



# **Carers (Recognition) Act 2008**

**Current as at 27 June 2012**





Queensland

# Carers (Recognition) Act 2008

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# Carers (Recognition) Act 2008

**An Act to provide for the recognition of carers and the important contribution they make to the community**

## Part 1 Preliminary

### 1 Short title

This Act may be cited as the *Carers (Recognition) Act 2008*.

### 2 Commencement

This Act commences on a day to be fixed by proclamation.

### 3 Act binds all persons

This Act binds all persons, including the State.

### 4 Objects of Act

The objects of this Act are—

- (a) to recognise the valuable contribution by carers to the people they care for; and
- (b) to recognise the benefit, including the social and economic benefit, provided by carers to the community; and
- (c) to provide for the interests of carers to be considered in decisions about the provision of services that impact on the role of carers; and
- (d) to establish the Carers Advisory Council.

## 5 Definitions

In this Act—

*carer* see section 6.

*carers charter* see section 7.

*council* means the Carers Advisory Council established under section 11.

*public authority* means—

- (a) a department; or
- (b) a statutory body.

*statutory body* see the *Financial Accountability Act 2009*, section 9.

## 6 Meaning of *carer*

- (1) A *carer* is an individual who provides, in a non-contractual and unpaid capacity, ongoing care or assistance to another person who, because of disability, frailty, chronic illness or pain, requires assistance with everyday tasks.
- (2) Also, a grandparent is a *carer* of his or her grandchild if—
  - (a) the child lives with the grandparent; and
  - (b) the grandparent is the primary care-giver and decision-maker for the child.
- (3) However, if a child's parent or parents remain the primary care-givers and decision-makers for the child, the child's grandparent is not the child's carer only because—
  - (a) the grandparent cares for the child while the child's parent or parents are working; or
  - (b) the child, together with the child's parent or parents, lives with the grandparent.
- (4) For the purpose of this Act, a person is not a carer—
  - (a) only because the person is the spouse, parent or guardian of a person to whom care is provided; or

- (b) if the person provides the care or assistance as a volunteer for a voluntary organisation.

## **7 The Queensland carers charter**

The Queensland carers charter (the *carers charter*) is set out in the schedule.

# **Part 2 Decisions affecting carers**

## **8 Purpose and application of pt 2**

- (1) It is Parliament's intention that this part be complied with.
- (2) However, this part is directory only and does not create rights or impose legally enforceable obligations on the State, a public authority or anyone else.
- (3) Failure to comply with this part does not affect the validity of any decision.
- (4) Subsection (5) applies to a public authority that must, under another Act or law, consider, or comply with, principles or requirements (*other considerations*) in the exercise of the authority's functions or powers.
- (5) This part does not apply to the public authority to the extent that the principles of the carers charter or requirements under this part would conflict with, or otherwise detract from, the public authority properly considering or complying with the other considerations.

## **9 Obligation of public authorities to consider carers charter**

- (1) A public authority must ensure the authority and its officers and employees—
  - (a) have an awareness and understanding of the carers charter; and

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- (b) take action to reflect the principles of the charter in providing services of the authority which affect carers and the persons they care for.
- (2) A public authority, to the extent its internal human resources policies may significantly affect an employee in carrying out the employee's role as a carer, must ensure the policies are developed taking into consideration the principles of the carers charter.
- (3) Also, a public authority must consult with the representative bodies that the authority is satisfied represent the carers affected when making strategic policy or planning decisions relevant to carers and the persons they care for.

## **Part 3                      Carers Advisory Council**

### **Division 1                      Establishment and functions**

#### **11                      Establishment of Carers Advisory Council**

The Carers Advisory Council is established.

#### **12                      Functions of the Carers Advisory Council**

The functions of the council are to—

- (a) work to advance the interests of carers and promote compliance by public authorities with the carers charter; and
- (b) make recommendations to the Minister on enhancing compliance by public authorities with the carers charter; and
- (c) provide general advice to the Minister on matters relating to carers; and
- (d) carry out other functions as directed by the Minister.



