

CARER RECOGNITION ACT 2010 GUIDELINES

**A guide for Australian Public
Service Agencies
for the implementation of the
Carer Recognition Act 2010**

April 2016

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Introduction

In 2012, there were nearly 2.7 million carers in Australia providing help or assistance to people in need of care due to disability, medical conditions or age.¹ Carers play a vitally important role in supporting family members, friends and neighbours to live at home and remain connected to their communities.

The aim of the Act is to increase recognition and awareness of the role carers play in providing daily care and support to people with disability, medical conditions, mental illness or who are frail and aged. The Act formally acknowledges this valuable social and economic contribution and complements carer recognition legislation already in place in some states and territories. The Act establishes a broad and encompassing definition of carer, establishes the Statement for Australia's Carers (the Statement), outlines different parties' responsibilities in respect of the Statement and sets up reporting and consultation arrangements for certain Australian Public Service (APS) agencies.

This Guide informs APS agencies and associated providers about their responsibilities under the Act and how these responsibilities can be met in the context of policy, programme and service delivery.

1. Commonwealth Carer Recognition Legislation

The *Carer Recognition Act 2010* is intended to increase recognition and consideration of carers and drive much-needed cultural and attitudinal change throughout APS agencies and associated providers, and as a result, the community as a whole.

To this end the Act establishes:

- a broad and encompassing definition of carer;
- the Statement for Australia's Carers; and
- obligations and responsibilities in respect of the Statement, reporting and consultations.

The cornerstone of the Act is the Statement, which sets out ten principles that articulate how carers should be treated and considered.

1.1. Definition of Carer

For the purpose of the Act, carers are people who provide personal care, support and assistance to another individual in need of support due to disability, medical condition, including terminal or chronic illness, mental illness or is frail and aged.

A person is not a carer for the purpose of the legislation if they only provide care, support or assistance either for payment, such as a care or support worker, or as a volunteer for an organisation, or as part of the requirements of a course of education or training.

A person is also not a carer, for the purpose of this legislation, simply because they: are the spouse, de facto partner, parent, other relative or guardian of an individual who requires care; or live with an individual who requires care.

For example, a person will not be a carer under this legislation merely because they provide out-of-home care to a child who has been placed with them under the child protection laws of any State or Territory such as being a foster carer. However, if the person provides the child with personal care, support and assistance because the child has a disability, medical

¹ Australian Bureau of Statistics (ABS) 2012, *Disability, Ageing and Carers, Australia: Summary of Findings*, cat.no.4430.0.

condition (including terminal or chronic illness) or a mental illness, then the person would be carer for the purposes of this legislation.

The definition of carer may vary in other Commonwealth, state or territory laws. The definition of carer is applicable to this Act and does not exclude or override other definitions of carer that exist in any other legislation.

Agencies and providers reading the Act should be aware that other legislation may also create rights or obligations relating to carers. For example the *Fair Work Act 2009* creates entitlements and rights for carers, which may affect policy made or implemented by agencies and providers. In addition to meeting their obligations under this Act, agencies should also ensure they meet any obligations to carers created by any other legislation. As a result this Act should be read in conjunction with any other legislation which may relevant to carers in any way. Nothing in any other legislation should in any way limit or narrow the scope of this Act.

1.2. Statement for Australia's Carers

The Statement contains ten key principles that set out how carers should be treated and considered, policy, programme and service delivery settings.

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.

2. Responsibilities and Obligations of Public Service Agencies, Public Service Care Agencies and Associated Providers.

The Act details the responsibilities and obligations of Australian Public Service agencies, public service care agencies and associated providers. This Guide provides an explanation and examples for each obligation. Detailed examples of how each agency can comply with their obligations under the Act are detailed at **Attachment A**.

2.1. Public Service Agencies

Public service agencies covered by the Act are those that are *Agencies* within the meaning of the *Public Service Act 1999*. An *Agency* under the Act is a Department, an Executive Agency or a Statutory Agency collectively referred to in these guidelines as 'APS agencies'.²

All APS agencies have the following obligations under the Act:

2.1.1. Awareness and Understanding of the Statement for Australia's Carers

Obligation

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.

