



Speech by

**Jann Stuckey**

**MEMBER FOR CURRUMBIN**

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## **GUIDE, HEARING AND ASSISTANCE DOGS BILL**

**Mrs STUCKEY** (Currumbin—LNP) (3.24 pm): It is a pleasure to rise to speak to the Guide, Hearing and Assistance Dogs Bill 2008 introduced into the House by the Minister for Communities, Minister for Disability Services, Minister for Aboriginal and Torres Strait Islander Partnerships, Minister for Multicultural Affairs, Seniors and Youth, the Hon. Ms Nelson-Carr, on 7 October last year. I congratulate the minister and her department on bringing this bill before us today. Guide, hearing and assistance dogs improve the quality of life immeasurably of people with a disability as they help them to go about their daily lives and allow them to have independent access to the community, access that so many able-bodied people take for granted.

Honourable members, together with fellow Queenslanders and fellow Australians and, in fact, others across the world, have this past week witnessed events of such magnitude that they have touched us all in some way. I take this opportunity to express my heartfelt sympathy and deep sadness to all who have suffered from the disasters brought about by bushfires in Victoria and floods in north Queensland. I also place on record my sincere appreciation for the efforts of emergency service members and volunteers who have risked life and limb to assist others during this calamitous time.

I seek one more moment's indulgence from the House to share my grief in learning today that our exuberant, talented and dedicated principal at Elanora State High School, Mrs Ros Wilson, passed away unexpectedly in the early hours of this morning. She will be very sorely missed.

As members have already heard from the honourable member for Burdekin, the LNP will be supporting this bill. The honourable member noted her concerns with some of the provisions of this bill, as well as her intention to introduce an amendment regarding the time frame for handing in an identity card. The use of assistance dogs is a relatively new concept. These highly trained animals have been successfully educated to assist people with physical, neurological and specific disabilities to engage in everyday tasks so that they do not need to be accompanied by another person. Training an assistance dog is a demanding, expensive, time exacting and ongoing process but the benefits provided by these hardworking dogs to people with a disability are significant. These can include everyday tasks such as opening and shutting doors for wheelchair-bound citizens to turning light switches on and off, pressing pedestrian crossing buttons and even alerting people if their handler is having an epileptic fit, for example, or is in some kind of difficulty.

The bill repeals the Guide Dogs Act 1972 and also repeals the Legacy Trust Fund Act 2001. The main objectives of this bill are to assist people with a disability who rely on guide, hearing or assistance dogs to have independent access to the community and to ensure the quality and accountability of guide, hearing and assistance dog training services.

I acknowledge that there has been consultation with companies and associations in reference to this bill. Disability Services Queensland has been in contact with stakeholders since mid 2007, I understand, with the drafting of this bill. According to the minister in a media release—

There is a growing number of Queenslanders using assistance dogs, estimated to be around 100, compared to some 122 guide dogs and 98 hearing dogs.

This is certainly a significant number and warrants legislation of this kind. People using assistance dogs and trainers of assistance dogs have reported difficulties with regard to gaining access to public places and public transport as far back as 2005. In fact, it is probably well before that; it just has not been reported in the media. Whilst it was a while coming, this new legislation will finally afford assistance dogs the same public recognition and public access rights as guide and hearing dogs enjoy. It is imperative to ensure that our citizens using assistance dogs also have clear and equal rights that enable them to be accompanied by their dogs in public places without being unfairly discriminated against. Such law reform is essential if we are to provide better protection for people with disabilities who use and rely on assistance dogs.

Discrimination has arisen largely because the wider public often misinterpret and misunderstand the anti-discrimination laws and do not recognise assistance dogs in the same manner as guide-dogs. It is expected that this will continue to be a problem with some sectors of our community without thorough education.

The Guide Dogs Act 1972 only provides public access rights to people who are vision impaired or who have a hearing disability and are accompanied by a guide-dog. Further, the Anti-Discrimination Act 1991 makes no mention of assistance dogs at all and only deals with hearing and guide-dogs. The Guide, Hearing and Assistance Dogs Bill will, as I have said, repeal the Guide Dogs Act 1972. This is a positive step in the ongoing journey to fairly and responsibly care for this sector of our community.

