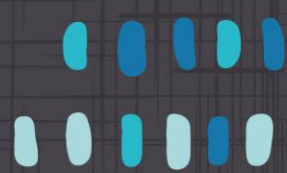




Government of **Western Australia**
Department of **Communities**



Consultation paper: Review of the *Carers Recognition Act 2004*



Introduction

The Western Australian *Carers Recognition Act 2004* (the Carers Act) was introduced on 28 October 2004.

The Act aims to recognise the role of carers and provide a mechanism for involving carers in the provision of services that affect carers and their role.

The Minister for Community Services, the Hon Simone McGurk MLA, has legislative responsibility for the Carers Act.

The Act established the Western Australia Carers Charter which provides a clear direction on how carers are to be treated and involved in the delivery of services.

The Carers Advisory Council was established under the Act to report on compliance with the Carers Act and provide advice to the Minister on issues relevant to carers.

The Carers Act requires all State Government funded and administered health and disability services to take all practical measures to ensure that they comply with the Carers Act and Charter.

About the review

Section 22 of the Carers Act requires that a review be completed three years from its commencement, to consider if the objectives of the Carers Act remain valid and if the operations of the Carers Advisory Council are effective and required on a continuing basis.

A review was conducted in 2008, with the report tabled in Parliament on 13 November 2008. The report contained 16 recommendations, of which 11 were endorsed by the then Minister for Community Services, with seven implemented by the government of the time.

The Carers Act has now been in operation for 13 years and, with WA's changing landscape, the State Government is conducting another review. The review will again assess the validity of the objectives and look at opportunities for the support and recognition of carers.

The Department of Communities established a reference group to oversee the review which will comprise representatives from Carers WA and the Carers Advisory Council.



Scope of the review

This paper provides information and points for discussion about the *Carers Recognition Act 2004* (Carers Act) to help carers, community members, service providers and other stakeholders to participate in the review.

The review will cover the main features of the Carers Act, including:

- the objectives of the Carers Act – what it aims to do
- the definition of a carer
- the purpose of the Carers Charter
- compliance with the Carers Charter
- the operation of the Carers Advisory Council.

Background

1. Who are carers

There are an estimated 320,000 carers in Western Australia.

The *Carers Recognition Act 2004* defines carers as people who provide ongoing care, support and assistance to a person with disabilities or a chronic illness, including mental illness, or who are frail.

Carers come from all walks of life, backgrounds and age groups. Each caring role is unique and each carer has different needs. Anyone can become a carer at any time.

A person might become a carer suddenly i.e. because of an accident or a medical diagnosis of a loved one, or it might happen gradually as an illness progresses in a loved one.

Family members and friends provide the bulk of caring roles, which can be equal to the demands of a full-time job. Many carers provide more than 40 hours of care a week.

Carers do not receive a salary or wage for the care they provide. It is estimated that the replacement value of informal care arrangements is worth more than \$60 billion a year nationally.

2. Complimentary legislation and policies

The Western Australian *Carers Recognition Act 2004* complements other policies, services and legislation that aim to increase carer recognition and support.

The Commonwealth *Carer Recognition Act 2010* (the Commonwealth Carers Act) states that carers should be treated with respect and considered as partners with other care providers. This includes the Statement for Australia's Carers, which sets out 10



guiding principles that focus on carers having the same rights, choices and opportunities as other Australians.

Australian public service agencies and government-funded service providers must ensure their employees are aware of the statement, and that they take carers' needs into account when developing and implementing services.

The Commonwealth Carers Act formally acknowledges this valuable social and economic contribution and complements carer recognition legislation already in place in some states and territories.

One of the key principles of Western Australia's *Mental Health Act 2014* recognises the important role that carers play in supporting people with a mental illness. Carers of people with a mental illness are given special rights, including:

- the right to be provided with information about the patient and their treatment
- the right to be involved in treatment, care support and discharge planning.
- the right to request an independent further opinion about the patient's treatment.

The *Mental Health Act 2014* provides a comprehensive complaints process through the Health and Disability Services Complaints Office for carers of people with a mental health condition.

The Western Australian Carers Strategy is one of the key policy documents that outlines the State Government's commitment to carers.

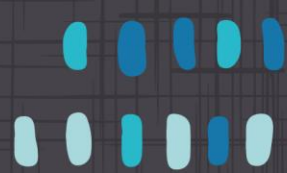
The strategy identifies the need for recognition and awareness of the caring role to ensure carers feel valued and supported. It guides government agencies, service providers and the community towards greater support for carers and their needs. In addition, it emphasises that carers should be recognised and valued for the positive difference they make to the lives of families, friends, the community and the people they care for.

The Department of Communities is leading the implementation of the Western Australian Carers Strategy with a strong focus on raising community awareness and building carers' capacity for self-identification, self-advocacy and future planning.

Have your say

The Department of Communities invites carers, community members and other stakeholders to have their say in the 2018 review of the *WA Carers Recognition Act 2004*.

