

# ***Guide, Hearing and Assistance Dogs Regulation 2019***

Explanatory notes for SL 2019 No. 144

made under the

*Guide, Hearing and Assistance Dogs Act 2009*

## **General Outline**

### **Short title**

*Guide, Hearing and Assistance Dogs Regulation 2019*

### **Authorising law**

This Regulation is made under section 118 of the *Guide, Hearing and Assistance Dogs Act 2009*.

### **Policy objectives and the reasons for them**

The objective of the *Guide, Hearing and Assistance Dogs Act 2009* (the Act) is to ensure that every person who relies on a certified guide, hearing or assistance dog has the same access rights as others to public places and public passenger vehicles. The Act also aims to ensure the quality and accountability of guide, hearing and assistance dog training services.

The *Guide, Hearing and Assistance Dogs Regulation 2009* (the Regulation) is due to expire on 1 September 2019 in accordance with section 54 of the *Statutory Instruments Act 1992*.

The objective of the Regulation is to support the operation of specific provisions of the Act, including the requirements for identifying coats (section 12(4) of the Act), records to be kept by a trainer (section 31(2)(b) of the Act), and the form and requirements of identity cards for handlers (section 45(b) of the Act).

The aim of the requirements for guide, hearing and assistance dogs to wear identifying coats in public places and passenger vehicles under the Regulation is to enable members of the public and people in charge of public places or public passenger vehicles to easily recognise the dog as a guide, hearing or assistance dog. It is an offence under the Act for a person in control of a public place or a public passenger vehicle to refuse entry or service to a person because they are accompanied by a trained guide, hearing or assistance dog, or a trainee support dog, or to separate a person with a disability from his or her guide, hearing or assistance dog.

Under the Regulation, the requirements for identifying coats and identity cards for handlers and the specific requirements (for example, to include name, date, expiry, and photo) further support this purpose to ensure guide, hearing or assistance dogs are correctly identified as such in the community.

The requirements on trainers for record keeping, confidentiality and complaints policy and insurance cover, link back to one of the primary aims of the Act which is to ensure the quality and accountability of guide, hearing and assistance dog training services. If trainers do not comply with certain requirements, this could jeopardise public acceptance of guide, hearing and assistance dogs as they may be refused entry to public places.

## **Achievement of policy objectives**

In line with guidelines for expiring subordinate legislation, the Department of Communities, Disability Services and Seniors undertook a sunset review of the Regulation to evaluate the continuing needs, effectiveness and efficiency of the Regulation. The review concluded that the Regulation is meeting its objectives and is required to support the operation of specific provision of the Act. Therefore, it is proposed to remake the Regulation as the *Guide, Hearing and Assistance Dogs Regulation 2019*.

In 2015, the Act was reviewed by a stakeholder review panel to ensure that it continued to serve its objectives. The panel concluded the Act was working well and recommended a modest number of legislative amendments to improve the Act. The purpose of these amendments was to a) improve the access rights of guide, hearing and assistance dog users, and b) simplify and streamline processes for both people with disability and the industry. As a result, the *Guide, Hearing and Assistance Dogs Amendment Act 2015* (the Amendment Act) and the *Guide, Hearing and Assistance Dogs Amendment Regulation (No.1) 2016* (the Amendment Regulation) were both made and commenced on 27 April 2016. The resulting changes to both the Act and the 2009 Regulation were very modest and have been working well. Since the amendments were made, no issues have raised regarding the effectiveness of the legislation or in relation to the requirements prescribed by the Regulation, other than minor clarification of certain provisions.

Since the amendments were made, no issues have raised regarding the effectiveness of the legislation or in relation to the requirements prescribed by the Regulation, other than minor clarification of certain provisions. The Regulation is still effective and efficient and there are no policy changes proposed as part of the remake.

## **Consistency with policy objective of authorising law**

The amendment regulation is consistent with the objectives of the *Guide, Hearing and Assistance Dogs Act 2009* by imposing requirements to ensure that every person who relies on a certified guide, hearing or assistance dog has the same access rights as others to public places and public passenger vehicles. The Act also aims to ensure the quality and accountability of guide, hearing and assistance dog training services.

## **Inconsistency with policy objectives of other legislation**

The *Guide, Hearing and Assistance Dogs Regulation 2019* is consistent with the policy objectives of other legislation. It provides for equal access for people who rely on a certified guide, hearing or assistance dog to public places, consistent with the *Disability Discrimination Act 1992* (Cwlth).

## **Alternative ways of achieving policy objectives**

There is no alternative way of achieving the policy objectives. As the Act provides for requirements prescribed by regulation. Non-regulation of these requirements could jeopardise the objectives of the Act.

## **Benefits and costs of implementation**

The Act and Regulation benefit every person who relies on a certified guide, hearing or assistance dog by allowing the same access rights as others to public places and public passenger vehicles.

Another benefit of the legislation including ensuring the quality and accountability of guide, hearing and assistance dog training services.

There are approximately 650 certified guide, hearing and assistance dogs in the community (as at 10 May 2019). This is a small proportion of the general population and there are no foreseen adverse impacts on government, business, the environment or the community.

As this is a remake of a current regulation, there are no additional implementation costs to government or the community.

## **Consistency with fundamental legislative principles**

The *Guide, Hearing and Assistance Dogs Regulation 2019* is consistent with fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*. It does not impose requirements that are not provided for in the Act. The minor amendments clarifying requirements are not retrospective provisions and transitional provisions are provided to ensure they do not breach fundamental legislative principles.

## **Consultation**

Consultation has been undertaken with the Department of the Premier and Cabinet. The Department of the Premier and Cabinet support the *Guide, Hearing and Assistance Dogs Regulation 2019*.

Consultation was also undertaken with the Office of Best Practice Regulation, Queensland Productivity Commission who concluded that the remake of the Regulation, including the minor amendments, meet the objectives of a sunset review and are unlikely to result in significant adverse impacts. No further consultation was required.

As the regulatory proposals in the Regulation underwent an extensive impact assessment process as part of the 2015 review of the Act, and do not add to regulatory burden, there is no further need for a regulatory impact assessment for the remake of the Regulation.