

Carers (Recognition) Bill 2008

Explanatory Notes

Objectives of the Bill

The objective of the legislation is to provide for the recognition of carers and the important contribution they make to the community.

Reasons for Bill

The Act is created to recognise the rights and needs of carers, who play a vital and largely unrecognised role in our community. By implementing this legislation, the Parliament of Queensland will be acknowledging the positive impact carers make on the people they care for and on the wider community, as well as recognising the specific difficulties and circumstances which face carers.

Special mention is made of young carers and carers in regional and remote Queensland, due to the exceptional circumstances they face.

The Act incorporates the Carers' Charter, giving carers and their representative bodies a framework for all public sector entities to refer to when making decisions that affect carers.

The Charter contains 11 principles which will promote better recognition and consideration of carers. By implementing this legislation, this Act provides a consistent framework for all public sector entities, and gives carers recognition within our legislative structure.

Carers in Queensland have been waiting for recognition to be formalised since a Recognition Policy was first touted in 2003, but no legislation has followed to date. Other States and territories which have implemented Carers' Recognition legislation include South Australia, Western Australia and the ACT.

Consultation

Representatives of a number of carers' organisations and individuals, including carers for people with disabilities, carers for aged individuals and family carers have been consulted on this legislation.

Notes on Provisions

Short Title

Clause 1 provides that the short title of the Act is the *Carers (Recognition) Act 2007*.

Definitions

Clauses 2 and 3 provide definitions for the Act—

A *carer* is a person who voluntarily provides ongoing care or assistance to another person who, because of age, disability, frailty, chronic illness or pain, requires assistance with everyday tasks.

carer's charter see section 4.

public authority means—

(a) a Minister; or

- (b) a department; or
 - (c) a local government; or
 - (d) an entity established by the State or a local government.
- voluntarily** means in a non-contractual and unpaid capacity.

Consideration and Reporting Obligations

Clauses 5 and 6 apply if a public authority is to make a decision regarding the assessment, planning, delivery and review of services affecting carers. These clauses give the Charter weight as a framework to be considered for any decisions made by the authority that affect carers.

The clauses also direct the authorities to engage in consultation with representative organisations for carers when they make decisions affecting carers. The consultation process must be recorded as part of the decision making.

These clauses are aimed at ensuring carers become a part of the decision making process, and have input, through their representative bodies, into decisions that affect them. Because carers fulfil such an important function in our community, and face special circumstances, this input is necessary to ensure they receive the support of public authorities.

Schedule - The Charter

- 1 The State recognises the effort and dedication of carers in our community and that carers provide a vital service.
- 2 Carers deserve the respect of our community and should be supported within their community by all levels of government, institutions and organisations.
- 3 The views and needs of carers must be taken into account together with the views, needs and best interests of the people they care for when making policy decisions.
- 4 The importance of carers' work gives carers, or their representative bodies, the right to be included in the assessment, planning, delivery and review of services affecting carers.
- 5 Complaints made by carers in relation to services that impact on them must be given careful consideration.
- 6 Carers should be recognised—
 - (a) for their unique knowledge and experience; and
 - (b) as individuals with their own needs.
- 7 The relationship between a carer and the person they care for should be respected and honoured.
- 8 Children and young people who are carers should be specifically supported by all of our community.
- 9 The caring responsibilities of children and young people should be minimised.
- 10 Carers need access to a wide range of responsive and affordable services to support them and their decision making in their role as a carer.
- 11 Remote and rurally based carers face additional difficulties caused by isolation.