



Queensland

*Guide, Hearing and Assistance Dogs Act 2009*

# **Guide, Hearing and Assistance Dogs Regulation 2009**

**Current as at 1 October 2015**





Queensland

# Guide, Hearing and Assistance Dogs Regulation 2009

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# Guide, Hearing and Assistance Dogs Regulation 2009

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Guide, Hearing and Assistance Dogs Regulation 2009*.

### 2 Commencement

This regulation commences on 1 July 2009.

### 3 Dictionary

The dictionary in the schedule defines particular words used in this regulation.

### 4 Certificate of disability

- (1) A *certificate of disability*, for a person, is a document—
  - (a) stating that the person has a disability; and
  - (b) signed by a registered health practitioner.
- (2) A document made by an approved training institution stating that the institution is satisfied a person has a vision or hearing impairment is also a *certificate of disability* for the person if—
  - (a) the institution was approved under section 122 of the Act; and
  - (b) the person relies on a guide or hearing dog certified by the institution under section 123 of the Act.



- (ii) if a public access test has been conducted—whether the dog has passed each element of the test;
  - (d) the veterinary history of the dog;
  - (e) the name, if known, of the person for whom the dog is being trained;
  - (f) whether the dog is being trained as a guide, hearing or assistance dog (the dog's *classification*).
- (2) For each dog certified by a trainer, the trainer must keep a record of the following—
- (a) the name and breed of the dog;
  - (b) the date of birth or the approximate age of the dog;
  - (c) the training history of the dog, including—
    - (i) a record of the public access test conducted for the dog; and
    - (ii) whether the dog has passed each element of the test;
  - (d) the veterinary history of the dog;
  - (e) the name of the person for whom the dog was certified;
  - (f) the classification for which the dog was certified.
- (3) A trainer must also keep a copy of the following—
- (a) all documents sent to, and received from, the department by the trainer;
  - (b) any written complaints about the provision of a training service by the trainer;
  - (c) a certificate of disability for the handler of each guide, hearing or assistance dog certified by the trainer.
- (4) A trainer must keep the records and copies required under this section for 7 years.

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**8 Requirement to prepare, maintain and implement policy—Act, s 31(2)(c)**

A trainer must prepare, maintain and implement a policy about—

- (a) the confidentiality of personal information held by the trainer about employee trainers and persons being provided with a training service by the trainer; and
- (b) the handling of complaints about the provision of a training service by the trainer.

**9 Insurance cover for trainers—Act, s 31(2)(d)**

A trainer must ensure the trainer has in force public liability insurance cover of at least \$10,000,000.

## **Part 4 Identity cards for handlers**

**10 Documents to accompany applications—Act, s 41(2)(a)**

- (1) The documents to accompany an application under section 41 of the Act are—
  - (a) a certificate of disability for the applicant; and
  - (b) a certified copy of 1 of the following for the applicant—
    - (i) a birth certificate;
    - (ii) a current driver's licence;
    - (iii) a current 18 plus card;
    - (iv) a current Medicare card;
    - (v) a current passport.
- (2) A copy of a document mentioned in subsection (1)(b) may be certified by a person before whom a statutory declaration may



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be made under the *Statutory Declarations Act 1959* (Cwlth), section 8(b).

## **11 Requirements for photos to accompany applications—Act, s 41(2)(b)**

- (1) The requirements for a photo of an applicant are that the photo—
  - (a) clearly show the face, head and top of the shoulders of the applicant; and
  - (b) show the applicant looking directly at the camera; and
  - (c) comply with the quality requirements stated in subsection (3).
- (2) The requirements for a photo of a guide, hearing or assistance dog are that the photo—
  - (a) clearly show the head of the dog; and
  - (b) show the dog looking directly at the camera; and
  - (c) comply with the quality requirements stated in subsection (3).
- (3) The quality requirements are that the photo—
  - (a) be printed in high resolution on photo paper; and
  - (b) have been taken no more than 6 months before the application is made; and
  - (c) be between 45mm and 55mm high and between 35mm and 40mm wide; and
  - (d) show skin tones and have appropriate brightness and contrast; and
  - (e) not contain a flash reflection or red eye effect.