Carer Recognition Act 2010 Part 3 s7(1)

The aim of this obligation is to increase public service agencies' employees and contractors' awareness and understanding of the Act and its purpose. This includes staff gaining an understanding of what a carer is, as defined under the Act, being aware of the principles in the Statement for Australia's Carers, and if in a caring role, being more able to self-identify as a carer.

Examples

Some examples of what agencies could do to meet this obligation include:

Training sessions conducted to raise awareness and educate staff about the Act and Statement for Australia's Carers

Promotional material being developed and distributed in various formats and modes to promote understanding and awareness of carers for staff to easily access

Staff being able to access information about self-identification as a carer

An organisational Carer support group being created and supported

2.1.2. Human resource policies

Obligation

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.

Carer Recognition Act 2010 Part 3 s7(2)

The aim of this obligation is for APS agencies to better consider the needs of employees with caring responsibilities in human resource policies.

² (*Public Service Act 1999* Part 2 s7)

To meet this obligation, APS agencies should consult employees with caring responsibilities and ensure their needs are considered in the development of human resource policies and practices.

Examples

Some examples of what agencies could do to meet this obligation include:

- Developing consultation mechanisms with carers when developing and evaluating human resource policies and practices that directly impact on their caring role
- Collecting statistics about the incidence of employees who are carers
- Developing guidelines for managers who have an employee with caring responsibilities
- Establishing and raising awareness of Carer Support Groups and Employee Assistance Services
- Reviewing workplace arrangements to ensure flexibility for carers

Guidelines to further assist APS agencies to meet these obligations are at **Attachment A.1**.

2.2. Public Service Care Agencies

Public service care agencies are defined under the Act as those agencies that are responsible for the development, implementation, provision or evaluation of care supports.

Who is a public service care agency?

Each APS agency is to self assess if they are a public service care agency for the purpose of the Act. In performing this self assessment, agencies should consider whether any area or areas within that agency are responsible for the development, implementation, provision or evaluation of **care supports**.

Care supports are defined as any policies, programmes or services that are directed to carers or the persons for whom they care. This refers to any policy, programme or service that targets carers as a priority group within Australia, or targets the people for whom they care.

For instance, care supports include policies, programmes or services that are directly associated with carers, or with care recipients who have a high likelihood of requiring the support of a carer. Care supports also include policies, programmes and services that are directed to individuals who have a disability, a medical condition, a mental illness or are frail aged, and who may require the personal care, support or assistance provided by a carer.

Care supports do not extend to mainstream supports which are directed to society more broadly. For example, Medicare benefits and other benefits aimed at society as a whole, but which happen to include carers, are not intended to be covered.

The following are **additional** obligations of public service care agencies as detailed in the Act.

2.2.1. Take action to reflect the Principles in the Statement for Australia's Carers

Obligation

Each public service care agency is to take all practicable measures to ensure that it, and all 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.

Carer Recognition Act 2010 Part 3 s8(1)

The aim of this obligation is for public service care agencies to ensure that the ten Principles in the Statement are considered by its employees and contractors in developing, implementing, providing or evaluating care supports, that is policies, programmes or services directed to carers or the persons for whom they care.

This obligation applies to all new care supports that have been developed, implemented and provided after the enactment of the legislation (18 November 2010) and taken into account when reviewing any existing care supports.

Public service care agencies should determine what mechanisms are needed to ensure associated providers meet their obligations under the Act. An example is included about how this could be achieved. It is a matter for the agency regarding the measures taken in respect to associated providers.

Examples

Some examples of what agencies could do to meet this obligation include:

- Establishing a lead area within the agency to coordinate the implementation of the Act; to identify all areas in the organisation that are responsible for care supports and inform these areas about their obligations under the Act;
- Developing processes that require staff to consider the impact of policies, programmes and services on carers and the persons they care for
- Including specific information about the need to reflect the Statement for Australia's Carers in current service arrangements with funded agencies
- Reviewing how current policies recognise and consider needs of carers and the people they care for
- Developing a policy whereby the needs of specific vulnerable groups are considered as part of the policy development process. These vulnerable groups could include women, men, young carers, older carers, Indigenous carers, carers in rural and remote locations and culturally and linguistically diverse carers.