Visit www.communities.wa.gov.au to complete the online feedback form.



The Western Australia *Carers Recognition Act 2004*

The *Carers Recognition Act 2004* was introduced on 28 October 2004 to provide for the recognition of Western Australia's carers.

Objectives of the Act

The Carers Act has two main purposes:

- (a) To recognise the role of carers in the community.
- (b) To provide a mechanism for the involvement of carers in the provision of services that impact on carers and the role of carers.

For discussion:

- Q1. What do you think about the purpose of the Carers Act?
- Q2. Do you think the Carers Act has increased the awareness of the contribution carers make to our community?
- Q3. Do you think the Carers Act has ensured carers receive the recognition they deserve?
- Q4. Please list any examples of carer recognition or acknowledgement you are aware of.

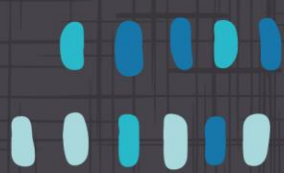
Definition of a carer

Under the Carers Act, a person is defined as a carer if he or she is an individual who provides ongoing care or assistance to:

- (a) a person with a disability as defined in the *Disability Services Act 1993*
- (b) a person who has a chronic illness, including a mental illness as defined in the *Mental Health Act 2014* section 4
- (c) a person who, because of frailty, requires assistance with carrying out everyday tasks
- (d) a person of a prescribed class.

For discussion:

- Q5. Does the Carers Act's current definition of a carer capture the diversity of those who have caring responsibilities?
- Q6. If you don't agree with the current definition of a carer under the Carers Act, how do you think it should be changed?



Purpose of the Carers Charter

The purpose of the Carers Charter is to recognise the role and contribution of carers to our community and to the people they care for. The Carers Charter states that:

1. carers must be treated with respect and dignity
2. 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
3. the views and needs of carers must be considered 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
4. complaints made by carers in relation to services that impact on them and the role of carers must be given due attention and consideration.

For discussion:

- Q8. The Carers Charter aims to make sure the role of carers is recognised. Are you satisfied with the purpose of the Carers Charter?
- Q9. Do you think the Carers Charter has made a positive impact to the level of recognition of the role and contribution of carers in service provision? Please share any relevant examples.

Compliance with the Carers Charter

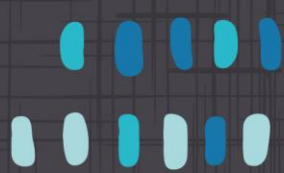
The Carers Act requires Disability Services and the Department of Health (now part of the Department of Communities) to take all possible measures to ensure employees and funded services comply with the Carers Charter.

They are required to provide annual reports with information and supporting evidence to demonstrate compliance against the following criteria:

1. **Understanding the Carers Charter** – implement activities and strategies to ensure staff are aware of and understand the Carers Charter, and have the capacity to treat carers with dignity and respect.
2. **Policy input by carers** – demonstrate the inclusion of carers or a representative body in the development of policies and organisational plans that affect carers and their caring role.
3. **Carers' views and needs considered** – demonstrate inclusion of the views and needs of carers in assessing, planning, delivering and reviewing services that impact on them and their caring role.
4. **Complaints and listening to carers** – enable carers to make complaints about services that affect them and their role as carers and have their complaints heard.

For discussion:

- Q10. In your experience, is the criteria of the Carers Charter being implemented by health and disability services?
- Q11. Do you think the Carers Act applies to the right organisations?



Q12. As a carer, do you think you would benefit from other human service agencies being included in compliance reporting? If yes, which services or agencies would you like to see included?

The Carers Advisory Council

The *Carers Recognition Act 2004* established the Carers Advisory Council to report to the relevant Minister on the interests of carers and to monitor the compliance of reporting bodies under the Carers Charter.

Membership

Under the Act, the Minister for Community Services can appoint up to 10 people to the Council. Members are appointed for a term of up to two years and provided with payments and allowances for their participation under the guidance of the Public Sector Commissioner.

The Minister must ensure that members are chosen to reflect the interests of carers. Appointments to the Council are also considered by the Minister for Disability Services and the Minister for Health.

Functions

The functions of the Council are:

- (a) to work to advance the interests of carers and promote compliance by applicable organisations with the Carers Charter
- (b) to make recommendations to the Minister on fostering compliance by applicable organisations with the Carers Charter
- (c) to provide general advice to the Minister on matters relating to carers
- (d) to carry out other functions as directed by the Minister.

For discussion:

Q13. Have you had any interaction with the Carers Advisory Council?

Q14. Do you have any comments or suggestions regarding Council functions?

Q15. Do you think there are opportunities for the Council to represent your interests and concerns as a carer?

Thank you for your contribution to the review

The Minister for Community Services, the Hon Simone McGurk and the Department of Communities thank you for providing your feedback on this consultation paper.

It is anticipated that the review of the *Carers Recognition Act 2004* will be finalised by October 2018.

For more information, or to discuss other options for participating, please contact the Department of Communities by email carers@communities.wa.gov.au