certified support dog') to reduce the person's need for support, may be accompanied by a certified support dog in a public place, including a public place in a QPWS managed area. A certified support dog includes a trainee support dog under the GHADA. The term 'disability' is specifically defined in the GHADA for the purpose of that Act (refer to Definitions section below).

Certified Support Dogs and Assistance Animals in QPWS managed areas

In order to become a certified support dog, the dog must be trained by an approved training institution or an approved trainer under the GHADA and have passed a public access test (PAT) to ensure that they are safe and well-behaved in a public place and be able to be controlled by a handler in all situations.

Visitors accompanied by a certified support dog are permitted to access all public areas managed by QPWS and do not require any prior approval from QPWS. However, a person must be able to identify themselves as someone who is accompanied by a certified support dog with approved identification under the GHADA.

The GHADA prescribes the identification procedure for a person who is accompanied by a certified support dog. A person accompanied by a certified support dog, individual trainers, employee trainers and puppy carers of approved training institutions, must carry an identity card (see Attachment 1, Fig 1). The identity card should be displayed so it is clearly visible or be readily available for inspection. If an identity card cannot be produced, a valid application notice (refer to Definitions section below) which states they are an approved handler, trainer or employee trainer is also acceptable.

Certified support dogs will wear an identifying coat or harness and have the approved badge or tag (see Attachment 1, Fig 2). Trainee support dogs will be identified by a harness or coat only. Certified support dogs can be almost any breed, except a dog that is declared dangerous or a dog that is declared as a restricted breed under local government laws.

Under the GHADA, QPWS must not refuse entry to, or permission to be in a public place in a QPWS managed area, or service to, an accompanied handler who is complying with the identification procedure. Additionally, QPWS must not impose a requirement that would result in a person with a disability being separated, while in a QPWS managed area, from the certified support dog that the person relies on to reduce the person's need for support. It may be an offence under the GHADA if these requirements are breached.

Additional information regarding certified support dogs and the GHADA can be found on the Department of Communities, Disability Services and Seniors website www.communities.qld.gov.au or by calling 13 QGOV (13 74 68) or emailing ghadogs@communities.qld.gov.au

Obligations under the *Disability Discrimination Act 1992 (Cth) (DDA)*

The DDA makes it unlawful to deny access to a person with a disability when accompanied by an 'assistance animal' if the reason for denying access is the presence of the animal. This includes public areas in QPWS managed areas.

'Disability' is specifically defined in the DDA for the purpose of that Act (refer to Definitions section below).

Under the DDA, an assistance animal must be either:

- accredited under a law of a State or Territory that provides for the accreditation of animals trained to assist a person with a disability to alleviate the effect of the disability. In Queensland this law is the GHADA; or
- accredited by an animal training organisation prescribed by the regulations for the purposes of the DDA; or
- trained:
 - to assist a person with a disability to alleviate the effect of the disability; and
 - to meet standards of hygiene and behaviour that are appropriate for an animal in a public place.

Guidelines for visitors with ‘assistance animals’ that are not certified support dogs under the GHADA

A visitor with a disability may still access public parts of QPWS managed areas where their animal is not certified under the GHADA, but can be defined as an ‘assistance animal’ under the provisions of the DDA.

On a case-by-case basis, QPWS will consider relevant evidentiary documents to satisfy itself that the animal is an ‘assistance animal’ as defined by the DDA. The following are the documents that QPWS recommends that visitors provide to QPWS, to enable QPWS to adequately inform itself that the visitor is accompanied by an ‘assistance animal’:

1. A letter from a health professional such as a medical practitioner, psychologist, occupational therapist or diversional therapist stating that the person has a ‘disability’ as defined under the DDA, the effects of which will be assisted by an assistance animal. This letter must be on official letter head with a contact number available; and
2. A statutory declaration from an approved animal trainer or animal training organisation that certifies:
 - the breed and identification information of the animal. A council dog registration form may be provided as evidence of the breed,
 - that the animal has been trained to respond to control and assistance commands,
 - that the animal is toilet trained for public places,
 - that the animal has been trained to meet standards of hygiene and behaviour appropriate for an animal in a public place,
 - that the animal is of a demeanour that does not frighten, disturb and cause injury to other people or animals when in public places, and
 - the contact details, including phone number for the trainer or organisation; or
3. As an alternative to a statutory declaration, if an animal has been trained by a person or organisation that is not an approved animal trainer or animal training organisation, the visitor may provide another document/s to demonstrate that the animal has been trained to assist the person to alleviate the effect of the disability, and to meet standards of hygiene and behaviour for an animal in a public place equivalent to the Public Access Test (PAT test).

