



Assistance dogs and psychosocial disability – Lessons from the AAT

An interesting recent AAT case centred on whether it was reasonable for the NDIS to fund a support dog for a participant with psychosocial disability.

The tribunal ultimately decided in favour of the participant, and the case gives good insight into the requirements that must be met to demonstrate that an assistance dog is an appropriate support for a person with psychosocial disability.

You can [read the full description of the case](#) – SCHW and the NDIA – online; we have provided a summary of the case below.

The background

SCHW is an NDIS participant with a diagnosis of dissociative identify disorder, complex post-traumatic stress disorder, depression and anxiety. She has been an NDIS participant since 2017 and her psychiatric history spans over 40 years.

Her dissociative identify disorder (previously known as multiple personality disorder) results in her identity fragmenting into distinct personality states when triggered – this happens multiple times each day and she has no memory of these episodes. This has sometimes resulted in situations dangerous to herself and others. She also experiences panic attacks, flashbacks, night terrors and nightmares.

SCHW has a fear of human touch which can trigger her to dissociate – this discourages her from going out in public or having social interactions. Moreover, she is unable to leave her home unaccompanied because of safety issues around dissociation.

Her NDIS plan provides her with support workers for 18 hours a week to enable her to access the community. However, there are difficulties for SCHW in using support workers:

- the time involved for her to develop trust with support workers
- the fact that she can only leave her home within support worker employment hours
- the difficulty for her to impose boundaries with support workers in what she feels is an unequal relationship
- the fact that unexpected touch by support workers has triggered her to disassociate in the past.

SCHW's goal is to increase her independence and social participation, and she believes an assistance dog would help her achieve this.

Assistance dogs are specialised animals that offer support beyond that which can be provided by a currently-owned pet. They are highly trained to do specific tasks and must pass an assessment and be registered as an assistance dog.

SCHW has a long history of owning pet dogs and being a responsible owner.



The issue under consideration

The issue to be determined is whether the requested support is reasonable and necessary in accordance with subsection 34(1) of the NDIS Act. That is:

- Will it support the participant to pursue their goals?
- Will it support the participant to undertake activities so as to facilitate social and economic participation?
- Does the support represent value for money?
- Will the support be effective and beneficial?

The AAT noted that the decision about whether an assistance animal is a reasonable and necessary support should be a case-by-case decision, based on:

- the severity and impact of the disability on the person's life
- whether an appropriately selected and trained animal can perform at least three tasks that directly and clearly mitigate the impact of the owner's disability
- the person's ability to manage the needs of the animal.

The evidence

SCHW gave evidence about her companion dog, G. G provides SCHW significant comfort when she dissociates, and wakes her up when she is having night terrors. SCHW's veterinarian reported that G has always been well cared for.

However, G, is not an assistance dog, is not specifically trained to perform helpful tasks and is not legally permitted to accompany SCHW to public places.

SCHW identified that a trained assistance dog could help:

- enable her to leave home unaccompanied by support workers
- prevent or block unseen or unexpected human touch that causes her to dissociate
- alert her to hazards or alarms during dissociation
- stay with her when she dissociates and provide physical emotional comfort that a support worker cannot provide because human touch triggers her
- lead her to a safe place after dissociation or a panic attack
- reduce her confusion after a dissociation or panic attack, and alert her to forgotten or dropped items
- lie with her during and after night terrors.

SCHW's evidence was supported by:

- detailed evidence from her long-term clinical psychologist
- her GP who wrote a letter saying SCHW would 'benefit greatly' from an assistance dog
- an occupational therapist who suggested a dog could help her access the community
- information from SCHW's daughter.

The AAT also heard evidence from the head trainer of the organisation proposed to provide the assistance dog about what an assistance dog could be trained to do and the process and costs for acquiring a fully trained assistance dog.

The AAT also considered academic research, in particular, a 2016 NDIA-commissioned La Trobe University review into the effectiveness of assistance animals in managing impairments other than vision and hearing.



This review found that the evidence base for assistance animals is weak due to study limitations, but in general, positive.

More recent research showing that assistance animals may reduce post-traumatic stress indicators in military veterans was also thought relevant, because episodes of dissociation can occur from post-traumatic stress disorder, and because dissociative identify disorder is relatively rare and therefore research into the benefits of assistance animals for people with this diagnosis is unlikely.

Finally, the AAT heard evidence from SCHW that an assistance dog would likely significantly reduce her reliance on support workers, and would therefore represent good value for money for the NDIA.

The NDIA's case centred on evidence commissioned from two experts: a clinical and forensic psychologist, and a veterinary specialist.

The decision

The AAT accepted evidence from SCHW finding her a 'credible and impressive witness of truth', giving evidence in a 'candid and straightforward manner'. It also accepted the additional professional evidence that verified her statements.

The tribunal gave less weight to the NDIA's commissioned evidence, on the basis that neither expert:

- had met SCHW
- had experience with a person diagnosed with dissociative identify disorder
- had experience in relation to assistance dogs and psychosocial disability
- provided comprehensive explanations for their opinions.

The AAT decided in favour of SCHW – that is, that in her case, an assistance dog meets the reasonable and necessary requirements of the NDIS.

It made this decision because it was satisfied that:

- an assistance dog could be trained to undertake more than three tasks that would assist SCHW to meet her goal of being more independent and less reliant on support workers
- specifically, it would enable her to leave her home without a support worker, facilitating social and economic participation
- on the balance of probabilities, an assistance dog would likely reduce SCHW's reliance on support workers (therefore reducing the cost of this support), ultimately resulting in value for money
- there were no likely animal welfare issues applicable.

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