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CARERS (RECOGNITION) BILL 2010

Second Reading

The Hon. PENNY SHARPE (Parliamentary Secretary) [4.47 p.m.], on behalf of the Hon. John Hatzistergos:

That this bill be now read a second time.

I am pleased to introduce the Carers (Recognition) Bill 2010. There are 750,000 carers in New South Wales—that is more than one person in every 10. Carers are mothers and daughters, fathers and sons, nieces, nephews, aunts and uncles and grandparents. They are people who know someone who is disabled or old or frail or suffering from an illness and take the very human decision to provide them with personal care, support and assistance. They are people who care about someone else. Because they are often not paid for what they do, their contribution to our society does not register in economic statistics or analyses of national wellbeing. But without them our society and our economy simply would not work the way it does.

The New South Wales Government is delivering a broad range of programs and services to recognise and support carers and the contribution they make to our community. These actions are outlined in the whole-of-government New South Wales Carers Action Plan 2007-2012. The plan supports a range of strategies that aim to increase the respect and recognition of carers, to reach out to family members who may not see themselves as carers, to encourage agencies to view carers as partners in care, and to support carers to combine work and caring.

<28>

The New South Wales Government provides funding to CarersNSW, as the peak body representing carers, to raise awareness of issues that affect carers, and to engage with government agencies to ensure support services meet the needs of carers. The New South Wales Government has also acted to support and recognise carers through legislation, where appropriate. For example, in 2000 this Government amended the Anti-Discrimination Act to ensure carers were protected from discrimination at work arising from their carer responsibilities. The Mental Health Act 2007 also recognises the role of carers and their interests in relation to a range of issues, including rights in relation to the provision of information concerning involuntary detention and medication, and involvement of carers in the discharge planning of patients.

The Carers Action Plan includes strategies to improve services to carers and the people they care for. The New South Wales Government has a strong record of investing in services to people cared for by carers. The more we invest in services for people being cared for, the less burden is placed on carers. Recent achievements include the investment of an additional \$1.3 billion over five years under Stronger Together—the Government's plan for disability services in New South Wales—to strengthen support to families, carers and people with a disability. This includes over \$69 million additional funds for vital respite services to give carers a break from their caring role when needed. It also includes an increase of \$78 million in funding for mental health services to \$1.171 billion in 2009-10.

The Government also provides over \$500 million per year to the Home and Community Care Program for a broad range of services that support carers and those they care for, such as domestic assistance and respite services. The bill that I introduce today complements the Government's Carers Action Plan and builds on existing legislation to support and recognise carers. The bill recognises the contribution our carers make to our society and formally acknowledges their right to be heard when we make policies, laws and regulations that affect them. It sets out the principles that should be followed by agencies when providing services to carers or people they care for and ensures that carers' interests will be considered when agencies are considering legislative or policy proposals that will affect carers.

Simple as that sounds, careful consideration and consultation has been required to get it right. The bill recognises the role and contribution of carers and increased public awareness of the valuable role that carers play in the community. It establishes a Carers Charter. It requires all public sector agencies to ensure that staff are aware of, and understand, the charter, to consult with carers

groups when developing policies that significantly impact on carers and to develop their internal human resource policies having regard to the charter. It requires human service agencies, being those public sector agencies that provide services aimed at carers or persons being cared for, to take action that reflect the principles in the charter and report annually on their compliance with the legislation.

It establishes the Carers Advisory Council, appointed by the Minister, to work to advance the interests of carers and to review and make recommendations on legislation, policy or other matters having a significant impact on carers that have been referred to it. The bill's provisions relating to the membership and procedure of the advisory council have been amended, as proposed by the member for Bega. The Government agrees that a majority of members of the Carers Advisory Council should be made up of carers and that the Minister responsible for the administration of the legislation and any other Ministers who are members of the advisory council, or their delegates, will chair the advisory council.

The key to this bill is the Carers Charter,, which establishes 13 principles relating to carers to guide agencies in supporting carers. It will ensure that the voices of carers are heard in important decisions that affect them in their caring role and the people they are caring for. For example, the charter includes principles such as giving carers' health and wellbeing due consideration; taking into account the views and needs of carers, together with the views, needs and best interests of the persons they are caring for in the assessment, planning and delivery of services provided to the persons they care for; and referring carers, or making carers aware of, appropriate services to assist carers in their caring role—such referrals should be made either after an assessment of the needs of carers or as part of the provision of services to the person being care for—acknowledging and recognising carers as individuals with their own needs; and recognising the particular difficulties facing children and young people who are carers and carers in remote and rural areas.

The Carers Charter is aimed both at recognising the role, contribution and needs of carers, as well as ensuring carers are involved in decisions regarding the provision of services to persons being cared for. The charter also recognises that carers have their own needs and that they should be referred to relevant services either as part of the holistic assessment of the needs of the person for whom they are caring or, in some instances, as a separate assessment. The aim of this principle is to help ensure that carers are referred to, and receive, available support services that they may require.

For example, children and young people who have major caring responsibilities need extra support to participate in education and to be able to engage in peer activities. New South Wales Health and Ageing, Disability and Home Care are currently piloting resources to assist front-line staff to identify and assist young carers. These pilots are trialling the delivery of resources and training to front-line staff who interact with young carers to help ensure those staff are better able to identify young carers, provide them with relevant information and refer them to available support services.

The Government, through the Department of Aging, Disability and Home care, also funds support coordination services, which provide support for older parent carers of people with a disability so as to help them develop and implement transitions plans for the ongoing care of the person for whom they are caring. These services assess carers' needs to identify the supports that carers require during this transition phase. This could include increased domestic assistance, referrals to a range of health services, or assistance to build up their wider social support networks.

The New South Wales Government provides funding to the non-government sector to deliver a range of services to people who have carers. The Government will therefore work with non-government providers to encourage them to reflect the principles of the New South Wales Carers Charter when providing services. Further, where appropriate, agencies may negotiate with non-government providers to include compliance with the charter as a condition in future funding and performance agreements. This approach has been taken, rather than requiring the non-government sector to comply with the charter, because many non-government organisations that provide services for the New South Wales Government also provide services for the Commonwealth Government. Many of these non-government organisations may be regulated by the Commonwealth's Carer Recognition Bill, if it is passed by the Federal Parliament. So, rather than create a duplicate regulatory regime, we have retained the flexibility to only apply the New South Wales Carers Charter to non-government organisations that will not be captured by the Commonwealth laws.

Honourable members would be aware that the member for Bega, the shadow Minister for Ageing and Disability, also introduced proposed carers recognition legislation last month. I acknowledge the input to both that bill and the Government's Carers (Recognition) Bill that was provided by

CarersNSW. The Government agreed with the general intent of the Opposition's bill but voted to adjourn the debate to consider the best options for turning those intentions into fact. Among several issues was the effect of the Commonwealth Carer Recognition Bill recently introduced in Federal Parliament and consideration of existing legislation in other States and Territories.

This was a necessary and worthwhile process. It has enabled the Government to introduce its own bill, which is both clearer and stronger. For example, the Opposition bill, no doubt inadvertently, used definitions that would have excluded, among others, area health services from the requirements of the legislation. Further, the Opposition bill did not draw a distinction between public sector agencies that will have relatively little contact with carers and those agencies that provide services directed at carers or people being cared for. The Government bill addresses these issues. The Government bill gives an expansive definition of "public sector agencies" and accommodates the different ways in which agencies can ensure that carers can access appropriate services. In addition, the Government bill recognises and supports children and young people who are carers and acknowledges the interests of the person being cared for. The bill also avoids unnecessary administrative burden by requiring human service agencies to report on their compliance with the legislation in their annual reports, rather than a separate reporting instrument.

The Government bill also has greater consistency with the Commonwealth's Carer Recognition Bill, which was introduced to the Federal Parliament last month. For example, both bills require agencies to consider the Carers Charter when developing internal human resources policies, and both impose stronger requirements on agencies that have a direct interface with carers and the people they care for. Carers perform a most important role in our community. It is right and appropriate that their role and needs should be recognised and their interests included in everything this Government does that significantly affects them. This bill will achieve that and more. I commend the bill to the House.

