



FAQs – businesses

Guide, Hearing and Assistance Dogs Act 2009

How does the Guide, Hearing and Assistance Dogs Act 2009 apply to my business?

The *Guide, Hearing and Assistance Dogs Act 2009* outlines laws that apply to privately owned businesses and places of accommodation that serve the public – such as restaurants, hotels, retail stores, taxi cabs, theatres, concert halls, private rental arrangements or holiday accommodation, etc. The laws prohibit such businesses from discriminating against individuals with a disability who are accompanied by a guide, hearing or assistance dog. The Act requires these businesses to allow people with a disability to bring their guide, hearing or assistance dog onto business premises in whatever areas customers are generally allowed and to access places of accommodation.

What must I do when an individual accompanied by a guide, hearing or assistance dog comes to my business?

You must permit the guide, hearing or assistance dog to accompany the individual to all areas of the business where customers are normally allowed to go. An individual with a guide, hearing or assistance dog may not be separated from their dog. This also applies to a right of access to places of accommodation such as a private rental arrangement or holiday accommodation.

If a person with a guide, hearing or assistance dog has no obvious disability are they legitimate?

Not all forms of disability are obvious. The person may have, for example, a psychiatric disability, a sensory disorder, or chronic diabetes. Their dog may be a 'normal' assistance dog or even a highly specialised seizure alert/response/signal dog.

I thought that only a guide dog has to be admitted. Is this the case?

No. The *Guide Dogs Act 1972* covered guide and hearing dogs, but it has been repealed by the *Guide, Hearing and Assistance Dogs Act 2009*. This Act provides greater protection for individuals with disabilities and gives assistance dogs the same rights as guide and hearing dogs.

How can I tell if a dog is really a guide, hearing or assistance dog, not just a pet?

All certified guide, hearing and assistance dogs are required to display an approved badge (*right*) on their coat or harness.

If you are unsure as to the legitimacy of a dog, you may ask the person the dog is accompanying if it is a certified guide, hearing or assistance dog. Individuals approved under the *Guide, Hearing and Assistance Dogs Act 2009* are issued with a Handler Identity Card that includes a photo of themselves and their dog. If in doubt, you can ask to see their card.

It is important to note that almost any breed can be a guide, hearing and assistance dog – not just Labradors and Retrievers, which have traditionally been used as guide dogs – so looking for the approved badge on the dog will help overcome any confusion. Keep in mind that common sense should be exercised when assessing situations.

It should be noted that the Commonwealth *Disability Discrimination Act 1992* (DDA) also provides access rights. People from interstate may not have Queensland identification but, in Australia, all



For further information:

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people with a disability who are accompanied by a support animal are provided with the right of public access under the DDA, which makes it unlawful to discriminate against a person on the grounds of that person's disability.

I operate a private taxi cab and I don't want animals in my cab, am I violating the Act if I refuse to pick up someone with a disability who has a guide, hearing or assistance dog?

Yes. Taxi companies and individual taxi owners may not refuse to provide services to individuals because they have a disability and are accompanied by a guide, hearing or assistance dog. Taxis are also prohibited from charging higher fares or fees for transporting a person with a disability and their guide, hearing or assistance dog than they charge to other people for the same or similar service.

Fines of up to \$11,000 for individuals and up to \$ 55,000 for corporations apply under the Act. The executive officers of a corporation must ensure their corporation complies with this Act.

I have a clearly posted 'no pets' policy. Do I still have to allow working dogs in?

Yes. A guide, hearing or assistance dog is not a pet, it is a highly trained working animal, and the Act provides them the right of access. These dogs will clearly display an approved guide, hearing and assistance dogs badge.

For example, café staff may refuse dogs entry – even companion dogs or pets – but they must allow a certified guide, hearing, assistance or trainee support dogs to enter. This also applies to a right of access to places of accommodation such as a private rental arrangement or holiday accommodation.

Am I responsible for the dog while the person with a disability is in my business?

No. The care or supervision of a guide, hearing or assistance dog is solely the responsibility of the person it accompanies. You are not required to provide care, food or a special location for the dog.

What if a dog barks or growls at other people, or otherwise acts out of control?

You may exclude a guide, hearing or assistance dog from your facility if that animal's behaviour poses a direct threat to the health or safety of others.

For further information:

Business owners with any enquiries about the *Guide, Hearing and Assistance Dogs Act 2009* should contact the Department of Communities:

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