



FACT SHEET For Carers
SA Carer Recognition Act 2005
REVIEW 2023

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Background: The Review

The South Australian Government, through the Department for Human Services (DHS), has now initiated a review of the South Australian [Carers Recognition Act 2005](#). The public consultation period will end on December 15, 2023.

The information detailed in this Fact Sheet will provide context for Carers who wish to provide direct feedback.

We are encouraging Carers to take the time to read this fact sheet and be heard, by providing insights into their experiences of how the Act and the Carers Charter principles translate into their everyday life.

The South Australian [Carers Recognition Act 2005](#) (the **Act**) relates to unpaid carers – i.e. those who provide care, but not as their occupation or official volunteer work.

The purpose of the current Act as it is written is:

- to recognise and support carers and their role in the community; and
- to provide for the reporting by organisations of the action taken to reflect the principles of the Carers Charter in the provision of services relevant to carers and the persons they care for.

A very important part of the current Act is the **South Australian Carers Charter** which has 7 principles that state the experiences that Carers should have in their life as Carers. [These principles and further details about the Carer Charter are listed further on page 3 of this fact sheet.](#)

Carers SA has strongly advocated for a Review of the SA Carer Recognition Act 2005, as Carers have provided consistent feedback that they experience a lack of Carer Recognition when engaging with Government Departments and Government services in their every day life.

How to provide feedback

The SA Government is inviting feedback – especially from Carers – via their Carers Recognition Act Review information website: <https://yoursay.sa.gov.au/carers-recognition-act-review>. On this site, Carers can access a discussion paper and information on how to provide direct feedback either via a **short** survey or by emailing or posting their feedback.

It is important to Government to hear whether the Act and the statements listed in the SA Carers Charter, are what Carers are actually experiencing when engaging with South Australian Government departments and services.

Carers SA recently conducted a survey of Carers to inform our submission to the Federal Governments recent Inquiry into the *Australian* Carer Recognition Act. The majority of the experiences and suggestions that the 689 Carers shared with us, also apply to the South Australian Carer Recognition Act Review.

Carers SA will make a formal submission to the review of the South Australian Carer Recognition Act Review.

Carers SA encourages Carers and other organisations with an interest in supporting Carers to provide feedback and suggestions to government as this review is an opportunity to positively influence the future of Carer Recognition in South Australia.

What does the current SA Carer Recognition Act say?

Definition of Carer

The official definition of an unpaid Carer under the current Act is:

Definition
<p>5—Meaning of carer</p> <p>(1) Subject to this section, a person is a carer for the purposes of this Act if he or she is a natural person who provides ongoing care or assistance to:</p> <ul style="list-style-type: none">(a) a person who has a disability within the meaning of the Disability Inclusion Act 2018; or(b) a person who has a chronic illness, including a mental illness within the meaning of the Mental Health Act 1993; or(c) a person who, because of frailty, requires assistance with the carrying out of everyday tasks; or(d) a person of a class prescribed by regulation.

What does the Act expect from Government Departments and Services

The current Act stipulates that:

1. Government departments and the organisations they fund are required to **demonstrate an awareness of the Act** [*must take all practicable measures to ensure awareness*] and
2. **reflect the principles of the Carers Charter** with services they provide; and
3. the Act **requires service providers to consult with Carers or their representatives when developing or delivering services** [*relevant to carers and the persons they care for.*] Also:
4. Relevant SA Government departments are **obligated to report (annually to the Minister)** against the requirements. Reporting requires reporting regarding awareness, potential actions taken and consultations.

The following departments and agencies of the SA State Public Service are considered to be the authorities to which the Act applies:

- Department for Education
- Department for Health and Wellbeing
- Department for Industry, Innovation and Science
- Department for Infrastructure and Transport South Australian Police Department
- Department of Human Services
- TAFE SA

The South Australian Carers Charter

The Carers Charter is a key component of the current Act and stipulates what Carers 'should' be able to expect.

The Act has some rights-like statements (in the Charter – see below) like the '*right to enjoy life and reach potential*' for young people (see no 6) and *resourcing* (support) for Carers (see no 7).

The 7 key statements of the Carers Charter in the current Act are listed in the table below along with a set of further explanatory statements.

