



Speech by

**Andrew Cripps**

**MEMBER FOR HINCHINBROOK**

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## **CARERS (RECOGNITION) AMENDMENT BILL AND SENIORS RECOGNITION (GRANDPARENTS PROVIDING CARE) BILL**

**Mr CRIPPS** (Hinchinbrook—LNP) (7.30 pm): I rise to speak to the Carers (Recognition) Amendment Bill and the Seniors Recognition (Grandparents Providing Care) Bill being debated cognately. This morning the Speaker made a statement in respect of standing order 87(1) of this House which provides that a question or amendment shall not be proposed which is the same as any question which, during the same session, has been resolved in the affirmative or negative. The Speaker advised the House that this standing order would apply when this House had taken a decision on the second reading for one or another of the bills that we are now debating cognately.

Standing order 87(1) is known as the same question rule. The Speaker determined that the Carers (Recognition) Amendment Bill and the Seniors Recognition (Grandparents Providing Care) Bill to a large extent sought to achieve the same objective. The Speaker in his statement noted that the private member's bill, the Seniors Recognition (Grandparents Providing Care) Bill, introduced by the member for Burdekin, had nearly identical wording to the bill introduced by the Minister for Disability Services, the Carers (Recognition) Amendment Bill. That observation is accurate. The LNP opposition respects the statement by the Speaker. However, the Speaker also noted that the member for Burdekin introduced her private member's bill on 10 March 2010 while the Minister for Disability Services introduced her bill almost three months later, on 8 June 2010. So it would have been even more accurate for the Speaker to observe that the bill introduced by the Minister for Disability Services had nearly identical wording to the bill introduced by the member for Burdekin.

Standing order 87(1) is known as the same question rule. It has been enlivened not by the actions of the LNP but by the actions of the Bligh government, which has introduced the Carers (Recognition) Amendment Bill to try to catch up to the policy leadership demonstrated by the member for Burdekin. The member for Burdekin has once again outflanked the Bligh government in the community services portfolio.

The member for Burdekin has a proud record of leaving the Bligh government in her wake in the community services portfolio. The member for Burdekin was responsible two years ago for introducing the Carers (Recognition) Bill into this parliament which proposed to establish a legislative framework for the recognition of people caring for others because of disability, infirmity and/or pain. The Bligh government on that occasion realised that it had been comprehensively outflanked by the member for Burdekin and, although it amended the bill heavily, it was forced to support the private member's bill and it passed through this House. It was landmark legislation, giving recognition to the many hardworking carers who care for some of the most vulnerable in our community.

Now the member for Burdekin has done it again, introducing into this parliament a bill to recognise the efforts of grandparents who assume primary care for their grandchildren. The member for Burdekin has again recognised a pressing need in her portfolio area and has acted. The Bligh government, again outflanked by the member for Burdekin, has belatedly introduced an alternative bill, a bill that is manifestly inferior to the LNP's private member's bill.

The Bligh government has asked that this parliament consider the Carers (Recognition) Amendment Bill and the Seniors Recognition (Grandparents Providing Care) Bill in a cognate debate. Speaking to the motion moved by the Leader of the House, the member for Sunnybank, this morning, the Leader of Opposition Business, the member for Callide, observed that the motion providing for a cognate debate was another example where the Bligh government had been forced to play catch-up after the LNP opposition had taken the lead in a particular policy area and adopt the policies of the LNP. I will highlight just a few of them just in the area of community services.

The efforts of the member for Burdekin forced the government to support her private member's bill, the Carers (Recognition) Bill. I introduced the Disability Services (Criminal History) Amendment Bill on 7 October 2009. Lo and behold, seven months later, on 9 February 2010, the Minister for Community Services introduced the Criminal History Screening Legislation Amendment Bill, which the Bligh government requested this House to debate in cognate with my private member's bill. Now we are here again asked to debate in cognate another bill introduced by the member for Burdekin on 10 March 2010 with a bill introduced by the Minister for Disability Services on 8 June 2010, some three months later.

It is clear that the observations made by the member for Callide this morning are supported by the facts. It is a great pity that the Bligh government has been unable to bring itself to offer up even a modicum of bipartisanship since it reluctantly passed the member for Burdekin's Carers (Recognition) Bill some two years ago. It must have been too much of a bitter pill to swallow for the government to give credit where credit is due, and since that time it has favoured cognate debates once a face-saving, catch-up bill has been introduced.

Since coming to this portfolio in April last year I have spoken extensively to people in organisations in the disabilities sector. One thing that has struck me profoundly during this time is that this group of people, some of whom struggle desperately from day to day and achieve some remarkable things, seldom complain about their individual circumstances. The disabilities sector contains a great range of people. There are those who have to deal with daily challenges that most of us could never imagine. There are also those who devote their whole lives to caring for others in difficult circumstances. Many people in the disabilities sector are dealt a pretty rough hand in life, but they tend to grab the opportunities that do present themselves and make the most of their lives. So when you do hear a complaint from the disabilities sector, from organisations, groups or individuals, you can in the overwhelming majority of cases have a fair amount of confidence that the complaint is legitimate and valid.

