

# In respect of rights



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Edition 28

June 2014

## Contact Us

To make a complaint or get information, contact the office or visit the website. Please note, the office cannot give legal advice.

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National Relay Service  
 TTY users: 133 677 then ask for 1300 305 062  
 Speak and Listen users: 1300 555 727 and ask for 1300 305 062

E-mail  
[antidiscrimination@justice.tas.gov.au](mailto:antidiscrimination@justice.tas.gov.au)

Website  
[www.antidiscrimination.tas.gov.au](http://www.antidiscrimination.tas.gov.au)

Please let the office know before an appointment if you need assistance or the services of an interpreter.

Invitation to all readers  
 Readers who have particular topics they wish to know more about or items to include in the next issue are

## From the Anti-Discrimination Commissioner

My office regularly gets asked about guide dogs and assistance animals. Many people and organisations are unsure about what their obligations are in relation to assistance animals or even what assistance animals are or how you can tell if an animal is an assistance animal.

Hopefully this month's FAQs (frequently asked questions) will be helpful to organisations to better understand their obligations in relation to assistance animals. Hopefully it will also be helpful to people who have guide dogs, hearing dogs or other assistance animals by ensuring that others understand their animal is trained to assist them because of disability.



**Robin Banks**  
 Anti-Discrimination Commissioner

## FAQs - Guide Dogs, Hearing Dogs and other Assistance Animals

**Can a business owner, service provider or accommodation provider exclude a person because he or she is accompanied by a guide dog or assistance animal?**

No. It is unlawful under the federal *Disability Discrimination Act 1992* (the DDA) to exclude a person who is accompanied by a guide dog or assistance animal. It is unlawful under the *Tasmanian Anti-Discrimination Act 1998* (the Tasmanian Act) to exclude a person who uses a guide dog or any remedial or therapeutic device.

Both the DDA and the Tasmanian Act permit discrimination if providing access or goods and services would cause unjustifiable hardship. There are very few situations where such hardship is likely to arise in relation to assistance animals. One example may be excluding an assistance animal from a commercial kitchen where food is being prepared.

### What is an assistance animal?

The DDA specifies that an assistance animal is an animal that:

- has accreditation as an assistance animal 'trained to assist a person with a disability to alleviate the effect of the disability'; or
- is trained to assist the person in relation to their disability and to meet standards of hygiene and behaviour that are appropriate for an animal in a public place.

This clearly includes guide dogs and hearing dogs, but also includes other trained animals. For example, a person with a physical disability may have an animal that is trained to wear a harness for carrying the person's shopping or trained to open and close doors or trained to pick things up. Another example may be an animal that accompanies a

encouraged to contact the Editor.

Any comments and feedback about the newsletter to ensure it is a useful resource and information-sharing tool for our readers is welcomed.

Newsletter Editor

Roz Smart

E-mail [roz.smart@justice.tas.gov.au](mailto:roz.smart@justice.tas.gov.au)

things up. Whether examples may be an animal that accompanies a person with a psychosocial condition that causes them to become very anxious in public, with the dog trained to recognise that anxiety and assist the person to remain calm.

### **Can the person be required to ensure that the guide dog or assistance animal is under their control?**

Yes. The DDA specifically states that it is not unlawful to ask that the assistance animal be under the control if the person with disability or another person's control at all times.

### **How can I tell if the animal is an assistance animal?**

Organisations that train assistance animals, including Guide Dogs and Hearing Dogs, provide a certificate for the animal that sets out the level of training achieved.

The DDA permits discrimination if the person with the assistance animal fails to produce such a certificate or to show evidence that it is trained to assist the person because of their disability and to meet hygiene and behaviour standards.

Unfortunately there is no single national scheme for accreditation of assistance animals.

### **How should I treat an assistance animal?**

You should permit them to accompany the person in places that others are permitted to go. If the person is allowed into the place, their assistance animal is to be permitted to accompany them.

Assistance animals are trained to assist the person with disability with whom they work. They are working animals and should not be treated or referred to as pets. This means:

- Don't pat them, talk to them, feed them, ask their name or use their name or otherwise distract the animal while it is working.
- Don't grab the animal's lead or harness. And don't grab the person. Ask the person if they need any assistance.
- Make sure your own animal is under control around an assistance animal and let the person with the assistance animal know that you have an animal with you.

