

DOGS ON LICENSED PREMISES

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Guide, Hearing and Assistance Dogs

We get regular inquiries about what the legal situation is with animals on premises, especially allowing patrons and guests to access bar and accommodation areas with their dog.

Queensland legislation is found in the *Guide, Hearing and Assistance Dogs Act 2009* and allows persons who rely on dogs of this type to have the same access rights as others to public places, public passenger vehicles and accommodation. This includes cafes, restaurants, pubs, clubs, taxis, other public places and accommodation venues.

A guide, hearing or assistance (GHA) dog is specially trained to perform specific physical tasks and behaviours to assist a person with a disability. Under this Act, dogs are certified, and can be almost any breed. They are easily recognised by the badge on their coat or harness. The disabled person also carries an identity card which should either be worn or made available as required e.g. when applying in person at a place of accommodation.

Most people are familiar with the guide dogs used by people with a vision impairment. However, there are many other dogs that assist people with a disability in their day-to-day activities, and this can include forms of mental or psychological impairment.

This legislation makes it an offence for an accommodation provider to refuse to rent a room because a person with a disability is accompanied by their certified GHA dog. It is lawful to refuse accommodation for a genuine reason e.g. the hotel is fully booked. It's also an offence to charge the accompanied handler an extra payment because the dog is present e.g. for 'extra' cleaning.

Certified GHA dog and handler are permitted access into your hotel dining room and bars (both inside and outside) but not any food preparation area.

Companion Dog

Unrelated to the GHA dog legislation, under the National Food Standards Code (enshrined in our *Food Act 2006*), a patron or guest with a pet or 'companion' dog is allowed access to external eating and drinking areas of a hotel, café, restaurant etc under the following circumstances:

- The venue owner decides whether this happens or not on their premises.
- This must not occur in an enclosed area e.g. anywhere inside the building.

- Access to external drinking or eating areas must not be through any enclosed areas.
- The area is not used for the preparation of food; and
- The area should be where dining and drinking takes place.

Typical examples of these are a footpath dining area with no roof or canopy, or an open beer garden with direct street access.