# Stand Up For Your Rights:

# Travelling with a Seeing Eye Dog

## A guide to standing up for your rights when you are travelling with a Seeing Eye Dog.



## About this guide

In this self-advocacy guide you will find information on what you can do when you encounter barriers to participating in the community due to your blindness or low vision generally and in particular, barriers to accessing premises, transport, and goods and services, when you are travelling with your Seeing Eye Dog.

You will find information on communication strategies, and skills you can use, to develop an organised approach to addressing barriers you encounter in your life due to your blindness or low vision accessing premises, transport, and goods and services generally. The information provided will include an overview of State and Federal disability discrimination legislation that protects your rights to participation in all aspects of community life, who you can approach for assistance and the most effective ways to go about it.

In particular, this guide covers information on:

* What is advocacy?;
* Important self-advocacy skills to develop;
* Your rights and relevant laws, conventions or policies; and
* Strategies and practical steps for addressing barriers in accessing premises, transport, and goods and services when travelling with your Seeing Eye Dog.

## What is advocacy?

Advocacy is a way of promoting, protecting, and ensuring full and equal enjoyment of all human rights, which enables you to participate in any area of life you choose.

You may at times experience a barrier to your full participation in everyday life and seek to address this barrier. The action you take to address the barrier is known as advocacy.

## Advocacy skills

### Disclosing your vision impairment

That you are travelling with your Seeing Eye Dog, and that your dog is in harness should be enough to alert people to the fact that you are blind or have low vision. You have the right to access nearly all areas of life with a Seeing Eye Dog, including going into restaurants, hotels, food stores, and hospitals, and to travel by taxi and public transport.

### Always carry your handler’s card

You should always carry your handler’s card because it identifies your dog as having been trained by an accredited organisation, and as such, it is unlawful for you and your dog to be denied access to premises, transport, and goods and services.

### Communication

It is unlawful to discriminate against a person with disability. Many organisations may not have considered the accessibility needs of people who are blind or have low vision. Beginning your self-advocacy efforts with a simple assumption that the barriers you are experiencing are born out of ignorance is a good first approach.

To be an effective self-advocate, it helps to be able to communicate clearly and confidently, be proactive and assertive, while also being polite, respectful and patient. It is likely that you will have to discuss your matter with someone more than once to have it addressed, so when you first raise an issue, using positive language, like ‘inclusion’, ‘participation’ and ‘access’, may help to open up the lines of communication at this early stage, compared to using language like ‘discrimination’, ‘disadvantage’, and ‘exclusion’, even when it’s these circumstances you are trying to address. If you are becoming frustrated with a situation, be mindful not to come across too aggressively; staying calm and focused is more likely to get you a considered hearing and keep the lines of communication open.

### Tenacity and resilience

You can’t put the same amount of energy into every accessibility issue, so picking your battles and thinking about what efforts are needed is important to ensure you have the resources, resilience, and patience to commit to the effort, and consider how much it impacts your life. While some barriers you are attempting to address may be an easy fix, others may be a long-haul, and you may need to take a slow and steady approach in the energy you devote to them.

### Be prepared and keep notes

Good preparation is an essential element in assisting you to be assertive and feel more confident in asking for what you need. Keep notes, including dates and times of conversations, people spoken to / communicated with and results and agreements made in conversations. This is important should you wish to escalate the matter to senior personnel or lodge a formal complaint in the future.

### Network with Others

If you have faced a barrier to accessing premises, transport, or goods and services, a good first step is to talk with others who have a Seeing Eye Dog or Assistance Dog, to gather information about whether they have also faced this barrier and if so what they might have done to address it.

You might like to use the Vision Australia client network or through email lists such as the vision impaired persons list for Australia (VIP-L). You might also to contact SEDA. Contact details for these, plus further information is provided at the end of this guide.

## Know your rights

The United Nations Convention on the Rights of Persons with Disabilities recognises the rights of all people with disabilities to live independently, inclusively and with dignity in the community. You may at times find yourself in a situation where your rights as a person who is blind or has low vision are compromised. It is important to know your rights so that you have an idea of what is possible, what is reasonable to expect and how your needs may be met. Knowing the laws, policies and practices that are in place to protect your rights will ensure you can speak up for yourself if you are treated unfairly because of your blindness or low vision. These may include:

* The Disability Discrimination Act 1992 (Cth) and State disability discrimination laws;
* Accessibility standards and guidelines; and
* Organisational policies and procedures that aim to address the needs of people with disabilities and other specific community groups.

The following sections of this guide provide details of the relevant laws, standards, and policies that apply specifically to people travelling with an assistance animal such as a Seeing Eye Dog.

