

Serial 54
Carers Recognition Bill 2006
Ms Lawrie

**A BILL
for
AN ACT**

about the recognition of carers and for related purposes

NORTHERN TERRITORY OF AUSTRALIA

CARERS RECOGNITION ACT 2006

Act No. [] of 2006

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SCHEDULE



NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2006

AN ACT

about the recognition of carers and for related purposes

[Assented to [] 2006]
[Second reading [] 2006]

The Legislative Assembly of the Northern Territory enacts as follows:

PART 1 – PRELIMINARY MATTERS

1. Short title

This Act may be cited as the *Carers Recognition Act 2006*.

2. Commencement

This Act commences on the date fixed by the Administrator by *Gazette* notice.

3. Objects of Act

The objects of this Act are:

- (a) to recognise the role of carers in the community; and
- (b) to provide for the reporting by organisations of the action taken to reflect the principles of the Carers Charter in providing relevant services.

4. Definitions

In this Act:

"applicable organisation" means:

- (a) a reporting organisation; or
- (b) an entity providing relevant services under a contract with a reporting organisation (other than a contract of employment); or
- (c) another entity declared by regulation to be an applicable organisation;

"carer", see section 5;

"Carers Charter" means the Northern Territory Carers Charter in the Schedule;

"relevant services" means services relevant to carers and the persons they care for;

"reporting organisation" means:

- (a) an Agency that provides relevant services; or
- (b) another entity declared by regulation to be a reporting organisation.

5. Who is a carer

(1) A person is a carer if the person is an individual who provides ongoing care or assistance to:

- (a) a person who has a disability as defined in the *Disability Services Act*; or
- (b) a person who has a mental illness as defined in the *Mental Health and Related Services Act*; or
- (c) a person who has a chronic illness; or
- (d) a person who, because of frailty, requires assistance with the carrying out of everyday tasks; or
- (e) a person of a class prescribed by regulation.

- (2) However, a person is not a carer if the person provides the care or assistance:
- (a) under a contract for services or a contract of service; or
 - (b) in the course of doing community work organised by a community organisation.
- (3) Also, a person is not a carer only because the person:
- (a) is a spouse, de facto partner, parent or guardian of the person to whom the care or assistance is being provided; or
 - (b) provides care to a child who has been placed in the care of that person under the *Community Welfare Act*.

PART 2 – COMPLIANCE WITH CARERS CHARTER

6. Obligations of applicable organisations relating to Carers Charter

- (1) An applicable organisation must take all practicable measures to ensure the organisation and its officers, employees or agents:
- (a) have an awareness and understanding of the Carers Charter; and
 - (b) take action to reflect the principles of the Charter in providing relevant services of the organisation.
- (2) Without limiting subsection (1), an applicable organisation that is an Agency must consult carers, or entities that represent carers, in:
- (a) policy or program development; or
 - (b) strategic or operational planning, relevant to carers and the persons they care for.

7. Report by reporting organisation

- (1) A reporting organisation must prepare a report on the following for each financial year:
- (a) the performance of the organisation's obligations under this Act;
 - (b) the organisation's compliance or non-compliance with this Act;
 - (c) the organisation's compliance or non-compliance with the Carers Charter;

- (d) the compliance or non-compliance with the Carers Charter of any entity providing a service to others under a contract with the organisation;
 - (e) other information prescribed by regulation.
- (2) The report may be combined with another annual report of the organisation.
- (3) The organisation must:
- (a) give a copy of the report to the Minister within 3 months after the end of the financial year to which the report relates; and
 - (b) ensure a copy of the report is available for inspection by the public at the organisation's office during business hours.

PART 3 – MISCELLANEOUS MATTERS

8. Regulations

The Administrator may make regulations under this Act.

9. Review of Act

The Minister must, within 5 years after the commencement of this Act:

- (a) review the operation and effectiveness of this Act; and
- (b) table a copy of the report of the review in the Legislative Assembly.

PART 4 – CONSEQUENTIAL AMENDMENTS

10. Act amended

This Part amends the *Health and Community Services Complaints Act*.

11. Amendment of section 4 (Interpretation)

Section 4(1)

insert (in alphabetical order)

"applicable organisation", see section 4 of the *Carers Recognition Act*;

"Carers Charter", see section 4 of the *Carers Recognition Act*;

12. Amendment of section 5 (Reasonableness of provider's actions)

(1) Section 5(1)(a) to (c), at the end

insert

and

(2) Section 5(1)(e)

omit, substitute

(e) the Carers Charter; and

(f) another matter or information the Commissioner considers relevant.

13. Amendment of section 23 (Basis of complaint)

After section 23(1)(j)

insert

(k) that an applicable organisation failed to comply with the Carers Charter.

14. Expiry

This Part expires on the day after it commences.

SCHEDULE

Section 4,
definition "Carers Charter"

NORTHERN TERRITORY CARERS CHARTER

1. Carers must be treated with respect and dignity.
2. Carers must be acknowledged as individuals with their own needs within and beyond the role of carer.
3. The diversity of carers' individual needs must be acknowledged and identified, taking into consideration cultural and linguistic differences, age, disability, religion, socioeconomic status, gender identification and where people live. In particular, it is important to recognise the needs of Aboriginal carers and children and young people who are carers.
4. Carers must receive information on their rights when dealing with Agencies.
5. The role of carers must be formally recognised by including carers in the assessment, planning, delivery and review of services that impact on them and their caring role.
6. The views and needs of carers must be taken into account along with the views, needs and best interests of people receiving care when decisions are made that impact on carers and their caring role.
7. Programs and services for carers must be responsive, coordinated and appropriate.
8. Complaints made by carers about services that impact on them and the role of carers must be properly considered.
