

## Second Reading

**The Hon. PENNY SHARPE** (Parliamentary Secretary) [4.47 p.m.], on behalf of the Hon. John Hatzistergos: I move:

That this bill be now read a second time.

I am pleased to introduce the Carers (Recognition) Bill 2010. There are 750,000 carers in New South Wales—that is more than one person in every 10. Carers are mothers and daughters, fathers and sons, nieces, nephews, aunts and uncles and grandparents. They are people who know someone who is disabled or old or frail or suffering from an illness and take the very human decision to provide them with personal care, support and assistance. They are people who care about someone else. Because they are often not paid for what they do, their contribution to our society does not register in economic statistics or analyses of national wellbeing. But without them our society and our economy simply would not work the way it does.

The New South Wales Government is delivering a broad range of programs and services to recognise and support carers and the contribution they make to our community. These actions are outlined in the whole-of-government New South Wales Carers Action Plan 2007-2012. The plan supports a range of strategies that aim to increase the respect and recognition of carers, to reach out to family members who may not see themselves as carers, to encourage agencies to view carers as partners in care, and to support carers to combine work and caring.

The New South Wales Government provides funding to CarersNSW, as the peak body representing carers, to raise awareness of issues that affect carers, and to engage with government agencies to ensure support services meet the needs of carers. The New South Wales Government has also acted to support and recognise carers through legislation, where appropriate. For example, in 2000 this Government amended the Anti-Discrimination Act to ensure carers were protected from discrimination at work arising from their carer responsibilities. The Mental Health Act 2007 also recognises the role of carers and their interests in relation to a range of issues, including rights in relation to the provision of information concerning involuntary detention and medication, and involvement of carers in the discharge planning of patients.

The Carers Action Plan includes strategies to improve services to carers and the people they care for. The New South Wales Government has a strong record of investing in services to people cared for by carers. The more we invest in services for people being cared for, the less burden is placed on carers. Recent achievements include the investment of an additional \$1.3 billion over five years under Stronger Together—the Government's plan for disability services in New South Wales—to strengthen support to families, carers and people with a disability. This includes over \$69 million additional funds for vital respite services to give carers a break from their caring role when needed. It also includes an increase of \$78 million in funding for mental health services to \$1.171 billion in 2009-10.

The Government also provides over \$500 million per year to the Home and Community Care Program for a broad range of services that support carers and those they care for, such as domestic assistance and respite services. The bill that I introduce today complements the Government's Carers Action Plan and builds on existing legislation to support and recognise carers. The bill recognises the contribution our carers make to our society and formally acknowledges their right to be heard when we make policies, laws and regulations that affect them. It sets out the principles that should be followed by agencies when providing services to carers or people they care for and ensures that carers' interests will be considered when agencies are considering legislative or policy proposals that will affect carers.

Simple as that sounds, careful consideration and consultation has been required to get it right. The bill recognises the role and contribution of carers and increased public awareness of the valuable role that carers play in the community. It establishes a Carers Charter. It requires all public sector agencies to ensure that staff are aware of, and understand, the charter, to consult with carers groups when developing policies that significantly impact on carers and to develop their internal human resource policies having regard to the charter. It requires human service agencies, being those public sector agencies that provide services aimed at carers or persons being cared for, to take action that reflect the principles in the charter and report annually on their compliance with the legislation.

It establishes the Carers Advisory Council, appointed by the Minister, to work to advance the interests of carers and to review and make recommendations on legislation, policy or other matters having a significant impact on carers that have been referred to it. The bill's provisions relating to the membership and procedure of the advisory council have been amended, as proposed by the member for Bega. The Government agrees that a majority of members of the Carers Advisory Council should be made up of carers and that the Minister responsible for the administration of the legislation and any other Ministers who are members of the advisory council, or their delegates, will chair the advisory council.