The Hon. ROBYN PARKER [4.58 p.m.]: On behalf of the Liberal-Nationals Coalition, I speak in support of the Carers (Recognition) Bill 2010, a bill very similar to the one I introduced on behalf of the member for Bega, Andrew Constance, during the last sitting week. I note that the Parliamentary Secretary acknowledged the work of the shadow Minister, Andrew Constance, and rightly so, because more than 50 per cent of the wording in this bill is similar to that in the private member's bill he introduced.

<29>

I am pleased that the Government acknowledges the contribution of the member for Bega with regard to the legislation. I am not sure whether the Government had intended to introduce a bill such as this before the member for Bega introduced the Liberal-Nationals Carers Recognition Bill on 12 March 2010. The Parliamentary Secretary says that the Coalition bill was opposed in the lower House, in order to allow the Government to consider the bill, to allow time for the bill to be redrafted, and so on. I am not sure about that. I guess it is possible, with the benefit of a department, to be able to fix up a few anomalies—

The Hon. Christine Robertson: You don't have to be nasty—

The Hon. ROBYN PARKER: The Government could have done that by way of amendment; it did not need to simply oppose the bill. In terms of being nasty, I say to the Hon. Christine Robertson: I thought it was pretty nasty of the Government to oppose a carers bill in the first instance—

The PRESIDENT: Order! Members must direct their remarks through the Chair and not to other members in the Chamber.

The Hon. ROBYN PARKER: Carers deserve recognition, they deserve support, and they deserve the Coalition bill to have been supported in the first instance. I am pleased that there is bipartisan support for the Carers (Recognition) Bill. A human element needs to be introduced here, rather than just a clinical approach in terms of the mechanics of the bill. We are talking about individuals in their own right, individuals with separate needs and separate rights. Carers are not just an extension of the person they care for; they are people. There is a human element to this, and we need to acknowledge that first and foremost when we are talking about a carers recognition bill. The bill is a start, but it is only a start; a lot more needs to be done in terms of recognising carers and the role they perform in our society.

The legislation is aimed at changing the culture of service providers so that the impact on carers is considered when services are assessed, planned, delivered and reviewed. That culture needs to change. As I said, the Liberal-Nationals Carers Recognition Bill was introduced on 12 March 2010. Apart from opposing that bill, the Keneally Government gave no response to it, until it introduced a duplicate bill on Wednesday 21 April 2010.

A key part of the Act will require service providers to comply with the New South Wales Carers Charter. That charter provides a clear direction on how carers are to be treated, and on how carers are to be involved in the delivery of services. There are around 750,000 carers in New South Wales who make an enormous social and economic contribution to society, and this legislation focuses on their interests, needs and choices. According to Access Economics, carers' efforts nationally save the Federal Government in the order of \$30.5 billion annually—the cost of replacing carers and providing informal care with paid care workers. As carers assist people to remain living in the community for longer, the Federal Government also makes substantial savings on premature admission to costly supported accommodation.

This legislation will give a powerful voice to some of the most under-recognised and hardworking members of our community. Many carers suffer in silence with the challenges they face, often as the sole full-time carer of an elderly, disabled or chronically ill relative, spouse or friend. Western Australia, South Australia, the Northern Territory, Queensland and the Australian Capital Territory already have a similar legislative framework in place—which only demonstrates the failure of the New South Wales Government to show the support that is needed for carers, which other States have already shown. Indeed, the Rudd Government introduced similar legislation just a week after the New South Wales Liberals and Nationals introduced the Coalition bill into the lower House earlier this year.

As I have said, the bill will enact a New South Wales Carers Charter and establish the New South Wales Ministerial Advisory Council for Carers. Now that the Government has accepted the amendments by the shadow Minister, the member for Bega, that council is to be co-chaired by the relevant Ministers responsible for carers. Significantly, the Government's acceptance of the shadow Minister's amendment with regard to the Ministerial Advisory Council for Carers ensures that primary carers are an integral component of that ministerial council.

When one considers the statistics of the number of carers in New South Wales, it is staggering that for so long carers have not had the recognition and support they deserve from the New South Wales Labor Government. Eleven per cent of the New South Wales population are carers, which is almost 750,000 people. More than 12 per cent of the New South Wales indigenous population are carers. And 7.2 per cent of carers are aged over 75, while 6.6 per cent of carers are aged under 18. Because carers devote their own time, money and resources to looking after others, they are often isolated and miss out on building social relationships—for example at work, and in recreation and leisure—and are more likely to have little face-to-face contact with people. Most carers have low incomes, as many drop out of full-time employment to become a carer, and they have little or no ability to save or accumulate superannuation.

The average income for a carer is more than 25 per cent lower than for non-carers and it is estimated that carers lose earnings in excess of \$4.9 billion every year. Indeed, according to Australian Bureau of Statistics figures 44 per cent of all carers who are of workforce age are not in the workforce. This can make it extremely tough for carers given the equipment they have to buy as a carer, as well as their transport costs and the cost of medical supplies. The average weekly cost of caring for a person with a disability is estimated to be at around \$118, or \$162 for an elderly person. These costs are in addition to an increase in electricity costs, a lack of availability and affordability of aides and equipment, and a lack of financial commitment on the part of the State Labor Government to programs such as the Program of Appliances for Disabled People. Indeed, that program has not received increased funding apart from a Federal top-up—something the State Labor Government should be ashamed of.

The Deakin national survey of the health and wellbeing of carers found that carers have the lowest levels of wellbeing of any Australian group. It also found that more than half reported some level of depression, with one-third found to be severely or extremely depressed. The survey found that more than one-third of carers are experiencing severe or extreme stress. Caring does not get easier with time. Caring compounds the effect of any other factor that leads to reduced wellbeing. Any level of consistent, daily, immediate caring responsibility is sufficient to severely damage a person's wellbeing. A person's wellbeing decreases as the number of hours spent caring increases. The presence of a person in the household who requires care severely compromises the wellbeing of other family members, whether they have primary carer responsibility or not.

When one considers the seriousness of these findings, it is an overwhelming concept to imagine what life will be like in the future. The ageing of Australia's population will add greatly to the number of carers we already have, as the number of people aged over 85 will increase from 1.5 per cent to 5 per cent of the total population by 2044. As a result, the number of carers is expected to rise by 57 per cent over the next 30 years, while the number of people needing care will rise by

160 per cent.

The shadow Minister, the member for Bega, recently cohosted a number of carers forums. I was part of one of those forums, in Maitland. I am aware that a number of my colleagues also participated in the forums as the shadow Minister crisscrossed the State talking to carers and getting their views on the legislation. The forum I cohosted in Maitland was typical of many of those forums. Elderly carers expressed to us their concerns about what would happen with their disabled child or their spouse when their own health deteriorated. They asked whether a plan could be developed and a discussion entered into in terms of their future. They asked what would happen if their own health deteriorated, and of course what would happen when they passed away.

<30>

Those calls needed to be heard and this bill is part of that. There should be discussions around the future so people do not feel so isolated, helpless and unable to plan and make choices.

One of the main themes of the discussion was the lack of respite services for carers. We heard calls from carers for a complete overhaul of respite services because of the limits of how often carers and people with disabilities can access services. When I chaired the Program of Appliances for People with a Disability Inquiry this concern as to what will happen in the future was raised time and time again. General Purpose Standing Committee No. 2 is also hearing similar stories in its current inquiry into the Provision of Education to Children with a Disability or Special Needs. The carers who have come to us, parents who are caring for their loved ones or children, are enormously stressed and feel they have to battle for everything they need or want. Those carers are constantly up against bureaucracy and the requirement of assessment and reassessment. They have to fight for what should be a normal provision for everyone in a just society—and we do judge our society by how we treat our most vulnerable.

Carers NSW undertook a survey and found the key recurrent issues were the need for more respite care, accessible services, better financial assistance, more information and support for carers and greater awareness. A 49-year-old man, who is caring for his spouse with a disability, responded to that survey and wrote:

No superannuation, financial retirement fund ... at times I feel I have no say in my own life as a caring role ties me down and dictates what needs to be done.

