

Australian Capital Territory

Road Transport (Public Passenger Services) Amendment Regulation 2020 (No 1)

Subordinate Law SL2020-32

The Australian Capital Territory Executive makes the following regulation under the [Road Transport (Public Passenger Services) Act 2001](http://www.legislation.act.gov.au/a/2001-62).

Dated 19 August 2020.

Shane Rattenbury

Minister

Mick Gentleman

Minister



Australian Capital Territory

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1 Name of regulation

This regulation is the *Road Transport (Public Passenger Services) Amendment Regulation 2020 (No 1)*.

2 Commencement

This regulation commences on the 7th day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Legislation amended

This regulation amends the [Road Transport (Public Passenger Services) Regulation 2002](http://www.legislation.act.gov.au/sl/2002-3).

4 Section 62 (3) and notes

substitute

 (3) This section does not apply if the animal is—

 (a) a guide-dog or other animal assisting a person with disability; or

 (b) being trained to assist a person with disability; or

 (c) an accredited assistance animal.

Note 1 The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](http://www.legislation.act.gov.au/a/2002-51), s 58).

Note 2 The [Domestic Animals Act 2000](http://www.legislation.act.gov.au/a/2000-86), s 106E, contains offences about not allowing assistance animals in public passenger vehicles.

Note 3 If a person is treated unfavourably because the person is accompanied by an animal trained to help the person alleviate the effect of a disability, the person is discriminated against (see [Discrimination Act 1991](http://www.legislation.act.gov.au/a/1991-81), s 5AA and s 8).

5 Section 70AAD (5) and notes

substitute

 (5) This section does not apply if the animal is—

 (a) a guide-dog or other animal assisting a person with disability; or

 (b) being trained to assist a person with disability; or

 (c) an accredited assistance animal.

Note 1 The defendant has an evidential burden in relation to the matters mentioned in s (5) (see [Criminal Code](http://www.legislation.act.gov.au/a/2002-51), s 58).

Note 2 The [Domestic Animals Act 2000](http://www.legislation.act.gov.au/a/2000-86), s 106E, contains offences about not allowing assistance animals in public passenger vehicles.

Note 3 If a person is treated unfavourably because the person is accompanied by an animal trained to help the person alleviate the effect of a disability, the person is discriminated against (see [Discrimination Act 1991](http://www.legislation.act.gov.au/a/1991-81), s 5AA and s 8).

6 Section 221W (3) and note

substitute

 (3) This section does not apply if the animal is—

 (a) a guide-dog or other animal assisting a person with disability; or

 (b) being trained to assist a person with disability; or

 (c) an accredited assistance animal.

Note 1 The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](http://www.legislation.act.gov.au/a/2002-51), s 58).

Note 2 The [Domestic Animals Act 2000](http://www.legislation.act.gov.au/a/2000-86), s 106E, contains offences about not allowing assistance animals in public passenger vehicles.

Note 3 If a person is treated unfavourably because the person is accompanied by an animal trained to help the person alleviate the effect of a disability, the person is discriminated against (see [Discrimination Act 1991](http://www.legislation.act.gov.au/a/1991-81), s 5AA and s 8).

7 Section 227 (3) and note

substitute

 (3) This section does not apply if the animal is—

 (a) a guide-dog or other animal assisting a person with disability; or

 (b) being trained to assist a person with disability; or

 (c) an accredited assistance animal.

Note 1 The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](http://www.legislation.act.gov.au/a/2002-51), s 58).

Note 2 The [Domestic Animals Act 2000](http://www.legislation.act.gov.au/a/2000-86), s 106E, contains offences about not allowing assistance animals in public passenger vehicles.

Note 3 If a person is treated unfavourably because the person is accompanied by an animal trained to help the person alleviate the effect of a disability, the person is discriminated against (see [Discrimination Act 1991](http://www.legislation.act.gov.au/a/1991-81), s 5AA and s 8).

8 Section 296

substitute

296 Carriage of animals in demand responsive service vehicles

 (1) A person commits an offence if—

 (a) the person travels with an animal in a DRS vehicle; and

 (b) the animal is not confined in a box, basket or other container.

Maximum penalty: 5 penalty units.

 (2) An offence against this section is a strict liability offence.

 (3) This section does not apply if the animal is—

 (a) a guide-dog or other animal assisting a person with disability; or

 (b) being trained to assist a person with disability; or

 (c) an accredited assistance animal.

Note 1 The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](http://www.legislation.act.gov.au/a/2002-51), s 58).

Note 2 The [Domestic Animals Act 2000](http://www.legislation.act.gov.au/a/2000-86), s 106E, contains offences about not allowing assistance animals in public passenger vehicles.

Note 3 If a person is treated unfavourably because the person is accompanied by an animal trained to help the person alleviate the effect of a disability, the person is discriminated against (see [Discrimination Act 1991](http://www.legislation.act.gov.au/a/1991-81), s 5AA and s 8).

9 Dictionary, new definition of accredited assistance animal

insert

accredited assistance animal—see the [Domestic Animals Act 2000](http://www.legislation.act.gov.au/a/2000-86), section 94.

Endnotes

1 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 21 August 2020.

2 Republications of amended laws

 For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au/).

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