



**Suzanne Orr MLA**  
Member for Yerrabi

Mr Jeremy Hanson MLA  
Chair  
Standing Committee on Justice and Community Safety  
ACT Legislative Assembly  
CANBERRA ACT 2601

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Dear Mr Hanson,

Thank you for providing the committee's comments on the Carers Recognition Bill 2021.

I would like to start by responding to your questions about why only carers, and not others potentially affected or those being cared for are covered by the Bill.

The ACT is the only jurisdiction in Australia which does not have these additional considerations or protections in place for carers specifically. Those being cared for are covered by discrimination and industrial legislation in workplace and other contexts, for example design considerations of public buildings. The purpose of this legislation is to provide consideration of those caring, who are part of a gap in these legislated considerations.

In regard to clarity of the explanatory statement, I would like to note that the principles don't only apply to human resources policy. They apply across a range of considerations. For example, a hospital might, while building an extension, take into consideration facilities for carers who may be waiting for someone they care for over a long period while they undergo treatment.

The Committee has noted that certain groups, such as LGBTI carers, Aboriginal and Torres Strait Islander carers, linguistically diverse carers or carers living with disability, benefit from a particular mention in the Bill. This is due to the particular needs that these intersecting identities can impose on carers. For example, kinship definitions and subsequent caring responsibilities can differ greatly across Aboriginal or Torres Strait Islander cultures, resulting in different considerations being needed for carers. LGBTI people may also have a different relationship framework with friends and family compared to others in the broader community. Linguistically diverse carers may have difficulty communicating in English which will impact on their interactions with entities or government agencies. Carers with disability may have diverse access or communication requirements which differ from the broader community. But the Bill is not limited to these carers.

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As the Bill is currently written, the enforcement approach is a light handed approach. The requirement for publicly available reporting of an organisation's demonstrable upholding of the care relationship principles allows both the Assembly and other entities to identify or publicly name organisations who are not adhering to the legislation.

In response to comments both in this scrutiny report and recommendations included in the report from the Standing Committee on Health and Community Wellbeing, the strength of these enforcement provisions will be examined prior to debate of the Bill.

The intent of the Bill is to provide for proactive consideration for those who identify as carers or feel they need their caring duties considered. The Bill makes it incumbent upon specified entities to provide the ability or opportunity for carers to self-identify and explain their needs. There is no empowerment or obligation in the Bill which would require involuntary information collection, storage or reporting from an individual.

Thank you for your deliberations, I will be considering your comments and questions while putting together potential amendments prior to the debate stage of the Bill.

Yours sincerely

Suzanne Orr MLA