

Assistance animal and disability aid guidelines and procedures

PRO-008

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1. Title

Assistance animal and disability aid guidelines and procedures

2. Scope

2.1 Purpose

2.1.1 The guidelines address:

- a) the circumstances in which Museum staff may require the person seeking entry with an animal to produce evidence that the animal is an assistance animal and that it is trained to meet the standards of hygiene and behaviour that are appropriate for a public place;
- b) identifying disability aids and the circumstances in which Museum staff should seek further information from a person as to how a device alleviates the effects of their disability while ensuring the health and safety of themselves and others around them;
- c) the procedures to be followed when a person fails to produce the required evidence; and
- d) the circumstances in which Museum staff should request that the person seeking entry keep the animal or device under control of that person or another person on behalf of that person.

2.1.2 These guidelines and procedures are provided for the information of all Museum staff, including Security, Cleaning, Maintenance and Catering contractors, Museum volunteers, Museum visitors and members of the public.

2.2 Background

2.2.1 Regulation 22 of the Museum Regulations currently states that a person must not intentionally allow an animal to enter or remain in a Museum building. However, this rule does not apply to a blind person who takes his or her guide dog into a Museum building.

2.2.2 Amendments to the *Disability Discrimination Act 1992* (DDA), which came into force in 2003, make it unlawful for a person to discriminate against another person because they are accompanied by an assistance animal. Further amendments in 2008, which came into effect in August 2009, clarify many of the rights and responsibilities. In particular, the amendments confirm that it is lawful to require evidence from a person that their animal is an assistance animal. The DDA amendments override the Museum regulations when there is inconsistency between them.

2.2.3 The DDA prevents the Museum from refusing entry to its premises because the person has a carer, assistant, an assistance animal or disability aid. Although 'assistance animals' clearly includes guide dogs, the category is much broader. However, the Museum is able, in accordance with the DDA, to determine whether an animal is in fact an assistance animal or a device is in fact a disability aid, and whether the assistance animal or disability aid would pose a threat to the health and safety of Museum staff and visitors.

3. Guidelines and procedures

3.1 Identifying an assistance animal

3.1.1 Visual identification

Any Museum staff may be satisfied that an animal is an assistance animal if one or more of the following is clearly visible on the animal:

- a) an assistance dog badge or medallion (displayed, for example, on its harness, collar, leash, coat, cape or vest);
- b) an assistance dog harness;
- c) a coat, cape or vest clearly identifying them as an assistance animal;
- d) an assistance animal identity card, pass, or permit (displayed, for example, on its harness, collar, leash, coat, cape or vest); or
- e) a Museum-issued label identifying them as an assistance animal for the purpose of visiting the Museum when a person has provided evidence, in accordance with these guidelines and procedures.

3.1.2 Where evidence is to be required for an assistance animal, a supervisor must follow the procedures set out in 3.4.

3.2 Identifying a disability aid

3.2.1 There is a large range of equipment that could fit within the definition of a 'disability aid'. Most commonly, the types of equipment being brought into the Museum include mobility aids such as walking sticks, walking frames, wheelchairs (powered or unpowered) and crutches.

3.2.2 A disability aid is equipment (including a palliative or therapeutic device) that:

- a) is used by the person; and
- b) provides assistance to alleviate the effect of the disability.

3.2.3 It should be noted that disability aids are not restricted to 'mobility' aids, and potentially include a wide range of equipment, such as items to assist the alleviation of hearing impairment, vision impairment, respiratory conditions, or other conditions.

3.2.4 However, some items of equipment (particularly mobility equipment) may not be suitable for use in the Museum, for example if its use in the Museum would pose a danger to the safety of the user, or to other visitors or Museum staff. In these circumstances, Museum staff can offer wheelchairs or powered mobility scooters as an alternative, to ensure the safety and wellbeing of Museum staff and visitors to the Museum. See 3.6.6 for examples of unsuitable mobility equipment.

3.2.5 In the event of any dispute between a visitor and Museum staff, Museum staff should contact their supervisor for further assistance.