These guidelines are not intended to be applied inflexibly in all circumstances. QPWS will consider all individual circumstances in deciding whether adequate information has been provided to form a view that the animal is an ‘assistance animal’ in accordance with the legislative requirements of the DDA.

Departmental responsibility

In deciding whether to allow a visitor to be accompanied by an animal, QPWS must consider the protection of natural and cultural resources, as well as its duty of care to ensure the health and safety of all staff and visitors to QPWS managed areas. When considering documents provided as recommended in points 2 and 3 above, in deciding whether the animal has been trained to meet standards of hygiene and behaviour for an animal in a public place, QPWS may take into account, among other factors, whether the animal is:

- of a breed that is banned by local government authorities or a declared dangerous dog;
- a savage, excitable or noisy animal;

Certified Support Dogs and Assistance Animals in QPWS managed areas

- an animal suspected of carrying infectious disease or to pose a risk to the health of other animals;
- an animal posing a risk to public health and safety;
- an animal that does not respond to control and assistance commands;
- an animal that is not toilet trained for public places;
- an animal that does not provide assistance to the person that alleviates the effect of a disability and is for the purpose of comfort and companionship only.

On a case-by-case basis, failure to provide identification required under the GHADA or a copy of the documents listed above may result in QPWS deciding to refuse to allow the person accompanied by the animal to access a public part of a QPWS managed area, or directing a person and their animal to leave a QPWS managed area. It can be an offence having a domestic animal in a QPWS managed area without the necessary approvals under QPWS administered legislation or exemptions under GHADA or the DDA and penalties can apply for such offences.

Other State or Territory accreditation schemes

In addition to the Commonwealth DDA, other States and Territories may have their own legislation and accreditation schemes for authorising animals to accompany persons with disabilities, similar to the GHADA in Queensland. QPWS recognises these accreditation schemes and will accept any State or Territory certification or accreditation documentation for support animals that apply under the relevant jurisdiction's legislation.

Requesting written pre-approval from the department

Although not required, if requested, written pre-approval of evidentiary documents may be provided by the department to a visitor before their visit. This is particularly useful for visitors if an animal has been trained by the owner, or by an organisation that is not accredited under GHADA or equivalent State or Territory legislation.

A visitor with written pre-approval of their evidentiary documents may access public parts of a QPWS managed area without the need to carry the documents with them.

A copy of the relevant documents may be sent to the department for assessment to the following address:

Queensland Parks and Wildlife Service

Assessments and Approvals

Department of Environment and Science

PO Box 15187, City East QLD 4002

Enquiries: 13 QGOV (13 74 68)

Email: parkaccess@des.qld.gov.au

Website: www.des.qld.gov.au

Please allow sufficient time for QPWS to assess requests for written pre-approval prior to visiting public parts of QPWS managed areas.

General safety when bringing assistance animals into QPWS managed areas

It is important that visitors follow all directions and signage when visiting a QPWS managed area. There are a number of pieces of legislation that contain requirements regarding the management of dogs in QPWS

Certified Support Dogs and Assistance Animals in QPWS managed areas

managed areas. This includes that dogs must be under control at all times (i.e. leash or tethered to a secure object) and dog waste must be collected and disposed of appropriately.

Within Moreton Bay and Great Sandy Marine Parks, section 108(2) of the *Marine Parks (Moreton Bay) Zoning Plan 2019* and section 46(1) of the *Marine Parks (Great Sandy) Zoning Plan 2017* states that dogs must be controlled or restrained in a way that prevents the dog from causing unreasonable disturbance to shorebirds in the marine park. This is to help protect the many threatened, migratory shorebird species that frequent the intertidal habitats within the marine parks.