### **Do discrimination laws apply to companion animals?**

No. A companion animal is not an assistance animal. The fact that an animal is house trained or has had obedience training is not enough to make it an assistance animal even if the person it is with has a disability.

## **Case Summary**

### **Enquiry – discrimination on the basis of association with a person who has a criminal record**

The OADC got a call from a person who had worked for a company for many years without any problems. The person said that they got no further work hours after they were asked about their association with a person who has a criminal record.

The caller knew the person with the criminal record through social connections but did not personally associate with that person.

This caller could make a complaint of discrimination in connection with their employment on the basis of their imputed (or presumed) association with a person who has a criminal record.

The *Anti-Discrimination Act 1998* (Tas) covers situations where a person imputes, or assumes, that a person has a particular characteristic or is associated with someone who has a particular characteristic even if they are not.

The caller later made a complaint alleging discrimination on the basis of their imputed association.

## June and July Training Calendar

### Workplace Support / Contact Officer Role

#### Hobart

Monday 16 June, 1:00 - 5:00 pm

&

Tuesday 17 June, 9:00 am - 12:30 pm

#### Launceston

Tuesday 24 June, 1:00 - 5:00 pm

&

Wednesday 25 June, 9:00 am - 12:30 pm

\$440.00 (pre GST)

## Training News



### Diversity Education Program (Let's Get Together Project) Report

A Fairer World has, with the involvement of the OADC, been working on the 'Let's get Together Project' (mentioned in the April 2014 *In respect of rights*). This training program was piloted at Rosebay High School for Year 8 students in May.

As part of the program, trainer Louise Adams and Commissioner Robin Banks delivered education sessions to students on discrimination. The sessions created a lot of discussion around appropriate behaviour, differences between discrimination and unlawful discrimination and how our behaviour affects others.

The pilot program is now completed and is being evaluated. Hopefully it will be rolled out to other schools from September this year. The photos of posters made by the Rosebay High School students (and displayed at the open evening) show the thinking and engagement that students had with and through the program.

**A Fairer World is seeking to recruit 12-15 young people to train as 'human books', followed by extension training specific to becoming a youth presenter for the 'Let's Get Together' Diversity Education program. The young people would be aged from 18 to 25, represent a diversity of backgrounds and abilities, and have a desire to educate others from their experiences of discrimination or being stereotyped.**

Any young people interested should express their interest to Nicole Turner at A Fairer World by Wednesday 18 June.  
[nicole@afairerworld.org](mailto:nicole@afairerworld.org)

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### **King Island Training and Community Education visit**

My recent trip to King Island was very successful and I conducted training sessions at the hospital, Food Works and Kelp Industries. All of the sessions included discussion and questions about appropriate behaviour in the workplace and employee and employer rights and responsibilities under discrimination law.

I also spent a day at the King Island School, delivering six student sessions to students in Prep through to Grade 9. All of the sessions were well received and filled with wonderful questions, great comments and much enthusiasm. A particular highlight occurred when explaining to one group of students that you don't need to have a lot of friends as long as they are good friends who treat you well. I mentioned that 'I don't have a lot of friends but the one's I do have are good genuine friends'. One student obviously feeling that I might need more friends whispered that he would be happy to be my friend; what a lovely, humbling gesture of kindness. Experiencing the warmth and respect shown particularly by this student is what it is all about.

I felt very welcome during my stay on King Island and would like to thank everyone for supporting the visit and acknowledging the importance of knowing about rights and responsibilities under discrimination law.

**Louise Adams**

**Training, Education and Development Officer**

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### **NEW July - December 2014 Training Calendar**

Our July - December training calendar is now finalised and available on our website.

If you have had a look at our course descriptors and are interested in attending one of the courses that is not listed, contact us or fill out an expression of interest form.

[http://www.antidiscrimination.tas.gov.au/education\\_and\\_training](http://www.antidiscrimination.tas.gov.au/education_and_training)

## **Local News**

### **World Elder Abuse Awareness Day**

Recognise World Elder Abuse Awareness Day on **Friday 13 June 2014** at a free event sponsored by the Tasmania Government.