### The United Nations Convention on the Rights of Persons with Disabilities

Article 9 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) recognises Accessibility as a basic human right, including full participation in all aspects of life on an equal basis with others, including access to facilities and services such as buildings, transportation, and indoor and outdoor facilities. Australia has ratified the Convention and policies and practices should be implemented having regard to these obligations under the Convention.

### The Disability Discrimination Act 1992

The Disability Discrimination Act 1992 (the DDA) is Commonwealth law which makes it unlawful to discriminate against a person with a disability.

The DDA defines two types of discrimination against a person with a disability: direct and indirect. Direct discrimination occurs when a person is ‘treated less favourably than a person without a disability’ (section 5), or when there is a failure to make reasonable adjustments. Disability discrimination can also occur indirectly (section 6) such as when a requirement is imposed which a person cannot meet because of their disability. There may also be indirect discrimination if a person with disability could meet the requirement if reasonable adjustments were made, and those adjustments are not made. The DDA covers a range of areas where there may be discrimination, including the provision of goods, services and facilities (section 24).

According to section 8 of the DDA, disability discrimination occurs when a person is treated less favourably than someone else, entirely based on his or her disability. Under section 9 of the DDA, this includes where a person is discriminated against because they are accompanied by a carer, assistant, assistance animal, or have a disability aid. Seeing Eye Dogs are assistance animals as defined in section 9(2) of the DDA.

### State and Territory Legislation

Australian Capital Territory – Domestic Animals Act 2000, sections 104 to 106 – these sections provide that “a person with a disability accompanied by an assistance animal, has the same right of access to and use of a public place, as a person who is not accompanied by an assistance animal.”:

New South Wales – Companion Animals Act 1998, sections 14, 59, 60 and 61 – which provide that a person with a disability is entitled to be accompanied by an assistance animal in any building or public area, that they cannot be denied entry, and it is unlawful to impose a charge for the assistance animal.

Northern Territory– Anti-Discrimination Act 1992, section 21 – provides that a person with a disability is discriminated against if they are treated less favourably because they have an assistance animal.

Queensland – Guide Hearing and Assistance Dogs Act 2009, section 8 – this section provides that a person with a disability accompanied by their assistance dog has access to any public place or public passenger vehicle.

South Australia – Dog and Cat Management Act 1995, section 81 – provides that a person who is wholly or partially blind……is entitled to be accompanied by an accredited disability dog in a public place or public passenger vehicle.

Tasmania – Guide Dogs and Hearing Dogs Act 1967, section 3 – provides that a person who is blind or vision impaired or is a trainer is entitled to be accompanied by a guide dog into any public place or onto any public passenger vehicle.

Victoria – Domestic Animals Act 1994, section 7 – provides that a visually impaired person who keeps and uses a dog as a guide dog is not liable for an offence under this Act in respect of that dog, where, in acting in the manner which would constitute the offence, the dog was performing its functions as a guide dog.

Western Australia – Dog Act 1976, section 8 – provides that a person who has a disability the effect of which can be alleviated by the use of an assistance dog is entitled to be accompanied by an assistance dog in any building or place open to or used by the public for any purpose, or in any public transport.

## What can you do when you encounter a barrier?

### Identify and clarify the nature of the barrier

If you are having difficulty accessing premises, transport, or goods and services, it will usually be because you are being told that your Seeing Eye Dog is not permitted access, or that you have restricted access e.g. that you must sit at an outside table at the café/restaurant, or that your dog is not allowed in the taxi or in the hotel etc. It is important to clarify that there is a barrier, not something you have missed , or misunderstood which will provide the access you need. For example, if there are no vacant tables inside the café/restaurant, or you are being directed to the lift rather than using the stairs.

### Articulating the problem

For example, you could say:

You have refused me access to your café/hotel/taxi/accommodation because I have my Seeing Eye Dog with me. Under the law, I am allowed access. Here is my handler’s card, which identifies my dog as having been trained by an accredited organisation, and as such it is unlawful for me and my dog to be denied access.

Or

This is my handler’s card, which sets out my rights, and also the penalties that apply if I am refused access.

### Escalating your concerns

* First raise your concerns with the person you are dealing with
* Then, escalate your concern informally with the manager/owner/operator of the premises, vehicle, or location concerned
* Next, consider a more formal complaint
* Seek advice from an Advocacy Organisation

### Network with others

As mentioned in a previous paragraph, it can be useful to network with others who are blind or have low vision to learn whether others have experienced the same barrier and what they have done to address the barrier. It will also help you when contacting the organisation concerned to be able to identify that others in the blindness and low vision community have also experienced the same difficulty.

### Contact the owner, manager, or operator

If you find barriers when attempting to access premises, transport, or goods and services, it is helpful to specify details such as where, when and how the barrier occurred, what happened or what the barrier was; how it has impacted on you as someone who is blind or has low vision, and what could be changed to give you more equitable access.

