

External assessment

Stimulus book

Legal Studies

General instruction

- Work in this book will not be marked.

Stimulus 1

Summary of Article 9 of the Convention on the Rights of Persons with Disabilities

People with disability have the right to access all aspects of society on an equal basis with others, including the physical environment, transportation, information and communications, and other facilities and services provided to the public.

Stimulus 2

Excerpts from the *Disability Discrimination Act 1992 (Cth)*

Part 1 — Preliminary

...

Section 9 — Carer, assistant, assistance animal and disability aid definitions

- (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.

Part 2 — Prohibition of disability discrimination

...

Section 54A — Assistance animals

- (1) This section applies in relation to a person with a disability who has an assistance animal.
- ...
- (2) This Part does not render it unlawful for a person to request or to require that the assistance animal remain under the control of:
- (a) the person with the disability; or
 - (b) another person on behalf of the person with the disability.
- ...
- (4) This Part does not render it unlawful for a person (the *discriminator*) to discriminate against the person with the disability on the ground of the disability, if:
- (a) the discriminator reasonably suspects that the assistance animal has an infectious disease; and
 - (b) the discrimination is reasonably necessary to protect public health or the health of other animals.
- ...
- (6) This Part does not render it unlawful for a person (the *discriminator*) to discriminate against the person with the disability on the ground that the person with the disability has the assistance animal, if:
- ...
- (b) the person with the disability neither:
 - (i) produces evidence that the animal is an assistance animal; nor
 - (ii) provides evidence that the animal is trained to meet standards of hygiene and behaviour that are appropriate for an animal in a public place.

Stimulus 3

Summary of *Mulligan v Virgin Australia Airlines Pty Ltd* [2015] FCCA 157

Mr Mulligan complained that Virgin Airlines discriminated against him on the grounds of his disability by refusing to allow him to travel on flights accompanied by his dog, Willow. Mr Mulligan had cerebral palsy and vision and hearing impairments. The dog had been trained to assist him with these conditions. Virgin argued that Willow's dog training school was not accredited for the purposes of the *Disability Discrimination Act 1992* (Cth) and, on that basis, refused to allow Mr Mulligan to travel. The Full Court of the Federal Court allowed Mr Mulligan's appeal and ordered Virgin to pay him compensation of \$10 000. The Court declared that Virgin's conduct amounted to unlawful discrimination under the *Disability Discrimination Act 1992*.

Stimulus 4

Excerpt from *Assistance Animals and the Disability Discrimination Act 1992* (Cth)



To discriminate against a person because they are accompanied by an assistance animal amounts to discriminating against them because they have a disability.

Australian Human Rights Commission 2016

Stimulus 5

Excerpt from online article: 'Australia's laws failing to keep up with the rise of assistance animals'

This stimulus has not been published for copyright reasons.

Source located at: Osborne, J 2019, 'Australia's laws failing to keep up with the rise of assistance animals', *SBS Insight*, 11 June, www.sbs.com.au/news/insight/australia-s-laws-failing-to-keep-up-with-the-rise-of-assistance-animals.

Stimulus 6

Excerpt from online article: 'How fake assistance animals and their users are gaming the system and increasing prejudices'

To be recognised in Australia an assistance animal must have appropriate training in helping people with disabilities manage their conditions.

While some accreditation systems operate in the state and territory jurisdictions, the federal *Disability Discrimination Act 1992* contains no requirement for accreditation and overrides State and territory laws. A person can thus claim their animal is protected as an assistance animal without any form of accreditation ...

Ongoing doubts over the scope for the legitimate use of assistance animals causes harm to people with disabilities. It adds to insecurity and uncertainty about whether their assistance animal is afforded legal protection and whether access to public spaces and services will be granted ...

Stimulus 7

Excerpt from blog post: 'Service animal scams: A growing problem'

This stimulus has not been published for copyright reasons.

Source located at: Herzog, H 2014, 'Service animal scams: A growing problem', *Psychology Today*, 11 June, www.psychologytoday.com/intl/blog/animals-and-us/201406/service-animal-scams-growing-problem.

THIS PAGE IS INTENTIONALLY BLANK

THIS PAGE IS INTENTIONALLY BLANK

References

Stimulus 2

Excerpts from Disability Discrimination Act 1992 (Cth) licensed under CC BY 4.0, <https://creativecommons.org/licenses/by/4.0>, sourced from the Federal Register of Legislation at 11 August 2019. For the latest information on Australian Government law please go to www.legislation.gov.au.

Stimulus 3 and 4

Adapted from Australian Human Rights Commission 2016, 'Assistance Animals and the *Disability Discrimination Act 1992 (Cth)*', www.humanrights.gov.au/our-work/disability-rights/projects/assistance-animals-and-disability-discrimination-act-1992-cth. Used under the Creative Commons Attribution 4.0 International Licence (CC BY 4.0).

Stimulus 5

Osborne, J 2019, 'Australia's laws failing to keep up with the rise of assistance animals', *SBS Insight*, 11 June, www.sbs.com.au/news/insight/australia-s-laws-failing-to-keep-up-with-the-rise-of-assistance-animals.

Stimulus 6

Excerpted from Harpur, P, Verreynne, M-L & Pachana, N 2018, 'How fake assistance animals and their users are gaming the system and increasing prejudices', *The Conversation*, 18 April, <https://theconversation.com/how-fake-assistance-animals-and-their-users-are-gaming-the-system-and-increasing-prejudices-94293>. Used under Creative Commons Attribution-NoDerivatives 4.0 licence (CC BY-ND 4.0).

Stimulus 7

Herzog, H 2014, 'Service animal scams: A growing problem', *Psychology Today*, 11 June, www.psychologytoday.com/intl/blog/animals-and-us/201406/service-animal-scams-growing-problem.



© State of Queensland (QCAA) 2020

Licence: <https://creativecommons.org/licenses/by/4.0> | Copyright notice: www.qcaa.qld.edu.au/copyright — lists the full terms and conditions, which specify certain exceptions to the licence. Third-party materials referenced above are excluded from this licence.

Attribution: © State of Queensland (QCAA) 2020