

Human Rights (Disability Assist Dogs Non-Discrimination) Amendment Bill

Member's Bill

Explanatory note

General policy statement

This Bill amends the Human Rights Act 1993 to include a definition of disability assist dog and thus makes it clear that if any individual, organisation or business discriminates against a person, for example by denying a service to that person, on the basis that the person has or uses a disability assist dog, then they are in fact denying the service to a person on the basis of their disability, and therefore discriminating against them.

A disability assist dog, as set out in the Dog Control Act 1996, is: a dog certified by an organisation specified in that Act as being a dog trained to assist (or as being a dog in training to assist) a person with a disability.

This change is needed because disability assist dogs perform an invaluable service to many New Zealanders living with disability who rely on the skills of their disability assist dog to enable their participation in society on a daily basis.

Trained disability service dogs are able to perform a wide variety of tasks, depending on their owner's particular disability. It could be that the dog alerts someone with a hearing loss to noises such as alarm clocks, telephones, kitchen timers, doorbells, and fire alarms; or retrieves objects for a person who uses a wheelchair.

These are just some examples of the many ways in which disability assist dogs play a critical role in enabling many New Zealanders to participate fully in society. Their purpose is quite different to a pet or everyday domestic animal, and because of their crucial role in the lives of many disabled people, it is essential that they are viewed and treated differently by the law.

There is anecdotal evidence that there are New Zealanders living with disability who have disability assist dogs and are being denied access to some services based on that fact.

An example of a service that will be affected by the Bill would be in the provision of accommodation. This Bill would mean that no person can be discriminated against while applying for rental housing solely on the basis that they have and use a disability assist dog.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause and provides that the Bill comes into force on the day after the date on which it receives the Royal assent.

Clause 3 provides that the Bill amends the Human Rights Act 1993 (the **principal Act**).

Clause 4 amends section 2, which relates to interpretation, by inserting a definition of disability assist dogs.

Clause 5 amends section 21, which relates to the prohibited grounds of discrimination, by replacing a reference to guide dogs, in the part of the provision relating to disability as a prohibited ground of discrimination, with a reference to disability assist dogs, thus broadening that prohibited ground of discrimination.

Ricardo Menéndez March

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Human Rights (Disability Assist Dogs Non-Discrimination) Amendment Act **2021**.
- 2 Commencement** 5
This Act comes into force on the day after the date on which it receives the Royal assent.
- 3 Principal Act**
This Act amends the Human Rights Act 1993 (the **principal Act**).
- 4 Section 2 amended (Interpretation)** 10
In section 2(1), insert in its appropriate alphabetical order:
disability assist dog has the same meaning as in section 2 of the Dog Control Act 1996

5 Section 21 amended (Prohibited grounds of discrimination)

In section 21(1)(h)(vi), replace “guide dog” with “disability assist dog”.