



Queensland

Guide, Hearing and Assistance Dogs (Places of Accommodation) Amendment Bill 2013



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2013

A Bill

for

An Act to amend the *Guide, Hearing and Assistance Dogs Act 2009* to provide for rights and obligations relating to guide, hearing and assistance dogs in places of accommodation

The Parliament of Queensland enacts— 1

Clause 1	Short title	2
	This Act may be cited as the <i>Guide, Hearing and Assistance Dogs (Places of Accommodation) Amendment Act 2013</i> .	3 4
Clause 2	Act amended	5
	This Act amends the <i>Guide, Hearing and Assistance Dogs Act 2009</i> .	6 7
Clause 3	Amendment of s 3 (Objects of Act)	8
	(1) Section 3(2)(a), before ‘particular’—	9
	<i>insert—</i>	10
	places of accommodation and	11
	(2) Section 3(2)(b), before ‘particular’—	12
	<i>insert—</i>	13
	places of accommodation and	14
Clause 4	Amendment of pt 2, hdg (Guide, hearing and assistance dogs in public places and public passenger vehicles)	15 16
	Part 2, heading, after ‘in’—	17
	<i>insert—</i>	18
	places of accommodation,	19
Clause 5	Amendment of s 6 (Definitions for pt 2)	20
	Section 6—	21
	<i>insert—</i>	22
	<i>accompanied handler</i> means—	23

- (a) a person with a disability who is accompanied by the certified guide, hearing or assistance dog the person relies on to reduce the person's need for support; or
 - (b) an approved trainer, employee trainer or puppy carer who is accompanied by a guide, hearing, assistance or trainee support dog.
- certified guide, hearing or assistance dog*** means a guide, hearing or assistance dog that is certified under part 4.
- place of accommodation*** includes—
- (a) a house or flat; and
 - (b) a hotel or motel; and
 - (c) a boarding house or hostel; and
 - (d) a caravan or caravan site; and
 - (e) a manufactured home under the *Manufactured Homes (Residential Parks) Act 2003*; and
 - (f) a site within the meaning of the *Manufactured Homes (Residential Parks) Act 2003*, section 13; and
 - (g) a camping site.
- term*** includes a condition, requirement or practice, whether or not written.

- Clause 6 Amendment of s 8 (People with a disability may be accompanied by their guide, hearing and assistance dogs)**
- (1) Section 8(1), after 'in a'—
 insert—
 place of accommodation,
 - (2) Section 8(2), after 'into a'—

[s 7]

insert—

place of accommodation,

Clause 7 Amendment of s 9 (Trainers and puppy carers may be accompanied by guide, hearing, assistance and trainee support dogs)

(1) Section 9(1), after ‘in a’—

insert—

place of accommodation,

(2) Section 9(2), after ‘into a’—

insert—

place of accommodation,

Clause 8 Amendment of pt 2, div 3, hdg (Obligations of persons exercising control of public places and public passenger vehicles)

Part 2, division 3, heading, after ‘control of’—

insert—

places of accommodation,

Clause 9 Amendment of s 11 (Who is a *person exercising control* of a public place or public passenger vehicle)

(1) Section 11, heading, after ‘of a’—

insert—

place of accommodation,

(2) Section 11, after ‘*control* of a’—

insert—

place of accommodation,

Clause 10	Amendment of s 12 (Identification procedure for handlers and trainers)	1 2
	Section 12(2)(a)(ii), after ‘control of a’—	3
	<i>insert—</i>	4
	place of accommodation,	5
Clause 11	Insertion of new s 12A	6
	After section 12—	7
	<i>insert—</i>	8
	12A Obligations of persons exercising control of places of accommodation	9 10
	(1) A person exercising control of a place of accommodation must not—	11 12
	(a) refuse to accept a reservation or application at the place for accommodation for an accompanied handler because the accompanied handler is accompanied by a guide, hearing, assistance or trainee support dog; or	13 14 15 16 17 18
	(b) refuse to enter into or fulfil an agreement to provide accommodation at the place for an accompanied handler because the accompanied handler is accompanied by a guide, hearing, assistance or trainee support dog; or	19 20 21 22 23 24
	(c) refuse to renew or extend the supply of accommodation for an accompanied handler at the place because the accompanied handler is accompanied by a guide, hearing, assistance or trainee support dog; or	25 26 27 28 29
	(d) impose a term as part of an agreement to provide accommodation for an accompanied handler at the place because the accompanied handler is accompanied by a	30 31 32 33

[s 12]

	guide, hearing, assistance or trainee support dog.	1 2
	Maximum penalty—100 penalty units.	3
(2)	Subsection (1) applies only in relation to an accompanied handler complying with the identification procedure.	4 5 6
(3)	Also, subsection (1)(d) does not apply to a term about the guide, hearing, assistance or trainee support dog entering a part of the place where food is ordinarily prepared for consumption by other residents at the place or members of the public.	7 8 9 10 11 12
(4)	It is a defence to a charge of an offence against subsection (1) for the person to prove that he or she contravened this section for a reason that—	13 14 15
	(a) was reasonable in the circumstances; and	16
	(b) did not relate to the accompanied handler being accompanied by a guide, hearing, assistance or trainee support dog.	17 18 19
	<i>Note—</i>	20
	A person with a disability may also have a right of action under the <i>Disability Discrimination Act 1992</i> (Cwlth).	21 22
Clause 12	Amendment of s 13 (Obligations of persons exercising control of public places and public passenger vehicles)	23 24
	Section 13(3), other than the note—	25
	<i>omit.</i>	26
Clause 13	Amendment of sch 4 (Dictionary)	27
	Schedule 4—	28
	<i>insert—</i>	29
	<i>accompanied handler</i> , for part 2, see section 6.	30

<i>certified guide, hearing or assistance dog</i> , for part 2, see section 6.	1 2
<i>place of accommodation</i> , for part 2, see section 6.	3 4
<i>term</i> , for part 2, see section 6.	5

Authorised by the Parliamentary Counsel