The key to this bill is the Carers Charter, which establishes 13 principles relating to carers to guide agencies in supporting carers. It will ensure that the voices of carers are heard in important decisions that affect them in their caring role and the people they are caring for. For example, the charter includes principles such as giving carers' health and wellbeing due consideration; taking into account the views and needs of carers, together with the views, needs and best interests of the persons they are caring for in the assessment, planning and delivery of services provided to the persons they care for; and referring carers, or making carers aware of, appropriate services to assist carers in their caring role—such referrals should be made either after an assessment of the needs of carers or as part of the provision of services to the person being cared for—acknowledging and recognising carers as individuals with their own needs; and recognising the particular difficulties facing children and young people who are carers and carers in remote and rural areas.

The Carers Charter is aimed both at recognising the role, contribution and needs of carers, as well as ensuring carers are involved in decisions regarding the provision of services to persons being cared for. The charter also recognises that carers have their own needs and that they should be referred to relevant services either as part of the holistic assessment of the needs of the person for whom they are caring or, in some instances, as a separate assessment. The aim of this principle is to help ensure that carers are referred to, and receive, available support services that they may require.

For example, children and young people who have major caring responsibilities need extra support to participate in education and to be able to engage in peer activities. New South Wales Health and Ageing, Disability and Home Care are currently piloting resources to assist front-line staff to identify and assist young carers. These pilots are trialling the delivery of resources and training to front-line staff who interact with young carers to help ensure those staff are better able to identify young carers, provide them with relevant information and refer them to available support services.

The Government, through the Department of Ageing, Disability and Home Care, also funds support coordination services, which provide support for older parent carers of people with a disability so as to help them develop and implement transitions plans for the ongoing care of the person for whom they are caring. These services assess carers' needs to identify the supports that carers require during this transition phase. This could include increased domestic assistance, referrals to a range of health services, or assistance to build up their wider social support networks.

The New South Wales Government provides funding to the non-government sector to deliver a range of services to people who have carers. The Government will therefore work with non-government providers to encourage them to reflect the principles of the New South Wales Carers Charter when providing services. Further, where appropriate, agencies may negotiate with non-government providers to include compliance with the charter as a condition in future funding and performance agreements. This approach has been taken, rather than requiring the non-government sector to comply with the charter, because many non-government organisations that provide services for the New South Wales Government also provide services for the Commonwealth Government. Many of these non-government organisations may be regulated by the Commonwealth's Carer Recognition Bill, if it is passed by the Federal Parliament. So, rather than create a duplicate regulatory regime, we have retained the flexibility to apply the New South Wales Carers Charter only to non-government organisations that will not be captured by the Commonwealth laws.

Honourable members would be aware that the member for Bega, the shadow Minister for Ageing and Disability Services, also introduced proposed carers recognition legislation last month. I acknowledge the input to both that bill and the Government's Carers (Recognition) Bill that was provided by CarersNSW. The Government agreed with the general intent of the Opposition's bill but voted to adjourn the debate to consider the best options for turning those intentions into fact. Among several issues was the effect of the Commonwealth Carer Recognition Bill recently introduced in Federal Parliament and consideration of existing legislation in other States and Territories.

This was a necessary and worthwhile process. It has enabled the Government to introduce its own bill, which is both clearer and stronger. For example, the Opposition bill, no doubt inadvertently, used definitions that would have excluded, among others, area health services from the requirements of the legislation. Further, the Opposition bill did not draw a distinction between public sector agencies that will have relatively little contact with carers and those agencies that provide services directed at carers or people being cared for. The Government bill addresses these issues. The Government bill gives an expansive definition of "public sector agencies" and accommodates the different ways in which agencies can ensure that carers can access appropriate services. In addition, the Government bill recognises and supports children and young people who are carers and acknowledges the interests of the person being cared for. The bill also avoids unnecessary administrative burden by requiring human service agencies to report on their compliance with the legislation in their annual reports, rather than a separate reporting instrument.

The Government bill also has greater consistency with the Commonwealth's Carer Recognition Bill, which was introduced to the Federal Parliament last month. For example, both bills require agencies to consider the Carers Charter when developing internal human resources policies, and both impose stronger requirements on

agencies that have a direct interface with carers and the people they care for. Carers perform a most important role in our community. It is right and appropriate that their role and needs should be recognised and their interests included in everything this Government does that significantly affects them. This bill will achieve that and more. I commend the bill to the House