These principles apply to the management of all assistance animals in QPWS managed areas.

Below are specific locations that QPWS manage where further safety considerations are required.

Wildlife parks and centres require special consideration

QPWS manages Daisy Hill Koala Centre, Walkabout Creek Wildlife Centre, David Fleay Wildlife Park and the Mon Repos Turtle Centre as wildlife and environmental education centres open to the public. These facilities protect and accommodate endangered wildlife and occasionally very young, orphaned or injured wildlife, as well as providing for the public to have close encounters with a variety of wildlife, which can be easily frightened by the presence of a dog or other domestic animal.

QPWS will generally allow access to its wildlife centres and parks for a visitor with a certified support dog or assistance animal. However, QPWS staff may restrict access to certain wildlife enclosures or encounters where the presence of the animal may cause a disturbance to the native animals or otherwise impact on their welfare. For example, where close contact occurs between visitors and displayed wildlife or where precautions are required to ensure visitor, staff and animal safety.

Practical recommendations for visitors accompanied by certified support dogs or assistance animals

In order to reduce potential stress and injury to the wildlife and risks to visitors, it is recommended that visitors to wildlife centres accompanied by a certified support dog or assistance animal undertake the following steps:

Step 1 - prior to visiting the wildlife centre, call ahead to advise staff of the intended visit so they can seek to better accommodate the visitor and their accompanying certified support dog or assistance animal without impacting on the welfare of the wildlife;

Step 2 - upon arrival at the wildlife centre, advise staff that they are accompanied by a certified support dog or assistance animal so that staff can make any necessary arrangements to assist the visitor to enjoy their visit;

Step 3 – present the recommended evidentiary documents for the accompanying certified support dog or assistance animal (if not visible) to staff, and

Step 4 - during their visit, follow all advice given by staff to ensure the safety and welfare of themselves, their accompanying certified support dog or assistance animal, other visitors, native wildlife and staff.

Access to K'gari (Fraser Island)

Visitors should be aware that K'gari is considered a high-risk area for certified support dogs and assistance animals due to the presence of dingoes (wongari). It is recommended that accompanying certified support dogs or assistance animals remain inside fenced areas or vehicles at all times. This is for the safety of the visitor and

Certified Support Dogs and Assistance Animals in QPWS managed areas

their accompanying certified support dog or assistance animal, other visitors, wildlife and staff. For further advice please contact parkaccess@des.qld.gov.au.

Existing approvals

Any written approvals to bring a certified support dog or assistance animals into a protected area that were granted prior to this policy coming into effect will continue to have effect until they expire, are surrendered, reviewed or cancelled by QPWS.

Definitions and abbreviations

Definitions and abbreviations of key terms used in this policy are as follows:

| Term | Definition |
|--|--|
| 'ADA' | abbreviation for the <i>Anti-Discrimination Act 1991 (Qld)</i> |
| 'Approved badge' | means a badge, for a guide, hearing or assistance dog, issued by the chief executive as per section 4 of the GHAD Regulation |
| 'Approved trainer' | means an individual approved under part 3 of the GHAD Act for training guide, hearing or assistance dogs (GHADA) |
| 'Approved training institution' | means a corporation approved under Part 3 for training guide, hearing or assistance dogs (GHADA) |
| 'Assistance animal' | <p><u>Under the DDA</u>, an assistance animal means either an animal:</p> <ul style="list-style-type: none"> • accredited under a law of a State or Territory that provides for the accreditation of animals trained to assist a person with a disability to alleviate the effect of the disability; or • accredited by an animal training organisation prescribed by the regulations for the purposes of the DDA; or • trained: <ul style="list-style-type: none"> ○ to assist a person with a disability to alleviate the effect of the disability; and ○ to meet standards of hygiene and behaviour that are appropriate for an animal in a public place. |
| 'Assistance dog' | <p>means a dog trained to perform identifiable physical tasks and behaviours to assist a person with a disability to reduce the person's need for support (GHADA).</p> <p>Under the ADA, an 'assistance dog' has the same meaning given by the GHADA.</p> |
| 'Certified Support dog' | means an assistance dog, guide dog, hearing dog or trainee support dog under the GHADA, Schedule 4. |