A 37-year-old male caring for his disabled son wrote:

Management where I work doesn't seem to understand the challenges faced being a carer, trying to focus for 40 hours per week. They have carers leave, but don't want to approve it.

A female carer, who is 61 and looking after her spouse and a son with disabilities, wrote:

Feeling alone, afraid and at times like it's too much for caring on my own. Feeling like other people—relatives, friends, really have no idea what it is like for me and my husband.

A 62-year-old carer caring for her mother-in-law wrote:

Services should be flexible and geared to the support needs of the person requiring care. That will in turn help the carers. Carers though should be able to ask for services that they need as well.

Some of these issues were also highlighted in *Who Cares...?*, the report on the better support for carers inquiry, dated May 2009. It is a message we hear over and over again. Those concerns are voiced in Andrew Constance's Carers Recognition Bill. Under the Carers Charter, carers must be treated with the respect and dignity they require. It must be recognised that carers have their own needs. Part of the charter speaks about children who are carers. We need to do everything we can to ensure that children are not placed in those sorts of roles. I have talked a lot about aging carers but we should acknowledge that some carers are children and we need to try to find ways to minimise the responsibilities of children and young people as carers.

When we speak of aging carers we need to ensure that the assessment process is responsive to and in tune with the needs of carers. Reassurance needs to be provided to those carers that a plan is in place, that they will receive support and that there will be a great deal of confidentiality around their needs. Those carers will then understand how the assessment process will work and how that information might be used in the assessment process, while ensuring privacy, so that unintended consequences do not result from that process.

Agencies and their staff must be made to understand that the principles of the Carers Charter must be reflected in the services they provide—that is a key object of the bill. The majority of members of the Ministerial Advisory Council for Carers will be primary carers or people whom the Minister

considers to be primary carers. They are the ones at the coalface. We are not able to understand what they have to deal with. This legislation provides a voice for them. We ought to listen to those who are providing care, and departments and agencies who are charged with the responsibility of providing for them need to understand that.

The bill does not go as far as it needs to in supporting the role of carers. However, the legislation is a step in the right direction and it will at least give some recognition to the 750,000 carers in this State. I am pleased that the Government has acknowledged the contribution of Mr Andrew Constance, the shadow Minister for Disability Services. I pay a great deal of respect to his contribution—

The Hon. Duncan Gay: If we did not have Andrew Constance we would not have this bill.

The Hon. ROBYN PARKER: I agree with the interjection: If we did not have Andrew Constance we would not have this bill. I am glad that the Government's bill supported and replicated large parts of the original bill of Andrew Constance. The Liberal-Nationals Coalition is delighted to support the bill, and we look forward to further improvements for carers and their recognition. We also look forward to progress as carers are listened to for the valuable work and contribution they make, and that the Government funds the programs required in order to support carers in the role they perform. We look forward to seeing programs such as the Program of Appliances for People with a Disability. The Liberal-Nationals Coalition supports the bill.

The Hon. SHAOQUETT MOSELMANE [5.17 p.m.]: I support the Carers (Recognition) Bill 2010. The New South Wales Government, contrary to what has just been said, is committed to recognising the 750,000 carers in New South Wales who make a valuable social and economic contribution to the community and to the people to whom they care. Carers are most commonly a spouse or other family member who provides assistance and support to a loved one because of their disability, mental illness, substance dependency, chronic condition or frailty. My sister is my mum's carer and, like many carers, she is a true angel. My sister cares for my mum in every respect, which is something that the boys in the family could not handle. My sister, who is the youngest in the family, is totally dedicated to my disabled mum. My sister provides for her, washes her and does whatever my mum needs. At the same time my sister is looking after her own family of three children. My sister is there first thing in the morning to look after my mum and my dad after she has seen to her own family.

<31>

I recognise the importance and significance of carers, who play a vital role in our society.

The care needs of individuals vary. Some people may be fairly independent and only require assistance managing their finances or transport. Others may need constant supervision or support with a range of daily living tasks. The New South Wales Government delivers a broad range of programs and services to support carers and recognise the contribution they make to our community. These programs and services are detailed in the New South Wales Carers Action Plan, which was launched in 2007. The Government's Carers (Recognition) Bill is the next step in ensuring that carers receive the support and recognition they require to continue their caring role. The Carers (Recognition) Bill will recognise and support the valuable social and economic contribution that carers make to the community and the person for whom they care; raise awareness of the role that carers play in our community; ensure the interests of carers are protected in relation to their caring role and as individuals; and guide government agencies on issues to be taken into consideration to ensure that the interests of carers are respected when making decisions or policies affecting carers. These objectives will be achieved through the introduction of a New South Wales Carers Charter and the establishment of a Carers Advisory Council.

The New South Wales Carers Charter sets out 13 principles with which human services agencies will be expected to comply. These principles include: recognising the role and contribution of carers; taking into consideration carers' health and wellbeing; referring carers to appropriate services; taking into account the views and needs of carers, together with the views, needs and best interests of the person being cared for, in the planning and delivery of services; and recognising the additional burden certain carers face, including young persons and rural and remote carers. The charter in the bill is a strong and comprehensive instrument that will increase awareness of the role carers play in the community and guide government agencies in the delivery of services and support to carers. The charter is particularly strong in relation to children and young people who are carers. The charter acknowledges that children and young people who are carers have the same rights as other children and young people. The charter also states that these carers should be supported in overcoming the additional difficulties and burdens they face.

Other important aspects of the charter are that it recognises the diverse needs of carers, which may be influenced by factors such as their culture, place of residence or age; articulates the importance of ensuring that carers can access the services they require; and recognises the importance of carers' ability to make choices in their caring role. The bill has been drafted so that the charter will have a broad application to all agencies within the New South Wales public sector. This includes statutory bodies that do not represent the Crown, such as area health services, which provide a range of important services to carers and the people they care for. All public sector agencies will be required to take reasonable steps to ensure that their staff and agents have an awareness and understanding of the charter; consult with bodies representing carers when developing policies that significantly impact on carers; and ensure their internal human resource policies are developed having regard to the Carers Charter.

Additional obligations will apply to a subset of public sector agencies, that is, those agencies that provide services directed at carers or persons they care for. The additional obligations are that these agencies must ensure that they take action to reflect the principles of the charter and report annually via their annual reports on their compliance with the legislation. The bill also establishes a new advisory council to provide carers with a voice on major legislative or policy proposals that impact on carers. The advisory council will be tasked with reviewing and making recommendations to the Minister about legislative and policy proposals or other matters that have a significant effect on carers.

The New South Wales Government has a strong record of investment in services to support carers and those for whom they are caring. The New South Wales Government's recent investments to improve services for carers include an additional \$1.3 billion over five years under Stronger Together—the Government's plan for disability services in New South Wales—to strengthen support to families, carers and people with a disability. It includes over \$69 million in additional funds for vital respite services to give carers a break from their caring role when needed. For carers of people with a disability, this includes more flexible respite places and additional centre-based respite. It also includes the introduction of Teen Time services, which provide after school and vacation care services for parents of secondary school students with a disability. These Teen Time services are designed to support carers to pursue employment and study.

The New South Wales Government currently invests over \$260 million annually in services that provide respite for older people and people with a disability. This includes over \$125 million in disability respite services and over \$140 million in respite centre-based day care and social support services through the Home and Community Care Program. In 2009-10 the New South Wales Government also is spending over \$7 million on the New South Wales Family and Carer Mental Health Program, which provides a comprehensive range of supports and services for families and carers of people with a mental illness through strengthening existing partnerships between families and carers, non-government organisations and mental health services. This is a significant and genuine investment that supports the needs of the families and carers of people with a mental illness.

The Government's Carers (Recognition) Bill builds on this investment, as well as the broad range of other programs and services being delivered through the Carers Action Plan to support and recognise carers. This bill is a comprehensive legislative response to the needs of carers. It includes a strong Carer's Charter and an effective advisory council. It applies broadly to all relevant public sector agencies, including those that do not represent the Crown, such as area health services, and it applies more stringent requirements on agencies that have a direct involvement with carers and the people they care for. I support the bill.

