

# 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 These guidelines and procedures 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 training to alleviate the effects of a disability, levels 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
- 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, security, cleaning, maintenance and catering contractors, Museum volunteers, Museum visitors and members of the public.

### 2.2 Background

2.2.1 Regulation 25 of the National Museum of Australia Regulations 2019 (the Museum Regulations) provides that a person must not allow an animal to enter or remain in a Museum building. However, this rule does not apply if the animal belongs to a person with a disability (within the meaning of the *Disability Discrimination Act 1992*, referred to as the DDA) and is an assistance animal restrained on a lead or by other reasonable means.

2.2.2 The DDA makes it unlawful for a person to discriminate against another person because they are accompanied by an assistance animal, subject to the requirement that they provide evidence that their animal is an assistance animal. The DDA overrides the Museum Regulations when there is inconsistency.

2.2.3 The DDA prevents the Museum from refusing entry to its premises because the person has a carer, assistant, assistance animal or disability aid. 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.

2.2.4 The Australian Capital Territory (ACT) has introduced the *Animal Welfare Legislation Amendment Act 2019* that requires an assistance animal to be trained and assessed by accredited trainers and assessors. This legislation also provides access to public premises for trainee assistance animals accompanied by an accredited trainer or assessor.

Although the Museum as a Commonwealth body is not required to comply with the ACT legislation, the Museum regards the approach taken by the ACT as best practice. The

Museum will abide by the accreditation and access rights of assistance animals in the ACT Act.

### 3. Guidelines and procedures

#### 3.1 Identifying an assistance animal

3.1.1 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:

- an assistance dog badge or medallion (displayed, for example, on its harness, collar, lead, coat, cape or vest)
- an assistance dog harness
- a coat, cape or vest clearly identifying them as an assistance animal
- an assistance animal identity card, pass or permit (displayed, for example, on its harness, collar, lead, coat, cape or vest).

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

#### 3.2 When evidence can be required for an animal

3.2.1 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.

Museum staff who believe an animal is not displaying visual identification as an assistance animal should contact their supervisor, who will then liaise with the person responsible for the animal.

3.2.2 Where evidence is required, a supervisor must follow the procedures set out in 3.3.

3.2.3 The Museum will be satisfied the animal is an assistance animal if the person can produce any of the identifying features listed at 3.1.1 or:

- assistance animal accreditation (for example an identity card, pass, passbook, passport or permit) issued by a state or territory assistance animal training provider
- a state or territory government-issued accreditation, registration or access card, transport pass or permit
- 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.

3.2.4 Examples of the range and types of identification documents and materials which are acceptable as evidence for an assistance animal are described at 3.4.2.

#### 3.3 Procedures for assistance animals

3.3.1 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.

- 3.3.2 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.
- 3.3.3 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.
- 3.3.4 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.

For example, it would be acceptable to ask 'Would you tell me how the animal is trained to assist you?' However, it is not appropriate to ask for details of the person's disability or other medical details.

Any information that a person volunteers as part of such a discussion is potentially sensitive information and must be handled in accordance with the Privacy Act.

- 3.3.5 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.
- 3.3.6 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 an assistance animal.

### **3.4 Identification documents for assistance animals**

- 3.4.1 There is no standard system of accreditation of 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. Examples of assistance animal training organisations include:
- Guide Dogs Australia (harness or medallion, NSW access rights card)
  - Assistance Animals Australia (blue jacket)
  - Lions Club Hearing Dogs (orange lead, collar, coat, medallion)
  - Righteous Pups Australia (green coat)

Some states and territories have requirements for certification, accreditation and registration processes for assistance animals. There are Public Access Test (PAT) certification systems in some states which allow assistance animals to accompany their handlers on public transport and aeroplanes.

3.4.2 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 3.2.3:

State and territory certification or accreditation of assistance animals

- Queensland: Certification and PAT 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*
- Australian Capital Territory: certification as an assistance animal, an assistance animal trainer or assessor or PAT under the *Animal Welfare Legislation Amendment Act 2019*.

State and territory public transport access passes

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

### **3.5 Access, goods, services and facilities for persons with an assistance animal**

3.5.1 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:

- the Gandel Atrium
- all permanent and temporary exhibition spaces
- all function rooms and areas during private or public events, whether or not food is being served
- all education rooms
- administration areas in accordance with Visitor Access Acton Administration (PRO-005)
- the Museum Cafe – inside and all deck areas
- all theatres
- Garden of Australian Dreams
- Kspace
- the Museum Shop.

3.5.2 Persons, other than Museum staff, with an assistance animal seeking access will not be permitted access to restricted areas, such as:

- commercial kitchens, to maintain public health regulations and standards
- quarantine zones within Museum buildings, to ensure biosecurity requirements
- Museum storage spaces, other than during special events and public programs.

