

Australian Capital Territory

Domestic Animals (Accredited Assistance Animal Public Access Standards) Determination 2023

Disallowable instrument DI2023–11

made under the

Domestic Animals Act 2000, section 95 (Assistance animal standard and accreditation guidelines)

1 Name of instrument

This instrument is the *Domestic Animals (Accredited Assistance Animal Public Access Standards) Determination 2023*.

2 Commencement

This instrument commences on the commencement of Part 4 of the *Animal Management and Welfare Legislation Amendment Act 2023*.

3 Determination

I determine the Accredited Assistance Animal Public Access Standards at schedule 1.

4 Revocation of DI2020-169

This instrument revokes disallowable instrument DI2020-169 Domestic Animals (Accredited Assistance Animal Public Access Standards) Determination 2020.

Chris Steel MLA
Minister for Transport and City Services
2 February 2023

ACT public access standards for accredited assistance animals

Requirements needed prior to the Public Access Test being attempted

A handler must meet the following requirements before a registered assessor can begin a Public Access Test (PAT):

- Evidence of disability from a medical practitioner that includes confirmation that the assistance animal alleviates the effects of the disability e.g. a written statement from a general practitioner, nurse practitioner or clinical psychologist.
- Completed check by a veterinarian within 6 months leading up to the PAT (vet declaration section on PAT form must be filled in and signed by a registered veterinarian).
- At least four weeks must pass between PAT assessments to allow time for any training or veterinary treatment to be conducted prior to presenting for the next PAT attempt.

An assessor may refuse to conduct a PAT if they believe accrediting the animal may bring reputational damage or if they are uncomfortable working with the handler.

Dangerous dogs and control orders

Registered assessors may fail an assistance animal prior to or during the PAT if it displays dangerous and aggressive behaviour. Dogs that have been declared a dangerous dogs in the ACT or another jurisdiction will be refused registration by the Registrar for Domestic Animals, regardless of whether the dog has been accredited by an assessor, another jurisdiction or a recognised organisation.

It is at the Registrar's discretion if a dog associated with a control order is suitable to be registered as an accredited assistance dog in the ACT. For example, if a control order was the result of a previous owner not securing the yard properly, this does not suggest the accredited assistance animal is a safety risk to the community and so the Registrar may still choose to register the accredited assistance animal. However, if a control order was the result of aggressive behaviour, the Registrar may refuse to register the accredited assistance animal.

It is the responsibility of the handler/s to determine if the assistance animal will be refused registration once accredited. Registered assessors are not responsible if an animal they have accredited is later refused registration by Domestic Animal Services as a result of a control order or dangerous dog declaration if the control order or dangerous dog declaration was not known to the assessor at the time of accreditation.

PAT automatic fail conditions

An assistance animal cannot be accredited or retake the PAT for four weeks if any of the following conditions apply prior to or during testing:

General

- Dog displays behaviour that suggests increased risk to public safety, public health or to the welfare of the dog or to other animals.
- Handler has contravened a relevant law under the *Domestic Animals Act 2000* or *Animal Welfare Act 1992*.
- Handler behaves in a way that may bring the business or organisation into disrepute.

Public health and safety

- Dog has been declared dangerous in the ACT or equivalent in another jurisdiction.

- Note on dangerous dogs: If the history of the dog is not disclosed to the registered assessor conducting the PAT and the dog is subsequently accredited, the Registrar may refuse registration if the dog is found to have been declared dangerous. Registration can also be revoked if the Registrar later finds that a registered accredited assistance animal has been declared dangerous in another jurisdiction.
- Dog shows clear signs of aggression, such as growling, snapping or aggressive guarding tendencies e.g. visibly guarding the handler or its territory.
- Dog is unclean and poorly groomed to the extent it presents a health risk in public places.
- Veterinary Declaration indicates the dog is at increased risk of aggression due to a health condition e.g. advanced periodontal disease can cause pain leading to the dog snapping at people or other animals.
- Registered assessor conducting the PAT has reason to believe there is an unacceptable safety risk associated with the animal accessing public places.

Animal welfare

- Dog displays stress, anxiety or fear and the handler does not demonstrate a working knowledge of the dog's stress signals.
- Veterinary Declaration indicates the dog is not up to date on vaccinations.
- Veterinary Declaration indicates the dog has an infectious disease.
- Handler demonstrates harsh or aggressive behaviour towards the dog.

PAT testing standards

Section 1 – General

1.1 - Ability to assist:

- 1.1.1 - Assessor is satisfied the dog helps alleviate the effects of the handler's disability. If the assistance provided cannot be demonstrated to the assessor, the handler must be able to explain the assistance provided and, if self-trained, how the dog was trained to provide the assistance.

