

Carers (Recognition) Bill 2008

Amendments agreed to during Consideration

1 Before clause 1 (Short title)

At page 4, before line 2—

insert—

‘Part 1 Preliminary’.

2 Clauses 2 to 6

At page 4, line 4 to page 5, line 17—

omit, insert—

‘2 Commencement

‘This Act commences on a day to be fixed by proclamation.

‘3 Act binds all persons

‘This Act binds all persons, including the State.

‘4 Objects of Act

‘The objects of this Act are—

- (a) to recognise the valuable contribution by carers to the people they care for; and
- (b) to recognise the benefit, including the social and economic benefit, provided by carers to the community; and
- (c) to provide for the interests of carers to be considered in decisions about the provision of services that impact on the role of carers; and
- (d) to establish the Carers Advisory Council.

‘5 Definitions

‘In this Act—

carer see section 6.

carers charter see section 7.

council means the Carers Advisory Council established under section 11.

public authority means—

- (a) a department; or
- (b) a statutory body.

statutory body means a statutory body under the *Financial Administration and Audit Act 1977*, section 5.

‘6 Meaning of *carer*

‘(1) A *carer* is an individual who provides, in a non-contractual and unpaid capacity, ongoing care or assistance to another person who, because of disability, frailty, chronic illness or pain, requires assistance with everyday tasks.

‘(2) However, for the purpose of this Act, a person is not a carer—

- (a) only because the person is the spouse, parent or guardian of a person to whom care is provided; or
- (b) if the person provides the care or assistance as a volunteer for a voluntary organisation.

‘7 The Queensland carers charter

‘The Queensland carers charter (the *carers charter*) is set out in the schedule.

‘Part 2 Decisions affecting carers

‘8 Purpose and application of pt 2

- ‘(1) It is Parliament’s intention that this part be complied with.
- ‘(2) However, this part is directory only and does not create rights or impose legally enforceable obligations on the State, a public authority or anyone else.
- ‘(3) Failure to comply with this part does not affect the validity of any decision.
- ‘(4) Subsection (5) applies to a public authority that must, under another Act or law, consider, or comply with, principles or requirements (*other considerations*) in the exercise of the authority’s functions or powers.
- ‘(5) This part does not apply to the public authority to the extent that the principles of the carers charter or requirements under this part would conflict with, or otherwise detract from, the public authority properly considering or complying with the other considerations.

‘9 Obligation of public authorities to consider carers charter

- ‘(1) A public authority must ensure the authority and its officers and employees—
 - (a) have an awareness and understanding of the carers charter; and
 - (b) take action to reflect the principles of the charter in providing services of the authority which affect carers and the persons they care for.
- ‘(2) Also, a public authority must consult with the representative bodies that the authority is satisfied represent the carers affected when making strategic policy or planning decisions relevant to carers and the persons they care for.

‘10 Reporting obligations

- ‘(1) A public authority must prepare a report on how the authority complies with section 9.
- ‘(2) A report required under this section must—

- (a) include information prescribed by regulation; and
- (b) be incorporated with the annual report of the public authority and relate to the period to which the annual report relates.

‘(3) In this section—

annual report means an annual report under the *Financial Administration and Audit Act 1977*.

‘Part 3 Carers Advisory Council

‘Division 1 Establishment and functions

‘11 Establishment of Carers Advisory Council

‘The Carers Advisory Council is established.

‘12 Functions of the Carers Advisory Council

‘The functions of the council are to—

- (a) work to advance the interests of carers and promote compliance by public authorities with the carers charter; and
- (b) make recommendations to the Minister on enhancing compliance by public authorities with the carers charter; and
- (c) provide general advice to the Minister on matters relating to carers; and
- (d) carry out other functions as directed by the Minister.

