

**RESPONSES TO RECOMMENDATIONS
2016 REVIEW OF *CARERS (RECOGNITION) ACT 2010***

The *NSW Carers (Recognition) Act 2010* (the Act) formally recognises the significant contribution carers make to the people they care for and the community. It enacted the NSW Carers Charter and established the Carers Advisory Council.

The Act was reviewed in 2016 and the final report on the review of the Act contained ten recommendations. The Act was amended on 1 June 2017 to implement three of these recommendations.

The NSW Department of Communities and Justice (DCJ) has implemented the remaining recommendations as summarised in the table below.

	Recommendation	Status	Comments
1.	That FACS* facilitates access for carers to information about protections for carers embedded in other specific legislation, and about existing complaints mechanisms carers can access. (Supported)	Completed	<p>Carer Rights Education. In partnership with the DCJ, and as part of the <i>NSW Carers Strategy: Caring in New South Wales 2020 – 2030</i>, Carers NSW leads the Carer Rights & Complaints Network, a working group made up of complaints agencies and peak organisations which focuses on helping carers to understand and uphold their rights.</p> <p>In 2020 the Carer Rights & Complaints Network developed a series of ‘Know your rights’ fact sheets available on their website www.carersnsw.org.au/services-and-support/advice-for-carers/rights-and-complaints</p>
2.	That FACS makes arrangements with human service agencies to collate and publish their reports on compliance with the Act (as included in their annual reports). (Supported) FACS will then provide an annual collated report to the Minister. (Not supported)	Completed	<p>DCJ continues to promote the requirement for key human services agencies including local governments to report on their compliance with the Act in their annual report.</p> <p><i>The Implementation Guidelines for Public Sector Agencies</i> has been updated. The 2022 version has been published on the DCJ website.</p>

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			DCJ continues to promote the importance of reporting and circulate resources and information (guidelines, fact sheets and reporting template) through the Carers Strategy Interdepartmental Committee.
3.	<p>That FACS revises the existing <i>NSW Carers (Recognition) Act 2010</i> Implementation Guidelines for Public Sector Agencies to provide explanation and clarification on section 5, the meaning of ‘carer’ under the Act, including:</p> <p>a) clarifying who is considered a carer under the Act. For example, confirming that carers of the following groups are covered by the definition - people with dementia and people affected by drug and alcohol issues;</p> <p>b) clarifying that section 5(3) needs to be read in context with all of section 5 (meaning of ‘carer’) and is not intended to exclude family members or people who live with the person they are caring for; and</p> <p>c) providing information about cultural concepts of caring. (Supported)</p>	Completed	<p><i>Implementation Guidelines for Public Sector Agencies</i> latest update in 2022 provides an explanation and clarification the meaning of ‘carer’ under the Act.</p> <p>a) confirming that carers of the following groups are covered by the definition - people with dementia and people affected by drug and alcohol issues)</p> <p>b) ‘carer’ includes other family members, people who live with the person needing care; and others including neighbours and friends</p> <p>c) providing information about cultural concepts of caring.</p>
4.	<p>That the NSW Carers Charter (Schedule 1 of the Act) be amended to:</p> <p>a) Update and modernise the language used to reflect current social context;</p> <p>b) Highlight the importance of considering carers’ cultural and linguistic diversity, including Aboriginal culture, in policy, programs and service</p> <p>c) Acknowledge the needs of carers who work to balance their work commitments and their caring role;</p> <p>d) Combine principles (g) and (h) to clarify</p>	Completed	<p><i>The NSW Carers Charter</i> recognises the valuable contribution that carers make and provides guidance on issues of significance for carers.</p> <p>The NSW Carers Charter was updated in 2017 to meet these recommendations. The Charter resources including in Poster format are available on the DCJ webpage outlining thirteen principles. This resource is available in multiple language translations.</p> <p>www.facs.nsw.gov.au/inclusion/carers/nsw-carers-recognition-act</p>

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	and strengthen the Charter's principle about young carers; e) Include the wording 'partners in care' in the current principle (m); and f) Consolidate and reorder the principles to aid clarity and logical flow. (Supported)		
5.	That FACS develops promotional material about the revised NSW Carers Charter to aid its promotion and visibility. (Supported)	Completed	<i>The Guide to the Carer (Recognition) Act 2010 Fact Sheet and Carers Charter</i> resources including in Poster format are available on the DCJ webpage. An Aboriginal Carers Charter poster now available along with translated resources in multiple languages. www.facs.nsw.gov.au/inclusion/carers/nsw-carers-recognition-act
6.	That FACS profiles examples of good practice and commitment by agencies implementing the NSW Carers Charter. (Supported)	Completed	In 2022 DCJ Carers established the NSW Carers Strategy Interdepartmental Committee (IDC) to support the implementation of the <i>NSW Carers Strategy: Caring in New South Wales 2020 – 2030</i> ('the Strategy'). The IDC provides opportunities for agencies to profile and share examples across the NSW public sector. One role of the IDC members is to assist their respective government agencies to meet their reporting obligations under the <i>Carer (Recognition) Act 2010</i> .
7.	That the obligations of public sector agencies to consult in section 7(2) be amended to state 'carers and/or bodies representing carers'. (Supported)	Completed	One of three items in the <i>NSW Carers (Recognition) Act 2010</i> requiring legislative changes - amended in 2017.
8.	That FACS revises supporting guidelines and materials to confirm the extent of obligations of public sector and human service agencies and clarify which organisations need to meet the obligations. (Supported)	Completed	<i>The Implementation Guidelines for Public Sector Agencies</i> and accompanying resources have been updated, published on the DCJ website and distributed through the IDC. DCJ ongoing work with the Office of Local Government and Local Government NSW will ensure Local Councils are also aware of their obligation to consider the needs of carers and to meet their reporting obligations under the Act.

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9.	That FACS undertakes to extend compliance with the NSW Carers Charter to relevant FACS funded service providers through future funding arrangements. (Not supported)	Completed	The responsibility to provide services to those needing aged care, disability services or direct support to carers in NSW is no longer the responsibility of DCJ. The Commonwealth now provide these services.
10.	That section 11 be amended to: a) Permit the Minister to appoint an independent Chair and deputy Chair for a fixed term and to remove the Minister from being a member of the Council; and b) Remove the word 'primary' from section 11(2). (Supported)	Completed	Two of three legislative changes to the NSW Carers (Recognition) Act 2010 - amended in 2017.

* Formerly the Department of Families and Community Services (FACS), is now replaced by the Department of Communities and Justice, DCJ.