1.2 - Animal welfare:

- 1.2.1 - Veterinary Declaration indicates:
 - dog appears clean;
 - dog shows no signs of pain;
 - dog shows no signs of contagious disease; and
 - dog shows no signs of parasites.
- 1.2.2 - Dog does not display fear, anxiety or stress.
- 1.2.3 – Handler demonstrates a sustainable team relationship with the dog, manages the dog appropriately and demonstrates positive encouragement to the dog.
- 1.2.4 – Handler gives consideration to the dog's need for rest and downtime.

1.3 - Dog obedience and behaviour:

For Section 1.3, at least three of the following locations must be visited for the team to demonstrate dog obedience in:

- Bus, light rail or other public transport option
- Café, pub, restaurant, food court or other public eating area
- Town centre or city centre
- Shopping centre

- Supermarket or grocery store
- Markets
- School grounds (if the dog will be working on school grounds and if permission from the principle is granted prior to testing).
- 1.3.1 - Dog is composed, calm and stays by the handler as necessary according to the type of assistance provided.
- 1.3.2 - Dog recovers (refocuses attention back to handler) within 3 seconds if startled and does not respond aggressively (e.g. lifted lip, snarling, growling). Handler may use positive encouragement to refocus the dog within the 3 seconds.
- 1.3.3 - Handler has effective control at all times (e.g. dog is on a lead or harness device, stays by the handler as necessary according to the type of assistance provided and responds to the handler's commands).
- 1.3.4 - Dog responds appropriately to basic commands e.g. sit, stay, lay down.
- 1.3.5 - Dog sits or stands still and stays in position up to 6 metres away from handler for 90 seconds (the time and distance may be adjusted depending on the nature of assistance the dog provides).
- 1.3.6 - Dog must return directly to the handler at 6 metres on command (this distance may be adjusted depending on the nature of assistance the dog provides).
- 1.3.7 - Dog is able to walk on a lead or harness device without pulling, obstructing the handler, other people or other animals or changing sides unnecessarily (noting some assistance dogs may need to change sides e.g. to provide personal space buffering).
- 1.3.8 - Dog is not disruptive and does not create safety hazards.
- 1.3.9 - If the dog is trained to bark, it must cease barking on command.

Section 2 – Hygiene

- 2.1 - Throughout testing, the dog does not attempt to mark over the top of other scents.
- 2.2 - Dog has acceptable toileting routine throughout testing:
 - handler demonstrates knowledge of and makes effort to accommodate the dog's toileting routine; and/or
 - dog can 'toilet on command' when taken to a discrete location for toileting purposes.

Section 3 – Distractions

3.1 - People and places:

For Section 3.1, at least three of the following locations must be visited for the team to demonstrate the dog's focus:

- Bus interchange or light rail station
- Café, pub, restaurant, food court or other public eating area
- Town centre or city centre
- Shopping centre
- Supermarket or grocery store
- Markets
- School grounds (if the dog will be working on school grounds and if permission from the principle is granted prior to testing).
- 3.1.1 - Dog is passed from front and rear and does not shy away, show aggression or attempt to solicit attention from people in response to any of the following (note: handler may use positive encouragement such as a voice cue or signals to maintain or re-establish focus):
 - High pedestrian traffic

- Member of public
- Approached by adult and child
- 3.1.2 - Dog remains under control and responsive to commands when another dog is nearby or passing.
- 3.1.3 - At a public place with seating (e.g. shopping centre, café or public transport station) the dog remains in an unobtrusive position (seated or laying down under the handler's chair/table or in its carrier) for 5 minutes without moving around or obstructing other people or animals.
- 3.1.4 - Dog is responsive to commands and remains calm and under effective control during and following a distraction event in a public place (e.g. in a bustling crowd or passed by multiple cyclists on a path). Some response to being startled is acceptable if this is corrected within 3 seconds after the event and does not impact other people or animals.

3.2 - Noise:

For Section 3.2, at least three of the following locations must be visited for the team to demonstrate the dog's focus:

- Bus interchange or light rail station
- Café, pub, restaurant, food court or other public eating area
- Town centre or city centre
- Shopping centre
- Supermarket or grocery store
- Markets
- Near construction or industrial site.
- 3.2.1 - Dog is responsive to commands and remains calm and under effective control during and following a loud noise distraction e.g. a clapping or loud voice. Some anxiety is acceptable if this is corrected shortly after the event and does not impact other people or animals or its ability to assist the handler.

3.3 - Food:

For Section 3.3, at least three of the following locations must be visited for the team to demonstrate the dog's focus:

- Café
- Pub
- Restaurant
- Food court
- Another public eating area.
- 3.3.1 - Dog is responsive to commands and remains calm and under effective control when food is present e.g. at a café or when other people are eating.
- 3.3.2 - Dog does not beg, whine, bark, drool or sniff excessively, lick the floor, chair or tables, become overly excited or attempt to reach food when food is present.

