

# **Draft Submission on the Review of the NSW Carers (Recognition Act) 2010**

April 2016

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## Opening:

Local Government NSW (LGNSW) is the peak body for councils in NSW, representing all 152 NSW general-purpose councils and associate members including 12 special-purpose county councils and the NSW Aboriginal Land Council. In essence, LGNSW is the organisation for all things Local Government in NSW. LGNSW facilitates the development of an effective community-based system of local government in NSW.

## Purpose:

LGNSW welcomes the opportunity to respond to the *Review of the NSW Carers (Recognition) Act 2010 (the Act)* and will respond to questions from the NSW Family and Community Services (FACS) website, and sections of the *discussion paper* relevant to local government in NSW.

## Executive Summary:

About one in ten people (857,200) in NSW are carers. A carer is anyone who provides ongoing, unpaid support to family and friends who need help because of disability, chronic illness, mental illness or frailty.

The Act was introduced in 2010 to recognise carers. Its purpose is to enact a Carers Charter to recognise the role and contribution of carers to people they care for and the wider community, and to raise awareness of their valuable contributions.

The Act establishes the Carers Advisory Council. Its role is to promote the interests of carers and to review and make recommendations to the Minister for Disability Services (the Minister) on relevant issues. The Council can also carry out any other carer related function directed by the Minister.

The Council is made up of:

- The Minister, who is the Chair;
- other Ministers responsible for key services for carers; and
- people who the Minister believes have relevant knowledge and experience.

Under the Act, the Minister must ensure that the majority of members are primary carers.

The Act gives the Minister the power to appoint Council members and to decide the length of their term, their remuneration, and Council procedures.

The Act creates obligations for public sector agencies, such as NSW Government Departments and local government. The Act requires them to:

- take reasonable steps to ensure that staff and agents are aware of and understand the Charter;

- consult with organisations that represent carers when developing policies that impact on carers, as they consider appropriate; and
- consider the Carers Charter when developing human resource policies.

The Act places additional obligations on “human service agencies”. Human service agencies are public sector agencies that provide services directed at carers or the people they care for, such as health, disability or care services.

As well as being aware of and understanding the Carers Charter, human service agencies must ensure that all of their staff and agents take action to reflect the principles of the Charter.

Human service agencies must also report on their compliance with the Act in their annual report.

The Act says that it must be reviewed after five years, to consider the policy objectives of the Act remain valid, and whether the terms of the Act are appropriate for securing these objectives.

LGNSW’s response to the questions posed in the Discussion Paper follow. In summary, LGNSW:

- welcomes future opportunities to continue supporting the Act, including the Carers Charter and the Obligations;
- believes that the Charter’s impact can be sustained by developing and disseminating supporting resources;
- believes The Charter should be acknowledged and integrated into the transition into NDIS;
- suggests that The Carers Advisory Council raise their profile and accessibility by promoting themselves and their initiatives more to the community;
- recommends that clear, simple and concise reporting mechanisms should be put in place without increasing compliance requirements, and
- recommends that the obligation of the Act should extend beyond the public sector and human services agencies to encompass the diversity of existing carers.

## **Response to Review of the Act Discussion Paper:**

*What do you think about the objects of the Act?*

LGNSW agrees with the objects of the Act, which are to “enact a Carers Charter to recognise the contributions of carers” and “to increase the awareness of the valuable contribution that carers make to our community”.

*Do you think the Act has increased awareness of the contribution carers make to our community?*

LGNSW believes that the Act has initially increased awareness of the contribution carers make to the community. LGNSW and the NSW councils represented, assisted with promoting the Act, and specifically the Carers Charter. They promoted the Act within councils, to aged and disability services and to the wider community. For example, Carers NSW was invited to present on the Act and the NSW Carers Charter (the Charter) at LGNSW Human Resources network meetings.

LGNSW believes that the Act's effectiveness needs to be increased, by developing and disseminating additional, supporting resources such as awareness-raising training for human resources staff. However, LGNSW does not believe in increasing compliance requirements because it will only increase the administrative burden.

*What do you think about the way the Act defines a carer?*

LGNSW agrees with the formal definition of a carer, as stated in the Act.

Under the Act, a person is a carer if they provide ongoing, personal care, support and assistance to any other individual who needs it because that individual:

- is a person with disability within the meaning of the Disability Inclusion Act 2014, or
- has a medical condition (including a terminal or chronic illness), or
- has a mental illness, or
- is frail and aged.

The Act does not include people in training or paid to provide caring roles, or family members who are not involved in ongoing care. However, it should be noted that outside the traditional notion of a 'single carer', there may be a 'group of carers', as evident in many culturally and linguistically diverse (CALD) and Aboriginal and Torres Strait Islander (ATSI) communities.

*The Charter's purpose is to recognise the role and contribution of carers to our community and to the people they care for. Given this, are you satisfied with the Charter?*

LGNSW agrees with the Charter but would like to see supporting resources such as real-life case studies added. Case studies should be practical and relevant, representing carers from different backgrounds and in various scenarios.