2.2.2. Consultation

Obligation

Each public service care agency is to consult carers, or bodies that represent carers when developing or evaluating care supports

Carer Recognition Act 2010 Part 3 s8(2)

The aim of this obligation is for public service care agencies to include carers, or peak representative bodies, at relevant stages of government work directly affecting carers and the people they care for.

To meet this obligation public service care agencies will need to demonstrate how they have included carers, for example through formal consultations, meetings, or submissions, in the policy development and evaluation process.

Examples

Some examples what agencies could do to meet these obligations include:

- Carers and bodies representing carers being included in consultations about new or revised policy/programme proposals that are directed to carers or the person they care for
- Developing a best practice model for involving carers as stakeholders in policy development

Informing staff about research conducted on carer issues and promoting discussions about the implications on policy development and service delivery

Guidelines to further assist public service care agencies to meet these obligations are at **Attachment A.2**.

2.3. Associated Providers

Associated providers are defined under the Act as people or bodies contracted or funded by public service care agencies to develop, implement, provide or evaluate care supports, that is policies, programmes and services that are directed to carers and the people they care for, and their immediate subcontractors.

Contracts or funding arrangements entered into with a State or Territory Government are not included in the definition of associated provider.

All associated providers have the following obligations under the Act:

2.3.1. Awareness and Understanding of the Statement for Australia's Carers

Obligation

Each associated provider must take all practicable measures to ensure that its officers, employees and agents have an awareness and understanding of the Statement for Australia's Carers.

Carer Recognition Act 2010 Part 3 s9(a)

The aim of this obligation is for associated providers to increase their employees and contractors' awareness and understanding of the Act and its purpose. This includes staff gaining an understanding of what a carer is, as defined under the Act, being aware of the principles in the Statement for Australia's Carers, and if in a caring role, being more able to self-identify as a carer.

Examples

Some examples of how associated providers could do to meet this obligation include:

Conducting training sessions to raise awareness and educate staff about the Carer Recognition Act 2010 and its implications for programme and service delivery

Developing promotional material that is distributed in various formats and modes to promote understanding and awareness of carers for staff to easily access

Staff being able to access information about self-identification as a carer

2.3.2. Reflect and have due regard for the Principles in the Statement for Australia's Carers

Obligation

Each associated provider must take all practicable measures to ensure that it, and its officers employees and agents, take action to reflect the principles of the Statement in developing, implementing, providing or evaluating care supports.

Carer Recognition Act 2010 Part 3 s9(b)

The aim of this obligation is for associated providers to ensure that the considerations of carers are taken into account in relevant areas of their work, in particular service delivery.

To meet this obligation associated providers will need to demonstrate that they have undertaken action to ensure the principles take into consideration the needs of carers in the provision of services.

Examples

Some examples of what associated providers could do to meet this obligation include:

Developing processes that require staff to consider the impact of policies, programmes and services on carers and the person they care for

Developing a policy whereby the needs of specific vulnerable groups are considered as part of the policy development process. These vulnerable groups could include women, men, young carers, older carers, Indigenous carers, carers in rural and remote locations and culturally and linguistically diverse carers.

Guidelines to further assist associated providers to meet these obligations are at **Attachment A.3.**

3. Annual Reporting Obligations

3.1. Public Service Agencies

There is no requirement for APS agencies that are not public service care agencies to formally report on the compliance with the Act.

3.2. Public Service Care Agencies

Obligation

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.

Carer Recognition Act 2010 Part 3 s8(3)

Each public service care agency must prepare a report on its compliance with obligations established in the Act in each reporting period, which commence the first full year the Act is in place i.e. 2011-12 and all subsequent reporting periods of the agency. (The Act came into force on 18 November 2010)

Public service care agencies should report on what they have done to achieve the outcomes under each obligation. It is the decision of each agency how they report against their obligations. The report must be included in the agency's annual report.