Principles (Charter 1-7)	Sub statements
1. Carers have choices within their caring role	<ul style="list-style-type: none"> • Carers should have the same rights, choices and opportunities as other South Australians. • Carers should be supported by individuals, families, business and community organisations, public institutions and all levels of government in the choices they make in their caring role
2. Carers health and well-being is critical to the community	<ul style="list-style-type: none"> • Carers are entitled to enjoy optimum health, social, spiritual and economic well-being and to participate in family, social and community life, employment and education. • Carers should be supported to balance their caring role with their own needs.
3. Carers play a critical role in maintaining the fabric of society	<ul style="list-style-type: none"> • Carers should be recognised and valued for their important contribution to the well-being of the Australian community. • Carers should be recognised for their unique experience and knowledge in the caring role.
4. Service providers work in partnership with carers	<ul style="list-style-type: none"> • Caring is a social and public responsibility shared by individuals, families, business and community organisations, public institutions and all levels of government. • Carers should be recognised as individuals with their own needs, within and beyond the caring situations. • The relationship between a carer and the person they care for needs to be respected and honoured. • The role of carers must be recognised by including carers in the assessment, planning, delivery and review of services that impact on them and the role of carers. • 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 the role of carers.
5. Carers in Aboriginal and Torres Strait Islander communities need specific consideration	<ul style="list-style-type: none"> • Aboriginal and Torres Strait Islander carers should be specifically identified and supported within and outside their communities. • Aboriginal and Torres Strait Islander carers should be supported by business and community organisations, public institutions and all levels of government. • Aboriginal and Torres Strait Islander carers should be provided with culturally appropriate support services that take into account the history, health and well-being of their extended families
6. All children and young people have the right to enjoy life and reach their potential	<ul style="list-style-type: none"> • Children and young people who are carers should be specifically identified and supported by individuals, business and community organisations, public institutions and all levels of government. • The special needs of children and young people who are carers and the unique barriers to their access to service provision should be recognised and acted on so that, as far as possible, they have the same opportunities as other children and young people in Australia. • The caring responsibilities of children and young people who are carers should be minimised.
7. Resources are available to provide timely, appropriate and adequate assistance to carers	<ul style="list-style-type: none"> • Carers need access to a wide range of responsive, affordable services to ensure informed decision making and support for them in their caring situation. • Carers from culturally and linguistically diverse backgrounds may have complex needs that require appropriate service delivery. • Carers in rural and remote communities have barriers to service provision.

How does the Australian Carer Recognition Act 2010 fit into all this?

In the same way that the South Australian Carer Recognition Act guides the relationship between South Australian Government departments and entities, the Australian Carer Recognition Act guides the relationship between Carers and Federal Government departments and entities.

Similar to the South Australian Carer Recognition Act 2005, the Australian Carer Recognition Act 2010 is not a rights-based Act but predominately provides aspirational guidelines.

The Australian Carer Recognition Act 2010 is a piece of legislation to recognise and support unpaid Carers. The Act acknowledges the valuable contributions that Carers make to society and aims to improve their recognition, understanding, and support.

The intention of the Australian Act is to improve the lives of unpaid Carers by enhancing their recognition, promoting collaboration, and ensuring that government policies and services take their needs into account. It underscores the importance of valuing and supporting Carers who play a crucial role in providing care and assistance to individuals in need.

As the Act applies to a many Federal Government funded departments and entities like: Aged Care, NDIS/NDIA, Tax Office, Services Australia (Centrelink), with public submissions having recently closed for the 2023 Inquiry into the Recognition of Unpaid Carers (July/Aug 2023), the outcomes of this Inquiry is of key importance to Carers across the country.

The Act is based on a number of principles that form the 'guidelines'. When shown to Carers, on first glance they found these quite positive in their aspirational intentions, however, the translation into practice and the experiences on the ground for Carers do not align with the Act's guiding intentions.

The Australian [Carer Recognition Act 2010](#)'s 10 Key Principles are the corner stones of how Carers should be treated and how services should be delivered to Carers. The 10 Key Principles of the current Act are:

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.

Carers SA conducted a survey that asked Carers how the principles of this Act translate into everyday life and provided Carers the opportunity for Carers SA to collate and jointly submit their individual submissions. The Carers SA submission and the submissions of SA's Carers have now been published on the Inquiry website and is also available on the Carers SA website.

Carers SA accepted an invitation by the Inquiry and appeared on August 29, 2023, as a witness and advocated strongly for an Act that provides practical, everyday recognition for Carers.

Currently, the federal and state Carer Recognition Acts are not congruent. The experiences of Carers can be quite different for Carers between states. This is mainly because Australia, as a federation, experiences a split between Federal and State responsibilities for governance and services provided to the community.

Carers SA has submitted a recommendation to work towards better alignment of relevant Acts to harmonise the experiences of services and Carer recognition between federal and state legislations.