

Assistance Animals

1. PURPOSE & SCOPE

This policy outlines the legal framework, clinical boundaries, and operational procedures for managing animals within the Alana Healthcare practice.

2. LEGAL DEFINITIONS & ACCESS RIGHTS

Legislative Application

This policy is informed by the requirements of the **Disability Discrimination Act 1992 (Cth)**, **Companion Animals Act 1998 (NSW)**, **Public Health Act 2010 (NSW)** and **Work Health and Safety Act 2011 (NSW)**.

The Disability Discrimination Act 1992 (Cth) requires healthcare providers to avoid unlawful discrimination against a person accompanied by an assistance animal and to provide equitable access to premises and services wherever reasonably practicable. Sections 23 and 24 are particularly relevant to access to healthcare premises and the provision of medical services.

The Companion Animals Act 1998 (NSW) supports access rights for assistance animals in public places and reinforces the obligation to avoid unreasonable exclusion of a person accompanied by an assistance animal.

The Public Health Act 2010 (NSW) and Work Health and Safety Act 2011 (NSW) require the practice to maintain safe systems of work and appropriate infection prevention and control measures. Where access restrictions are considered necessary, decisions must be based upon an individualised risk assessment, documented clinical or infection-control considerations, and the least restrictive means of managing any identified risk.

The clinic also has obligations under the **Public Health Act 2010 (NSW)** and **Work Health and Safety Act 2011 (NSW)** to maintain patient safety, infection prevention controls and a safe environment for staff, patients and visitors.

Where restrictions regarding an assistance animal are considered necessary, decisions shall be based on an individual risk assessment and evidence-based infection control considerations rather than assumptions about disability, pregnancy, or the presence of an animal alone.

Any limitations placed upon access by an assistance animal shall therefore represent the least restrictive option reasonably available and be supported by documented clinical, infection-control or safety considerations.

a. Assistance Animals (Service Dogs)

Definition: An animal that is accredited under a State or Territory law, accredited by an organisation prescribed under the Disability Discrimination Regulations 2019 (Cth), or trained to assist a person with disability and to meet appropriate standards of hygiene and behaviour in a public place.

Legal Framework: Sections 8 and 9 of the Disability Discrimination Act 1992 (Cth) protect a person with disability from discrimination because they are accompanied by an assistance animal. Section 54A permits a person to request evidence that an animal is an assistance animal or is trained to meet appropriate standards of hygiene and behaviour in a public place.

Access Rights: A person accompanied by an assistance animal must not be treated less favourably because of the animal when accessing premises or services. Any restriction must be lawful, necessary and proportionate to the identified circumstances, with reasonable alternative arrangements considered where access cannot safely be provided.

b. Emotional Support, Therapy & Companion Animals

Definition: Animals whose presence provides comfort, companionship or therapeutic benefit but that do not satisfy the legal definition of an assistance animal. An animal assisting a person with psychiatric disability may qualify as an assistance animal if it satisfies the statutory accreditation or training requirements and appropriate hygiene and behaviour standards.

Legal Framework: An animal that provides comfort, therapy or companionship but does not satisfy the definition in section 9 of the Disability Discrimination Act 1992 (Cth) is not protected as an assistance animal under that Act.

Access Rights: Animals that do not satisfy the legal definition of an assistance animal are not ordinarily permitted within the clinic. Management may approve an animal visit or intervention under a separate clinical, infection-control and animal-welfare protocol.

3. CLINICAL EXCLUSIONS & INFECTION CONTROL

To protect patients and maintain infection prevention and control, access to clinical areas will be assessed according to the procedure, the function and layout of the area, the patient's circumstances, the animal's hygiene and behaviour, and the availability of effective controls. Restrictions will not be imposed solely because a patient is pregnant or belongs to a broadly described patient group.

Permitted Zones: Reception, waiting areas, consulting rooms, and non-invasive ultrasound suites.

