

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 role and contribution to our community of persons who care for other persons who have a disability, a medical condition (such as a terminal or chronic illness), a mental illness or are frail and aged, and
- (b) to require certain public sector agencies to take action to reflect the principles of the NSW Carers Charter when providing services that affect carers, and
- (c) to establish a Carers Advisory Council.

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.

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Clause 3 sets out the objects of the proposed Act which include to enact a Carers Charter to recognise the role and contribution of carers to our community and to the people they care for and to increase the awareness of the valuable contribution that carers make to our 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 personal care, support and assistance to a person in the target group (as referred to in section 5 (1) of the Disability Services Act 1993), a medical condition (including a terminal or chronic illness), a mental illness or is frail and aged. The term does not include persons providing care, support and assistance under a contract of service (or a contract for the provision of services) or in the course of doing voluntary work for a charitable, welfare or community organisation or as part of the requirements of a course of education or training. The proposed section provides that a person is not a carer merely because the person is the spouse or de facto partner of, or parent, guardian, child or other relative of, the other person or lives with the other person.

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 each public sector agency:

- (a) to take all reasonable steps to ensure that the members of staff and agents of the agency have an awareness and understanding of the NSW Carers Charter, and
- (b) to consult with such bodies representing carers as the agency considers appropriate when developing policies that impact on carers, and
- (c) to ensure that the agency's internal human resources policies, so far as they may significantly affect the role of a member of staff of the agency as a carer, are developed having due regard to the NSW Carers Charter.

Clause 8 places additional obligations on public sector agencies that provide services directed at carers or persons being cared for by carers (human service agencies). The proposed section requires each human service agency:

- (a) to take all reasonable steps to ensure that the agency, and the members of staff and agents of the agency, take action to reflect the principles of the NSW Carers Charter, and
- (b) to prepare a report on its compliance with the proposed Act in each reporting

period which is to be included in the agency's annual report for the reporting period.

Clause 9 makes it clear that the proposed Act does not give rise to any civil action.

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Part 3 Carers Advisory Council

Clause 10 establishes a Carers Advisory Council.

Clause 11 provides that the Carers Advisory Council is to consist of not more than 10 members appointed by the Minister administering the proposed Act (the Minister) who, in the opinion of the Minister, are representatives of key carers groups or are representatives of carer interests.

Clause 12 sets out the functions of the Carers Advisory Council which are the following:

(a) to advance the interests of carers,

(b) to review and make recommendations to the Minister on any legislative or policy proposal, or any other matter, relating to carers referred to the Carers Advisory Council by the Minister,

(c) to carry out such other functions relating to carers as may be directed by the Minister.

Part 4 Miscellaneous

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

Clause 14 contains a transitional provision.

Clause 15 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.