3.2.6 Where evidence is to be required for a disability aid, a supervisor must follow the procedures set out in 3.5.

3.3 When evidence can be required for an animal

3.3.1 If none of the listed items in 3.1.1 are clearly visible on the animal, the Museum can lawfully require a person to provide evidence that their animal is in fact an assistance animal. If Museum staff believe that the animal in question is not displaying visual identification as an assistance animal, they should contact their supervisor who will then liaise with the person responsible for the animal.

- 3.3.2 Where evidence is to be required, a supervisor must follow the procedures set out in 3.4 and 3.5.
- 3.3.3 The Museum will be satisfied that the animal is an assistance animal if the person can produce any of the items listed at 3.1.1 (a–d) above, or any of the following:
- a) assistance animal accreditation (for example, an identity card, pass, passbook, passport or permit) issued by a state or territory assistance animal training provider;
 - b) a state or territory government-issued Access card, transport pass or permit; or
 - c) other evidence that shows the animal has been trained to assist a person with a disability to alleviate the effect of the disability and to meet the standards of hygiene and behaviour acceptable for a public place.
- 3.3.4 Examples of the range and types of identification documents and materials which are acceptable as evidence for an assistance animal are described at 3.6.2 below.

3.4 Procedures for assistance animals

- 3.4.1 Where the provision of evidence is required, a supervisor should politely ask the person who is accompanied by the animal whether their animal is an assistance animal. If the person does not use this description, the meaning of assistance animal should be explained following the definition in DDA section 9:
- An assistance animal is a dog or other animal which has been trained to assist a person with a disability to alleviate the effect of the disability and to meet the standards of hygiene and behaviour acceptable for a public place. Sometimes such animals will have accreditation (and some form of identification) under a state or territory scheme.
- 3.4.2 Even if the person does not have documentary evidence, they may still be able to demonstrate that the animal is trained and responds to their commands. Assistance animals in this category are sometimes referred to as ‘self-proclaimed’ assistance animals. The person in control of a ‘self-proclaimed’ assistance animal should be able to demonstrate that they can keep the animal under control, or that another person who is also present can keep the animal under control on their behalf.
- 3.4.3 Although an ‘assistance animal’ means an animal trained to assist a person with a disability to alleviate the effect of the disability, a supervisor should not be insensitive or disrespectful in seeking evidence, and should not seek unnecessary information.
- 3.4.4 For example, it would be acceptable to ask ‘Would you tell me how the animal is trained to assist you?’ However, it would not be appropriate to ask for details of the person’s disability. Any information that a person volunteers as part of such a discussion is potentially sensitive and should be treated discreetly and respectfully.
- 3.4.5 It would also be appropriate to politely inform the person that it is their responsibility to ensure that the animal meets appropriate standards of hygiene and behaviour while at the Museum.
- 3.4.6 If a supervisor is not satisfied that the animal is an assistance animal, they should politely explain that they do not believe the person has provided evidence that the animal is an assistance animal within the meaning of the DDA. They should also explain that it is

unlawful to bring an animal into the Museum unless it is a guide dog or other assistance animal.

3.5 Procedures for a disability aid

- 3.5.1 Consistent with the procedures at 3.4 for assistance animals, when seeking to determine whether or not an item is a disability aid within the meaning of the DDA, Museum staff must not ask any question that requires a person to share private information about their disability.
- 3.5.2 Museum staff may require a person to provide evidence that an item of equipment in their possession, which would otherwise not be permitted in the Museum under regulation 20 of the Museum Regulations, is actually a disability aid within the meaning of the DDA.
- 3.5.3 Museum staff could ask the following:
- a) “How does this item reduce the effect of your disability?” and/or
 - b) “How is this item designed to ensure your safety and the safety of others when it is being used?”
- 3.5.4 If Museum staff are still unsure whether or not to allow the person to use the item as a disability aid in the Museum, they should call for their supervisor for assistance.
- 3.5.5 The table at 3.6.6 lists some mobility devices and other items that would not be considered appropriate for use in the Museum’s public areas.
- 3.5.6 If a supervisor is not satisfied that the item of equipment is a disability aid and suitable for use in the Museum, they should politely explain their decision and request the person to deposit the equipment at the cloakroom.
- 3.5.7 When such a request is made, Museum staff or a supervisor may also inform the person that if they do not deposit the item in the cloakroom they will be required to remove the item from the Museum.
- 3.5.8 Whether a request has been made in accordance with 3.5.7 or not, it may be necessary for the supervisor to request the presence of an Authorised Officer (see ‘Definition of terms’) who, at their discretion, may direct the person to leave the Museum.

