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Carer Recognition Act 2023

This is the Act as passed by Parliament on 20 April 2023 (accessed 28 April 2023 at 15:15)



TASMANIA

Carer Recognition Act 2023

An Act to make provision in relation to carers

[Royal Assent 20 April 2023]

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 - Preliminary

1. Short title

This Act may be cited as the Carer Recognition Act 2023 .

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

3. Objects

The objects of this Act are –

- (a) to formally recognise, promote and value the significant contribution of carers in the Tasmanian community; and
- (b) to enact a Carers Charter and a Tasmanian Carer Action Plan; and
- (c) to set out the obligations of Agencies to monitor and report in relation to the Carers Charter and the Tasmanian Carer Action Plan.

4. Interpretation

In this Act, unless the contrary intention appears –

carer means a person who provides unpaid care and support to a family member, or friend, who –

- (a) has disability; or
- (b) has mental ill health; or
- (c) has a chronic or life-limiting condition; or
- (d) has alcohol or other drug dependence; or
- (e) is frail or aged; or
- (f) is a child, if the person is an informal kinship carer of the child;

Carers Charter means the Carers Charter set out in Schedule 1 ;

child means a person under 18 years of age;

Tasmanian Carer Action Plan means the Tasmanian Carer Action Plan, as amended from time to time, that is approved under section 6(1) .

PART 2 - Carers Charter and Tasmanian Carer Action Plan

5. Carers Charter

The Carers Charter is set out in Schedule 1 .

6. Tasmanian Carer Action Plan

- (1) The Minister is to approve a Tasmanian Carer Action Plan.
- (2) The Tasmanian Carer Action Plan is a plan setting out actions to support carers, to be taken by Agencies, or persons, or entities, with an interest in supporting carers.
- (3) The Minister may –
 - (a) amend the Tasmanian Carer Action Plan; or
 - (b) revoke and substitute the Tasmanian Carer Action Plan.
- (4) The Minister is to ensure that a copy of the Tasmanian Carer Action Plan, as in force from time to time, is –
 - (a) provided to the chief executive officer of each Agency; and
 - (b) available for viewing by members of the public at a website of the Department.

7. Obligations of State Service Agencies

- (1) Each Agency is to take reasonable steps to implement the Tasmanian Carer Action Plan and the Carers Charter.
- (2) Each Agency is to monitor and report to the Minister on the steps taken by the Agency to implement the Tasmanian Carer Action Plan and the Carers Charter.

PART 3 - Miscellaneous

8. No legal liability

- (1) Nothing in this Act gives rise to, or is to be taken into account in, any civil cause of action.
- (2) Without limiting subsection (1), nothing in this Act –
 - (a) operates to create in any person any legal rights; or
 - (b) affects the validity, or provides grounds for review, of any judicial or administrative act or omission.
- (3) If an Agency is required by another law to consider particular matters, or to comply with particular requirements, in the performance or exercise of the Agency's functions or powers, nothing in this Act is to be taken to require the Agency to act inconsistently with that law.

9. Regulations

- (1) The Governor may make regulations for the purposes of this Act.
- (2) The regulations may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.

10. Review of Act

- (1) The Minister is to cause a review of the operation of this Act to be completed within 5 years after the first anniversary of its commencement and every subsequent 5 years.
- (2) The review is to be carried out by a person who, in the Minister's opinion, is appropriately qualified for that task.

11. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the Administrative Arrangements Act 1990 –

- (a) the administration of this Act is assigned to the Minister for Community Services and Development; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of Premier and Cabinet.

SCHEDULE 1 - Carers Charter

Section 5

1. Carers should be acknowledged as diverse and are to be treated as individuals with their own needs within, and beyond, their roles as carers.
2. Carers should be consulted in relation to the development and evaluation of policies and programs, and the provision of resources, in so far as those policies, programs and resources affect their role as carers.
3. Carers should be empowered to access information and services that are relevant to them in their role as carers.
4. Carers should be supported to participate in, and contribute to, the social, political, economic and cultural life of Tasmania, if they so desire.
5. Carers should be recognised and respected for their valuable caring role and should be supported in accessing, and engaging in, a wide range of services to ensure their well-being and to maintain their connections to their community.
6. Carers' knowledge about the persons for whom they are caring should be respected, acknowledging that each carer, and each person being cared for, has both rights and responsibilities.
7. Carers should be able to raise concerns about decisions, and services, that affect them as carers or the persons for whom they are caring, without the carers or such persons suffering adverse repercussions, and those concerns should be dealt with as promptly as is reasonably practicable.

[Second reading presentation speech made in:

House of Assembly on 24 NOVEMBER 2022

Legislative Council on 23 MARCH 2023]