Section 4 – Public places and transport

For Section 4, the team must demonstrate all of the criteria in section 4.1 where applicable across at least three of the following situations:

- Bus or light rail
- Escalator or travelator
- Elevator
- Café or shopping centre

- Taxi or car.
- 4.1 - In each of the three chosen situations from the above list, the dog must meet the following criteria where applicable:
 - 4.1.1 - Dog remains calm and under effective control at all times
 - 4.1.2 - Dog does not move from its designated position
 - 4.1.3 - Dog does not sit on a bus or light rail seat
 - 4.1.4 - Dog only enters/exits when required by the handler
 - 4.1.5 - Dog does not obstruct services or other people
 - 4.1.6 - When the handler is not walking, the dog remains in its designated position (either seated or laying down under a chair/table or by the handler's side or remaining in its carrier)
 - 4.1.7 – When travelling in vehicles the dog remains in a safe position in agreement with the driver either by the handler's legs in the footwell or appropriately restrained in the back seat
 - 4.1.8 - Dog does not sniff, solicit attention from or impact other people or animals.

Glossary and explanatory notes

Aggression: Aggressive behaviour in assistance animals is unacceptable and leads to an automatic fail of the PAT. Signs of aggression in dogs include a lifted lip and/or baring teeth, raised hackles, guarding territory, the handler or possessions, growling, snarling, snapping and biting. Aggression in dogs can be linked to a range of factors such as fear, pain, establishing dominance or guarding behaviour. The assessor must be able to recognise aggression in assistance animals, taking care not to mistake other behaviour as aggression. However, a dog is permitted to show a slight response, such as lip lift, in circumstances where it is being aggressed towards by another dog provided the handler is able to refocus the dog within 3 seconds.

Discrete location for toileting purposes: When in a public place, a handler may take the dog to a discrete location to demonstrate toileting on command, meaning an outdoor space out of the way of pedestrian traffic. Such a location may include a grassed area or garden bed in a town or city centre, a park area or a nature strip. Handlers must pick up after their assistance dog.

Effective control: Effective control of an assistance animal relates to the physical positioning of the dog to ensure the dog stays with the handler, does not impact on others and does not risk being injured, such as by cars or other animals. This means the handler can prevent the dog from wandering away, approaching, sniffing or obstructing other people or animals or obstructing the handler. Effective control can be demonstrated through the use of a lead, harness device or carrier and through visual or verbal cues and commands that the dog must respond to.

Fear, anxiety or stress: Where a dog displays signs of fear, anxiety or stress this may include where the dog attempts to hide behind the handler or its surroundings, placing its tail between its legs or excessive shaking, cowering, lip licking or any other displacement behaviours. As these behaviours can be normal for a dog and can present themselves when the dog is highly focused on a specific task, the registered assessor conducting the PAT must determine if the dog is responding to a situation with fear, anxiety or stress based on the context of the behaviours presenting themselves and on the general mannerisms of the particular dog. Where a dog is visibly responding to a situation with fear, anxiety or stress the handler must be able to recognise this and use positive encouragement to calm the dog and return its focus within 3 seconds.

Handler: The person requiring assistance from their assistance animal to alleviate the effects of their disability is considered the primary handler. Where the primary handler cannot independently manage the assistance animal in public places, including managing the needs of the animal and keeping the animal under effective control, a secondary handler is needed. Where the word ‘handler’ is used for the public access standards, it is assumed this relates to whichever handler is responsible for the care and control of the assistance animal (except in reference to a disability, in which case this refers to the primary handler).

PAT: The public access test (PAT) is used by a registered assessor under the *Domestic Animals Act 2000* to screen assistance animals for their suitability to access public places. This is important to ensure community safety and animal welfare are upheld while allowing persons with a disability who rely on an assistance animal and wish to have it accredited in the ACT can demonstrate the suitability of their animal to give confidence to business owners, public transport workers and the broader community that the animal is working to give assistance and is safe.

Public place: Any location that is not a residence or business premises used for dog training/testing. Public places for the purpose of the PAT means locations in the built environment that the handler may need to access in day to day life that involve public services, businesses and other people. This includes shopping centres, grocery stores, city or town centres, public transport stations and vehicles (e.g. light rail vehicles, buses, rideshare, taxis, etc.). It is recommended that the public places selected to undertake the PAT in are chosen for their relevance to the handler for an accurate depiction of the assistance the animal will be providing.

Team: An assistance animal team means the assistance animal and its handler/s. When an assistance animal is tested using the PAT, accredited and subsequently registered, it is actually the full team that is being tested, accredited and registered, as the ability for the assistance animal to consistently meet public access standards of hygiene and behaviour is directly dependent on the handler/s. This is why the head photos of both the handler/s and the assistance animal are present on the identification card once accredited and registered.

Vaccinations and worming for dogs: Registered vaccinations such as to give protection against distemper, hepatitis, parvovirus, kennel cough (*parainfluenza* (Type II) virus and bordetella bronchiseptica. Required worming for dogs includes worming treatment carried out by a veterinarian or using at-home all wormer tablets, which are often three-monthly.