Reverend the Hon. Dr GORDON MOYES [5.26 p.m.]: On behalf of Family First I support the Carers (Recognition) Bill 2010. Family First recognises that one in every 10 Australians are involved to some extent in caring for someone in the community who needs additional help. It is estimated that their caring work, if they were paid, is worth about \$30.5 billion. Carers consist of a vast range of people who may be connected by kinship or blood or by other relationships. Sometimes people are just moved to help another. We know of incredible examples of children who care for adults before and after school and adults who care for children with disabilities. I have been a member of committee inquiries into children with disabilities and their educational needs. After listening to one parent after another, one gets the feeling that a great number of parents are near the point of exhaustion. They are almost at the point where one more straw will break the camel's back.

The heaviness of caring for children with profound disabilities is extremely difficult. It would ease the burden of carers somewhat if the work they did was recognised and regarded by the rest of community as valuable. Their caring work reduces the Government's expenditure in programs

such as the Home and Community Care Program. I am pleased that this bill recognises carers' worth and the significance of their work. Two important components of this bill are the Carers Charter and the Carers Advisory Council. I acknowledge the work of Mr Andrew Constance, the member for Bega. The member worked on carers recognition legislation for a long time and consulted with various carer organisations.

<32>

I also acknowledge the earlier New South Wales Carer Action Plan 2007. It is important that we have a clear understanding of what we mean by "carers". The bill states that for the purposes of the proposed Act the term "carer" means an individual who provides ongoing personal care, support and assistance to any other individual in the target group referred to in the Disability Services Act 1993, who is a person with a mental illness or a chronic illness or who is frail or aged. The bill also defines who cannot be carers in that regard.

The bill also has two other important aspects. The bill outlines the NSW Carers Charter. The Carers Charter is established on the basis of 13 principles to guide agencies in their dealings with carers. I will not go through the 13 principles because several members have spoken already about them, and I acknowledge that sometimes the House must get very tired of hearing the same points being made by speaker after speaker. I understand that the 13 principles are not only basic but balanced in their response to caring for the carers.

Also, a Carers Advisory Council has been appointed by the Minister. I wonder whether it would be better to enable some of the carer organisations to nominate their own representatives so they have a sense of ownership of the Carers Advisory Council. When all members are appointed by the Minister, if their task is to review and make recommendations to the Minister, it is only natural that there would be a feeling that they have to be "yes" persons. We consider it would be better if various organisations are able to recommend some people to the Minister but that they are elected on behalf of their caring function, because there are many different functions in caring. The Carers Advisory Council will perform an important role in advancing the interests of carers and making recommendations particularly to the Minister. This is a good piece of legislation. It is not a tough piece of legislation and it does not have any teeth in it; it is primarily a recommendation to a large number of people and to the Parliament. Family First will support the Carers (Recognition) Bill 2010 and I commend the bill to the House.

The Hon. MARIE FICARRA [5.32 p.m.]: The New South Wales Liberals and Nationals were very proud to introduce the same legislation into the Parliament back on 12 March this year, to give carers the recognition they deserve and a direct voice to government, as other speakers before me have stressed. The Hon. Robyn Parker introduced the same Liberal-Nationals bill into this place in our last sitting week. We had hoped for bipartisan support from the Government at that time. The Government had known for a long time of the existence of this legislation and its development with Carers NSW. The Government could have worked with us on our last sitting week but chose not to. Unfortunately, political considerations came first. I am glad to see that that yesterday and today the situation has changed.

The Government has been embarrassed by the Liberal-Nationals legislation and, in the end, has had to support us. Nevertheless, the Government turned the legislation into its own bill. The original bill the Government introduced did not go far enough and I am glad the Government has accepted the amendments by our shadow Minister for Ageing and Disability Services, Andrew Constance, the member for Bega. The Government's original bill was deficient in recognising the role of carers and the support they require. I find it laughable that the difference between the two bills is merely brackets around the word "Recognition". I am also disappointed that the Minister for Disability Services, the Hon. Paul Lynch, did not contribute to the debate in the other place.

The Liberal-Nationals are happy that this Government bill finally accepts the amendment of majority carer representation on the ministerial advisory panel. It is important to acknowledge the primary carer's knowledge, expertise, accountability and transparency under the legislation. Previously the Government would have chosen the panel members from funded peak carers-related bodies and other agencies. That is not to say that those people would not make a sterling contribution, as they will now in the new composition of the panel. However, we believe that primary carers themselves should have the majority voice, and they will now because of the Government's acceptance of our amendments. We are happy also that the Government has adopted the Liberal-Nationals amendment relating to Ministers co-chairing the advisory council, which had not been covered in the Government's original bill. It is important for Ministers to take a direct interest in the concerns of the 750,000 carers throughout New South Wales.

The New South Wales Liberal-Nationals endorse the vision of Carers NSW that caring should be accepted as a shared community responsibility and that all carers in New South Wales should be

recognised, valued and supported by the community and the Government. We acknowledge the input, the experience, the patience, the enthusiasm and the professionalism of Laraine Toms and Elena Katrakis from Carers NSW in providing us with such an insight into the needs of carers and their daily challenges. Carers and those they care for throughout New South Wales congratulate Andrew Constance, the shadow Minister for Ageing and Disability Services, along with Kevin Humphries, the shadow Minister for Healthy Lifestyles, Mental Health and Aboriginal Affairs, for forcing this 15-year-old lethargic and arrogant Labor Government into the reluctant action of introducing its copycat bill. Carers have successfully applied pressure to get this Government off its backside and finally agree that what had been proposed by the Liberal-Nationals was, in fact, the best piece of legislation to be followed. Both Andrew Constance and Kevin Humphries have travelled New South Wales extensively, having consultations with hundreds of carers and the people they look after—people who the carers love very much and respect—to better understand the day-to-day challenges of these forgotten Australians. Many of those consultations have been in rural and regional areas. Their discussions have reinforced the need for this legislation before us.

The many carers who joined our Liberal and Nationals online carers campaign website *Caring4carers.com.au*, calling for the Government to support our bill, were certainly instrumental in pushing this Government finally into action. Well done, carers of New South Wales, wherever you are. It shows people power in action. In mimicking the Liberal-Nationals bill this legislation will give a voice to some of our most vulnerable, unrecognised, overlooked and, most of all, hardworking members of the community. Many carers continue to struggle to cope in silence as sole full-time carers of their loved ones—elderly, disabled or chronically ill relatives, spouse or friend.

This bill will enact a carers charter and establish the Ministerial Advisory Council for Carers. We are happy to see now that the majority membership will be of primary carers and that the bill, through a carers assessment, will provide for the interests, needs and choices of carers to be considered in decisions about the provision of services that impact on their role. The bill brings New South Wales in line with other Australian jurisdictions including Western Australia, South Australia, the Northern Territory, Queensland and the Australian Capital Territory, which all have similar legislative frameworks. Indeed, Prime Minister Rudd only recently introduced carers legislation after our Liberal-Nationals bill was introduced into this Parliament. This legislation will enable the issues faced by the 750,000 carers throughout New South Wales to be brought directly to the attention of the relevant Ministers and carers will be represented by the people who understand the issues best.

<33>

Many carers can experience ill health and much social disadvantage as a result of the enormous workload they undertake, and they often feel abandoned and unsupported. Many are themselves older persons with increasing care needs of their own.

Carers NSW estimates that carers save taxpayers an estimated \$10 billion annually in New South Wales and \$30 billion nationally. Carers also contribute to public savings by assisting people to remain living independently in the community for longer. Caring responsibilities adversely affect most carers' financial situation—they experience decreased incomes, no superannuation and are unable to accumulate savings. The gross household weekly income of 41 per cent of all carers is less than \$453 and the average income for carers is more than 25 per cent lower than it is for non-carers. It is estimated that carers lose earnings in excess of \$4.9 billion a year. The Deakin national survey of carer's health and wellbeing showed that carers have the lowest level of wellbeing of any Australian group. More than half reported some level of depression and more than one-third of carers experienced severe or extreme stress.

