

1<sup>st</sup> October 2024

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## RE: Strata Schemes Legislation Amendment Bill 2024

Thank you for the opportunity to comment on this Draft Bill.

Animal Care Australia is a national incorporated association established to consult with government in advocating for real animal welfare by those who keep, breed and care for animals. Our goal is to promote and encourage high standards in all interactions with the animals in our care. Hence today, we restrict our comments to those amendments relevant to the keeping of animals within strata, in particular, *Section 26A Restrictions on by-laws—evidence that animal is assistance animal*.

As you are most likely aware Animal Care Australia has provided consultation throughout the strata legislation amendment process and previously provided the following feedback in relation to identifying and providing evidence of an Assistance Animal.

Animal Care Australia recommends a broader definition that includes all assistance animals recommended by medical professionals. The following extract to our submission regarding strata details our argument.

- a. Animal Care Australia notes it is difficult to obtain formal recognition of an assistance animal that is a species other than a dog, despite the definition of Assistance Animal being that of ‘a dog or other animal’ in numerous acts. The criteria to receive approval on public transport is restricted solely to dogs. Approval on public transport plays a role in recognition of what an assistance animal is when seeking approval for permits or registration of an Assistance Animal in other situations.
- b. Animal Care Australia notes the difficulty when attempting to register with your local council. There is no prescribed set of questions, but an applicant must be able to demonstrate that their animal is trained to assist you with a disability. Meaning this comes down to the discretion of the assessing council staff member.
- c. The medical profession is in the best position to assess whether an animal is assisting a person, whether physically or mentally.

Animal Care Australia is disappointed our recommended inclusion of a statement from a health/medical practitioner has continued to be ignored.

Equally we recently attended a consultation with the NSW Rental Commissioner on the Residential Tenancies Amendment Bill, where it was again necessary to re-define what an assistance animal is.

For the purpose of legislative continuity, it is our recommendation that the following must be included in BOTH Amendment Bill’s. The definition of an **assistance animal** is an animal

- a. defined as such under the Disability Discrimination Act 1992 (Commonwealth), or
- b. where the tenant has a statement from a health practitioner, or animal training organisation recognising the animal as an assistance animal for the purpose of this Act.

*(Health Practitioner means as defined in Section 5 of the Health Practitioner Regulation National Law (NSW)).*

The above was also provided as part of our overall recommendations to the Rental Commissioner’s consultation.

Assistance Animals are no longer just dogs – this State’s legislation needs to recognise this and implement accordingly. Therefore, as an alternative to the inclusion of a definition, Animal Care Australia **STRONGLY recommends** the following addition:

**Section 26A Restrictions on by-laws—evidence that animal is assistance animal**

- (f) a statement from a health practitioner recognising the animal as an assistance animal for the purpose of this Act

*(Health Practitioner means as defined in Section 5 of the Health Practitioner Regulation National Law (NSW)).*

Should you require further details please do not hesitate to reach out as we would be happy to meet with you, and further discuss this matter.

Kind regards,

A handwritten signature in black ink that reads "M Donnelly". The signature is written in a cursive, flowing style.

Michael Donnelly  
President  
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## **About Animal Care Australia**

As a nationally recognised animal welfare organisation, Animal Care Australia encourages continued development of animal welfare standards and Codes of Practice for animal husbandry, breeding, training, sale, and sporting exhibitions for a wide range of animal species, including pets, animals used for educational or entertainment purposes or kept for conservation, and in particular native birds, reptiles, and mammals.

Animal Care Australia was founded in early 2018 to establish an organisation run solely by volunteers to lobby for real animal welfare. With extreme animal rights and animal liberationist ideologies influencing government legislation, regulation, and policy at our expense and to the detriment of our animals and pets, it has become necessary to provide government with a balancing voice.

By uniting the broad spectrum of animal groups, collectively we offer an experienced, sensible approach to animal welfare.

By educating our members and the public about the importance of treating animals with kindness and respect for their needs and promoting the humane treatment of animals to improve animal welfare outcomes, Animal Care Australia is in the unique position of lobbying and advocating for all animals within our care.

Animal Care Australia provides priority to the following:

- advocating for stronger welfare outcomes
- advocating to increase education of the public in animal welfare and best care techniques
- educate the public on handling their animals with kindness & respect and the importance of their needs
- educate the public in the differences between animal welfare and animal rights