It is notable that this is the first bill to be brought to the House by the Minister for Disability Services. I am not advancing for one moment an argument that the effectiveness of the performance of a minister is only measured by the number of bills that they introduce into and carry through the parliament. That would be a nonsense. However, when the minister introduces no proposed legislation for the first half of the life of the parliament to improve the disabilities sector, to improve the lives of people with disabilities, to support their families, to support the efforts of disability service providers or to support the organisations delivering those services, it is notable that when the minister does bring a bill forward it is to provide support for a group of people who are arguably outside of the minister's portfolio.

Indeed, the bill introduced by the Minister for Disability Services is far from a satisfactory treatment of the issue of grandparents who are, in an increasing number of instances, for a growing number of reasons and in a wider range of circumstances, becoming involved in the care of their grandchildren. The member for Burdekin's private member's bill is a much more relevant treatment of this issue.

For the Minister for Disability Services to seek to somehow weld the interests of grandparents caring for their grandchildren onto the interests of carers caring for people in other circumstances is not only totally unsatisfactory but also inappropriate. I am surprised that the Minister for Disability Services has taken this course of action. It disappoints me that the resources of her department and her time are being devoted to carrying a bill through this place that deals with matters arguably outside the disability services portfolio. Those resources and that time could have been invested in the development of a bill much more central to the minister's responsibilities in her disability services portfolio.

The bill seeks to inappropriately group together two very different groups of people. Both groups, being grandparents caring for their grandchildren and carers caring for others in need of care, sacrifice a lot to improve the lives of those in their care, but they undertake these roles in very different circumstances and have very different needs. Grandparent carers are not people who care for the aged and infirm. Grandparents do not necessarily care for people with disabilities. Their grandchildren may very well have a disability, but a grandparent who is caring for a grandchild with a disability is much more likely to be doing so because they are their grandchild, not because they have a disability.

Grandparents caring for grandchildren and carers caring for others in need of care are carers who come to their roles in very different circumstances. Grandparents caring for their grandchildren are people who in many cases put aside their retirement plans to take care of grandchildren because of an inability of the grandchildren's parents to care for their child. Grandparent carers take on the significant personal and financial burden of a second parenthood with all the trials and joys, all the responsibilities and worries, and

all the costs and sacrifices that come with that important and difficult role. They do so out of love and care for their grandchildren.

Both grandparent carers and carers in the disability support sector have voiced their concerns about the way the government's bill seeks to inappropriately tie together two different groups of people. The Carers (Recognition) Act 2008 was introduced into this House by the LNP. Unfortunately, the government took out a lot of the important practical measures in that bill; specifically, the clauses that proposed to recognise and empower family members were removed for spurious reasons.

Spouses, parents and other family members who care for their loved ones do so at immeasurable sacrifice but with no consideration of ever not undertaking that sacrifice. They do it because they need to help their son or their daughter, their husband or their wife, their mother or their father. The LNP will not be supporting the government's proposed amendments to the Carers (Recognition) Act as we are very concerned that these proposed amendments do nothing to assist grandparent carers. Indeed, we consider that it may disadvantage them.

The government's proposed amendments also do nothing to recognise the Carers (Recognition) Act and the charter included in the act. In fact, it actively detracts from it. In 2008 when my colleague the member for Burdekin introduced the landmark Carers (Recognition) Bill into this House, the legislation was a way of making amends for so many years of unheralded sacrifice by carers—ordinary people who had been called on to do extraordinary things.

For the sake of a child, a spouse, a parent, a relative or friend, carers take on a role often bestowed without warning or with the barest of preparation. They make sacrifices and take up lifestyles that those untouched by disability or debilitating illness could scarcely imagine. When it all gets too hard, when they feel that the responsibility is beyond them, there is no respite, there is no lifting of the burden. There is no choice but to carry on and continue to provide care, to give the best possible quality of life to a loved one. At the end of it all, they provide this care because these are people who really do care in every sense of the word. Their efforts make our community so much richer, so much more profound. For that, we need to recognise these courageous people. That was the motivation behind the Carers (Recognition) Act. The way in which the member for Burdekin's bill intended to recognise these people was to equip them with a voice in the decision-making process. Unfortunately, for whatever reason, the government determined to remove that proposed recognition.