Our population is ageing. The percentage of the Australian population aged over 85 will increase from 1.5 per cent to 5 per cent of the total population by 2044. Technological advancement is contributing to increased longevity of people with disabilities, which subsequently increases the number and length of informal care relationships. A dramatic decline is projected in the ratio of carers to older people needing care over the next 30 years, from 57 primary carers per 100 people needing care in 2001 to just 35 primary carers per 100 people by 2031. Over the next 30 years the number of carers is projected to increase by 57 per cent while the number of aged people needing care will increase by 160 per cent. We often hear of tragic stories where people have had to declare their loved ones as homeless to get the services they required for them. How heartless and degrading of a society! This must come to an end and we hope that this legislation will go a long way to avoiding heartbreaking situations.

It is estimated that one in ten of us is a carer, and New South Wales has at least 748,000 carers that we know of. I suspect that there are many more of whom we are not aware. Carers are parents, grandparents, daughters, sons, nieces and nephews, aunties, uncles and cousins. Carers are often good friends. I am proud to be a member of Carers NSW, and like so many others I have

cared for my ageing and now deceased parents and I am currently caring for my 93-year-old mother-in-law with the help of my husband, Alan.

We can judge the heart of a community by its recognition of carers and the Government's recognition and support for carers and their families. Carers often selflessly place the needs of people in their care and their loved ones before their own. With a baby boomer dominated society the increased challenge of providing aged care and care for our disabled and chronically ill will mount for all governments. Most likely we will all experience this challenge within our own families. As lifted from our Liberal-Nationals legislation, this bill seeks to enact a New South Wales carers charter—

The Hon. Michael Veitch: Lifted?

The Hon. MARIE FICARRA: I acknowledge the Hon. Mick Veitch's interjection. We lifted our legislation from any worthwhile legislation that we recognised and approved. However, it was the New South Wales Liberal-Nationals who drove this Government to finally acknowledge this issue and to accept that it had to get off its backside and do something. The Government was embarrassed. If the honourable member keeps interjecting my contribution will take much longer.

The charter will enable carers to achieve their maximum potential as valued members of our community. It will require New South Wales Government agencies to take action that reflects the principles of the charter when providing services that affect carers. The charter recognises the social and economic benefits provided by carers to our society. Our aim is to help to keep families together and to recognise that the Government is there to provide a safety net with the provision of appropriate services that will enable carers to live their lives to their maximum potential given their circumstances. Carers deserve a genuine and supportive assessment of their interests, needs and choices when decisions are made regarding the provision of services that impact on their carer's role. This bill emulates the Liberal-Nationals bill, which was designed to identify and address the specific needs of families with children and younger people who are carers and it addresses the delivery of culturally appropriate services for Aboriginal and Torres Strait Islander carers and carers from culturally and linguistically diverse backgrounds within our society.

According to the charter in the Liberal-Nationals bill, which was lifted into this Government bill, a carer must be treated with respect and dignity, be recognised as having their own unique and individual needs, have their health and wellbeing considered, have their needs assessed with respect to having timely and appropriate support and assistance, have their views and knowledge of the person they care for recognised and included in any relevant assessment, planning, delivery and review of services that impact upon them in their role as carer and have community service providers and Government respect the relationship between them and the persons they care for.

In identifying a carer's needs diversity should be acknowledged, such as cultural differences, age, gender, disability, religion, socioeconomic status and place of residence, especially with regard to rural isolation. New South Wales Government agencies must ensure that programs and services provided to carers are timely, coordinated, innovative, flexible and appropriate. These initiatives were all in the bill introduced in the other place by the Liberal-Nationals.

New South Wales Government agencies must take responsible steps to ensure that officers, employees and agents of the agencies have an awareness and understanding of the charter and that their actions reflect the principles of the charter when providing services to carers. For too long many genuine complaints about the operations of NSW Health and the Department of Human Services as they impact on carers have gone unheeded. Public policy needs to change and it will with this legislation and its enforcement. The council will at the beginning of each year or on any occasion as requested by the relevant Minister, prepare a report outlining the audited performance, compliance and non-compliance by New South Wales Government agencies of their responsibilities under this legislation. We look forward to seeing those regular reports.

The Liberal-Nationals are happy that our support of carers and the passion and dedication of the member for Bega and the member for Barwon as the relevant shadow Ministers in introducing our Carers Recognition Bill in March this year have prompted this lazy Government to move on this copycat legislation. I acknowledge the adoption of the Coalition's amendment excluding the primary carer majority membership on the advisory council and the amendment providing for the relevant Ministers to chair the advisory council.

This bill reflects New South Wales Liberal-Nationals belief that all carers in our community deserve human dignity and recognition and a direct voice to the Government in the improved delivery of support services to those in their care and for their own wellbeing. The New South Wales Liberal-

Nationals do not oppose the bill and welcome the Government's adoption of our amendments.

Reverend the Hon. FRED NILE [5.48 p.m.]: On behalf of the Christian Democratic Party I am pleased to support the Carers (Recognition) Bill 2010. I am not sure whether the title of the bill has been amended to read the "Carers Recognition (Andrew's) Bill". On 12 March 2010 the shadow Minister for Ageing and Disability Services, Andrew Constance, introduced a private member's bill entitled the Carers Recognition Bill 2010 in the other place. However, the Government has chosen to introduce its own bill rather than to support the Coalition bill. The shadow Minister stated in his agreement in principle speech:

We can test the heart of society by looking at the response of government to community needs and the recognition of carers. For too long in New South Wales we have failed in that duty. We have failed to recognise those who contribute in ways that we can only imagine. For this reason I have introduced the Carers Recognition Bill 2010. I do so on behalf of the 750,000 carers in New South Wales.

<34>

During my time as shadow Minister for Disability Services I have seen carers commit to their loved ones in ways that would amaze the rest of society. They give of their time, their finances, their social existence and their own health to look after and care for their loved ones.

He went on to say:

It is high time that the New South Wales Parliament recognised carers in the same way that other Australian and international jurisdictions have. We must do better than we have in the past.

At the end of his agreement in principle speech he said:

... as I said earlier and will keep saying, for the legislation to have bipartisan support.

In a backdoor way it is getting bipartisan support by the Government taking over Andrew Constance's bill and accepting the amendments he moved in the other place. It is a pity that the bill is not in his name because I know, after the many years I have been here, one of your greatest achievements is to have passed by Parliament a bill that you have worked on for a long time, with a lot of background work. It is a successful achievement. That has been taken away from Andrew Constance at the last moment, which is very sad, but that is the way this Parliament operates. It is a great achievement for a member to have a bill passed by this Parliament. I am sorry that has not happened on this occasion.

The bill itself is straightforward: it establishes a carers charter and a carers advisory council. The carers charter establishes 13 principles that will guide agencies in their dealings with carers and includes straightforward principles such as giving carers' health and wellbeing due consideration, taking into account the views and needs of carers, together with the views, needs and best interests of the persons they are caring for, in the assessment, planning and delivery of services provided to the persons they care for, and so on. The bill also requires public sector agencies to take reasonable steps to ensure their officers, employees and agents have an awareness and understanding of the carers charter. The carers charter is included in the bill as schedule 1, with the 13 principles I support, as well as the newly designed advisory council.

The bill also imposes additional obligations on human service agencies, being those public sector agencies that provide services directly to carers or persons they care for such as the Department of Ageing, Disability and Home Care and area health services. Human service agencies must take all reasonable steps to ensure that the agency and its employees and agents take action to reflect the principles of the carers charter and report annually on their compliance with the legislation. That compliance aspect is important. Often there can be directions to government agencies which, for various reasons, fail to enforce them. I hope that the reports on their compliance will involve thorough investigations to ensure they are complying with the legislation—and if not, why not. I am pleased to support the bill.

The Hon. RICK COLLESS [5.53 p.m.]: I support the Carers (Recognition) Bill 2010. The bill provides due recognition of the valuable contribution of carers to our society and the benefit, including the social and economic benefit, provided by carers to the wider community. I recently had the pleasure of meeting with Bathurst carers who will benefit from this legislation through the New South Wales Liberals and Nationals Caring For Carers Forum. Many concerns brought up at the forum were by no means unique to carers in Bathurst.

