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Office of the
Director-General

Department of
**Communities, Child Safety
and Disability Services**

18 SEP 2015

Ms Leanne Donaldson MP
Chair
Communities, Disability Services
and Domestic and Family Violence Prevention Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Ms Donaldson

Thank you for letter regarding the submissions to the Communities, Disability Services and Domestic and Family Violence Prevention Committee (the Committee) inquiry into the Guide, Hearing and Assistance Dogs Amendment Bill 2015 (the Bill).

Please find enclosed the Department of Communities, Child Safety and Disability Services' response to the issues raised in the submissions and the additional query raised by the Committee on 16 September 2015.

On the whole, I note that submissions are generally supportive of the Bill and its objectives of strengthening and improving the access rights of guide, hearing and assistance dog users.

If you require any further information or assistance in relation to this matter, please contact Ms Megan Giles, Executive Director, Legislative Reforms, Department of Communities, Child Safety and Disability Services or [REDACTED].

I trust this information is of assistance.

Yours sincerely

[REDACTED]
Cathy Taylor
Acting Director-General

Enc (1)

13th Floor 111 George Street
Brisbane Queensland 4000
GPO Box 806 Brisbane
Queensland 4001 Australia
General Enquiries
Telephone +61 7 3235 4312
Facsimile +61 7 3235 4327
Email dgooffice@communities.qld.gov.au
Website www.communities.qld.gov.au

Guide, Hearing and Assistance Dogs Amendment Bill 2015

Submissions to the Communities, Disability Services and Domestic and Family Violence Prevention Committee

Submission One: SERVICE DOG TRAINING	
Issue/Recommendation	Response
<ul style="list-style-type: none"> • Recommends lowering age restriction for an accredited handler to 16. 	<ul style="list-style-type: none"> • There is no age restriction for a handler under the <i>Guide, Hearing and Assistance Dogs Act 2009</i>, Regulation or Bill. • As contained in the Bill, an alternative handler must be an adult (i.e. over 18 years of age) to be eligible for an alternative handler's identity card (clause 41). This reflects the circumstance where the child is a primary handler, but requires assistance from an adult to control the dog. • No amendment to the Bill is required.
<ul style="list-style-type: none"> • Recommends the introduction of a three-way handler team accreditation. 	<ul style="list-style-type: none"> • Alternative handler teams are recognised in the amendment Bill (clauses 8A, 40-42). • No amendment to the Bill is required.
<ul style="list-style-type: none"> • Under the Act (s 44(2)), the term of expiry of a handler's identity card for an assistance dog cannot be more than two years, but can be up to five years for a guide or hearing dog. 	<ul style="list-style-type: none"> • Clause 22 of the Bill amends s 44(2) of the Act, so <i>all</i> handler identity cards must not have a day of expiry more than three years after the day of issue. This amendment creates a standardised and fairer approach. • No amendment to the Bill is required.
<ul style="list-style-type: none"> • Handler-issued identity cards (ID) do not carry the same level of authenticity and credibility as government-issued ID cards, which may have implications for access. 	<ul style="list-style-type: none"> • The Bill simplifies processes and provides a one-stop shop for guide, hearing and assistance dog users to have their dogs certified and obtain identity cards. • Government will maintain a regulatory role to prevent fraud or misuse of identity cards, and to be able to effectively enforce the Act. • Through changes made by the Bill, government will still set the standards around the issuing of identity cards. This includes: (1) stipulating the duration of the card itself; (2) requiring trainers and training institutions to keep a register of identity cards issued, cancelled or suspended; and (3) setting minimum quality requirements for identity cards.