Friday 13 June  
from 2:00 pm to 4:00 pm  
at the Baha'i Centre, 1 Tasman Highway, Hobart

The event will include speakers and a panel of experts who will discuss elder abuse prevention in the Tasmania context.

The event will be a chance for professionals and members of the public to hear about the first 2 years of 'The Elder Abuse Help Line' operating in Tasmania and the ongoing implementation of the 2011-2014 Elder Abuse Prevention Strategy

[http://www.dpac.tas.gov.au/divisions/cdd/events/world\\_elder\\_abuse\\_awareness\\_day](http://www.dpac.tas.gov.au/divisions/cdd/events/world_elder_abuse_awareness_day)

## **Human Rights Week News**

Each year, the Tasmanian community celebrates International Human Rights

Day (10 December) with a week of human rights activities including the





celebrates increasing the conferring of awards that recognise significant contributions to human rights by people and organisations based in Tasmania.

You can find out about Human Rights Week and previous award recipients at:  
[http://www.afairerworld.org/\\_HRWeek/](http://www.afairerworld.org/_HRWeek/)

It's time to start thinking about who has made a significant contribution to human rights with the call for awards nominations likely to happen next month. Stay tuned and start considering who you might nominate.

## National News



A powerful new series of short films called *The Freedom Stories* has been launched this week in support of lesbian, gay, bisexual and trans young people.

*The Freedom Stories* are a collaboration between ReachOut.com and LGBTI community health leader ACON.

<http://www.youtube.com/watch?v=dkUdJ9bESJQ&list=PLxwwwvcl0cflvyMcRWCrJ3beylPmfk2xn&feature=share>

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### **Restoring Hope is the Refugee Week theme for 2012 to 2014.**

The theme reminds us that while a refugee's journey begins with danger, it also begins with hope. Refugees flee their homelands not only because they fear persecution, but also because they have hope: they hope to find freedom from persecution, and safety and security for themselves and their families; they hope to be given a chance to start a new life and recover from past trauma.

The theme also calls attention to the role of countries that, through offering protection to refugees and providing them an opportunity to rebuild their lives, restore hope for a future free from fear, persecution, violence and insecurity.

Finally, the theme aims to highlight the situation of refugees whose hopes have not been fulfilled: those who remain in seriously protracted situations, facing ongoing discrimination, violence and uncertainty, with little hope for a resolution in the near future. The theme calls on us to consider how we can provide solutions for these refugees and restore their hopes for a brighter future.

To read more go to  
[http://www.refugeeweek.org.au/about/140521\\_News.pdf](http://www.refugeeweek.org.au/about/140521_News.pdf)

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### **Former refugees fear racism, abuse if *Racial Discrimination Act* is weakened**

Australians of refugee background have told the Refugee Council of Australia (RCOA) of their fears of an increase in racism and abuse as a result of the political debate associated with the Australian Government's plans to weaken provisions of the *Racial Discrimination Act 1975*.

Read the story at

[http://www.refugeecouncil.org.au/n/mr/140501\\_RDA.pdf](http://www.refugeecouncil.org.au/n/mr/140501_RDA.pdf)

## Play by the Rules



Play by the Rules has an online interactive bi-monthly magazine. To catch up with the latest news and subscribe go to <http://pbtr.com.au/>.

## Awareness Days in June



### National Buddy Day

1 June

<http://www.buddyday.org.au/>

### World Elder Abuse Awareness Day

15 June

[http://www.dpac.tas.gov.au/divisions/cdd/events/world\\_elder\\_abuse\\_awareness\\_day](http://www.dpac.tas.gov.au/divisions/cdd/events/world_elder_abuse_awareness_day)

### Refugee Week

15 - 21 June

<http://www.refugeeweek.org.au/>

### World Refugee Day

20 June

<https://www.google.com.au/#q=world+refugee+day+2014>

### International Day in Support of Victims of Torture

26 June

<http://www.timeanddate.com/holidays/un/international-day-support-torture-victims>

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