It is a matter for the public service care agency whether it will report on compliance with obligations established in the Act for the associated providers that they fund.

3.3. Associated Providers

The Act does not set out reporting requirements for associated providers. It is a matter for the public service care agency whether funding agreements with associated providers of care supports will specify compliance with obligations established in the Act.

4. Limits on the Legislation

While compliance with the obligations articulated in Act is highly desirable the Act does not create any rights or duties that are legally enforceable against the Commonwealth or associated providers.

Nothing in the Act should be taken to require an agency or associated provider to act inconsistently with any other law.

Attachments:

A: Compliance Guidelines for Australian Public Service Agencies, Public Service Care Agencies and Associated Providers

B: Carer Recognition Act 2010

Attachment A: Compliance Guidelines for Australian Public Service Agencies, Public Service Care Agencies and Associated Providers

A.1 Public Service Agencies	
<p>Public service agencies means an Agency within the meaning of the <i>Public Service Act 1999</i> (<i>Carer Recognition Act 2010</i> Part 1 s4(1))</p> <p>Agency meaning:</p> <ul style="list-style-type: none"> (a) a Department; or (b) an Executive agency; or (c) a Statutory Agency. <p>(<i>Public Service Act 1999</i> Part 2 s7)</p>	
<p>OBLIGATION</p> <p>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.</p> <p><i>Carer Recognition Act 2010</i> Part 3 s7(1)</p>	<p>OUTCOMES</p> <p>Public service agencies be able to demonstrate the practical measures taken to ensure awareness and understanding of the Statement for Australia’s Carers and ensure employees and agents of public service agencies:</p> <ul style="list-style-type: none"> • Understand that the carers referred to in the Statement are carers of people with a disability, mental illness, medical condition or are frail and aged • Be able to self-identify as carers • Have an awareness of the content of the Statement and what the Statement is intended to achieve
<p>Examples of how this could be achieved:</p> <ul style="list-style-type: none"> • Training sessions <ul style="list-style-type: none"> ○ Information about the Statement at orientation sessions for new employees. This could involve provision of a copy of the Statement and electronic links to this Guide. ○ Online learning package to raise awareness of the responsibilities of carers and the challenges they face. ○ Awareness training for managers and senior staff on how to support an employee who has caring responsibilities. 	

A.1 Public Service Agencies

- Promotional material
 - Develop posters to promote understanding of carers and the Statement for placement around the workplace.
 - Information on staff intranet about the Statement.
 - Awareness campaign on special leave provisions and flexible work options available for employees with caring responsibilities.
 - Develop a quarterly information sheet or newsletter with information on policy and programmes relating to carers and relevant activities undertaken by the Department.
 - Information for the general public on public websites of departments and agencies to raise awareness of the Act and Statement for Carers.
- Carers Week promotions
 - Carers can share personal stories or poems with staff on their intranet to raise awareness about how staff in their own department cope with the demands of caring.
 - Develop programmes or workshops in partnership with key stakeholders such as Carers Australia, for staff to raise their awareness and understanding of the role of a carer.
- Information referral service for carers (Provision and promotion of)
 - Provide information and referral services through agencies such as Families at Work at no cost to employees. This would be aimed at responding to, and answering queries employees may have regarding options for, and the availability of, care for children, care of elderly relatives and others including children with a disability.
- Carer Support Group
 - Establish a safe supportive space to meet other carers and discuss issues for working carers.
 - “Looking after yourself” discussions or workshops for employees with caring responsibilities