*What impact do you think the Charter has had on recognition of the role and contribution of carers?*

The Charter's impact was stronger when it was first introduced. Councils recognised the role and contribution of carers. Initiatives for carers' causes started to grow. Councils helped celebrate Carers Week, prioritised council and Club grant applications involving carers, and

acknowledged council employees who are carers. Councils that provided aged and disability services recognised and accommodated carers' needs.

However, LGNSW believes that the Charter's impact can be sustained further by developing and disseminating supporting resources as discussed above.

LGNSW is also concerned that the transition into the National Disability Insurance Scheme (NDIS) rendered carers invisible again. There is no certainty that carer services will continue to be funded under the individualised funded packages. The emphasis of the NDIS is on a person-centred approach where individual support plans are based on the needs of the person with disability. There does not seem to be room in the plans for the comprehensive needs of carers such as carers' training and emergency respite services. The pressure on carers may increase when people with disability are deemed ineligible for individualised funding packages and the over-reliance of Information, Linkages and Capacity-building on growing social capital.

As a result and due to the diminishing impact of the Charter, LGNSW is anticipating an increase in council and Club grant applications involving carers. These grant schemes already experience enormous pressure due to the sheer number of applications received in comparison to the funding amount available. The Charter should be acknowledged and integrated into the transition into NDIS.

*In your experience, is the Charter being implemented?*

LGNSW believes the Charter is being implemented in varying degrees. Clear, simple and concise reporting mechanisms should be put in place without increasing compliance burdens. For example, one such mechanism could be a completed, short checklist on human resources initiatives attached in the Annual Report.

*Are you satisfied with how the Act establishes the Carers Advisory Council, for example, its membership and role?*

LGNSW agrees with the existence of the Carers Advisory Council, and their membership and role. However, the Carers Advisory Council should raise their profile and accessibility by promoting themselves and their initiatives more to the community.

*Do you think these obligations are appropriate, given the purpose of the Act? If not what changes do you suggest?*

LGNSW agrees with the obligations for public sector and human services agencies under the Act. These are mainly: reasonable steps to ensure that staff and agents are aware of and understand the Charter; consult with organisations that represent carers when developing policies that impact on carers, as appropriate; and consider the Carers Charter when developing human resource policies.

As discussed above, clear, simple and concise reporting mechanisms should be put in place without increasing compliance requirements because it will only add further administrative burden. For example, one such mechanism could be a completed, short checklist on human resources initiatives attached in the Annual Report.

*What has been your experience of the obligations under the Act?*

LGNSW recognises that the implementation of the Act varies depending on councils and their awareness and resources. The obligation by human resource departments needs particular improvement through additional resources as discussed above.

Do you think the obligations apply to the right organisations?

LGNSW believes that the obligation to take reasonable steps to consider and integrate the Charter into organisational practices should extend beyond public sector and human services agencies. Carers work and use various sectors and should therefore expect that their rights and needs are acknowledged in any setting they happen to be in.

## **Conclusion:**

LGNSW is grateful for the opportunity to respond to the Review of the NSW Carers (Recognition) Act 2010 (the Act). LGNSW welcomes future opportunities to continue supporting the Act, including the Carers Charter and the Obligations. LGNSW believes that the Charter's impact can be sustained by developing and disseminating supporting resources. The Charter should be acknowledged and integrated into the transition into NDIS. The Carers Advisory Council should raise their profile and accessibility by promoting themselves and their initiatives more to the community. Clear, simple and concise reporting mechanisms should be put in place without increasing compliance requirements because it will only add further administrative burden. The obligation of the Act should extend beyond the public sector and human services agencies to encompass the diversity of existing carers.

## **Appendix:**

### *NSW Carers Charter*

- a) The valuable social and economic contribution that carers make to the community and the persons for whom they care should be recognised and supported.
- b) Carers' health and wellbeing are to be given due consideration.
- c) The views and needs of carers and the views, needs and best interests of the persons for whom they care must be taken into account in the assessment, planning, delivery and review of services provided to persons who are cared for.
- d) Carers should be referred to, and made aware of, appropriate services to assist carers in their caring role. Such referrals should be made after an assessment of the needs of carers or as part of the assessment or provision of services to the person being cared for.
- e) The relationship between carers and the persons for whom they care should be respected.
- f) Carers are to be acknowledged and recognised as having their own individual needs within and beyond their caring role. This acknowledgement and recognition is to take into consideration Aboriginal or Torres Strait Islander culture, age, disability, religion, socio-economic status, cultural differences, gender identification and place of residence.
- g) Children and young people who are carers have the same rights as all children and young people.
- h) Children and young people who are carers face additional difficulties and burdens and should be supported in overcoming these difficulties and burdens.
- i) Carers should have the same rights, choices and opportunities as other Australians.
- j) Carers' choices in their caring role should be supported and recognised, including the recognition of carers in the assessment, planning, delivery and review of services that impact on carers and their role as carers.
- k) The additional difficulties faced by remote and rurally based carers caused by isolation should be recognised and acknowledged.
- l) Support for carers should be timely, responsive, appropriate and accessible.
- m) Carers' unique knowledge and experience should be acknowledged and recognised.