

2017

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**DISCRIMINATION AMENDMENT REGULATION 2017 (No 1)
SL2017-22**

EXPLANATORY STATEMENT

**Presented by
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Minister for Justice, Consumer Affairs and Road Safety**

DISCRIMINATION AMENDMENT REGULATION 2017 (No 1)

Introduction

This explanatory statement relates to the *Discrimination Amendment Regulation 2017 (No 1)* (the Regulation). It has been prepared in order to assist the reader of the Regulation. It does not form part of the Regulation and has not been endorsed by the Assembly.

The statement is to be read in conjunction with the Regulation. It is not, and is not meant to be, a comprehensive description of the Regulation.

Outline

Purpose of the Regulation

The purpose of this Regulation is to correct an unintended anomaly in the existing *Discrimination Regulation 2016* which would prevent an owner-trained assistance animal from being recognised as an assistance animal for the purposes of a discrimination complaint.

The amendment aligns the requirement for recognition of an *assistance animal* with the definition in the *Disability Discrimination Act 1992* (Cwlth), section 9 (2), which provides that:

assistance animal means an animal trained to help a person with a disability to alleviate the effect of the disability.

The amendment recognises an animal as an assistance animal for the purposes of discrimination if it is trained to assist a person with disability alleviate the effect of the disability” and meets appropriate hygiene and behaviour standards. It also allows for recognition of an animal that has been accredited by a recognised training organisation.

Regulatory impact statement

A regulatory impact statement is not required for this regulation as it does not impose any appreciable costs on the community, or a part of the community.

Human Rights Implications

The Regulation supports the right to recognition and equality before the law under section 8 of the *Human Rights Act 2004*.

Detail

Clause 1 (Name of regulation) names the Regulation – the *Discrimination Amendment Regulation 2017 (No 1)*.

Clause 2 (Commencement) provides that the Regulation commences on the day after it is notified.

Clause 3 (Legislation amended) provides that the Regulation amends the *Discrimination Regulation 2016*.

Clause 4 (Section 2) replaces the requirement for an animal to be trained by a recognised training organisation in order to be deemed an assistance animal. Instead, an assistance animal must now be trained to assist a person with disability to alleviate the effect of the disability or accredited by an organisation that trains animals for that purpose. All other existing requirements are unchanged.