One lady expressed her angst over the ongoing care of her disabled and ageing husband should any illness or injury befall her, preventing her from taking care of him. She was anxious to see him placed in an engaging environment and receive appropriate care rather than simply being left to

vegetate—a concern that was relayed to us by a number of carers facing a similar situation. The financial plight facing full-time carers was also well expressed by those in attendance. Another lady detailed how the acquired disability of her husband not only forced him from the workforce but also forced her to leave a well-paying job to take on the full-time care of her husband, and she has to support them both on a carers pension. This is by no means an uncommon situation, with the impact being felt not only in the sudden loss of earning capacity of both partners but also in the added financial strain of meeting the needs of a disabled individual.

Similarly, another local woman who attended the forum expressed the strain she felt as the full-time carer of her disabled 15-year-old son. While she acknowledged her son would be able to receive a disability pension when he turns 16, she rightfully pointed out that this provides no recognition of or compensation for the financial burden of looking after a disabled child until the age of 16. However, the key message consistently relayed to us by participants in the forum was the dire need for centre-based respite care facilities in Bathurst.

One woman told of having to travel to Sydney for overnight respite care for her disabled child due to the inability of respite care facilities in nearby Orange to cater for the demands on their services from both cities. In one case a woman told us she had been instructed to drive her child to Bega to access respite care—some seven hours drive away. Quite clearly, this is completely unacceptable and it shows the Government's failure to cater for the needs of the frail aged, the disabled and the mentally ill people of Bathurst and their carers.

To add insult to injury, a representative of the recently disbanded Bathurst District Carers Voice lobby advocacy group detailed her failed attempts to coerce local member, Gerard Martin, to attend one of the group's meetings and hear firsthand the plight of local carers. As part of her ongoing efforts on behalf of the group to see a centre-based respite care facility established in Bathurst she subsequently attended the member's office and was assured that funding was available to set up such a facility. That was over a year ago, and a year later her efforts remain in vain. She has not heard a single peep from the local member since receiving that commitment. Shame!

Overall, the reaction to the Carers (Recognition) Bill 2010 amongst carers and disability advocates we spoke to during the forum and in the lead-up to the event was overwhelmingly positive. The bill was widely recognised as an important step in providing proper and appropriate services to those caring for their disabled loved ones. I commend my colleagues the shadow Minister for Disability Services and Ageing, Andrew Constance, and shadow Minister for Mental Health, Kevin Humphries, for their efforts in championing the cause of carers and forging ahead with the Liberals and Nationals bill, which was the impetus for the legislation before us today.

Bathurst is an important regional centre. I call on the Government to maintain a geographical balance in the advisory council. Some of the people we spoke to in Bathurst would add an additional dimension to the advisory council should they be appointed to the council. It is important that regional people are on this council rather than just city-based people. Regional people have different needs when it comes to the provision of respite facilities and other facilities carers need. It is a shame that the Government had to resort to its political games to accept this bill. There is very little difference between the two bills. I suspect that when parliamentary counsel set about drafting the Carers (Recognition) Bill for the Government he had to think of ways to make it different from the bill he drafted for Andrew Constance. They are so similar it is almost a joke. It is yet another example of how this ailing Government is implementing policies developed by the Liberals and Nationals Coalition. Nonetheless, we give the Government credit for seeing the way forward by agreeing with our legislation.

The cause of carers has also been taken up by Prime Minister Kevin Rudd, who has since introduced a similar bill in Federal Parliament. Finally, after a having rejected the New South Wales Liberals and Nationals Carers Recognition Bill 2010 Labor has come late to the party with its own version of the legislation. The bipartisan support achieved for this cause speaks volumes for the importance of supporting our State's carers and the immense contribution they make in caring for the frail aged, the disabled and the mentally ill in our community. I commend the bill to the House.

<35>

Mr IAN COHEN [5.59 p.m.]: On behalf of the Greens I speak on the Carers (Recognition) Bill 2010. I am glad that debate on the bill was held over until today because it has provided a more realistic opportunity for carers to witness this historic debate. Given the pressures in their lives, it is reasonable to think that they could have an opportunity to go online and watch and listen to the debate in the Parliament. This historic debate allows us all to acknowledge the important contribution of the 750,000 carers in New South Wales. I thank the Government and those

managing the order of business in this House for postponing this debate late last night. Had it proceeded at that time, many members would have been ill prepared to properly debate this extremely important issue.

I commence by acknowledging the monumental contribution that carers make to New South Wales. I celebrate their dedication, strength and commitment in undertaking their caring role in our. The raw savings in dollar terms that carers deliver to New South Wales, which is in the magnitude of \$10 billion in unpaid care, is but one element of their contribution to broader society. In many ways we have created a situation through policies and law wherein carers are the real coalface of human services in New South Wales. The bill, which came to fruition as a response to the work of the member for Bega, Andrew Constance, CarersNSW and primary carers across New South Wales, represents that important first step in acknowledging carers in New South Wales. It is a step we should all support.

The Greens strongly support legislation that both acknowledges the role that carers play in New South Wales and provides carers with substantive rights to access support, specifically rights that enable carers to provide the best care possible while maintaining their own health and wellbeing. The Carers (Recognition) Bill 2010 undeniably achieves the former. We should strongly praise the framework that this bill establishes and acknowledge it as a good first step. We cannot downplay the significance of actually recognising the work that carers do within our laws.

However, when we look at what has been done in other jurisdictions, especially the United Kingdom, we see that we are lagging behind. We are at a stage where we need to make up ground that has been lost because of years of policy neglect. The bill, while a serious first step, is not the equivalent of recognition laws in other jurisdictions such as the United Kingdom's Carers (Recognition and Services) Act 1995. That said, I say also that those laws did take time to evolve and were the result of sustained campaigns. Maybe we have to gradually build up greater recognition of carers over a longer period of time. On the other hand, carers have been neglected long enough and it is time to develop real reform.

I do not want this critique to detract from the significance of the bill. I just want to make sure that we are all apprised of the fact that there is still much work to do or, to use the infamous motto of former Premier Morris Iemma, "More to do but heading in the right direction". On the passing of this bill departments and agencies must be calibrated to implement the charter to its fullest extent. There will need to be policy change, retraining and education, capacity building, process change and additional financial resources to support the charter and to ensure compliance with the charter. I would expect the Treasurer's upcoming budget to have specific line items to activate and support the implementation of the bill.

The aim of the Carers (Recognition) Bill is to implement the New South Wales Carers Charter and establish the Carers Advisory Council. The basic concept of the bill is to ensure that public sector agencies, including area health services, government agencies, the New South Wales Police Force and local councils take all reasonable steps to have an awareness and understanding of the charter, to consult with bodies representing carers in developing policies that impact on carers and to have due regard to carers in developing human resource policies.

Human service agencies such as the Department of Ageing, Disability and Home Care and the Department of Community Services have additional obligations to take action to reflect the New South Wales Carers Charter. The bill creates an obligation on agencies and service providers to integrate the charter into their everyday operations. This means that the principles prescribed in the charter should guide agencies in the decision-making processes. The question that I think some carers would be asking is whether this bill affords any real legal support for the implementation of the proposed charter. The strongest obligation in the bill is contained in proposed section 8 (1), which provides that "Human services must take all reasonable steps to ensure agencies take actions to reflect the principles of the charter." Does this provision give carers any substantive legal right to challenge or seek review of decisions and actions taken by an agency that could be characterised as not implementing the charter? In terms of the language in proposed section 8 (1), is the bar set at a level that a carer aggrieved by the actions of a human services agency would have great difficulty challenging the agency in the Administrative Decisions Tribunal? We probably could have done better by requiring "compliance with the principles" rather than the nebulous concept of "actions that reflect the charter".

[Interruption]

The PRESIDENT: Order! I place Mr Ian Cohen on a call to order and remind him that his mobile phone should be set on silent mode.

Mr IAN COHEN: It is not that we want to encourage carers to go to courts and tribunals to seek compliance with the charter but there could be much stronger and administrative obligations in relation to the charter. In instances where agencies are not fulfilling these obligations there should be mechanisms to support carers and mechanisms that help agencies comply with the principles of the charter. Without detracting from the significant move forward that this bill represents, I suggest that language stronger than "due regard" and "awareness and understanding" could have been adopted to provide a level of certainty and commitment deserving of carers in New South Wales. Future reform must focus on providing this level of certainty in support, once we have built up broader understanding and awareness for carers.