Start by contacting the provider (organisation, business, company, government agency) directly. It is useful to try to find out who would be the best person to receive your feedback. Some organisations will take your feedback over the phone, and some have a link on their website home page entitled ‘Complaints’ or ‘Feedback’. This link may take you to a web form or email that you must complete and submit online. If you phone, keep details of the date, the name of the person you speak to, and details of the conversation.

Some organisations have their address, phone, and other contact information on the front page of their website. However many organisations provide contact information via a link, usually labelled “Contact Us”.

Some organisations can only be contacted via a web form which is usually provided on the “Contact Us” page. If you can, save the page containing your enquiry or complaint and note the time and date you submitted it.

### Key information

Information that you may consider including in your communications to an organisation includes:

* Subject. In your email or letter the subject line should identify your correspondence as relating to access for people with disabilities.
* Disclosure. An explanation about the relevant aspects of your vision impairment and how you access the premises, transport, or goods and services e.g. that your dog always accompanies you
* Your status as a customer or how you came to access the premises, transport, or goods and services
* How the inaccessibility has impacted on you (for instance, you were unable to purchase a meal, or rent a motel or hotel room at that location and had to find one elsewhere)
* Arguments supporting the need to make the premises, transport, or goods and services accessible, including good customer relationships management, and why it makes good business sense to address these issues – for instance, you have been a loyal customer for many years and the organisation should be supporting you to access their services with the same ease and independence as the rest of the community
* A request for action, for instance, an indication of when the organisation will remove the barrier to accessibility;
* A time frame for the organisation to get back to you in order for you to consider your next steps.

A sample letter is provided at the end of this document which incorporates many of these elements. You can use this letter as a guide to how you might go about writing your own letter or email.

### Making a complaint

If you have approached an organisation directly and have received a poor response, or no response at all, you may wish to consider lodging a complaint. You can do this in a number of ways; either by accessing the organisation’s internal complaints procedures, approaching the relevant government body, industry association, council or ombudsman (if there is one), or contacting the AHRC or any of the state-based anti-discrimination commissions and boards in respect of alleged discrimination.

There is no requirement to exhaust an organisation’s internal complaints procedures before approaching the AHRC or other commissions or boards. These complaints handling services are free, and a person does not need a lawyer to make a complaint. A complaint can be in English or another language. A translator/ interpreter can be provided if required. Information about this process can be obtained by contacting Vision Australia’s Advocacy team or the AHRC.

### Using social media

If you are unable to have your accessibility barriers addressed via direct engagement with the organisation, and you don’t want to lodge a complaint with an external body like the AHRC, social media can be an effective tool for enabling change, as many organisations want to protect their reputation and will respond quickly to negative publicity posted on public forums like Facebook and Twitter.

If you decide to use social media, your post should be worded in a similar way as you would write a complaint, including outlining the barrier to access that you experienced when travelling with your Seeing Eye Dog, where or how you were making this attempt, how it has impacted on you and what could be changed to afford you equitable access. Even though social media is used to connect socially, when you use it as a tool for self-advocacy, it is best to adopt a reasonable tone and be succinct. As social media is a very public forum, it’s best to avoid including any personal information, such as contact details or particular details about your vision impairment.

Business social media accounts may not be monitored by the person who will be able to address your issue, so your post may be referred to another person within the organisation. It’s also important to remember that while social media is used all hours socially, business accounts are generally only monitored during business hours, so your response time may be limited to those hours.

## Other common scenarios

When access to premises, transport, or goods and services are controlled by an outside company

Companies often engage the services of another organisation to provide access to their premises, transport, or goods and services. However, responsibility still lies with that organisation, not only the outside organisation. Examples of third party organisations may include security guards, lifeguards, or web designers.

When rules regarding access to premises, transport, or goods and services are governed by a parent company overseas.

The DDA applies to discrimination which occurs in Australia. However, if a company or organisation is based overseas but explicitly provides premises, transport, or goods and services in Australia (for instance, an international airline licenced to operate services into Australia) it may be argued that the DDA applies and that the company’s goods, services and facilities should be accessible.

### Domestic airline travel in Australia

If you are travelling in Australia you are entitled to have your Seeing Eye Dog with you in the cabin for as many journeys as you choose. You need to inform the airline at the time of booking that you will be accompanied by your Seeing Eye Dog, to ensure that the airline has a seat to allocate to your dog, in addition to the one you are booking for yourself. There is no charge to you for the seat allocated to your dog. There have been some issues surrounding the booking process, for example, Qantas have a form to be filled out requiring the length, name, and weight of your dog.

Policies and booking requirements vary amongst airlines, and you need to check these when booking e.g. some airlines ask for more notice than others.