	<ul style="list-style-type: none"> As part of implementing these changes, the Department of Communities, Child Safety and Disability Services is committed to working with trainers and training institutions to ensure there is one consistent identification card that is easily recognisable by business and the community. No amendment to the Bill is required.
Submission Two: QUEENSLANDERS WITH DISABILITY NETWORK	
Issue/Recommendation	Issue/Recommendation
<ul style="list-style-type: none"> Important that the development of regulations and implementation of handler-team amendments enables users and people responsible for access to public spaces to be clear about the range of scenarios where it will apply. 	<ul style="list-style-type: none"> The amendment Bill provides that both the primary and alternative handler will have identity cards. An alternative handler has the same rights of access as a primary handler, as long as they are accompanied by the primary handler (clause 8A). As part of the communication strategy, a targeted campaign will address the new handler-team provisions in order to provide clarity to business providers and members of the public.
<ul style="list-style-type: none"> All people with disability, including those with mental illness, need to be acknowledged and included in the implementation of the legislation. 	<ul style="list-style-type: none"> The definition of disability under s 5 of the GHAD Act is broad and includes psychiatric impairment that may be, but need not be, of a chronic episodic nature. Guide, hearing and assistance dogs are working dogs specifically trained to perform tasks and functions that alleviate some of the effects of a person's disability and enhance the person's independence. It is recognised that emotional support dogs that are task-trained to assist people with psychiatric disorders (for example, post-traumatic stress, bipolar, agoraphobia) may qualify as assistance dogs. Communication campaigns/industry engagement will seek to show that disability can take many different forms and is not always visible.
<ul style="list-style-type: none"> To achieve the aims of the amended legislation, effective communication with industry stakeholders, raising awareness and enforcement is needed. Resources should be directed to building the capacity of people with disability and informing them of their rights under the Act. 	<ul style="list-style-type: none"> The department's communication strategy for the Bill will build on, and better coordinate, existing communication material. The strategy will include: <ul style="list-style-type: none"> resources to assist businesses to understand their obligations under the Act as well as wider discrimination laws material targeting guide, hearing and assistance dog users in order to clearly explain access rights and remedies under the Act

	<ul style="list-style-type: none"> ○ broader information for the community about the Act and the etiquette for dealing with people with disability.
<ul style="list-style-type: none"> • The Chief Executive is able to call upon industry experts when assessing an application from a trainer or training institution under the Act and this should include consulting people with disability who use guide, hearing and assistance dogs. 	<ul style="list-style-type: none"> • Through amendments made in the Bill, the Chief Executive will be able to consult with any entity it considers appropriate, which may include people with disability, disability advocacy groups or guide, hearing and assistance dogs trainers or training organisations (clause 11). • No amendment to the Bill is required.
<ul style="list-style-type: none"> • Recommends a consistent identification process. 	<ul style="list-style-type: none"> • This has been addressed, in part, through the Bill which sets minimum requirements around the duration and form of the identity card (clauses 22 and 23). Additional requirements around the form and content of identification cards will be prescribed by Regulation (for example, photo requirements). • Government will engage with approved trainers and training institutions about them taking on the function of issuing identity cards, to support them with this new role. • As noted above, work will be undertaken to ensure there is one consistent identification card that is easily recognisable by business and the community.
<ul style="list-style-type: none"> • Appropriate resourcing needs to be available to ensure enforcement officers are proactive and respond effectively and with timeliness to complaints. 	<ul style="list-style-type: none"> • The department acknowledges and is aware of the need for the effective and timely response to complaints in relation to access rights of people with disability. In most matters, the department will adopt a conciliatory and educative role. • The new enforcement provisions contained in the Bill will provide departmental officers with the necessary powers to conduct investigations and deal with all businesses — from the most cooperative to those who are recalcitrant. • Appropriate resourcing will be made available to ensure the department can respond appropriately to complaints.

COMMITTEE QUERY	
Issue/Recommendation	Response
<ul style="list-style-type: none"> The Departmental briefing on the Bill did not indicate any consultation with private operators of public passenger vehicles, including peak bodies or representatives of taxi operators (e.g. Taxi Council), airlines, and other service providers. 	<ul style="list-style-type: none"> No direct consultation with private operators of public passenger vehicles was undertaken as part of the stakeholder review panel process. The department has however had conversations with transport groups, including the Taxi Council and the Civil Aviation Safety Authority (CASA), since the commencement of the Act. For example, education campaigns have been carried out with the Taxi Council to ensure taxi operators are aware of the access rights of guide, hearing and assistance dog users. The department has also had a productive dialogue with CASA and various Australian airlines in the last year, with regard to the access rights of guide, hearing and assistance dog users. In addition, private transport operators will form a large focus for the department's communication strategy. As part of this, the department will proactively engage with key stakeholders and use the existing networks of the Department of Transport and Main Roads to increase awareness of the Act. Stakeholders will also be consulted as part of the operationalisation of the legislative changes.