



Speech by

Rachel Nolan

MEMBER FOR IPSWICH

Hansard Thursday, 12 February 2009

GUIDE, HEARING AND ASSISTANCE DOGS BILL

Ms NOLAN (Ipswich—ALP) (12.55 pm): I rise to support the Guide, Hearing and Assistance Dogs Bill brought to the House by the minister for disability services, Ms Nelson-Carr. The need for this bill arises principally because most people in the broader community do not know what an assistance dog is. While guide-dogs have been around for many decades, assistance dogs have appeared more recently. They are dogs that are trained to help people with physical, neurological or sensory disabilities to do everyday tasks—opening and shutting doors for a person in a wheelchair, turning light switches on and off, pressing pedestrian crossing buttons, retrieving things which have fallen to the ground and, importantly, alerting people if their handler is in difficulty. Because the broader community is not well aware of these functions, people who rely on assistance dogs have reported that their dogs have been excluded from public transport, from restaurants and from places where, like guide-dogs, assistance dogs have legitimate claim to be. This concern was formally acknowledged in a 2003 Human Rights and Equal Opportunity Commission report entitled *Reform of the assistance animal provisions of the Disability Discrimination Act*.

The bill does a couple of things. Firstly, it provides that a person with a disability may be accompanied by a hearing or assistance dog in a public place, including on public transport, in much the same way as is currently allowed for guide-dogs. Second, the bill allows the chief executive of Disability Services Queensland to approve guide, hearing and assistance dog trainers. Trainers will have to apply to the chief executive for approval and provide information in relation to their qualifications, knowledge, experience and methods of training. Their competence will be assessed and criminal history checks will be undertaken.

I have to say that when I first learned that it was proposed that criminal history checks should be conducted for these dog trainers my reaction was that such a provision seemed over the top. As a believer that offenders should have the opportunity for rehabilitation, it seemed to me that being a dog trainer was probably a means of employment which should be well open to people who have at some stage had a criminal past. Looking into the matter in more detail, I was satisfied with the wisdom of the provisions, so I would like to share some of that detail with the House.

People with a disability can be more vulnerable to abuse, neglect or exploitation than other members of the community. One important and practical way to promote their safety is through criminal history screening of people who come into contact with them at times of vulnerability in order to increase their protection from harm. I think members of the House and members of the public would appreciate that. The bill requires an approved trainer to disclose his or her criminal history to the chief executive. That is in clauses 15 and 57. The bill also requires that an approved trainer or their employee trainer notify the chief executive if there is a change in the person's criminal history. The provision of the criminal history information is designed to assist the chief executive in deciding whether an approved trainer or training institution is or continues to be suitable to work with people with a disability or with animals.

There are several protections in the bill for trainers subject to the criminal history screening. First, the bill does not override the Criminal Law (Rehabilitation of Offenders) Act 1986, which limits a person's criminal history information in relation to unspent convictions. Before using the information, the chief executive must disclose information about a person's criminal history and provide them with an opportunity to make written representations. The person has a right of review to the chief executive and there are strict

controls on the use of and access to criminal history information obtained by Disability Services Queensland through criminal history screening. It is my view that these limitations on the use of criminal histories do provide a balance between the protection of potentially vulnerable people with disabilities and the imperative of offender rehabilitation. As such, I commend the bill to the House.