

AUSTRALIAN CAPITAL TERRITORY

Dog Control (Amendment) Ordinance 1988

No. 84 of 1988

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 15 December 1988

N. M. STEPHEN
Governor-General

By His Excellency's Command,

CLYDE HOLDING
Minister of State for the Arts
and Territories

An Ordinance to amend the *Dog Control Ordinance 1975*

Short title

1. This Ordinance may be cited as the *Dog Control (Amendment) Ordinance 1988*.¹

Commencement

2. This Ordinance commences on such date as is fixed by the Minister by notice in the *Gazette*.

Principal Ordinance

3. In this Ordinance, "Principal Ordinance" means the *Dog Control Ordinance 1975*.²

Interpretation

(Ord. 58/88)—Cat. No.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

4. Section 5 of the Principal Ordinance is amended—

- (a) by inserting in subsection (1) the following definitions:

“ ‘deaf person’ means a person who is totally or partially deaf;

‘blind person’ means a person who is totally or partially blind;

‘hearing dog’ means a dog that has been trained in the assistance of the deaf and is, or is to be, used for the assistance of a deaf person;” and

- (b) by omitting from the definition of “guide dog” in subsection (1) “person who is totally or partially blind” and substituting “blind person”.

Application for registration**5. Section 9 of the Principal Ordinance is amended—**

- (a) by adding at the end of subparagraph (1) (b) (ix) “or a hearing dog”; and
- (b) by adding at the end of subparagraph (1) (d) (ii) “or a hearing dog”.

Registration**6. Section 10 of the Principal Ordinance is amended—**

- (a) by inserting in paragraph (1) (c) “or a hearing dog” after “guide dog”; and
- (b) by inserting in subsection (3) “or a hearing dog” after “guide dog”.

Certificate of registration and tag

7. Section 12 of the Principal Ordinance is amended by adding at the end of paragraph (2) (c) “or a hearing dog”.

Renewal of registration

8. Section 13 of the Principal Ordinance is amended by adding at the end of paragraph (3) (b) “or a hearing dog”.

Restricted areas

9. Section 23 of the Principal Ordinance is amended by adding at the end of subsection (10) “or a hearing dog that is accompanying a deaf person”.

Insertion

10. After Part IV of the Principal Ordinance the following Part is inserted:

“PART IVA—GUIDE DOGS AND HEARING DOGS

Crown

“35A. (1) This Part binds the Crown.

“(2) Nothing in this Part renders the Crown liable to be prosecuted for an offence.

Public place

“35B. In this Part, ‘public place’ includes—

- (a) the part of any—
 - (i) government office;
 - (ii) bank, building society or credit union;
 - (iii) shop, store, market, restaurant, hotel or club;
 - (iv) university, college or school;
 - (v) theatre, gallery, library, war memorial, museum, exhibition centre, church, sportsground, racetrack or other place of cultural, historical or educational display, of religious observance or of entertainment or recreation; or
 - (vi) other public, commercial or business office or premises;to which the public have access or which the public are entitled to use (whether on payment of money or otherwise); and
- (b) a motor omnibus or taxi within the meaning of the *Motor Traffic Ordinance 1936*.

Rights of blind or deaf person with dog

“35C. (1) Notwithstanding any other law of the Territory, a blind person accompanied by a guide dog or a deaf person accompanied by a hearing dog has the same right of access to, and the same entitlement to the use of, a public place as that person would have if not accompanied by a dog.

“(2) Without limiting the generality of subsection (1), a blind person or deaf person is not guilty of an offence by reason only of taking a guide dog or hearing dog (as the case requires) onto or into, or permitting such a dog to enter, a public place.

Exclusion etc. from public place—offence

“35D. A person shall not, without reasonable cause—

- (a) deny a blind person accompanied by a guide dog, or a deaf person accompanied by a hearing dog, access to, or the use of, a public place; or
- (b) exclude or remove from a public place—
 - (i) a blind person accompanied by a guide dog;
 - (ii) a deaf person accompanied by a hearing dog;
 - (iii) a guide dog that is accompanying a blind person; or
 - (iv) a hearing dog that is accompanying a deaf person.

Penalty: \$500.

Imposition of excess charges—offence

“35E. (1) A person shall not impose a charge on a blind person accompanied by a guide dog, or on a deaf person accompanied by a hearing dog—

- (a) in respect of accommodation, goods or services provided or supplied to or for the blind or deaf person; or
- (b) for access to, or the use of, a public place by the blind or deaf person;

unless that charge would have been imposed on the blind or deaf person if not accompanied by a dog.

Penalty: \$500.

“(2) A person does not commit an offence under subsection (1) by reason only of imposing a charge or additional charge on a blind person accompanied by a guide dog, or on a deaf person accompanied by a hearing dog, in respect of—

- (a) accommodation, goods or services provided or supplied for the dog; or
- (b) expenses reasonably incurred by the first-mentioned person because of the presence of the dog;

if that charge or additional charge was reasonable in the circumstances.

Recovery of excess charge

“35F. Where a blind person or deaf person has paid a charge imposed in contravention of subsection 35E (1), he or she is entitled to recover from the person to whom it was paid an amount equal to the amount by which that charge exceeds the charge that could have been imposed without involving such a contravention.”.

Further amendments

11. The Principal Ordinance is amended as set out in the Schedule.
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SCHEDULE

Section 11

FURTHER AMENDMENTS**Subsections 15 (2), 19 (1) and 20 (1):**

Omit “\$20”, substitute “\$40”.

Subsection 21 (1):

Omit “\$70”, substitute “\$140”.

Subsection 21 (3):

Omit “\$50”, substitute “\$100”.

Subsection 22 (1):

Omit “\$20”, substitute “\$40”.

Subsections 23 (1), (2), (3) and (4), and 24 (3):

Omit “\$50”, substitute “\$100”.

Subsection 25 (1):

Omit “\$50”, substitute “\$200”.

Section 26:

Omit “\$10”, substitute “\$20”.

Section 28:

Omit “\$50”, substitute “\$100”.

Subsection 35 (1):

Omit “\$100 or imprisonment for one month”, substitute “\$200”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 19 December 1988.
2. No. 18, 1975 as amended by No. 11, 1976; No. 42, 1977; No. 36, 1981; No. 65, 1982; No. 23, 1983; No. 48, 1984; Nos. 14 and 37, 1985; No. 31, 1986.