Just as carers deserved their due and have been recognised in the Carers (Recognition) Act, so do those grandparents called upon to administer full-time care of their grandchildren. Whatever the circumstances and however they come to find themselves in those circumstances, these are people who have to confront the unavailability or unsuitability of their own children to be parents and who step into the breach for the sake of their family. Naturally enough, there is a sacrifice involved of a well-earned retirement, of financial security and sometimes of health and wellbeing. They take the attitude that, come what may, they must soldier on, just like carers of people with disabilities. However, as I outlined earlier, grandparents find themselves in unique circumstances that deserve separate legislative facilities to guarantee the integrity of the parliament's recognition of both separate and distinct groups.

'Care' is a broad word and carers do not have one set of circumstances or needs, nor should everyone who provides care be grouped together under one charter, one bill and one rather feeble attempt by the government to cobble together a response to a policy challenge from the member for Burdekin. The bill introduced into this House by the member for Burdekin—the Seniors Recognition (Grandparents Providing Care) Bill—sets out a charter for grandparent carers and a process for their involvement in the decision-making process. It is a bill that seeks to recognise a group of Queenslanders who make life better for children in this state. It is a bill that provides the parliament—not the government, not the opposition but the parliament of Queensland—with an opportunity to say, 'Thank you,' an opportunity to say, 'Your work is valued and your voice will be heard.'

What has been the response of the Bligh government to that opportunity? Has the government embraced that opportunity? No. The government has been unable, once again, to put party politics to one side. The government's bill offers little to help grandparents caring for their grandchildren. It will provide the right for grandparent carers to have access to information. Information means little if grandparent carers are not afforded the support they so desperately need to undertake the role they have been thrust into and are not afforded the recognition they need to be involved in making important decisions on behalf of the grandchildren they are caring for.

Indeed, there has been concern expressed by the Scrutiny of Legislation Committee as to exactly what is meant in the government's bill by 'access to information'. The reference is rather vague. It is ambiguous. It is unhelpful in determining what the bill means. In view of those observations, it could be argued that it is useless. In its embarrassed rush to catch up to the member for Burdekin and the LNP's Seniors Recognition (Grandparents Providing Care) Bill, the government has introduced a piece of proposed legislation that throws together willy-nilly grandparent carers and carers for people with a disability or an infirmity or who are suffering from pain.

As it stands, every word of the existing Carers Charter represents and depicts the efforts of people called on to be a carer for a loved one with a disability or a debilitating illness. Amending it as it stands to include grandparent carers is an exercise of convenience and expedience on the part of the government. At best, the government's bill is lazy. At worst, it is disrespectful to both carers of people with disabilities and grandparent carers.

At this point, I would like to refer to a letter from Carers Queensland, the peak body for carers in this state, to the member for Burdekin.

**Ms Palaszczuk:** Is this their most recent letter?

**Mr CRIPPS:** Well, it is a letter that is signed by the president of Carers Queensland and I think it is relevant to this debate. The letter states—

The Carers Queensland board ... would like to express their concern regarding the changes to the legislation that are proposed by Minister Palaszczuk.

It is our belief that the intent of the Carer (Recognition) Act 2008 was to recognise those carers who undertake their role twenty four hours a day, seven days a week; caring for people whose conditions require high level care and who are unlikely to 'get well' or have their condition improve.

In fact, many of the people who carers are looking after become increasingly frail and/or ill. The life of an elderly parent of an adult disabled child often results in terrible anguish for the parents in regards to who is going to care for the 'child' when they die.

Carers Queensland is spot on and it ought to know. Carers Queensland should be recognised as being an authority in this area as it represents the people who have to live their lives in this situation day in and day out. The letter goes on to say that the Carers Queensland board believes the act actually precludes the inclusion of grandparents of able-bodied children by the very definition of a carer in the act and its exclusion of carers solely because they are family members.

**Ms Palaszczuk:** That is an old letter. I have got a new one here.

**Mr CRIPPS:** That may be the case, Minister, but those sentiments have been expressed in a letter to the shadow minister for community services. I will quote directly from the letter again—

Amending the legislation to include grandparents could have long lasting ramifications as other groups lobby to be included. However, these are not the same issues as carers of a person with a disability, frailty, chronic illness or pain who will, in all likelihood be providing care for their entire lifetime.

Carers Queensland acknowledges the important role that grandparents play in the provision of care to their grandchildren, and the need for government to support them. We acknowledge that many of the children in their care have experienced trauma, however, disadvantage is not a disability and it is assumed that the children in their care will be able to grow up, take their place in mainstream society and move on to independent living. This is not the reality for the majority of carers.

Carers Queensland fully supports the introduction of separate and specific legislation, recognition and a charter that supports the role of grandparent and other kin carers. Carers Queensland does not support the proposed amendments to the Carer (Recognition) Act 2008.

