South Australia

# Carers Recognition Act 2005

An Act to provide for the recognition of carers; and for other purposes.

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Schedule 1—South Australian Carers Charter

1 South Australian Carers Charter

Legislative history

**The Parliament of South Australia enacts as follows:**

### 1—Short title

This Act may be cited as the *Carers Recognition Act 2005*.

### 3—Objects

The objects of this Act are—

(a) to recognise and support carers and their role in the community; and

(b) to provide for the reporting by public sector agencies of the action taken to reflect the principles of the Carers Charter in the provision of services relevant to carers and the persons they care for.

### 4—Interpretation

In this Act, unless the contrary intention appears—

***applicable organisation*** means—

(a) a public sector agency; or

(b) a person or body providing relevant services under a contract with a public sector agency (other than a contract of employment),

but does not include—

(c) a Minister; or

(d) a chief executive of an administrative unit;

***care relationship***—see section 5;

***carer***—see section 5;

***Carers Charter*** means the South Australian Carers Charter set out in Schedule 1;

***disability*** has the same meaning as in the *Disability Inclusion Act 2018*;

***public sector agency*** means a public sector agency within the meaning of the *Public Sector Act 2009*;

***relevant services*** means policies, programs or services specifically directed to carers and the persons they care for.

## 5—Meaning of care relationship and carer

(1) Subject to this section, a person is in a ***care relationship*** with another person for the purposes of this Act if the first person (the ***carer***) provides personal care, support or assistance to the other person for 1 or more of the following reasons:

(a) the other person has a disability;

(b) the other person is experiencing mental ill health;

(c) the other person has a medical condition (including a terminal or chronic illness, or dementia);

(d) the other person is frail due to age;

(e) the other person is experiencing alcohol or other drug dependence;

(f) any other reason prescribed by the regulations.

(2) A person is not in a care relationship with another person if the person provides personal care, support or assistance to that person—

(a) under a contract of service or a contract for the provision of services; or

(b) as a volunteer for a charitable, welfare or community organisation, other than an approved carer within the meaning of the *Children and Young People (Safety) Act 2017*; or

(c) as part of a course of education or training.

## 6—Obligations of applicable organisation in relation to Carers Charter

(1) An applicable organisation must take all practicable measures to ensure that—

(a) its employees and agents have an awareness and understanding of the Carers Charter; and

(b) the organisation, and its employees and agents, take action to reflect the principles of the Carers Charter in the provision of relevant services.

(2) An applicable organisation's internal human resource policies, so far as they may significantly affect an employee's caring role, must be developed having due regard to the Carers Charter.

(3) An applicable organisation must consult carers, or bodies that represent carers, when developing or evaluating relevant services.

### 7—Reporting by public sector agency

(1) An applicable organisation that is a public sector agency must prepare a report on the agency's compliance or noncompliance with each obligation under section 6.

(2) The report required by this section must—

(a) include information prescribed by regulation; and

(b) be incorporated with the annual report of the public sector agency and relate to the period to which the annual report relates.

### 8—Regulations

The Governor may make regulations as contemplated by this Act, or as necessary or expedient for the purposes of this Act.

### 9—Review of Act

(1) The Minister must cause a review of the operation of this Act and the Carers Charter to be conducted, and a report on the review to be prepared and submitted to the Minister—

(a) after this section has been in operation for a period of 5 years; and

(b) at the end of each period of 5 years thereafter.

(2) The Minister must cause a copy of a report submitted under subsection (1) to be laid before both Houses of Parliament within 12 sitting days after receiving the report.

## Schedule 1—South Australian Carers Charter

### 1—South Australian Carers Charter

(1) A carer should be respected and recognised as—

(a) an individual with their own needs; and

(b) a carer; and

(c) someone with knowledge of the person receiving care; and

(d) a partner in care with other service providers.

(2) A carer should be recognised and valued for—

(a) their vital role in South Australian society, delivering significant social benefits to individuals, their families and the broader community; and

(b) their significant economic contribution which supports the effective operation of the health, aged care and child protection systems; and

(c) their significant personal sacrifices, forgoing careers, social lives, education and financial security to care for others, which can impact their mental and physical wellbeing; and

(d) the skills they gain through caring which are valuable and transferable to the workforce.

(3) A carer should be supported during changes to the care relationship.

(4) A carer should have their social, spiritual, cultural and economic wellbeing and health recognised in matters relating to the care relationship.

(5) A carer should be provided with support that is timely, responsive, appropriate, respectful, culturally safe and accessible.

(6) Aboriginal or Torres Strait Islander carers should be supported in ways that recognise and respect their right to self-determination and their unique cultural identity and kinship relationships.

(7) The gendered impact of caring roles should be recognised and considered in relevant decision making, including impacts that lower rates for self-identification of carers, as well as carers' participation in employment and education.

(8) The specific needs of young carers (aged 25 and under) should be recognised, supported and acted on so that they have the support and opportunities needed to reach their full potential.

