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FACT SHEET

WHAT IS THE DIFFERENCE BETWEEN AN ASSISTANCE DOG, and a COMPANION or EMOTIONAL SUPPORT PET?

The Association recognises the need to clarify some misconceptions relating to the terminology and differences between a "Companion Dog"; an "Emotional Support Dog" and an Assistance Dog, including the legal status of each.

Most important to clarify is that while companion dogs (pets) and emotional support dogs (pets) are covered by Animal Protection legislation for their protection and care, only Assistance Dogs are covered by legislation to ensure its public access status and rights.

1. COMPANION ANIMALS

There is **no definition or recognition** of 'companion dog', 'therapy dog' and 'emotional support dog' in Commonwealth legislation. The only type of dog that is recognised is an assistance dog

Individual states have their own legislation relating to 'companion animals' but all specify that a companion animal/dog is a pet, without public access and not trained to task for a person with a disability, although they may be taught other duties or tricks in their role in a family or working environment

e.g.

In Queensland:-

[Animal welfare legislation \(education.qld.gov.au\)](http://education.qld.gov.au)

In NSW:-

Legislation identifies "companion animal means each of the following: (a) a dog, (b) a cat, (c) any other animal that is prescribed by the regulations as an authority for the purposes of this Act, or companion animal. Note. The fact that an animal is not strictly a "companion" does not prevent it being a companion animal for the purposes of this Act. All dogs are treated as companion animals, even working dogs on rural properties, guard dogs and police dogs"

[act-1998-87 \(nsw.gov.au\)](http://act-1998-87 (nsw.gov.au))

2. EMOTIONAL SUPPORT DOGS

The online article from Gentle Dog Trainers, who work with emotional support dogs, explains this role succinctly: -

[How To Register An Emotional Support Dog In Australia? - gentledogtrainers.com.au](https://gentledogtrainers.com.au/how-to-register-an-emotional-support-dog-in-australia/)

While emotional support dogs and assistance dogs both help humans deal with everyday struggles, they're not the same.

An assistance dog is a dog that has gone through EXTENSIVE training to assist a person with a disability. Their rights and roles are defined by the Disability Discrimination Act 1992.

Assistance animals are not pets. Rather, they help a person with a disability to participate in everyday activities. For people with sight conditions, these dogs are often called "guide dogs." But assistance animals can be trained for other roles, too. For instance, they can aid people with hearing impairments, physical disabilities, medical conditions such as epilepsy or diabetes, as well as mental disorders such as anxiety, PTSD, and suicidal attempts. They also need to meet certain hygiene and behavioural standards.

Emotional support animals aren't recognized by Australian law. These animals provide emotional support to a person through different mental conditions, but they're not trained to do that. Instead, their pure presence provides comfort and company.

In practice, assistance and emotional support animals differ by their public access rights. This means that assistance animals can go to different public places and forms of transportation. Their owners need their aid in these places and denying them these rights would be discrimination.

Owners of emotional support animals, on the other hand, don't have such rights. **An emotional support dog is considered just a companion dog in Australia.** And while the support they provide can be crucial for a person's ability to properly function from day to day, they're not trained for the job. For that reason, they're not granted access to public spaces and transport.

Basically, they're treated as any other pet, and as such, usually can't go to places other assistance dogs can.

3. ASSISTANCE DOG

Different states may or may not have additional legislation supporting the rights and requirements of Assistance Dogs and their Handlers, but all are subject to the overarching Commonwealth legislation – the Disability Discrimination Act 1992 (DDA 1992)

PAWSOME ASSISTANCE DOGS Inc registers, assesses, trains and monitors, and when the standard is met, certifies its Teams under the DDA 1992 Standards and requirements. These include the Handler having a verifiable disability, which benefits from the support of an Assistance Dog, and that the dog is trained to acceptable public standards of hygiene and behaviour, as well of verified good health and wellbeing.

PAD uses 26 Standards of Assessment for public access certification, the primary one being the bond between the Handler and the Dog, as all successful training and tasking develops from this bond.

The other standards involve public access training in regard to the dog's ability to perform to standard with such duties as entering and exiting buildings, shops, vehicles, lifts etc, being calm and ignoring food in grocery shops, cafes or that has been dropped on the floor. Being attentive to the Handler and meeting the Handlers needs in the tasks it is trained to perform both at home and in public. Not being reactive or seeking the attention of others, but also being calm amongst others especially in crowded environments.

Assistance Dog Teams will always have training needs and adaptations to each other to be learnt over the course of their working life. This is why PAD says that even public access certified dogs are "always in training".

As the Handler and Dog progress in their relationship, new tasks are learnt, new adaptations made. This is because Handlers hopefully achieve a better quality of life because of their dog and are therefore both improving in health and life skills, with the dog learning to adapt to those changes as the years progress through its working life.

We trust this assists you with the clarification in differentiating between companion or emotional support dogs, who are pets, and Assistance Dogs, who are legally considered medical aids.

The Sections of the DDA 1992 relevant to Assistance Animals is included below.

DDA 1992 SECTION 9 – ASSISTANCE ANIMALS

9 Carer, assistant, assistance animal and disability aid definitions

Meanings of carer or assistant, assistance animal and disability aid

(1) For the purposes of this Act, a *carer or assistant*, in relation to a person with a disability, is one of the following who provides assistance or services to the person because of the disability:

- (a) a carer;
- (b) an assistant;
- (c) an interpreter;
- (d) a reader.

(2) For the purposes of this Act, an *assistance animal* is a dog or other animal:

(a) accredited under a law of a State or Territory that provides for the accreditation of animals trained to assist a person with a disability to alleviate the effect of the disability; or

(b) accredited by an animal training organisation prescribed by the regulations for the purposes of this paragraph; or

(c) trained:

- (i) to assist a person with a disability to alleviate the effect of the disability; and

(ii) to meet standards of hygiene and behaviour that are appropriate for an animal in a public place.

Note: For exemptions from Part 2 for discrimination in relation to assistance animals, see section 54A.

(3) For the purposes of this Act, a *disability aid*, in relation to a person with a disability, 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.

Having a carer, assistant, assistance animal or disability aid

(4) The following table has effect:

| Having a carer, assistant, assistance animal or disability aid | | |
|--|---|--|
| Item | For the purposes of this Act, a person with a disability <i>has</i> ... | if the person ... |
| 1 | a carer or assistant | (a) is presently accompanied by the carer or assistant; or (b) was previously accompanied by the carer or assistant; or (c) may be accompanied by the carer or assistant in the future; or (d) is imputed to be accompanied by the carer or assistant. |
| 2 | an assistance animal or disability aid | (a) is presently accompanied by, or possesses, the animal or aid; or (b) was previously accompanied by, or possessed, the animal or aid; or (c) may be accompanied by, or possess, the animal or aid in the future; or (d) is imputed to be accompanied by, or to possess, the animal or aid. |

PAWSOME ASSISTANCE DOGS