

**Government Response to the
Report of the Social Services and Community Committee
on
Human Rights (Disability Assist Dogs Non-Discrimination)
Amendment Bill**

Presented to the House of Representatives

Introduction

The Government has carefully considered the recommendation of the Social Services and Community Committee (the Committee) in its report on the Human Rights (Disability Assist Dogs Non-Discrimination) Amendment Bill (the Bill).

The Government is grateful for the work of the Committee on possible improvements to the Human Rights Act 1993.

The Committee's report was presented to the House on 16 March 2022. The Government responds to the Committee's recommendation according to Cabinet Office guidance.

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

The Bill is a Member's bill in the name of Ricardo Menéndez March MP that seeks to amend the Human Rights Act 1993 to prohibit discrimination against a person having or using a disability assist dog. This is done by replacing the reference to "guide dog" with reference to a broader term of "disability assist dog," as defined in the Dog Control Act 1996.

There are an extensive range of disabilities and conditions with which people require the assistance of disability assist dogs to complete critical tasks in their daily lives. Under the Human Rights Act 1993, disability is a prohibited ground of discrimination and is currently defined to include reliance on a guide dog. Discrimination on the basis of reliance on a guide dog is therefore unlawful when it occurs in various aspects of a person's daily life such as accessing employment, public places and vehicles, goods and services, and public education and health services.

The Social Services and Community Committee's recommendations

In its report, the Committee recommended to the House that the Bill be passed without amendment. This would result in the term "disability assist dog" being used in the Human Rights Act 1993 as a prohibited ground of discrimination.

By replacing "guide dog" with "disability assist dog" the Bill would clarify that refusal to grant access to goods, services, public transport, housing and so on is unlawful discrimination if the refusal is on the basis of a person's reliance on a disability assist dog.

The Committee noted that the terms "guide dog," "companion dog," and "hearing ear dog" are used across various statutes and regulations which may create doubt as to whether the relevant legislation covers the wider range of disability assist dogs. Consequently, the Committee noted this may raise questions about the consistency of this legislation with the Human Rights Act 1993 and the New Zealand Bill of Rights Act 1990.

The Committee therefore also recommended to the Government that it review the statutory uses of the terms "guide dog," "companion dog," and "hearing ear dog," and consider whether these terms should be updated.

Government response

The Government acknowledges the Committee's recommendation to review all statutory uses of the terms "guide dog," "companion dog," and "hearing ear dog" and consider whether these terms should be updated to "disability assist dog."

The Government considers that each of these terms needs to be carefully considered individually according to the regulatory settings in which it is used.

There are a small range of agencies that are responsible for administering legislation that contains the terms identified by the Committee. Each agency will consider the use of these terms at the time the relevant legislation comes up for review, as determined by the Government's priorities and the agency's policy work programme.

Two agencies are currently reviewing their legislation and are considering implementing this change to the terminology.