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Carers Recognition Act 2021

On 2 December 2021, the ACT Legislative Assembly passed the [Carers Recognition Act 2021](#) (Carers Recognition Act) to formally recognise the essential role carers play in our community.

What does the legislation do?

The Carers Recognition Act provides a set of principles affirming the significance of care relationships. These principles include key elements, such as respect and recognition, and acknowledge carers' diverse support needs and circumstances. The legislation does not give carers new rights or entitlements.

The legislation also outlines obligations around **awareness raising, consultation and reporting**.

One of the most significant obligations in the act is for relevant organisations to uphold the care principles in assessing, planning, delivering, managing, or reviewing support services, programs and policies in relation to people in care relationships.

Who does the legislation apply to?

The Carers Recognition Act establishes obligations for 'care and carer support agencies'. These are entities that provide or administer support services 'in relation to' people in care relationships, and can be:

- an ACT Government directorate that manages or delivers support for people in a care relationship, or
- a non-government agency providing support to people in a care relationship.

How does the legislation define carers?

The Carers Recognition Act defines a carer as someone who provides care to another person in a 'care relationship'. A care relationship exists where the person is receiving care because they are a person with disability; a mental disorder or mental illness; an ongoing medical condition; or are aged and frail.

The Carers Recognition Act includes kinship and foster carers providing care to children and young people but does not apply to people employed to provide care services, either under a contract or as a volunteer.

Care relationship principles

The care relationship principles provide guidance to make it clear a carer should:

- be supported as an individual and as a carer, including during changes to the care relationship,
- be recognised for their efforts and dedication, and for the social and economic contribution they make to the community,
- have their social wellbeing and health recognised in matters relating the care relationship, and
- have the effect of their role as a carer on their participation in employment and education recognised and considered in decision-making.

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The care relationship principles reflect the diversity of the carer community and acknowledge that carer needs and supports can vary with this diversity.

The Carers Recognition Act affirms that a person receiving care in a care relationship should have their rights as an individual recognised and realised.

Obligations relating to care relationship principles

The Carers Recognition Act requires that a 'care and carer support agency' must take all practicable measures to ensure the following people are aware of, understand and uphold the care relationship principles:

- the agency's employees and agents, and
- people in a care relationship who receive support from the agency in relation to the care relationship.

Consultation obligations

The Carers Recognition Act establishes consultation obligations for 'care and carer support agencies'. When an agency is planning or reviewing the support services and programs it provides in relation to people in care relationships, it must consult with carers receiving support services and programs and an entity representing carers.

Reporting obligations

The Carers Recognition Act establishes three distinct types of reporting obligations. This means a 'care and carer support agency' must report on:

- efforts to incorporate the care relationship principles in its internal human resources (HR) policies, for employees who are carers,
- measures taken to promote and uphold the care relationship principles with people in care relationships, and their employees and agents, and
- consultations undertaken when planning or reviewing support services and programs in relation to people in care relationships.

How should my agency report?

A 'care and carer support agency' must report annually on efforts to uphold its obligations under the Carers Recognition Act.

ACT Government directorates

Obligations established under the Carers Recognition Act apply to any ACT Government directorate that is responsible for the assessment, planning, delivery, management and review of support services, programs or policies in relation to people in care relationships. Relevant ACT Government directorates must include information in their Annual Report demonstrating their compliance with obligations under the Carers Recognition Act. This reporting is to be done at the directorate level.

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Non-government agencies

Non-government agencies funded by the ACT Government to provide a support service or program that directly impacts on people in care relationship must prepare a report demonstrating their compliance with obligations under the Carers Recognition Act and provide it to the funding Government agency. They must also make the report publicly available.

For more information, contact the Community Services Directorate on 133 427 or CSD@act.gov.au

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