Restricted Zones: An assistance animal may be excluded from a sterile field, sterile preparation area or other location where an individual clinical and infection-control assessment identifies a risk that cannot be adequately controlled. A procedure room is not automatically restricted merely because an invasive procedure is scheduled. The decision, reasons and agreed alternative arrangements must be documented.

These assessments are undertaken in accordance with the Disability Discrimination Act 1992 (Cth), Public Health Act 2010 (NSW), Work Health and Safety Act 2011 (NSW), applicable infection prevention and control guidance, and the practice's clinical risk management framework.

4. STAFF OPERATIONAL DIRECTIVES

a. Verifying an Assistance Animal

When a patient or visitor arrives with an animal and its status is not apparent, staff may respectfully request reasonable evidence that the animal is an assistance animal or is trained to meet appropriate standards of hygiene and behaviour in a public place. Staff must not request unnecessary details about the person's diagnosis and should refer uncertainty to Practice Management without delaying urgent care.

Questions staff may ask:

- i. "Is this animal an assistance animal for a person with disability?"
- ii. If the animal's status is not apparent, "Could you please provide reasonable evidence that it is an assistance animal or that it is trained to meet appropriate standards of hygiene and behaviour in a public place?"

Acceptable forms of evidence include:

- Evidence of a permit or identity card issued under an applicable assistance-animal access scheme, noting that a Transport for NSW Assistance Animal Permit relates to public transport and is not the sole means of establishing status under the Disability Discrimination Act 1992 (Cth).
- Evidence from an organisation that has assessed or trained the animal, where the evidence identifies the relevant accreditation or training and the standards assessed.
- Relevant medical or allied-health evidence that may support disability-related need, noting that such evidence does not by itself establish that the animal satisfies the legal requirements for an assistance animal.

b. Managing Surgical/Procedure Appointments

If an assistance animal's handler requires an appointment involving a Restricted Zone:

- i. **Pre-Booking:**
Invite the patient to advise the clinic of any assistance-animal requirements so that the procedure, environment and infection-control risks can be assessed in advance. Do not state that the animal is excluded unless the assessment supports that decision.
- ii. **Reasonable Adjustments:**
Discuss the patient's needs and agree on practical alternatives if the animal cannot safely accompany them in a restricted area. Options may include the patient's support person assisting, a staff member providing agreed

assistance, changing the room or appointment arrangements, or using another effective control identified through the risk assessment.

iii. **Animal Care:**

If separation is necessary, agree in advance who will remain responsible for the animal. The clinic will not take custody of or supervise an assistance animal unless Practice Management has expressly approved a safe arrangement and the responsible staff member has agreed to undertake it.

iv. **Reunification:**

Reunite the patient and assistance animal as soon as clinically appropriate and in accordance with the arrangement agreed before the procedure.

c. Behavioural & Public Health Grounds for Exclusion

An assistance animal may be asked to leave, or access may be restricted, where its behaviour or condition creates an actual, material risk that cannot be adequately controlled. Examples include:

- i. Aggression or threatening behaviour.
- ii. Repeated uncontrolled disruption.
- iii. Toileting within the premises.
- iv. Observable signs of illness.

Ordinary shedding, the absence of a leash where another effective control is used, or another person's general fear or allergy does not by itself establish sufficient grounds for exclusion. Staff must document the reason for any restriction and offer reasonable alternative access where practicable.

5. REFERENCES

1. Disability Discrimination Act 1992 (Cth) <https://www.legislation.gov.au/C2004A04426/latest>
2. Companion Animals Act 1998 (NSW) <https://legislation.nsw.gov.au/view/html/inforce/current/act-1998-087>
3. Public Health Act 2010 (NSW) <https://legislation.nsw.gov.au/view/html/inforce/current/act-2010-127>
4. Work Health and Safety Act 2011 (NSW) <https://legislation.nsw.gov.au/view/html/inforce/current/act-2011-010>
5. Australian Guidelines for the Prevention and Control of Infection in Healthcare (NHMRC/Australian Commission on Safety and Quality in Health Care)