3.5.3 All Museum staff must be aware that it is unlawful to refuse, or place fees or conditions on, provision of any goods, services or access to facilities to a person on the grounds that the person has or is accompanied by a carer, assistant, assistance animal or disability aid.

3.5.4 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. Such as prepared food or drink, taking part in a workshop or program or virtual reality show.

### **3.6 Refusing entry to persons accompanied by animals**

3.6.1 The Museum may deny entry to a person on the grounds of their disability in accordance with section 54a of the DDA, where:

- 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
- the animal is not restrained by a lead or other reasonable means
- the animal shows signs that it has an infectious disease
- the animal exhibits behaviour that could endanger the health or safety of people or other animals at the Museum.

### **3.7 Procedures for requiring persons to control or remove an assistance animal**

3.7.1 The procedures detailed in 3.7.2 to 3.7.6 should be followed where an assistance animal is exhibiting behaviour which:

- is not restrained by a lead or other reasonable means
- is threatening to people or to other assistance animals in the Museum
- is likely to, or has caused, damage to the Museum building or Museum exhibits
- has injured Museum staff or visitors
- is unhygienic or otherwise poses a threat to public health (for example, displays symptoms of infectious illness).

3.7.2 Museum staff or supervisors can request the person who has control of the assistance animal to stop the behaviour and/or ensure that the behaviour is not repeated.

3.7.3 When such a request is made, Museum staff or their supervisor may 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.

3.7.4 Whether a request has been made in accordance with 3.9.2 or not, a supervisor may request the presence of an Authorised Officer (see Definition of terms) who may direct a person with an assistance animal to remove themselves and the animal from the Museum where the animal exhibits one or more behaviours outlined in 3.7.1.

3.7.5 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 their power.

### **3.8 Identifying a disability aid**

3.8.1 There is a large range of equipment that meets 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.

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

- is used by the person
- provides assistance to alleviate the effect of the disability.

3.8.3 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.

3.8.4 However, some items of equipment (particularly mobility equipment) may not be suitable for use in the Museum. This applies where, for example, the use of mobility equipment poses a danger to the safety of the user, or to other people, the Museum's collection, materials or buildings.

In these circumstances, the person may be able to use Museum-owned wheelchairs or powered mobility scooters as an alternative.

The list below outlines some mobility devices and other items that are prohibited or not appropriate for use in the Museum:

**Rollerblades, rollerskates, 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)**

Kick 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 recommended age range and a weight limit.

**Bicycles, tricycles and 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.

**Prohibited items**

These items are described in section 5 and a person commits an offence under section 28 of the Museum Regulations if they use or bring on to Museum premises:

- an implement, other than a pen or pencil, that could be used to damage or conceal Museum material
- a camera or associated equipment, such as a tripod or selfie stick
- a bag, case, parcel or container with one side greater than 300 mm.

Exemptions apply where a person brings a prohibited item on to Museum premises to place it in the cloakroom or it is a camera or camera bag for non-commercial purposes.

3.8.5 In the event of any dispute between a visitor and Museum staff regarding a disability aid, Museum staff should contact their supervisor for further assistance. Where evidence is required for a disability aid, a supervisor must follow the procedures set out in 3.9.

**3.9 Procedures for a disability aid**

3.9.1 Consistent with the procedures at 3.3 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 sensitive information about their disability.

Any information that a person volunteers as part of such a discussion is potentially sensitive information and must be handled in accordance with the Privacy Act.

- 3.9.2 Museum staff may require a person to provide evidence that an item of equipment in their possession, which is otherwise a prohibited item listed at 3.8.4, is actually a disability aid within the meaning of the DDA.
- 3.9.3 Museum staff could ask the following:
- ‘How does this item reduce the effect of your disability?’
  - ‘How is this item designed to ensure your safety and the safety of others when it is being used?’
- 3.9.4 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 contact their supervisor for assistance. The supervisor will then liaise with the person in possession of the equipment.
- 3.9.5 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.
- 3.9.6 Should a person refuse to deposit the equipment at the cloakroom, it may be necessary for the supervisor to request the presence of an Authorised Officer who may direct the person to leave the Museum.

## 4. Definition of terms

### **Authorised Officer**

A person who is appointed by the Museum Director, in writing, in accordance with part 4, division 2 of the Museum Regulations.

### **DDA**

*Disability Discrimination Act 1992 (Commonwealth)*

### **Museum**

National Museum of Australia

### **Museum Regulations**

*National Museum of Australia Regulations 2019*

### **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 3.1 and identifying disability aids as outlined in 3.8
- refusing entry to an animal as outlined in 3.6 or requiring an animal to be controlled as outlined in 3.7.

**Museum staff**

Familiarising themselves with and implementing these guidelines and procedures.

**Authorised Officers**

Lawfully directing a person or persons to leave 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 and state the procedure used when an animal or person is required to leave a Museum building.

**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 Access, Inclusion and Wellbeing Officer and will be reviewed in December 2023.