

## Carers Recognition Bill

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There is no doubt that 2010 is proving to be a very interesting and important year for carers! In particular, there is much happening on the political front. Most importantly for carers in NSW, the NSW Carers Recognition Bill has been tabled in parliament.

Why is legislation important for carers when just getting through the day is hard enough? Why has Carers NSW spent so much time and energy advocating for legislation? Why have we not just concentrated on practical support and information for carers?

I have written before about carers and human rights. And that is what legislation for carers is all about – human rights. That is why we have fought for so long to get the right to assessment for carers' own support needs routinely identified and acted upon, and we knew the only way to achieve that was through a law.

Australia has no Bill of Rights. In this country we cannot, as Carers UK has done, suggest that carers' rights are being neglected by public authorities under their Human Rights Act.

It is true that Australian courts draw their authority in the area of human rights from international conventions, treaties and protocols that Australia is a party to and has often ratified. The reality of domestic law and politics is that many areas of human rights fall within the jurisdiction of the states. So while the Commonwealth may have the power to ensure that all domestic laws conform to treaty obligations, such as the Universal Declaration of Human Rights, it may be hampered by political constraints from exercising that power. Without legislation rights cannot be guaranteed.

So even if we are successful in getting carers' rights high on the human rights radar, as indeed we hope we are,

or if we succeed in capturing the public's support for rights for carers, that in itself is no guarantee that basic rights for carers will be articulated and implemented by governments let alone stand up if challenged in court.

That's why legislation is essential. We have needed laws that would reflect society's need for, and valuing of, informal carers. Practical laws that make a real difference to carers' lives, not just warm and fuzzy statements. Only legislation can begin the long journey towards equal opportunities for carers – opportunities for education, work, social life, community participation - with other members of the community. Only legislation can ensure that carers are seen and treated as more than simply a resource valued only in terms of their ability to provide support for their family member or partner with a disability, chronic illness, mental illness or who are frail. Only legislation can ensure that carers are treated as more than co-workers whose well-being is addressed solely to ensure that the caring role remains sustainable. Only legislation will ensure carers are seen as individuals entitled to and receiving support in their own right.

By the time you read this the NSW Carers Recognition Bill might have been passed and become an Act of Parliament and we at Carers NSW will be working with government agencies to implement it. Perhaps it will be defeated and we will be looking at other ways to get it through.

There are many ways Carers NSW works to support carers and bring their needs and issues to government and public attention. Sometimes our voice is not heard. Sometimes it takes a long time and much patience for our work to come to public attention. This is one of those times. This proposed legislation is an exciting breakthrough.

To read Andrew Constance's speech in parliament, go to [www.parliament.nsw.gov.au/Prod/parlment/hanstrans.nsf/V3ByKey/LA20100312](http://www.parliament.nsw.gov.au/Prod/parlment/hanstrans.nsf/V3ByKey/LA20100312)