That letter clearly sums up the views of the peak body representing carers. Carers Queensland does not support the government's bill. As the member for Burdekin will detail, the peak body representing grandparents and grandparent carers in Queensland, the Council of Grandparents, also does not support the government's bill. Why would Carers Queensland or the Council of Grandparents support the government's bill when it does not achieve terribly much for carers or grandparents? No benefits will come to carers or grandparent carers. The amendments proposed by the government will tie together two separate issues in one charter.

I would like to examine the tenets of the existing Carers Charter in a bit more detail to illustrate to members opposite why it was constructed in the first place. The first clause of the charter is simple but significant. It states—

The State recognises the effort and dedication of carers in our community and that carers provide a vital service.

The LNP opposition is aware of the resonance that clause has had in the community and among carers. The fourth clause of the charter, as it stands, states—

The importance of carers' work means the role of carers should be recognised by including carers, or their representative bodies, in the assessment, planning, delivery and review of services affecting carers.

In short, nobody knows the world of caring, disability, frailty, pain or infirmity as well as those who live in it every day. One of the most effective ways to help people with chronic pain or illness, disability or other conditions of frailty or infirmity is to help the people who help them. If you can help a carer to provide the best possible care in the best possible condition, by the very nature of that assistance you will be helping the person receiving that care. So it makes sense to involve these people in the assessment, planning, delivery and review of services that are provided and in decisions which affect them and the people they care for.

The fifth clause is a pledge. It states—

Complaints made by carers in relation to services that impact on them must be given careful consideration.

In Queensland, individual and particular needs of carers are heard and responded to. If something is not working, the parliament has a duty to listen carefully. The amendments to this bill are not supported by the peak body representing carers. The Carers (Recognition) Act is a service for the carers of Queensland.

Changing it will impact on those carers. Their express lack of support for the bill proposed by the government is a form of complaint. The Minister for Disability Services and the parliament ought to listen to what the carers and the peak body are saying. The minister also needs to recognise that any Queenslander can become a carer. It can be as a result of the birth of a child with a disability, the ageing or increasing frailty of a parent, a loved one who acquires a brain or other injury, or a chronic or debilitating illness in a spouse. It is not a lifestyle choice; it is a life built around necessity and love and compassion for that person.

The charter is also specialised and dedicated. A grandparent carer does not require the use of the same services that a carer of a child with a disability requires. There is no overlap in the needs between carers and grandparent carers. Once again, the government's bill proposes an inappropriate grouping of carers and grandparent carers. They are two distinct groups. The unique situation of carers is highlighted by clause 6 of the existing charter. It states—

Carers should be recognised—

- (a) for their unique knowledge and experience; and
- (b) as individuals with their own needs.

The very inclusion of this clause in the charter highlights why this charter is not suitable for including other groups and other needs in the same clauses. In fact, it is difficult to understand how the government's bill proposes to recognise unique needs by adding in other unique needs of people in different circumstances.

Clause 7 of the existing charter honours the relationship between carers and those they care for and recognises the relationship that exists in special circumstances. It is not downgrading any other relationships. It is recognising and honouring what is a very special and fundamental relationship. Diluting that clause by expanding its scope contradicts the purpose of the clause. Grandparent carers also have special relationships with their grandchildren, and that is deserving of note, too. That is why a separate charter honouring that relationship has been proposed in the opposition's private member's bill. Comparing the two in one charter does neither justice.

Clauses 8 and 9 deal with the cases of young people, children, who assume caring roles. The clauses state—

- 8 Children and young people who are carers should be specifically supported by all of our community.
- 9 The caring responsibilities of children and young people should be minimised.

Children who assume care have a whole new scenario to juggle and different concerns such as schooling and training. How can this be compared to grandparents providing care for grandchildren?

A particular group of carers is those based in regional and remote areas, as per clause 11 of the existing charter. The difficulties faced by these carers because of isolation can mean that they have no access to services or respite, that they have to rely on a service visiting not every day, but once every three months. The strain on these carers is increased by the lack of services to their localities. Again, this deals with circumstances that are particular to people who care for others with disabilities, the frail, the infirm or the ill. As with all the provisions of the existing charter, this clause is tailored to recognise the circumstances of a dedicated and valuable group of Queenslanders.

Queensland's grandparent carers are special people. They also deserve a charter to recognise that. These are two separate groups of people who deserve two separate statements to recognise their separate needs. The minister owes it to the people who come under her portfolio—those carers providing care for people with disabilities, people in chronic pain or experiencing chronic and debilitating illnesses, and people who are frail or infirm—to preserve the Queensland Carers Charter as a testament to the parliament's pledge to recognise and honour their efforts.

The minister with responsibility for grandparent carers, who is not the Minister for Disability Services, has a similar obligation to recognise the efforts of grandparent carers. This is not the correct bill in which to do that and, as such, the LNP does not support the government's bill. I encourage all members to support the private member's bill introduced by the member for Burdekin which does deliver the necessary framework for the important and valuable contribution of grandparent carers to be recognised by this parliament.