### **13 Minister may give directions**

- (1) The council must perform its functions subject to—
  - (a) the general direction and control of the Minister; and
  - (b) any specific written directions given to it by the Minister.
- (2) Without limiting subsection (1)(b), a direction under that provision may require the council to give the Minister, or provide the Minister with access to, information in its possession about a matter or class of matter specified in the direction.
- (3) If the council is given a written direction, the council must publish the direction in its next annual report.

## **Division 2 Membership**

### **14 Membership**

- (1) The council consists of 12 members appointed by signed notice by the Minister.
- (2) Four members must be public service employees.
- (3) Four members must be carers, one of whom must be a grandparent-carer.
- (4) Three members must be representatives of different carers associations.
- (5) One member must be a representative of grandparent-carers.
- (6) In this section—  
*grandparent-carer* means a carer mentioned in section 6(2).

### **15 Chairperson and deputy chairperson**

- (1) The Minister must appoint one of the members of the council to be the chairperson.

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- (2) The chairperson holds office for the term decided by the Minister.
- (3) However, a vacancy occurs in the office of chairperson if the person holding the office resigns the office by signed notice of resignation given to the Minister or stops being a member of the council.
- (4) The council must elect one member to be the deputy chairperson.
- (5) The deputy chairperson is to act as chairperson—
  - (a) during a vacancy in the office of chairperson; or
  - (b) during a period when the chairperson is absent from duty or, for another reason, can not perform the functions of the office.

## **16 Term of appointment as member**

- (1) A member is to be appointed for the term, of no more than 2 years, stated in the member's instrument of appointment.
- (2) A person's eligibility for reappointment or the term for which a person may be reappointed is not affected by an earlier appointment.

## **17 Remuneration and allowances**

- (1) This section applies to a member of the council who is not a public service employee.
- (2) The member is entitled to be paid the remuneration and allowances decided by the Minister.

## **18 Vacation of office**

- (1) A member's office becomes vacant if—
  - (a) the member dies; or
  - (b) the member resigns by signed notice of resignation given to the Minister; or

- (c) the member's appointment is ended by the Minister.
- (2) The Minister may, by written notice given to a member, end the member's appointment if—
  - (a) in the opinion of the Minister, the member is unable, because of illness or absence from the State, to perform the functions of the office; or
  - (b) in the opinion of the Minister, the member commits misconduct of a kind that could justify dismissal from the public service if the member were a public service officer; or
  - (c) the member is an insolvent under administration within the meaning of the Corporations Act, section 9; or
  - (d) the member is absent from 3 consecutive meetings of the council without the council's permission and without reasonable excuse; or
  - (e) in the opinion of the Minister, the member is performing the member's duties carelessly, incompetently or inefficiently.

## **Division 3                      Conduct of meetings**

### **19            Procedure at meetings**

Subject to this part, the council may conduct its meetings as it considers appropriate.

### **20            Presiding at meetings**

- (1) The chairperson, if present, is to preside at a meeting of the council.
- (2) If the chairperson and the deputy chairperson are absent, the member chosen by the members present is to preside.

## **21 Minutes**

The council must keep a record of the minutes of its meetings and its decisions.

# **Part 4 Miscellaneous**

## **22 Regulation-making power**

The Governor in Council may make regulations under this Act.