## **12 Notice of application—Act, s 42(1)**

The requirements for a written notice under section 42(1) of the Act are that the notice include the following—

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- (a) the name of the applicant;
- (b) the name, breed and classification of the dog for the applicant;
- (c) a reference to the obligations under section 13 of the Act;
- (d) the date the notice was issued;
- (e) a statement that the notice expires 28 days after the date it was issued.

## **Part 5**

### **Identity cards for employee trainers and puppy carers**

#### **13 Requirements for identity cards—Act, s 56(2)(b)**

The requirements for an identity card issued to an employee trainer or puppy carer are that the card—

- (a) include the following information—
  - (i) the name of the employee trainer or puppy carer;
  - (ii) the name of the approved training institution that employs the employee trainer or puppy carer;
  - (iii) whether the person is an employee trainer or a puppy carer;
  - (iv) the date the card was issued;
  - (v) the date the card expires; and
- (b) include a photo of the employee trainer or puppy carer; and
- (c) be approximately 60mm high and 100mm wide.

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# Schedule Dictionary

## section 3

*certificate of disability* see section 4.

*classification*, of a dog, see section 7(1)(f).

*registered health practitioner* means—

- (a) a person registered under the Health Practitioner Regulation National Law to practise, other than as a student, in any of the following—
  - (i) the medical profession;
  - (ii) the occupational therapy profession;
  - (iii) the physiotherapy profession;
  - (iv) the psychology profession; or
- (b) a person who is eligible for practising membership of The Speech Pathology Association of Australia Limited ACN 008 393 440.

*trainer*, for part 3, see section 6.

## 1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

## 2 Key

### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amd	= amendment	prov	= provision
t			
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
		)	
notf	= notified	rv	= revised version
d			
num	= numbered	s	= section

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>o in c</b>	= <b>order in council</b>	<b>sch</b>	= <b>schedule</b>
<b>om</b>	= <b>omitted</b>	<b>sdiv</b>	= <b>subdivision</b>
<b>orig</b>	= <b>original</b>	<b>SIA</b>	= <b>Statutory Instruments Act 1992</b>
<b>p</b>	= <b>page</b>	<b>SIR</b>	= <b>Statutory Instruments Regulation 2012</b>
<b>para</b>	= <b>paragraph</b>	<b>SL</b>	= <b>subordinate legislation</b>
<b>prec</b>	= <b>preceding</b>	<b>sub</b>	= <b>substituted</b>
<b>pres</b>	= <b>present</b>	<b>unnum</b>	= <b>unnumbered</b>
		<b>m</b>	
<b>prev</b>	= <b>previous</b>		

### 3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
1	none	1 July 2009	
1A	2010 SL No. 108	1 July 2010	

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
1B	2012 SL No. 82	1 July 2012	

<b>Current as at</b>	<b>Amendments included</b>	<b>Notes</b>
1 October 2015	2015 SL No. 131	

## 4 List of legislation

### Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

#### **Guide, Hearing and Assistance Dogs Regulation 2009 SL No. 126**

made by the Governor in Council on 25 June 2009

notfd gaz 26 June 2009 pp 831–7

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2009 (see s 2)

exp 1 September 2019 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.  
amending legislation—

#### **Health and Other Legislation Amendment Regulation (No. 1) 2010 SL No. 108 pts 1, 9**

notfd gaz 11 June 2010 pp 459–61

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2010 (see s 2)

#### **Health and Other Legislation Amendment Regulation (No. 1) 2012 SL No. 82 pts 1, 3**

notfd gaz 29 June 2010 pp 704–10

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2012 (see s 2)

#### **Health Ombudsman and Other Legislation Amendment Regulation (No. 1) 2015 SL No. 131 pts 1, 3**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 25 September 2015

ss 1–2 commenced on date of notification

remaining provisions commenced 1 October 2015 (see s 2)

## **5 List of annotations**

### **SCHEDULE—DICTIONARY**

def *registered health practitioner* sub 2010 SL No. 108 s 22  
amd 2012 SL No. 82 s 6; 2015 SL No. 131 s 6

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