3.6 Identification documents

- 3.6.1 There is no standard system of accreditation for assistance animals that applies throughout Australia. No specific animal training organisations have been prescribed for the purposes of section 9 of the DDA (which defines ‘assistance animals’). However, there are a number of assistance animal training organisations which use a variety of identification methods and materials. Some Australian states have certification or accreditation processes for assistance dogs, and there are certification systems in some states which allow assistance animals to accompany their handlers on public transport.
- 3.6.2 Although this list of examples is not exhaustive, the following types of documents and materials constitute acceptable evidence that an animal is an assistance animal for the purposes of 3.1.1 and 3.3.3 above:
- 3.6.3 Animal training organisations
- Guide Dogs Australia (harness/medallion, Access rights card (NSW))

- Assistance Animals Australia (blue jacket)
- Lions Club Hearing Dogs (orange leash/collar/coat, medallion)
- Righteous Pups Australia (green coat)

3.6.4 State/territory certification or accreditation of assistance animals

- Queensland: Certification under *Guide, Hearing and Assistance Dogs Act 2009*
- South Australia: accreditation as a disability dog, guide dog or hearing dog under the *Dog and Cat Management Act 1995*

3.6.5 State/territory public transport access passes

- Victoria: Assistance Animal Pass
- New South Wales: Assistance Animal Permit

3.6.6 The table below lists some mobility devices and other items that are not appropriate for use in the Museum’s public areas:

Rollerblades/skates/ Roller shoes and skateboards:	These types of equipment are prohibited from being used inside the vast majority of public buildings, on safety grounds. They typically do not have effective speed controls or braking systems, and require a high degree of balance to operate in a safe manner.
Scooters (powered or unpowered):	Razor scooters and other children’s scooters are prohibited from being used in the vast majority of public buildings, on safety grounds. They typically do not have effective speed controls or braking systems, and may also have a recommend age range and a weight limit.
Bi/tri/quad cycles: (powered or unpowered)	Cycles in all forms are prohibited from being used in the vast majority of public buildings, on safety grounds. They may enable the user to reach unsafe speeds and require a high degree of balance to operate in a safe manner.
Companion animals: (Pets)	Regulation 22 of the Museum regulations states that a person must not intentionally allow an animal to enter or remain in a Museum building. However, this rule does not apply to a blind person who takes his or her guide dog into a Museum building or an assistance animal as outlined in this procedure.
Umbrellas	Regulation 20 of the Museum regulations requires all umbrellas and other articles which are capable of being used to cause damage to Museum material to be placed in the Museum’s cloakroom. Additionally, umbrellas are not designed to support the weight of a person and when wet they create a safety hazard for all visitors and Museum staff.

3.7 Access, goods, services and facilities

3.7.1 Persons seeking entry with an assistance animal or a disability aid may access all areas of Museum buildings that may be accessed by the general public. This includes but is not limited to:

- a) all permanent and temporary exhibition spaces

- b) all function rooms and areas whether or not food is being served
- c) all education rooms – Bunyip and Biami
- d) administration areas in accordance with PRO-005
- e) The Museum Café – both inside and all deck areas
- f) the Museum Library
- g) Visions Theatre
- h) Garden of Australian Dreams
- i) Kspace
- j) Circa
- k) the Museum Shop

Refer to 7.1 for guidelines and procedures on access by Museum staff with assistance animals.

- 3.7.2 Persons seeking entry with an assistance animal or disability aid will not be allowed to have access to restricted areas, including:
- a) commercial kitchens
 - b) approved Quarantine Premises within Museum buildings
 - c) collection storage spaces (other than during special events and public programs).

Refer to 7.1 for guidelines and procedures on access by Museum staff with assistance animals.

- 3.7.3 All Museum staff must be aware that it is unlawful to:
- a) refuse any goods, services or access to facilities to a person on the grounds that the person has a carer, assistant, an assistance animal or disability aid; or
 - b) demand an additional fee or charge of any kind be paid because a person is accompanied by a carer, assistant, an assistance animal or disability aid.