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# Schedule                    The Queensland carers charter

## section 7

**Because—**

the Parliament recognises that carers make a significant contribution to the people they care for and the economic and social wellbeing of the community, and that carers deserve recognition, respect and support for their role as carers; and grandparents who are carers for their grandchildren make a significant contribution to the lives of their grandchildren and deserve respect and support for their role as carers; and

helping carers is one of the best ways of helping someone they are caring for and the carers charter will help carers to be heard by government and their issues to be better understood in the community;

**this Act establishes the following Queensland carers charter—**

- 1 The State recognises the effort and dedication of carers in our community and that carers provide a vital service.
- 2 Carers deserve the respect of our community and should be supported within their community by all levels of government, institutions and organisations.
- 3 The views and needs of carers must be taken into account together with the views, needs and best interests of the people they care for when making policy decisions.
- 4 The importance of carers' work means the role of carers should be recognised by including carers, or their representative bodies, in the assessment, planning, delivery and review of services affecting carers.
- 5 Complaints made by carers in relation to services that impact on them must be given careful consideration.
- 6 Carers should be recognised—
  - (a) for their unique knowledge and experience; and

- (b) as individuals with their own needs.
- 7 The relationship between a carer and the person they care for should be respected and honoured.
  - 8 Children and young people who are carers should be specifically supported by all of our community.
  - 9 The caring responsibilities of children and young people should be minimised.
  - 10 Grandparents who are carers for their grandchildren, after having raised their own children, should be supported in their important and challenging role.
  - 11 Grandparents who are carers for their grandchildren need easy access to information that is clear and relevant to their role as a carer.
  - 12 Carers need access to a wide range of responsive and affordable services to support them and their decision making in their role as a carer.
  - 13 Remote and rurally based carers face additional difficulties caused by isolation.

## 1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

## 2 Key

### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amd	= amendment	prov	= provision
t			
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
		)	
notf	= notified	rv	= revised version
d			
num	= numbered	s	= section

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>o in c</b>	= <b>order in council</b>	<b>sch</b>	= <b>schedule</b>
<b>om</b>	= <b>omitted</b>	<b>sdiv</b>	= <b>subdivision</b>
<b>orig</b>	= <b>original</b>	<b>SIA</b>	= <b>Statutory Instruments Act 1992</b>
<b>p</b>	= <b>page</b>	<b>SIR</b>	= <b>Statutory Instruments Regulation 2012</b>
<b>para</b>	= <b>paragraph</b>	<b>SL</b>	= <b>subordinate legislation</b>
<b>prec</b>	= <b>preceding</b>	<b>sub</b>	= <b>substituted</b>
<b>pres</b>	= <b>present</b>	<b>unnum</b>	= <b>unnumbered</b>
<b>prev</b>	= <b>previous</b>	<b>m</b>	

### 3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
1	none	4 May 2009	
1A	—	1 July 2009	s 10 commenced



Reprint No.	Amendments included	Effective	Notes
1B	2010 Act No. 47	10 December 2010	
1C	2012 Act No. 8	27 June 2012	

## 4 List of legislation

### **Carers (Recognition) Act 2008 No. 70**

date of assent 11 December 2008

ss 1–2 commenced on date of assent

s 10 commenced 1 July 2009 (2009 SL No. 47)

remaining provisions commenced 4 May 2009 (2009 SL No. 47)

amending legislation—

### **Carers (Recognition) Amendment Act 2010 No. 47**

date of assent 5 November 2010

ss 1–2 commenced on date of assent

remaining provisions commenced 10 December 2010 (2010 SL No. 361)

### **Treasury (Cost of Living) and Other Legislation Amendment Act 2012 No. 8 s 1, pt 3**

date of assent 27 June 2012

commenced on date of assent

## 5 List of annotations

### **Definitions**

s 5 def *statutory body* sub 2010 No. 47 s 4

### **Meaning of carer**

s 6 amd 2010 No. 47 s 5

### **Obligation of public authorities to consider carers charter**

s 9 amd 2010 No. 47 s 6

### **Reporting obligations**

s 10 amd 2010 No. 47 s 7

om 2012 No. 8 s 11

### **Membership**

s 14 amd 2010 No. 47 s 8

### **SCHEDULE—THE QUEENSLAND CARERS CHARTER**

amd 2010 No. 47 s 9