EXPLANATORY STATEMENT

Issued by the authority of the Minister for Veterans' Affairs

Defence Act 1903

Defence (Public Areas) By-Laws 1987

Section 116 ZD of the Defence Act 1903 (the Act) provides that the Minister may, by legislative instrument, make by-laws, not inconsistent with the Act, for and in relation to the control and management of public areas.

By-Law 8(1) of the Defence (Public Areas) By-Laws 1987 (the Principal By-Laws) makes it an offence to take an animal into a public area, as defined by notice published in the Gazette under section 116Q of the Act. By-law 8(2) provides however, an exception for a blind person taking a guide dog into such a public area.

The amendments to by-law 8(2) of the Principal By-Laws widen the exception provided by by-law 8(2) to ensure that persons with vision, hearing or other disabilities are able to take animals, trained to alleviate the effects of those disabilities, into such public areas.

Details of the amendments are outlined in the Attachment.

The Act does not specify any conditions that need to be met before the power to make the by-laws may be exercised.

The by-laws are a legislative instrument for the purposes of the Legislative Instruments Act 2003.

The by-laws commence on the day after they have been registered on the Federal Register of Legislative Instruments.

There has been no consultation in the making of this instrument as it relates to an issue of national security.

Authority: Section 116 ZD
Defence Act 1903

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Details of the Defence (Public Areas) Amendment By-Laws 2006 (No.)

By-Law 1 identifies the By-Laws as the Defence (Public Areas) Amendment By Laws 2006 (No.)

By-Law 2 provides that the By-Laws commence the day after they are registered on the Federal Register of Legislative Instruments.

By-Law 3 provides that the amendments to the Defence (Public Areas) By Laws 1987 (the Principal By-Laws) are contained in Schedule 1.

Schedule 1

[11 Item 1 amends by-law 8(2) by providing that that the prohibition on taking an animal into a public area prescribed in by-law 8(1) of the Principal By-Laws does not apply to a person who has a vision, hearing or other disability when such a person takes an animal, trained to assist a person to alleviate the effect of one of the above disabilities, into a public area.

Attachment