As I have already mentioned, the overall purpose is to assist the people with a disability who rely on guide, hearing or assistance dogs. In particular, the bill aims to acknowledge the rights of people with a disability accompanied by an assistance dog, including their inclusion into the community and their general wellbeing, to access public places such as restaurants, shopping centres, libraries, accommodation and public passenger vehicles such as taxis, buses and trains.

Certified and approved trainers will now for the first time also be granted the same access rights to public places and public passenger vehicles for the purposes of training their assistance dogs. It is interesting to note that up until now many dog trainers have had to 'bluff' their way through training programs because they were unable to gain access to public places in a bid to more effectively train their assistance dogs in a 'live' environmental sense.

Craig A Murray, a very well-respected and award-winning certified specialist dog trainer, and a constituent of mine, has acknowledged this as being a problem for his company in the past and has welcomed this additional provision under the new legislation. Under this new bill, it will be an offence for a person in charge of a public place or public passenger vehicle to deny access, refuse service, or separate a person from his or her assistance, guide or hearing dog. Clause 13(1)(a) and (b) provide for offences if a person exercising control in a public place or vehicle refuses entry to a disabled person with a guide, hearing or assistance dog. Clause 13(1)(c) refers to persons exercising control who place a condition on the disabled person that requires them to separate from their guide, hearing or assistance dog.

However, the explanatory notes call for the defendant to prove elements of defence. Furthermore, the explanatory notes state that 'placing the onus of satisfying the elements of the defence on the defendant is considered justified as it relates to matters that are peculiarly within the defendant's knowledge'. This raises some concerns regarding the reversal of onus of proof. According to the Scrutiny of Legislation Committee's *Alert Digest No. 11 of 2008*, the committee questions whether—

... clause 104 has sufficient regard to the rights and liberties of individuals and, in particular, whether sufficient justification exists for the:

- reversal of onus; and
- imposition of 'derivative liability'.

Assistance dogs not only have a positive effect on the handlers and users but there are many other people that come into contact with them. Service providers and the general public will need to be aware of this new bill and what the expectations are of them. There is no clear indication that this is going to provide any awareness campaigns; nor does there appear in the bill to be any allocation of the costs for such a campaign. I reinforce that, for assistance dogs and their handlers to be recognised and accepted, there needs to be a campaign that will educate the general public of the benefits and rights of the dogs and their handlers. I ask the minister whether she would mind addressing that a little later and whether there are any plans for a campaign of this nature and, if so, what would be the extent of that.

Clause 38 refers to the certification of the assistance dogs. It states that the dog must be de-sexed, vaccinated, is not a restricted breed as defined under the Local Government Act 1993, is capable of performing specific tasks and has passed the public access test. However, there is no mention of the breed of the potential assistance dog. Guide Dogs Queensland specify their dogs to be a Labrador retriever or a golden retriever as they are highly trainable and readily transfer their respect and allegiance from one person to another without complication.

In reference to Guide Dogs Queensland, these dogs are born to guide and have a positive public image. What restrictions, apart from already restricted dog breeds, has the government put into the bill

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regarding the breed of the potential assistance dog? Also, I am wondering who will breed these dogs and have these costs been included in the budget estimates? I am concerned that breeds not commonly associated with guiding and assisting, such as poodles and rottweilers, which may be included as an assistance dog, may receive less than friendly reactions from members of the public, and certainly less levels of acceptance, as they go about their duty. Does the minister have any data to suggest that these breeds are suitable for this critical work?

On the issue of separation, I would like to raise some of my constituents' concerns with the minister. Similar to anxieties felt between a parent and a child and other human separations, guide-dogs also suffer when separated from their handler and may fret or stop eating as a result. Understandably, as per the Guide Dogs Act 1972, dogs will continue to be excluded from certain public places such as hospitals and ambulances, as well as where food is prepared, to adhere to adequate health and safety standards.

