

Carers (Recognition) Amendment Bill 2010

Explanatory Notes

Short Title

The Carers (Recognition) Amendment Bill 2010

General Outline

There are many Australian families in which a grandparent or grandparents are the main carers of co-resident grandchildren.

These grandparents, many of whom have completed their child-rearing days with their own children, step up to their grandchildren's need for stability and continuity of care. In doing so, these grandparents may face depletion of their financial resources due to the financial cost of caring for their grandchildren; legal issues related to the guardianship of their grandchildren; parenting issues such as potentially managing challenging behaviour of their grandchildren, particularly where the children have experienced trauma in their parental home or in the course of removal from their parental home; social isolation; and physical, psychological and emotional health issues.

The *Carers (Recognition) Act 2008* (the Act) recognises the valuable contribution by carers for people with a disability, people who are chronically ill and people who are frail, and the social and economic benefit these carers provide to the community. The Act provides for the interests of carers to be considered in decisions about the provision of services that impact on the role of carers. The Act also establishes the Carers Advisory Council and the Queensland Carers Charter. Public authorities must ensure the authority and its officers and employees have an awareness and understanding of the Carers Charter and take action to reflect the principles of the Queensland Carers Charter in providing services of the authority which affect carers and the persons they care for.

The preamble to the Queensland Carers Charter recognises the important role that carers play in the lives of people they care for and the significant

contribution they make to the social and economic wellbeing of the community.

However, the Act does not specifically recognise particular groups of carers, such as grandparents who provide full-time care for their grandchildren. Given the importance of their familial role, the Bill would amend the *Carers (Recognition) Act 2008* to provide for the recognition of grandparents who provide full-time care for their grandchildren.

Objective of the Bill

The objective of the Bill is to:

- Legislatively recognise the contribution of grandparents providing full-time care for their grandchildren to the lives of their grandchildren;
- Provide a framework for the consideration of the needs and interests of grandparents providing full-time care for their grandchildren and the children for whom they care in government policy, planning and service delivery decisions relevant to their needs and interests;
- To recognise and support grandparents as full-time carers and assure access to information that supports grandparents in their role as carers; and
- Align the Act more closely with certain provisions of the Carer Recognition Bill 2010 recently introduced into the Commonwealth Parliament.

Reasons for the objectives and how they will be achieved

The reasons for the Bill's objectives are that:

- Grandparents providing full-time care for their grandchildren undertake a selfless role by providing their grandchildren with stability and continuity of care;
- Grandparents providing full-time care for their grandchildren are not specifically recognised by existing legislation;
- There is a lack of information regarding access to supports for grandparents who provide full-time care for their grandchildren; and
- There is no legislative requirement for public authorities to particularly consider the needs and interests of grandparents providing

full-time care for their grandchildren and the children for whom they care in policy, planning and service delivery decisions relevant to their needs and interests.

The objectives of the Bill would be achieved through inclusion of grandparents providing full-time care for their grandchildren within the legislative framework of the Act.

Administrative cost to Government of implementation

Implementation of the Bill is unlikely to result in any significant additional cost to Government.

Consistency with Fundamental Legislative Principles

The Bill would not conflict with fundamental legislative principles.

Consultation

Organisations representing grandparents and seniors and the Queensland Carers Council were consulted in relation to the Bill.

Notes on Provisions

Clause 1 – This clause provides that the short title of the Bill would be the *Carers (Recognition) Amendment Bill 2010*.

Clause 2 – This clause provides that the Bill would commence on a date to be fixed by proclamation.

Clause 3 – This clause provides that the Bill would amend the *Carers (Recognition) Act 2008*.

Clause 4 – This clause amends the definition of *statutory body* in section 4 to align with the definition contained in the *Financial Accountability Act 2009*, in substitution for the repealed *Financial Administration and Audit Act 1977*.

Clause 5 – This clause amends the definition of *carer* in section 6 to provide that a grandparent is a carer for his or her grandchild if the child

lives with the grandparent and the grandparent is the primary care-giver and decision-maker for the child. However, the definition excludes grandparents where the child's parent or parents remain the primary care-givers and decision-makers, even though the grandparent cares for the child while the parent or parents are working or the child, together with the child's parent or parents, live with the grandparent.

Clause 6 – This clause amends section 9 to align the *Carers (Recognition) Act 2008* with the Carer Recognition Bill 2010 (Commonwealth) by providing that public authorities must ensure that their human resource policies are developed taking into consideration the Queensland Carers Charter.

Clause 7 – This clause amends section 9, which provides for statutory authorities to report on their compliance obligations under the *Carers (Recognition) Act 2008* in their annual reports, to substitute the *Financial Accountability Act 2009* for the repealed *Financial Administration and Audit Act 1977*.

Clause 8 - This clause amends section 14 to increase the membership of the Queensland Carers Council from 10 members to 12 members, one of whom must be a grandparent carer and one of whom must be a representative of grandparent carers.

Clause 9 – This clause amends the preamble to the Queensland Carers Charter to recognise grandparents who are the carers for their grandchildren. It also amends the Charter to add 2 new principles specific to grandparent carers to be renumbered as item 10 and 11 respectively: first to recognise and support grandparents as full-time carers; and secondly to assure grandparent carers access to information that supports them in their role of caring full-time for their grandchildren.