



Carer Recognition Act 2010

No. 123, 2010

**An Act to provide for the recognition of carers, and
for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

Contents

Part 1—Preliminary	1
1 Short title	1
2 Commencement	2
3 Object of Act	2
4 Definitions	2
5 Meaning of <i>carer</i>	3
Part 2—The Statement for Australia’s Carers	5
6 The Statement for Australia’s Carers	5
Part 3—Obligations of public service agencies and associated providers	6
7 Obligations of all public service agencies	6
8 Additional obligations of public service care agencies	6
9 Obligations of associated providers	7
Part 4—Other matters	8
10 Act does not create legally enforceable obligations etc.	8
11 Act not intended to exclude similar State or Territory laws	8
12 Regulations	8
Schedule 1—The Statement for Australia’s Carers	9



Carer Recognition Act 2010

No. 123, 2010

An Act to provide for the recognition of carers, and for related purposes

[Assented to 18 November 2010]

The Parliament of Australia enacts:

Part 1—Preliminary

1 Short title

This Act may be cited as the *Carer Recognition Act 2010*.

2 Commencement

This Act commences on the day this Act receives the Royal Assent.

3 Object of Act

The object of this Act is to increase recognition and awareness of carers and to acknowledge the valuable contribution they make to society.

4 Definitions

(1) In this Act:

agent includes a contractor.

annual report, in relation to a public service care agency, means an annual report relating to the activities of the agency that is required by a provision of the *Public Service Act 1999*, or by a provision of another Act that establishes the agency.

associated provider has the meaning given by subsection (2).

carer: see section 5.

care supports means policies, programs or services directed to carers or the persons for whom they care.

public service agency means an Agency within the meaning of the *Public Service Act 1999*.

public service care agency means a public service agency that is responsible for the development, implementation, provision or evaluation of care supports.

reporting period, in relation to a public service care agency, means a period of 12 months to which an annual report of the agency relates.

Statement for Australia's Carers: see section 6.

- (2) If a public service care agency enters into a contract or funding arrangement with another person or body (the *first entity*) for the first entity to develop, implement, provide or evaluate care supports (the *funded activities*):
- (a) the first entity is an *associated provider* in relation to the funded activities; and
 - (b) if the first entity enters into a contract or funding arrangement with another person or body (the *second entity*) for the second entity to undertake all or part of the funded activities—the second entity is an *associated provider* in relation to the funded activities or the part of the funded activities (as the case requires).
- (3) Subsection (2) does not apply to a contract or funding arrangement that a public service care agency, or another person or body, enters into with a State or Territory.

5 Meaning of *carer*

- (1) For the purpose of this Act, a *carer* is an individual who provides personal care, support and assistance to another individual who needs it because that other individual:
- (a) has a disability; or
 - (b) has a medical condition (including a terminal or chronic illness); or
 - (c) has a mental illness; or
 - (d) is frail and aged.
- (2) An individual is not a *carer* in respect of care, support and assistance he or she provides:
- (a) under a contract of service or a contract for the provision of services; or
 - (b) in the course of doing voluntary work for a charitable, welfare or community organisation; or
 - (c) as part of the requirements of a course of education or training.
- (3) To avoid doubt, an individual is not a *carer* merely because he or she:

Part 1 Preliminary

Section 5

- (a) is the spouse, de facto partner, parent, child or other relative of an individual, or is the guardian of an individual; or
- (b) lives with an individual who requires care.

Part 2—The Statement for Australia's Carers

6 The Statement for Australia's Carers

The *Statement for Australia's Carers* is set out in Schedule 1.

Part 3—Obligations of public service agencies and associated providers

7 Obligations of all public service agencies

- (1) Each public service agency is to take all practicable measures to ensure that its employees and agents have an awareness and understanding of the Statement for Australia's Carers.
- (2) Each public service agency's internal human resources policies, so far as they may significantly affect an employee's caring role, are to be developed having due regard to the Statement for Australia's Carers.

8 Additional obligations of public service care agencies

- (1) Each public service care agency is to take all practicable measures to ensure that it, and its employees and agents, take action to reflect the principles of the Statement for Australia's Carers in developing, implementing, providing or evaluating care supports.
- (2) Each public service care agency is to consult carers, or bodies that represent carers, when developing or evaluating care supports.
- (3) Each public service care agency must prepare a report on its compliance with section 7 and this section in each reporting period. The report must be included in the agency's annual report for the reporting period.
- (4) Subsection (3) applies, in relation to a particular public service care agency, to:
 - (a) the first full reporting period of the agency that starts on or after the commencement of this Act; and
 - (b) all subsequent reporting periods of the agency.

9 Obligations of associated providers

Each associated provider is to take all practicable measures to ensure that:

- (a) its officers, employees and agents have an awareness and understanding of the Statement for Australia's Carers; and
- (b) it, and its officers, employees and agents, take action to reflect the principles of the Statement in developing, implementing, providing or evaluating care supports.

Part 4—Other matters

10 Act does not create legally enforceable obligations etc.

- (1) This Act does not create rights or duties that are legally enforceable in judicial or other proceedings.
- (2) A failure to comply with this Act does not affect the validity of any decision, and is not a ground for the review or challenge of any decision.
- (3) If a public service agency, or an associated provider, is required by another law of the Commonwealth, or by a law of a State or Territory, to consider particular matters, or to comply with particular requirements, in the exercise of its functions or powers, nothing in this Act is to be taken to require the agency, or the associated provider, to act inconsistently with that law.

11 Act not intended to exclude similar State or Territory laws

This Act is not intended to apply to the exclusion of any law of a State or Territory that establishes a Carers Charter (however described), or that otherwise provides for the recognition of carers.

12 Regulations

The Governor-General may make regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Schedule 1—The Statement for Australia's Carers

Note: See section 6.

- 1 All carers should have the same rights, choices and opportunities as other Australians, regardless of age, race, sex, disability, sexuality, religious or political beliefs, Aboriginal or Torres Strait Islander heritage, cultural or linguistic differences, socioeconomic status or locality.
- 2 Children and young people who are carers should have the same rights as all children and young people and should be supported to reach their full potential.
- 3 The valuable social and economic contribution that carers make to society should be recognised and supported.
- 4 Carers should be supported to enjoy optimum health and social wellbeing and to participate in family, social and community life.
- 5 Carers should be acknowledged as individuals with their own needs within and beyond the caring role.
- 6 The relationship between carers and the persons for whom they care should be recognised and respected.
- 7 Carers should be considered as partners with other care providers in the provision of care, acknowledging the unique knowledge and experience of carers.
- 8 Carers should be treated with dignity and respect.
- 9 Carers should be supported to achieve greater economic wellbeing and sustainability and, where appropriate, should have opportunities to participate in employment and education.
- 10 Support for carers should be timely, responsive, appropriate and accessible.

*[Minister's second reading speech made in—
House of Representatives on 29 September 2010
Senate on 25 October 2010]*

(205/10)

10 *Carer Recognition Act 2010* No. 123, 2010