Some carers have raised concerns about the charter that this bill will establish as compared with the charter proposed in the private member's bill of Andrew Constance. I want to examine some of those concerns. It is suggested that the language defining the charter in the private member's bill is much stronger than that for the proposed charter in this bill. I agree that there variations but most are based on semantics and technical interpretation. I do not think that proposed section 8 (1) is framed in a way to provide substantive legal rights and obligations that could be challenged in court in instances of non-compliance. In this sense the arguments over semantics and terminology could be considered as moot. However, there does seem to be a slight difference between paragraph (d) in the Government bill's charter and paragraph (d) in the private member's bill charter. I suggest that the charter proposed in the latter is more definite in terms of the assessment of carers' needs.

In one sense it could be argued that the Government charter is less stringent in its demand for carer assessments. While this may be true, it has been pointed out that some carers might not want carer assessments. In such cases, should those carers be forced to have assessments? That may not be an appropriate outcome. In relation to the divergent approaches to children and young people who are carers, the Constance charter states that the responsibility of children and young people as carers should be minimised. The charter proposed by the Government states that young children should be supported in overcoming these difficulties associated with caring. I think our general approach would be to ensure that no child or young person is put in a position where they are required to act as a carer.

We should do everything we can to provide services to the frail aged and people with disabilities so children can focus on their education and childhood. It is not something we should expect of children. I note that the aim of the proposed Government charter to recognise the reality of children acting as carers is well intentioned. However, I think the policy position of minimising child involvement in caring is a better starting point. After minimising the number of children acting as carers, those still acting as carers should be given maximum support and resources to ensure they have the same opportunities as other children. By no means is the position proposed in the Constance charter ideal, but it at least acknowledges that we need to minimise child involvement in caring.

With respect to the proposed Carers Advisory Council, the Greens support the creation of a body representing carers that has a direct dialogue with government. This is probably the most important element of the bill. The amendment moved by the Opposition in the Legislative Assembly will certainly improve the representation of primary carers on this council. For too long policy decisions have been made without adequate consultation and engagement with carers. The bill is a good first step, and is an essential and important framework in further developing our law to recognise carers.

<36>

I also support the bipartisan spirit in which this bill has move forward. Looking to the future, we need to deliver real substantive rights and a guarantee of assistance to carers in New South Wales as a matter of urgency. I look forward to Treasurer Eric Roozendaal announcing the financial support package that will ensure that the Carers Charter is implemented. Unless the principles are supported by either additional reform to enable carers' rights or considerable financial commitments provided to agencies to comply with the charter, there must be a concern about what the New South Wales Carers Charter actually delivers. However, I want to remain positive in relation to this bill and I hope that it does deliver improvement for carers in New South Wales.

We need, to the fullest extent, to ameliorate the position in which the majority of carers in New South Wales find themselves. They find themselves without adequate respite, as the recent Auditor-General report shows, without essential care and assistance programs, and without equipment that helps carers look after loved ones. This bill may just be the first sign of hope. I congratulate the shadow Minister for Ageing and Disability Services, the member for Bega, on developing his private members' bill to give this basic level of acknowledgement to carers in New

South Wales. I also congratulate the Minister for Health on moving this bill and on recognising that the acknowledgment of carers is non-negotiable for any society that professes to be modern, inclusive, caring and forward-thinking.

I acknowledge the carers who discussed this bill with me and shared their hopes for future reform and law development. I also acknowledge the role of Laraine Toms, President of Carers New South Wales, in pushing for greater recognition of carers in this State. We must not rest on our laurels. Neglecting to progress further reform on carers' rights will render this bill a form of window dressing of the worst kind. I know that we can carry on this spirit of multipartisanship to make great strides in developing support for carers. I know that having a Carers Advisory Council will give the Government the necessary understanding and expertise to further progress the needs of carers. I commend the bill to the House.

The Hon. TONY CATANZARITI [6.11 p.m.]: I support the Carers (Recognition) Bill 2010, which is a significant advance for New South Wales and signals the Government's increased commitment to recognising and supporting carers. The bill will provide protection for the interests of carers by establishing a Carers Charter, which will increase awareness of carers and guide government agencies in the delivery of services and support to carers. It will establish also an Advisory Council, which will provide carers with a voice on major legislative or policy proposals that impact on carers.

The Carers (Recognition) Bill is modelled on similar legislation in place in other States and Territories. The bill also aligns closely with the Commonwealth Government's Carers Recognition Bill, which was introduced to the Federal Parliament in March this year. The Commonwealth bill was introduced as the first step in the development of a national carers recognition framework. In light of this, it is timely that the Government introduce carers recognition legislation in New South Wales as part of our contribution to the development of this national framework.

I am sure honourable members will agree that it is appropriate to develop nationally consistent legislation, as far as it is practical and relevant. The New South Wales Government's Carers Recognition Bill is consistent with the broader principles and provisions of the Commonwealth bill, as well as a number of its important details. For example, both bills contain the same definition of "carer", both require government agencies to give regard to the Carers Charter when developing human resources policies, and both establish a distinction between agencies that are closely involved in the provision of services to carers and the people they care for and agencies that have little to do with carers. This distinction is important because it ensures that stronger requirements will be imposed on relevant agencies, and it avoids creating an unnecessary and irrelevant burden on agencies that do not have an interface with carers or people being cared for.

Under both bills, all public sector agencies are required to take reasonable steps to ensure that their staff and agents have an awareness and understanding of the Carers Charter, consult with bodies representing carers when developing policies that impact on carers, and ensure that their internal human resources policies are developed having due regard to the Carers Charter. Both bills also impose additional obligations on human services agencies. Human services agencies are defined as public sector agencies that provide services directed at carers or persons they care for. This will include, for example, the Department of Human Services—including Ageing, Disability and Home Care, and Housing New South Wales—and public health organisations, such as area health services. These agencies will also be required to ensure that the agency, and its employees and agents, take action to reflect the principles of the Carers Charter and report annually, via its annual report, on its compliance with the legislation.

The requirement that compliance reports be included in the annual reports of agencies is also included in the Commonwealth bill. This approach was considered more appropriate than an alternative mechanism, such as the creation of a separate standalone compliance report, as it avoids creating an unnecessary administrative and cost burden but achieves the same outcome. One way in which the Government's Carers (Recognition) Bill goes further than the Commonwealth bill relates to carers' needs for government services to assist them in their caring role. The Carers Charter in the Government's bill includes a principle that carers should be referred to, and made aware of, appropriate services to assist them 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.

This principle is important as it recognises the need to ensure that carers are referred to, and receive, available support services that they may require. The principle also recognises that this referral might result from an assessment of the carer undertaken as part of a holistic assessment of the needs of the person for whom they are caring or, in some instances, as a separate carer

assessment. If the assessment identifies that carers themselves need support, information will be provided to them about available support services and referrals made where appropriate. This principle clearly articulates the outcome that carers have stated they want delivered by this principle. It is also tailored to the different ways in which different agencies can ensure that carers' needs are met. This is obviously preferable to a blanket requirement that any agency should conduct an assessment of carers' needs.

This principle is consistent with work that is already underway to ensure that we better meet the needs of carers. For example, health and human services agencies are currently piloting resources to assist front-line staff to identify and assist young carers. These pilots are training front-line staff so that they are better able to identify young carers, provide them with relevant information, and refer them to available support services. The Department of Human Services also funds support coordination services that provide support for older parent carers of people with a disability. These services help older carers to develop and implement transition plans for the ongoing care of the person for whom they are caring.

The Government's bill also differs from the Commonwealth bill in relation to non-government agencies that provide services aimed at carers or persons they care for. The Commonwealth bill includes a requirement for non-government organisations funded by Commonwealth agencies to comply with that bill's Carers Charter. Many of these non-government organisations are also funded by New South Wales agencies. Application of the New South Wales Carers Charter to all non-government organisations would mean a duplication of obligations at both State and Commonwealth levels imposed on these bodies. As such, New South Wales will implement a more targeted approach so that in situations where a non-government organisation funded by a New South Wales agency is not covered by the Commonwealth bill, the New South Wales agency will negotiate with that non-government organisation to include an obligation to comply with the charter under their specific funding agreements.