### Willingness to address the accessibility barrier

If you receive a response indicating that the organisation is keen to address the issue, it is important to remember that you don’t have to take responsibility for solving the problem, or being solely responsible for testing or signing off on the solution. In fact, in many instances it is not advisable to attempt to offer a solution, as what you might propose may be unwittingly detrimental to other people with disabilities accessing the goods, services or facilities in different ways. At the same time however, it is important that the solution addresses the particular barriers you have experienced.

With access barriers which appear to be of a systemic or widespread nature, it is recommended that organisations engage the services of an independent accessibility expert such as web access or environmental access consultants.

### Sample email / letter

Below is an example of a letter to an organisation responsible for a situation where there has been a barrier to access for a person travelling with their Seeing Eye Dog.

Email: Insert email address

Subject: Refused access to your motel when I was accompanied by my Seeing Eye Dog

Dear Sir/Madam

I am writing about the accessibility of your motel for people who are blind or have low vision and are accompanied by their Seeing Eye Dog. I am blind and am always accompanied by my dog when I travel.

I was recently travelling between Sydney and Melbourne, and on the evening of 29th June my wife and I stopped at your motel, intending to spend two nights there. On entering the reception area, we were advised that no animals are permitted in the building. I then explained that my dog is an assistance dog, and by law is entitled to accompany me into accommodation premises such as the motel. I also produced my handler’s card.

I was again told that no animals are allowed in your motel. When I asked to speak to the owner or manager, I was told that I was speaking to the manager, and that the owner was unavailable.

We were left with no choice other than to go back out into the cold and drive around town looking for alternative accommodation.

It is very disappointing that when trying to secure accommodation at your motel, I do not have the same opportunity to access the same accommodation as the rest of the community simply because I am accompanied by my Seeing Eye Dog.

There are Federal and State laws that protect the rights of people with a disability, such as the Disability Discrimination Act. Section 5 states that discrimination occurs when a person with a disability is treated less favourably than a person without a disability. Section 9 states that a person is discriminated against when he or she is treated less favourably when accompanied by an assistance animal.

Would you please consider the matters I have raised above, with a view to changing your policy in relation to assistance animals? Could you also let me know when I can expect your motel to be accepting bookings from people who are accompanied by their assistance animal, so that they will experience the same offers of accommodation as the rest of the community?

If you have any questions, please let me know.

I would appreciate a response from you by 18th July, so I may consider any next steps.

Yours sincerely

<insert name>

<insert your contact information>

## Related resources

### Vision Australia National Call Centre

Telephone: 1300 847 466

Email: info@visionaustralia.org

#### Seeing Eye Dogs Australia

General enquiries: 1800 037 773

Info@seda.org.au

## Further information

For information on self-advocacy strategies or to obtain this guide in another format, call Vision Australia’s advocacy team on 1300 847 466 or email advocacy@visionaustralia.org

#### Australian Human Rights Commission (AHRC)

National Information Service: 1300 656 419

Email: infoservice@humanrights.gov.au

Web: https://www.humanrights.gov.au/complaint-information

#### Anti-Discrimination Commission Queensland (ADCQ)

State-wide telephone information and enquiry line: 1300 130 670

Web: https://www.adcq.qld.gov.au/contact-us

#### Victorian Equal Opportunity and Human Rights Commission (VEOHRC)

Enquiry Line: 1300 292 153

Web: http://www.humanrightscommission.vic.gov.au/making-a-complaint

#### Equal Opportunity Commission (WA)

Ph 08 9216 3900

Email: eoc@eoc.wa.gov.au

Web: http://www.eoc.wa.gov.au/complaints-inquiries/making-a-complaint

#### Anti-Discrimination Board NSW

Ph: 02 9268 5544 between 9am – 1pm and 2pm – 4pm

Email: adbcontact@justice.nsw.gov.au

Email: complaintsadb@justice.nsw.gov.au

Web: http://www.antidiscrimination.justice.nsw.gov.au/Pages/adb1\_makingacomplaint/adb1\_makingacomplaint.aspx

#### ACT Human Rights Commission

Ph: 02 6205 2222

Email: human.rights@act.gov.au

Web: http://hrc.act.gov.au/

#### Northern Territory Anti-Discrimination Commission

Ph: 1800 813 846

Email: antidiscrimination@nt.gov.au

Web: http://www.adc.nt.gov.au/index.html

#### Equal Opportunity Commission (SA)

Ph: 08 8207 1977 between 10am – 3pm

Email: eoc@agd.sa.gov.au

Web: http://www.eoc.sa.gov.au/eo-you/making-complaint

#### Equal Opportunity Tasmania

Ph: 03 6165 7515

Email: office@equalopportunity.tas.gov.au

Web: http://equalopportunity.tas.gov.au/complaints