

Carers Recognition Bill 2010

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

- (a) to enact a NSW Carers Charter to recognise the contribution to society of persons who care for other persons who have a disability, mental illness or chronic illness or are frail with an aim to enable carers to achieve their maximum potential as members of the community, and
- (b) to require NSW government agencies to take action to reflect the principles of the Charter when providing services that affect carers, and
- (c) to establish a Ministerial Advisory Council for Carers.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 sets out the objects of the proposed Act which include to recognise the valuable contribution of carers to our society and to the people they care for and to enable carers to achieve their maximum potential as members of the community.

Clause 4 defines certain words and expressions used in the proposed Act.

Clause 5 defines the term **carer** for the purposes of the proposed Act. The term means an individual who provides ongoing care or assistance to a person in the target group referred to in the *Disability Services Act 1993*, a person with a mental illness or chronic illness or a person who, because of frailty, requires assistance to carry out everyday tasks. A carer does not include designated service providers under that Act or persons providing care or assistance under a contract of service or as a volunteer. A person is not a carer solely because the person has a relationship of spouse, de facto, parent or guardian with the person that he or she cares for.

Part 2 NSW Carers Charter

Clause 6 provides that the NSW Carers Charter is the Charter set out in proposed Schedule 1.

Clause 7 requires a NSW government agency to take reasonable steps to ensure that its officers, employees and agents are aware of, and understand, the Charter and that the agency takes action to reflect the principles of the Charter when providing services that affect carers.

Clause 8 makes it clear that the proposed Act does not give rise to any civil action.

Part 3 Ministerial Advisory Council for Carers

Clause 9 establishes a Ministerial Advisory Council for Carers.

Clause 10 provides that the Advisory Council consists of the Minister administering the proposed Act, other Ministers who are responsible for providing key support services to carers and persons appointed by the Minister as members who have knowledge of, and experience in, matters relevant to carers. A majority of members must be primary carers.

Clause 11 sets out the functions of the Advisory Council which include to work to advance the interests of carers and promote compliance by NSW government agencies with the proposed Act.

Clause 12 requires the Advisory Council to prepare a report each year for the Minister, and at such other times as the Minister requests, on certain matters including the performance by NSW government agencies of their obligations under the proposed Act.

Part 4 Miscellaneous

Clause 13 enables the Governor to make regulations for the purposes of the proposed Act.

Clause 14 provides for the review of the proposed Act in 5 years.

Schedule 1 NSW Carers Charter

Schedule 1 sets out the provisions of the NSW Carers Charter.