(9) The unique and complex roles of informal carers, which may include grandparents, siblings, family friends, Aboriginal collective kinship care and other family and kinship relationships, should be recognised and supported irrespective of any ambiguities around guardianship and legal status.

(10) Carers who continue to provide practical, emotional, personal support for the person they care for, even when they have transitioned into supported residential services, should be recognised for the significant and ongoing advocacy role for the person they care for.

(11) Carers reflect the diversity of our communities, and all carers should be provided with appropriate and safe support services that consider their specific and unique needs, including—

(a) carers from LGBTIQA+ communities; and

(b) culturally and linguistically diverse carers; and

(c) older carers (aged 65 and above); and

(d) defence family and veterans' carers; and

(e) carers with disability; and

(f) carers who live in regional and remote locations.

(12) The intersectionality of carers must be acknowledged to address the additional barriers, challenges and discrimination carers with overlapping identities face, including—

(a) ethnicity; and

(b) culture; and

(c) religion; and

(d) age; and

(e) sexual orientation; and

(f) gender identity; and

(g) disability; and

(h) neurodivergence; and

(i) socioeconomic status; and

(j) geographical location.

# Legislative history

## Notes

- Amendments of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

## Principal Act and amendments

New entries appear in bold.

| Year | No | Title | Assent | Commencement |
|---|---|---|---|---|
| 2005 | 55 | *Carers Recognition Act 2005* | 3.11.2005 | 1.12.2005 (*Gazette 1.12.2005 p4072*) |
| 2006 | 43 | *Statutes Amendment (Domestic Partners) Act 2006* | 14.12.2006 | Pt 11 (ss 36 & 37)—1.6.2007 (*Gazette 26.4.2007 p1352*) |
| 2009 | 84 | *Statutes Amendment (Public Sector Consequential Amendments) Act 2009* | 10.12.2009 | Pt 24 (s 46)—1.2.2010 (*Gazette 28.1.2010 p320*) |
| 2017 | 64 | *Children's Protection Law Reform (Transitional Arrangements and Related Amendments) Act 2017* | 12.12.2017 | Pt 6 (s 42)—22.10.2018 (*Gazette 19.12.2017 p5119*) |
| 2018 | 1 | *Disability Inclusion Act 2018* | 14.6.2018 | Sch 1 (cl 2)—1.7.2018 (*Gazette 28.6.2018 p2618*) |
| 2025 | 25 | *Children and Young People (Safety and Support) Act 2025* | 12.6.2025 | Sch 2 (cl 5)—uncommenced |
| **2025** | **73** | ***Carers Recognition (Miscellaneous) Amendment Act 2025*** | **4.12.2025** | **Pt 2 (ss 3 to 9)—1.7.2026 (*Gazette 19.2.2026 p361*)** |

## Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

| Provision | How varied | Commencement |
|---|---|---|
| *s 2* | *omitted under Legislation Revision and Publication Act 2002* | *1.6.2007* |
| **s 3** | **amended by 73/2025 s 3** | **1.7.2026** |
| s 4 | | |
| **applicable organisation** | **substituted by 73/2025 s 4(1)** | **1.7.2026** |
| **care relationship** | **inserted by 73/2025 s 4(2)** | **1.7.2026** |

| | | |
|---|---|---|
| *domestic partner* | *inserted by 43/2006 s 36(1)* | *1.6.2007* |
| | ***deleted by 73/2025 s 4(3)*** | ***1.7.2026*** |
| **disability** | **inserted by 73/2025 s 4(3)** | **1.7.2026** |
| public sector agency | amended by 84/2009 s 46(1) | 1.2.2010 |
| **relevant services** | **amended by 73/2025 s 4(4)** | **1.7.2026** |
| *reporting organisation* | *amended by 84/2009 s 46(2)* | *1.2.2010* |
| | ***deleted by 73/2025 s 4(5)*** | ***1.7.2026*** |
| *spouse* | *inserted by 43/2006 s 36(2)* | *1.6.2007* |
| | ***deleted by 73/2025 s 4(6)*** | ***1.7.2026*** |
| *s 5 before substitution by 73/2025* | | |
| *s 5(1)* | *amended by ½018 Sch 1 cl 2* | *1.7.2018* |
| *s 5(3)* | *amended by 43/2006 s 37* | *1.6.2007* |
| | *amended by 64/2017 s 42* | *22.10.2018* |
| **s 5** | **substituted by 73/2025 s 5** | **1.7.2026** |
| **s 6** | **substituted by 73/2025 s 6** | **1.7.2026** |
| **s 7** | | |
| **heading** | **amended by 73/2025 s 7(1)** | **1.7.2026** |
| **s 7(1)** | **substituted by 73/2025 s 7(2)** | **1.7.2026** |
| **s 7(2)** | **amended by 73/2025 s 7(3)** | **1.7.2026** |
| **s 9** | **substituted by 73/2025 s 8** | **1.7.2026** |
| **Sch 1** | **substituted by 73/2025 s 9** | **1.7.2026** |

# Historical versions

1.6.2007

1.2.2010

1.7.2018

22.10.2018