A.1 Public Service Agencies	
<p>OBLIGATION</p> <p>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.</p> <p><i>Carer Recognition Act 2010 Part 3 s7(2)</i></p>	<p>OUTCOMES</p> <p>Public service agencies to demonstrate evidence of reflecting the Statement for Australia's Carers in human resource policies, and Public service agencies to demonstrate that action has been taken to consult with employees with caring responsibilities when developing human resource policies that may significantly affect them. Other outcomes could include:</p> <ul style="list-style-type: none"> • Inclusion of flexible work arrangements in workplace agreements • Increased numbers of carers who are employees being able to self identify
<p>Examples of how this could be achieved:</p> <ul style="list-style-type: none"> • Working conditions <ul style="list-style-type: none"> ○ Agencies will consider and comply with the principles contained in the Statement when developing human resources policy. ○ Provide "flexibility at work" workshops – aligned to the <i>Fair Work Act 2009</i> and the agency's Collective Agreement. The workshop would provide guidance, skills and development opportunities as well as practical tools to enable managers and team leaders to implement flexible work practices and to respond appropriately to the needs of employees with caring responsibilities in a way which complements and supports business goals. ○ Incorporate special leave provisions within the agency's Collective Agreement. Some suggested inclusions that could apply: miscellaneous leave with or without pay, part time employment, compressed weeks, purchased leave, flexible allocation of long service leave as well as discretionary approval for carers leave. ○ Provide information to employees about conditions available to carers in the Collective Agreement or other document that outlines employment conditions. This could include Carers Leave, availability of flexible working hours and promotion of work/life balance. 	

A.1 Public Service Agencies

- Statistics
 - Collect statistics about carers. For example, an optional question on employment forms for new employees. For existing employees, a survey on the agency's intranet including questions relating to employees who might be carers. It might be called "Are you a carer? Find out now." This would allow the department or agency to estimate the number of carers working in the department as well as allow people who did not know they were carers to self-identify and gain access to services accordingly.
- Guidelines/Policy
 - Develop guidelines for Managers who have an employee with caring responsibilities which could include information on: providing carers with realistic performance outcomes; flexible working arrangements; how to get emotional support; obligations under the legislation; education and promotion opportunities; and confidentiality.
- Employee Assistance
 - Awareness raising of Carer Support Groups and Employee Assistance Services
 - Provide information to employees on complaint mechanisms which can be used if they are not happy with their working conditions or treatment by colleagues

A.2 Public Service Care Agencies

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

(Carer Recognition Act 2010 Part 1 s4(1))

ADDITIONAL OBLIGATION

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.

Carer Recognition Act 2010 Part 3 s8(1)

OUTCOME

Public service care agencies to demonstrate evidence of:

- actions to reflect the principles of the Statement at all stages from policy development to evaluation

Examples of how this could be achieved:

- Identify agency governance arrangements for the Act e.g.
 - Agencies appoint a lead area responsible for coordinating, monitoring and reporting the implementation of the Act within their agencies
 - Lead area develops a communication strategy regarding the obligations under the Act with areas responsible for managing care supports
- Policy development
 - Include a requirement when developing new policy proposals to consider the Statement for Australia's Carers.
 - Undertake a review of how current policies recognise and consider the needs of carers and the people they care for.
 - Develop a policy whereby the needs of specific vulnerable groups, such as women, men, young carers, Indigenous carers, carers in rural and remote locations and culturally and linguistically diverse carers, are considered as part of the policy development process.
- Programme development, implementation and service delivery
 - Including a requirement when developing new programmes to consider the Statement for Australia's Carers.
 - Include specific information about the need to reflect the Statement in current service agreements with funded agencies and commercial arrangements.

A.2 Public Service Care Agencies

- Include information relevant to the information needs of vulnerable carer groups when developing new communications about programmes and services.
- Evaluation
 - Develop a policy whereby reviews or evaluation of policies and programmes directed to carers and the person they care for include a requirement to consider how the policy, programme or service has performed in terms of reflecting the principles in the Statement.

ADDITIONAL OBLIGATION

Each public service care agency is to **consult** carers, or bodies that represent carers, when developing or evaluating care supports.

Carer Recognition Act 2010 Part 3 s8(2)

OUTCOMES

Public service care agency to demonstrate that action has been taken to:

- Understand the impact of the policy, programme or service on carers
- Understand the different needs and issues of specific groups of carers

Examples of how this could be achieved:

- Establish a best practice model for involving carers as stakeholders in policy development.
- Engage carers and representative bodies at critical times in the policy development process.
- Engage peak representative bodies to assist in consulting with carers when developing policies. This could include engaging peak bodies to undertake workshops with carers and reporting to agencies on the outcomes.
- Invite representatives from organisations who have conducted research about carer issues to give presentations on their findings, in order to inform people about the research and promote discussion on the implications for policy development and service delivery.

