

Guide, Hearing and Assistance Dogs Bill 2008

Explanatory Notes for Amendments to be moved during Consideration in Detail by the Honourable Lindy Nelson-Carr MP

Title of the Bill

Guide, Hearing and Assistance Dogs Bill 2008

Objective of the Amendments

The objective of the amendments is to provide for minor amendments to the Bill.

Consistency with fundamental legislative principles

No aspects of the amendments are considered to conflict with fundamental legislative principles.

Consultation

Community

Consultation was undertaken with Guide Dogs Queensland about these amendments.

Government

The Department of the Premier and Cabinet was consulted and supports these amendments.

Notes On Provisions

Clause 1 amends clause 12 of the Bill so that the identification procedure can also be satisfied by a handler producing a “valid application notice”. The valid application notice is a written notice issued to a handler by the chief executive that is intended to cover the period between receipt of the application and the issuing of a handler’s identity card. A person with a guide, hearing or assistance dog may rely on the valid application notice when accessing public places or public passenger vehicles. The valid application notice expires 28 days after it is issued.

The inclusion of the valid application notice provisions will make it possible to pursue a prosecution for the offences in clause 13 of the Bill in the interim period between receipt of an application for a handler’s identity card and the issuing of the card.

Clauses 2 and 3 amend the identification requirements for guide dogs in clause 12 of the Bill to provide that a guide dog may be identified by a harness or a coat.

Clause 4 inserts a definition of “valid application notice” for the purposes of clause 12 of the Bill.

Clause 5 omits subclauses 4 to 7 of clause 41 of the Bill preparatory to the amendments to be made by clause 6.

Clause 6 inserts clauses 41A and 41B into the Bill. These clauses set out the procedure to be followed by the chief executive when an application is made for a handler’s identity card. The amendments propose that a written notice be issued immediately upon receipt of an application for a handler’s identity card. This will enable people to be covered for the period between receipt of their application and the issuing of a handler’s identity card.

The amendment also ensures that a decision by the chief executive to issue or refuse to issue a handler’s identity card is made in a timely manner by reducing the timeframe for a decision from 28 to 14 days.

Clause 7 amends clause 44 of the Bill to include a further ground for cancellation of a handler’s identity card where a dog should be retired because of age, illness or other inability to be used as a guide, hearing or assistance dog.

Clause 8 amends clause 66 of the Bill. This is a consequential amendment to update the section reference to new clause 41B.

Clause 9 amends clause 106 of the Bill to ensure that a person with particular expertise in guide, hearing or assistance dog training is on the advisory committee.

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