| | |
|---------------------|--|
| | The ADA also relies on this same definition, and for the purposes of this policy the term 'certified support dog' is used when referring to obligations under both the ADA and the GHADA. |
| 'Disability' | <p><u>As defined in section 5 of the GHADA:</u></p> <p>(1) A disability is a person's condition that—</p> <p>(a) is attributable to—</p> <p>(i) an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment; or</p> <p>(ii) the presence in the person's body of organisms causing illness or disease; and</p> <p>(b) results in—</p> <p>(i) a reduction of the person's capacity for communication, social interaction, learning, mobility or self care or management; and</p> <p>(ii) the person needing support.</p> <p>(2) The disability may be, but need not be, of a chronic episodic nature.</p> <p><u>As defined in section 4 of the DDA:</u></p> <p>disability, in relation to a person, means:</p> <p>(a) total or partial loss of the person's bodily or mental functions; or</p> <p>(b) total or partial loss of a part of the body; or</p> <p>(c) the presence in the body of organisms causing disease or illness; or</p> <p>(d) the presence in the body of organisms capable of causing disease or illness; or</p> <p>(e) the malfunction, malformation or disfigurement of a part of the person's body; or</p> <p>(f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or</p> <p>(g) a disorder, illness or disease that affects a person's thought</p> |

Certified Support Dogs and Assistance Animals in QPWS managed areas

| | |
|----------------------------------|--|
| | <p>processes, perception of reality, emotions or judgment or that results in disturbed behaviour;</p> <p>and includes a disability that:</p> <p>(h) presently exists; or</p> <p>(i) previously existed but no longer exists; or</p> <p>(j) may exist in the future (including because of a genetic predisposition to that disability); or</p> <p>(k) is imputed to a person.</p> <p>To avoid doubt, a disability that is otherwise covered by this definition includes behaviour that is a symptom or manifestation of the disability.</p> |
| 'Employee trainer' | means a person employed by an approved training institution to train guide, hearing or assistance dogs (GHADA) |
| 'Guide dog' | <p>means a dog trained to be an effective guide for a person with disability attributable to a vision impairment (GHADA).</p> <p>Under the ADA, 'guide dog' has the same meaning given by the GHADA, schedule 4.</p> |
| 'GHADA' | abbreviation for the <i>Guide, Hearing and Assistance Dogs Act 2009 (Qld)</i> |
| 'GHAD Regulation' | abbreviation for the <i>Guide, Hearing and Assistance Dogs Regulation 2019 (Qld)</i> |
| 'Handler's identity card' | means an identity card, issued by the chief executive of Department of Communities, showing a person with a disability who relies on a guide, hearing or assistance dog with the dog that the person relies on (GHADA) |
| 'Hearing dog' | means a dog trained to be used as an aid by a person with disability attributable to a hearing impairment (GHADA) |
| 'Identity card' | means for a person with a disability - a handler's identity card, or for an approved trainer, employee trainer or a puppy carer – a trainer's identity card (GHADA) |
| 'Identifying coat' | means a dog coat that identifies a dog as a guide, hearing, assistance or trainee support dog; and complies with the requirements prescribed under a regulation. Person exercising control means a person exercising control of a public place or public passenger vehicle, over access to, or permission to remain in, the place or vehicle (GHADA) |
| 'Impairment' | <p><u>Under the ADA, impairment, in relation to a person, means –</u></p> <p>(a) the total or partial loss of the person's bodily functions, including the loss of a part of the person's body; or</p> |