‘13 Minister may give directions

‘(1) The council must perform its functions subject to—

- (a) the general direction and control of the Minister; and
 - (b) any specific written directions given to it by the Minister.
- ‘(2) Without limiting subsection (1)(b), a direction under that provision may require the council to give the Minister, or provide the Minister with access to, information in its possession about a matter or class of matter specified in the direction.
- ‘(3) If the council is given a written direction, the council must publish the direction in its next annual report.

‘Division 2 Membership

‘14 Membership

- ‘(1) The council consists of 10 members appointed by signed notice by the Minister.
- ‘(2) Four members must be public service employees.
- ‘(3) Three members must be carers.
- ‘(4) Three members must be representatives of different carers associations.

‘15 Chairperson and deputy chairperson

- ‘(1) The Minister must appoint one of the members of the council to be the chairperson.
- ‘(2) The chairperson holds office for the term decided by the Minister.
- ‘(3) However, a vacancy occurs in the office of chairperson if the person holding the office resigns the office by signed notice of resignation given to the Minister or stops being a member of the council.
- ‘(4) The council must elect one member to be the deputy chairperson.
- ‘(5) The deputy chairperson is to act as chairperson—

- (a) during a vacancy in the office of chairperson; or
- (b) during a period when the chairperson is absent from duty or, for another reason, can not perform the functions of the office.

‘16 Term of appointment as member

- ‘(1) A member is to be appointed for the term, of no more than 2 years, stated in the member’s instrument of appointment.
- ‘(2) A person’s eligibility for reappointment or the term for which a person may be reappointed is not affected by an earlier appointment.

‘17 Remuneration and allowances

- ‘(1) This section applies to a member of the council who is not a public service employee.
- ‘(2) The member is entitled to be paid the remuneration and allowances decided by the Minister.

‘18 Vacation of office

- ‘(1) A member’s office becomes vacant if—
 - (a) the member dies; or
 - (b) the member resigns by signed notice of resignation given to the Minister; or
 - (c) the member’s appointment is ended by the Minister.
- ‘(2) The Minister may, by written notice given to a member, end the member’s appointment if—
 - (a) in the opinion of the Minister, the member is unable, because of illness or absence from the State, to perform the functions of the office; or
 - (b) in the opinion of the Minister, the member commits misconduct of a kind that could justify dismissal from the public service if the member were a public service officer; or

- (c) the member is an insolvent under administration within the meaning of the Corporations Act, section 9; or
- (d) the member is absent from 3 consecutive meetings of the council without the council's permission and without reasonable excuse; or
- (e) in the opinion of the Minister, the member is performing the member's duties carelessly, incompetently or inefficiently.

'Division 3 Conduct of meetings

'19 Procedure at meetings

'Subject to this part, the council may conduct its meetings as it considers appropriate.

'20 Presiding at meetings

- '(1) The chairperson, if present, is to preside at a meeting of the council.
- '(2) If the chairperson and the deputy chairperson are absent, the member chosen by the members present is to preside.

'21 Minutes

'The council must keep a record of the minutes of its meetings and its decisions.

'Part 4 Miscellaneous

'22 Regulation-making power

'The Governor in Council may make regulations under this Act.'

3 Schedule (The Carer's charter)

At page 6, line 1, 'Carer's'—

omit, insert—

'Queensland carers'.

4 Schedule (The Carer's charter)

At page 6, line 2, 'section 4'—

omit, insert—

'section 7'.

5 Schedule (The Carer's charter)

At page 6, after line 2—

insert—

'Because—

the Parliament recognises that carers make a significant contribution to the people they care for and the economic and social wellbeing of the community, and that carers deserve recognition, respect and support for their role as carers; and

helping carers is one of the best ways of helping someone they are caring for and the carers charter will help carers to be heard by government and their issues to be better understood in the community;

this Act establishes the following Queensland carers charter—'.

6 Schedule (The Carer's charter)

At page 6, lines 11 to 14—

omit, insert—

'4 The importance of carers' work means the role of carers should be recognised by including carers, or their representative bodies, in the assessment, planning, delivery and review of services affecting carers.'

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