A.2 Public Service Care Agencies

ADDITIONAL OBLIGATION

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.

Carer Recognition Act 2010 Part 3 s8(3)

OUTCOMES

Each public service care agency to:

- Demonstrate how they have met the obligations of the Act

Each public service care agency would report on how they have met their obligations under the Act as part of their annual reporting process. This should include examples of what agencies have done to achieve the outcomes under each obligation and could also include examples of how their associated providers have met their obligations under the Act.

A.3 Associated Providers

Associated providers means a person or body (entity) that enters into a contract with a public service care agency or another associated provider for the purpose of developing, implementing, providing or evaluating care supports.

(Carer Recognition Act 2010 Part 1 s4(2))

OBLIGATION

Each associated provider is to **take all practicable measures** to ensure that its officers, employees and agents **have an awareness and understanding of the Statement for Australia's Carers**.

Carer Recognition Act 2010 Part 3 s9(a)

OUTCOMES

Associated providers be able to demonstrate the practical measures taken to ensure awareness and understanding of the Statement for Australia's Carers and ensure that their officers, employees and agents:

- Understand that the carers referred to in the Statement are carers of people with a disability, mental illness, medical condition or is frail and aged
- Be able to self-identify as carers
- Have an awareness of the content of the Statement and what the Statement is intended to achieve

Examples of how this could be achieved:

- Training sessions
 - Information about the Statement at orientation sessions for new employees.
 - Online learning package to raise awareness of the demands and responsibilities of carers as well as the Statement and Act.
 - Awareness training for managers and senior staff on how to support an employee who has caring responsibilities.
- Promotional material
 - Develop posters to promote understanding of carers and the Statement for placement around the workplace.
 - Develop a quarterly information sheet or newsletter with information on policy and programmes relating to carers and relevant activities undertaken by the provider.
 - Information for the general public on public websites of the provider to raise awareness of the Act and Statement for carers.

A.3 Associated Providers

- Information referral service for carers (Provision and promotion of)
 - Provide information and referral services through agencies such as Families at Work at no cost to employees. This would be aimed at responding to, and answering queries employees may have regarding options for, and the availability of, care for children, care of elderly relatives and for people including children with a disability.
- Carer Support Group
 - Establish a safe supportive space to meet other carers and discuss issues for working carers.
“Looking after yourself” discussions or workshops for employees with caring responsibilities.

A.3 Associated Providers

OBLIGATION

Each associated provider is to take all practicable measures to ensure that it, and its officers, take action to **reflect the principles of the Statement** in developing, implementing, providing or evaluating care supports.

Carer Recognition Act 2010 Part 3 s9(b)

OUTCOMES

- Associated providers to demonstrate actions that reflect the principles of the Statement at all stages from policy development to evaluation.

Examples of how this could be achieved:

- Policy development
 - Undertake a review of how current policies recognise and consider the needs of carers and the people they care for.
 - Develop a policy whereby the needs of specific vulnerable groups, such as women, men, young carers, Indigenous carers, carers in rural and remote locations and culturally and linguistically diverse carers, are considered as part of the policy development processes.
- Programme development, implementation and service delivery
 - Include a requirement when developing new programmes to consider the Statement for Australia's Carers.
 - Include specific information about the need to reflect the Statement in service agreements with sub contractors.
 - Include information relevant to the information needs of vulnerable carer groups when developing new communications about programmes and services.
- Evaluation
 - Develop a policy whereby reviews or evaluation of policies and programmes directed to carers and the person they care for include a requirement to consider how the policy, programme or service has performed in terms of reflecting the principles in the Statement.

Attachment B: Carer Recognition Act 2010



Carer Recognition Act 2010

No. 123, 2010 An Act to provide for the recognition of carers, and for related purposes

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Carer Recognition Act 2010

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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, programmes 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:

- (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.