The New South Wales Government recognises and applauds the important role carers play in our community. This bill formally recognises that role and will ensure that carers' needs and voices are carefully considered when agencies are making decisions that impact on carers. I support the bill.

<37>

The Hon. MATTHEW MASON-COX [6.20 p.m.]: I strongly support to the Carers (Recognition) Bill 2010. It is important and long overdue and will enact a Carers Charter to recognise the role and contribution of carers to our community and to the people they care for, as well as to increase the awareness of the valuable contribution that carers make. The bill will also establish a Carers Advisory Council to advance the interests of carers and to advise on and recommend policy to the Government. I note that there is now bipartisan support for this bill after the acceptance last night by the Government of Opposition amendments. Indeed, it should be noted that the bill supersedes an Opposition bill that was introduced by the member for Bega in the other place as a direct result of the pressure placed on the Government by the Opposition and carers groups. The Federal Government also recently moved to recognise carers with the introduction of the National Carers Recognition Bill 2010, thereby jolting this Government into action after 15 years of sitting on its hands.

I congratulate the members for Bega and Barwon for their leadership in promoting the role of carers through their drafting of the Opposition's Carers Recognition Bill. Both have proved to be tenacious and persuasive advocates, criss-crossing the State to meet with carers, listening to their concerns and formulating a way forward. I attended one such forum in Queanbeyan a few months ago. A number of carers also attended, with the general consensus being that the introduction of this bill was an important first step to address their long-neglected needs. One of the carers present at that forum wondered whether this bill would actually change anything at all, as all it does is recognise the role of carers through the establishment of a charter and a Carers Advisory Council. Where were the teeth? Where were the sanctions in the bill? Where was the funding so badly needed to improve vital services on the ground? Valid comments indeed by that carer, and this is the real challenge facing governments in this area.

Whilst this bill is a good start, there is an overwhelming shortfall of funding for basic services, not to mention respite care and longer term supported accommodation. In many parts of New South Wales, particularly in rural and regional areas, there are long waiting lists to access vital early intervention services such as speech pathology, occupational therapy and physiotherapy. There are over 12,000 people on the waiting list for respite care, with families now waiting up to 15 months for just three hours of respite care. The opportunity of assessing long-term supported accommodation is often no more than a dream. The reality is that in many families these services exist in name only. They have no choice but to continue their daily struggle, doing the best they can, to provide the care and support their loved ones need. The greatest fear of many of these

carers is who will look after their loved ones when they are no longer physical able to do so themselves?

As other members have mentioned, carers and their families represent one of the most selfless, most disadvantaged, and most vulnerable groups in our society, yet government at all levels largely ignores their desperate needs. I know of families that have become so desperate for support that they have moved interstate to access services, while others have moved overseas. Tragically, this will continue to be the case until governments across this country decide to properly fund these vital services. Addressing the colossal funding shortfall in this area will require innovation and, most importantly, political courage.

In my view a complete new funding model is the only way forward. A key aspect of this could be a national funded, no-fault disability insurance scheme. In that way services could be properly funded by way of a Medicare-type levy or similar measure, with services delivered by the States through greater engagement of the not-for-profit community sector. Carers must be intimately involved in developing these solutions and forums such as the Carers Advisory Council, which will be established by this bill and will have an important role to play in advising the New South Wales Government on the best way forward.

The Commonwealth recently commissioned an inquiry by the Productivity Commission into a national disability and long-term care and support scheme. Unfortunately that inquiry will not report until 31 July 2011, and that means we will probably have to wait until 2012 and beyond for State and Federal governments to consider the findings of the report. Even then there is no guarantee that any action will be taken to address what many regard as a national disgrace. Sadly, I suggest it will be a long time before we will make any meaningful progress in service delivery. I encourage carers to remain politically active and to continue to demand action, not rhetoric, from their representatives.

Tonight this Chamber has been awash with rhetoric and goodwill. I challenge my colleagues, both here, in the other place and across the nation, to put these fine sentiments into real action. We all care. We all want to help. We are all touched by the plight of carers and their loved ones. I reiterate that this bill is just a first small step. I again commend the members for Bega and Barwon for this long overdue initiative and commend the Government for finally deciding to act.

The Hon. MELINDA PAVEY [6.26 p.m.]: Reverend the Hon. Fred Nile, most aptly, tried to change the name of this bill—the Carers (Recognition) Bill 2010—to the Andrew Constance bill. I acknowledge the work of Andrew Constance and Carers NSW, Laraine Toms and her team, to force the Government into action. It is often said that imitation is the greatest form of flattery; that is certainly the case with this bill. It is significant, but also disturbing, that Paul Lynch, the Minister for Disability Services, has not made any contribution to debate on the Carers (Recognition) Bill. Carmel Tebbutt, the Minister for Health, led the debate for the Government in the other place. I wonder why Paul Lynch has not made a contribution to this bill? I am sure that the community and carers across the State are also wondering why. It is a big show of no confidence in Minister Lynch.

I second the warm, genuine and heartfelt sentiments that have been expressed by other members this evening, but the statistics are out there for all to see. We have 750,000 carers in New South Wales, and they realise a saving each year to the taxpayer of around \$5 billion. We can all relate stories of very special people that we know who do it tough. Statistics show that 41 percent of carers earn less than \$453 per week, compared to 28 per cent of the average population who earn less than that amount. I also acknowledge the contribution of Nell Brown, who works for Andrew Constance, who has put a lot of work and effort into this legislation. Nell is a carer herself; she cares for her lovely daughter, whom I have met. It is very tough to work within the community and to try to help people access services. This bill will go some small way to easing the burden on those people.

On the issue of imitation and flattery I would like to pick up on a point made by Dr Rob Stokes during debate on this bill last night in the other place. He said that when he compared the wording of this bill with that of Andrew Constance's bill using a computerised plagiarism detection program called Turnitin that he had access to as an academic teaching at university, red lights started to flash and the following message was displayed: "Warning: A significant amount of this paper is unoriginal. You may need to check your sources and perhaps revise or rewrite your paper."

<38>

In his great contribution, Rob Stokes highlighted the Government's haste and insincerity in dealing with this issue. For the carers, this bill is a small step forward. The community is very grateful for the work that they do. The Carers Advisory Council will play a role in improving the life that they

lead.

The Hon. MICHAEL VEITCH (Parliamentary Secretary) [6.29 p.m.]: I thank all honourable members for their support of the Carers (Recognition) Bill 2010. The formal recognition of the important and valuable role carers play in our community is a worthwhile endeavour. Over 750,000 carers in New South Wales provide care, support and assistance to the disabled, the sick, the mentally ill, the elderly and the frail. Our community is indebted to these unsung heroes for the role they play in our society. In recent years advances have been made towards a formal recognition of carers, notably amendments to the Anti-Discrimination Act in 2000 to ensure that carers are not discriminated at work due to their caring responsibilities and the recent introduction of the Mental Health Act 2007, which formalises the important role carers play in the area of mental health.

However, there has been no formal legislative recognition of all carers. I am pleased, therefore, that this bill, which aims to formally recognise the role and contribution carers play in our community, is supported by the House. With the passage of this bill, New South Wales will join other States and Territories, such as Queensland, Western Australia, South Australia and the Northern Territory, in having a formal legislative recognition of carers, with all such legislation based on a common set of building blocks. I thank the Opposition for its support of this bill. I acknowledge the member for Bega for his work in introducing an earlier bill recognising carers. I also acknowledge Carers NSW for its role in bringing this issue to the forefront of our minds. I acknowledge all carers in New South Wales and the vital role they play in our community. I applaud the contribution carers make to our community. With the passage of this bill, carers will have the formal recognition that they so heartily deserve. I also want to acknowledge that members on all sides of this House are either carers themselves or have family members who are carers. I commend the bill to the House.

Question—That this bill be now read a second time—put and resolved in the affirmative.

Motion agreed to.

Bill read a second time.

Leave granted to proceed to the third reading of the bill forthwith.
Third Reading

Motion by the Hon. Michael Veitch agreed to:

That this bill be now read a third time.