What happens, however, in the scenario—which I think the honourable member for Burdekin might have already raised—where a handler collapses in a public place and subsequently requires transportation in an ambulance? Who will take care of the assistance dog in that situation? Has the government thought that scenario, and any others like that, through? I will be interested to hear. I do not believe that the member for Burdekin received a satisfactory answer to that in the chat across the chamber.

According to Seeing Eye Dogs Australia, it takes up to two years and costs approximately \$30,000 to train an assistance animal and a further six to 10 years of ongoing maintenance and additional training to ensure that the dog continues to be of maximum benefit to the handler. As the industry grows and the community becomes more aware of the role and value of assistance animals—as I am sure they will—it is fairly certain that the demand for assistance animals will grow. What level of funding is the minister and the government prepared to commit towards this end? Given that it has taken Guide Dogs Australia over 100 years to get to where it is today in terms of awareness, public recognition and public access rights, what additional support will this government extend to not-for-profit groups and businesses that train these highly skilled assistance dogs as well as the handlers themselves?

I would like to take a moment to praise Guide Dogs Australia's efforts and its dedication to high standards in order to improve the quality of life of sight-impaired individuals. Until now, there has been a lack of uniform training standards and guidelines for assistance animals. Therefore, it is reassuring to know that our dog training industry will now be supported in this area under the new legislation; as well as ongoing testing and accrediting procedures for assistance animals; and identity cards for handlers and trainers will undoubtedly prove beneficial for the community.

The honourable member for Tablelands has already said that in Mareeba, north Queensland, the Association of Australian Assistance Dogs has been proactive and dedicated in its consistent contribution to the training and promotion of assistance dogs. The Mount Isa Special School adopted Bailey, a graduated assistance dog. Bailey has been perfect therapy for some of the students of this school. Initially adopted as a test trial, Bailey soon lightened the lives of these special children and made a positive impact through his skills as an assistance dog. One student in particular had behavioural emotional troubles but, with the help of Bailey, this student has received powerful motivation for her to communicate. Bailey has already visited Ravenshoe State School on the Atherton Tablelands in an educational visit to demonstrate the benefits of assistance dogs for people with disabilities.

I noted an article in the paper not too long ago by Samantha Healy where she talked about a scruffy little pooch that was unwanted and abandoned and has become a Brisbane toddler's precious link with the outside world. Harry is a two-year-old terrier cross and he was rescued from the animal welfare pound and trained as an assistance dog. This little dog has forged a remarkable relationship with young Reilly Paterson, who has been diagnosed with a high-functioning autism. Very quickly the two have become inseparable. Reilly, once withdrawn and refusing to communicate, now is looking a whole lot brighter thanks to his little mate. It is stories like these that make me very pleased to be supporting this legislation.

Then there is the case of Spot. Spot is the companion of a teenage autistic girl. Spot is a border collie. I have to say that I am amazed at the willingness of five-star hotels and other places to accept the fact that this young lady would not be able to go outside without her dog and they have gone to great lengths to allow her dog to be able to be part of her life. The last I heard was that after several years this young lady was getting ready to communicate with the world again and was managing her severe disability and withdrawal symptoms very bravely.

I now refer to the speech by the minister for police to the House in April 2007. She spoke about the Pups in Prison Program, where eight pups were successfully partnered with prisoners. The selected prisoners learnt much from socialising and caring for the pups over a period of 16 months, and the dogs provided prisoners with 'new levels of responsibility, self-esteem and communication skills while also teaching compassion, patience and cooperation'. Similar to the programs with the Mount Isa Special School and the Darling Downs Correctional Centre, pups whilst in training will have the chance to engage in other schools and community groups to fully utilise the public and similar programs.

In closing, this bill for guide, hearing and assistance dogs proves much-needed and well-overdue recognition of the access and rights of these dogs and their handlers. Isn't it a pleasure to be able to speak to a bill that has what I believe will be the unanimous support of this House? Once again, I congratulate the minister. I commend the bill to the House.