However, it is lawful to charge a fee in relation to a service which is provided to the carer, assistant or an assistance animal, where applicable.

3.8 Refusing entry to persons accompanied by animals

- 3.8.1 It is lawful to refuse access to Museum buildings to a person who is accompanied by an animal if:
- a) no evidence is provided by the person seeking entry with the animal, when requested, which shows that it is an assistance animal or is trained to meet standards of hygiene and behaviour acceptable for a public place;
 - b) the animal shows signs that it has an infectious disease; or
 - c) the animal exhibits behaviour that could endanger the health or safety of people or other animals at the Museum.

3.9 Procedures for requiring persons to control or remove an assistance animal

- 3.9.1 Where an assistance animal is exhibiting behaviour which:
- a) is threatening to people or to other assistance animals in the Museum;

- b) is likely to or has caused damage to the Museum building or Museum exhibits; or
- c) has injured Museum staff or visitors; or
- d) is unhygienic or otherwise poses a threat to public health (for example, displays symptoms of infectious illness)

the procedures detailed in 3.9.2 to 3.9.6 should be followed.

- 3.9.2 Museum staff or their supervisor can request the person who has control of the assistance animal to stop the behaviour and/or ensure that the behaviour is not repeated.
- 3.9.3 When such a request is made, Museum staff or their supervisor can also inform the person that if they do not control the assistance animal in the manner requested, or if the behaviour continues, then the person may be required to remove the assistance animal from the Museum.
- 3.9.4 Whether a request has been made in accordance with 3.9.2 or not, it may be necessary for a supervisor to request the presence of an Authorised Officer who, at their discretion, may direct a person with an assistance animal to remove themselves and the animal from the Museum. This will only occur where the behaviour, health or hygiene of the animal requires its removal.
- 3.9.5 It is lawful to require a person to remove their assistance animal from the Museum if:
 - a) the animal presents a danger, or causes injury to other people or animals in the Museum or
 - b) the animal damages the building or Museum exhibits.
- 3.9.6 Any refusal to allow entry or requests to a person to remove themselves and their assistance animal from the Museum must be documented by the supervisor and, where applicable, the Authorised Officer exercising his or her power.

4. Definition of terms

Authorised Officer

A person who is appointed by the Museum Director, in writing, in accordance with Part 6 of the Museum Regulations. Currently persons occupying or performing the duties of Agency Security Adviser, Protective Security Officer, Security Site Manager and Security Team Leaders are authorised officers.

DDA

Disability Discrimination Act 1992 (Commonwealth)

Museum

National Museum of Australia

Museum regulations

National Museum of Australia Regulations 2000

Supervisor

A member of Museum staff who oversees the actions or work of other Museum staff.

5. Definition of responsibilities

Supervisors

- Implementing this document.
- Requesting and approving evidence for animals not visibly identified as an assistance animal as outlined in 3.3 and identifying disability aids as outlined in 3.4.
- Refusing entry to an animal as outlined in 3.8 or requiring an animal to be controlled as outlined in 3.9.

Museum staff

- Familiarising themselves and implementing these guidelines and procedures.

Authorised Officers

- Lawfully directing a person or persons to leave and/or to remove an animal or an item of equipment from the Museum in accordance with these procedures

6. Relevant policies

POL-G-049 Reasonable Adjustment policy

7. Implementation

7.1 Coverage

These guidelines and procedures describe: how to identify an assistance animal or disability aid; defines accessible areas within Museum buildings for persons with assistance animals or disability aids; and states the procedure used when an animal or person is required to leave a Museum Building.

In compliance with the Museum's obligations under the *Disability Discrimination Act 1992* and the Museum's Reasonable Adjustment policy, Museum staff with an assistance animal or disability aid will be supported by Human Resources; volunteers will be supported by the Visitor Services and Front of House team; and contractors employed on site will be supported by the Property + Environment team.

7.2 Other related procedures

PRO-005 Visitor access – Acton Main Building Procedure
Visitor Services Operations Manual
Client Service Charter

7.3 Exclusions

None

7.4 Monitoring

This procedure is overseen by the Diversity and Wellbeing Support Officer and will be reviewed in February 2017.