Certified Support Dogs and Assistance Animals in QPWS managed areas

| | |
|-----------------------------------|--|
| | <p>(b) the malfunction, malformation or disfigurement of a part of the person's body; or</p> <p>(c) a condition or malfunction that results in the person learning more slowly than a person without the condition or malfunction; or</p> <p>(d) a condition, illness or disease that impairs a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour; or</p> <p>(e) the presence in the body of organisms capable of causing illness or disease; or</p> <p>(f) reliance on a guide, hearing or assistance dog, wheelchair or other remedial device;</p> <p>whether or not arising from an illness, disease or injury or from a condition subsisting at birth, and includes an impairment that—</p> <p>(g) presently exists; or</p> <p>(h) previously existed but no longer exists.</p> |
| 'Valid application notice' | for a person, means a written notice issued to the person by the chief executive under section 42 that has not expired (GHADA) |
| 'Public Access Test' | <p><u>As defined in GHADA:</u></p> <p>(1) A public access test is a test approved by the chief executive to assess if a guide, hearing or assistance dog is—</p> <p>(a) safe and effective in a public place or public passenger vehicle; and</p> <p>(b) able to be controlled by—</p> <p>(i) the primary handler of the dog; or</p> <p>(ii) the primary handler of the dog with the support of an alternative handler.</p> <p>(2) The chief executive must—</p> <p>(a) keep a copy of each public access test available for inspection, free of charge, by members of the public at the department's head office and regional offices; and</p> <p>(b) publish the public access test on the department's website on the internet.</p> |
| 'Puppy carer' | means a person who is employed by an approved training institution and is responsible for the socialisation of a trainee support dog that is under 18 months of age (GHADA) |

 Certified Support Dogs and Assistance Animals in QPWS managed areas

| | |
|----------------------------------|--|
| 'QPWS managed areas' | includes the following areas managed by Queensland Parks and Wildlife Service: <ul style="list-style-type: none"> • State forests (other than areas of state plantation forest) managed under the <i>Forestry Act 1959</i>; • protected areas (State land) dedicated under the <i>Nature Conservation Act 1992</i> – including national parks, forest reserves conservation parks and resource reserves; • recreation areas (RAM areas) declared under the <i>Recreation Areas Management Act 2006</i>; and • marine parks declared under the <i>Marine Parks Act 2004</i> |
| 'Trainee support dog' | means a dog, or puppy, that is being trained by an approved trainer or approved training institution to be a guide, hearing or assistance dog (GHADA) |
| 'Trainer's identity card' | means an identity card for an approved trainer, employee trainer or puppy carer (GHADA) |
| Valid application notice | for a person, means a written notice issued to the person by the chief executive under section 42 that has not expired (s12 GHADA) |

Reference material

Disability Discrimination Act 1992 (Cth) and Regulation

Anti-Discrimination Act 1991 (Qld) and Regulation

Guide, Hearing and Assistance Dog Act 2009 (Qld) and Regulation

Forestry Act 1959 (Qld) and Regulation

Marine Parks Act 2004 (Qld) and Regulations

Nature Conservation Act 1992 (Qld) and Regulations

Recreation Areas Management Act 2006 (Qld) and Regulation

Certified Support Dogs and Assistance Animals in QPWS managed areas

Human Rights Act 2019 compatibility

The department is committed to respecting, protecting and promoting human rights. Under the [Human Rights Act 2019](#), the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. When acting or making a decision under this operational policy, officers must comply with that obligation (refer to [Comply with Human Rights Act](#)).

Disclaimer

While this document has been prepared with care, it contains general information and does not offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken in reliance on this document. Persons external to the Department of Environment and Science should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

Approved By

Ben Klaassen

Signature

15/11/2021

Date

Deputy Director-General
Queensland Parks and Wildlife Service and
Partnerships
Department of Environment and Science

Enquiries:
Assessment and Approvals
parkaccess@des.qld.gov.au

Attachment 1

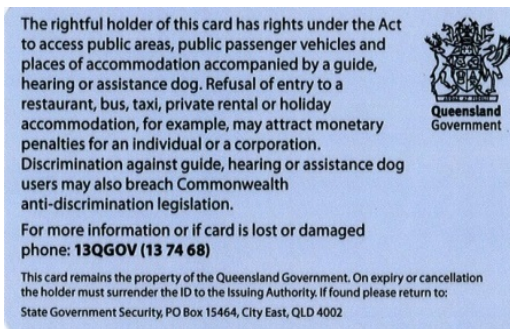


Figure 1. Examples of QLD Identification Cards



Figure 2. Approved QLD Guide Hearing and Assistance Dog Act identifying badge



Figure 3. Certified support dogs wearing an identifying coat or harness with approved badge or tag.