

South Australia

Carers Recognition (Miscellaneous) Amendment Act 2025

An Act to amend the *Carers Recognition Act 2005* and to make related amendments to the *Criminal Law Consolidation Act 1935*, the *Evidence Act 1929* and the *Intervention Orders (Prevention of Abuse) Act 2009*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Carers Recognition (Miscellaneous) Amendment Act 2025*.

2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

Part 2—Amendment of *Carers Recognition Act 2005*

3—Amendment of section 3—Objects

Section 3(b)—delete "organisations" and substitute:
public sector agencies

4—Amendment of section 4—Interpretation

- (1) Section 4, definition of *applicable organisation*—delete the definition and substitute:
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;
- (2) Section 4—after the definition of *applicable organisation* insert:
care relationship—see section 5;
- (3) Section 4, definition of *domestic partner*—delete the definition and substitute:
disability has the same meaning as in the *Disability Inclusion Act 2018*;
- (4) Section 4, definition of *relevant services*—delete "services relevant" and substitute:
policies, programs or services specifically directed
- (5) Section 4, definition of *reporting organisation*—delete the definition
- (6) Section 4, definition of *spouse*—delete the definition

5—Substitution of section 5

Section 5—delete the section and substitute:

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—Substitution of section 6

Section 6—delete the section and substitute:

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—Amendment of section 7—Reporting by reporting organisation

- (1) Heading to section 7—delete "reporting organisation" and substitute:
public sector agency
- (2) Section 7(1)—delete subsection (1) and substitute:
 - (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.
- (3) Section 7(2)(b)—delete "reporting organisation" and substitute:
public sector agency

8—Substitution of section 9

Section 9—delete the section and substitute:

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.

9—Substitution of Schedule 1—South Australian Carers Charter

Schedule 1—delete the schedule and substitute:

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 LGBTIQ+ 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.

Schedule 1—Related Amendments

Part 1—Amendment of *Criminal Law Consolidation Act 1935*

1—Amendment of section 5AA—Aggravated offences

Section 5AA(4a)(k)—delete "the carer (within the meaning of the *Carers Recognition Act 2005*) of" and substitute:

in an ongoing care relationship (within the meaning of the *Carers Recognition Act 2005*) with

2—Amendment of section 20A—Choking, suffocation or strangulation in a domestic setting

Section 20A(3)(k)—delete "the carer (within the meaning of the *Carers Recognition Act 2005*) of" and substitute:

in an ongoing care relationship (within the meaning of the *Carers Recognition Act 2005*) with

Part 2—Amendment of *Evidence Act 1929*

3—Amendment of section 34U—Interpretation

Section 34U(1), definition of *member of a person's family*, (i)—delete "a carer of the" and substitute:

a person who is in an ongoing care relationship with the

Part 3—Amendment of *Intervention Orders (Prevention of Abuse) Act 2009*

4—Amendment of section 8—Meaning of abuse—domestic and non-domestic

Section 8(8)(k)—delete "the carer (within the meaning of the *Carers Recognition Act 2005*) of" and substitute:

in an ongoing care relationship (within the meaning of the *Carers Recognition Act 2005*) with