

OFFICIAL



Proposed *Carers Recognition (Miscellaneous) Amendment Bill 2025*

Consultation Report 2025

1.Contents

1.	Contents.....	2
	Acknowledgement of Country	2
2.	Background.....	3
3.	Who we engaged	3
4.	What we heard.....	4
4.1	Scope of the Act and Amendment Bill	4
4.2	Definition of ‘Mental Ill Health’ and ‘Medical Conditions’	4
4.3	Definition of Care Relationship and Carer.....	4
4.4	Definition of Personal Care	5
4.5	Reporting by applicable organisations	6
4.6	Carers Charter.....	6
5.	Next Steps.....	6

Acknowledgement of Country

The Department of Human Services acknowledges and respects Aboriginal Peoples as the State’s first people and recognises Aboriginal Peoples as traditional owners and occupants of lands and waters in South Australia. We acknowledge that the spiritual, social, cultural, and economic practices of Aboriginal peoples come from their traditional lands and waters, that they maintain their cultural and heritage beliefs, languages, and laws, which are of ongoing importance, and that they have made and continue to make a unique and irreplaceable contribution to the State. We are committed to ensuring that the needs and aspirations of Aboriginal Peoples are incorporated in the design, development, and implementation of the Carers Recognition Act Review.

2. Background

The South Australian Government, through the Department of Human Services, administers the *Carers Recognition Act 2005* (SA) (the Act).

The Act acknowledges the important role of unpaid carers in the community. It sets out rules for government agencies and contracted organisations that provide services to carers and the people in their care.

The Act requires State Government agencies to provide services that ensure:

- staff and associates are aware of carers' needs
- carers are consulted in the planning, delivery and review of policies and programs that affect them
- the relevant principles of the Carers Charter are followed.

In 2023, the Department of Human Services (DHS) initiated a review of the Act with the aim of better understanding the needs and preferences of the South Australian carers' community. This review was considered with the report from the Commonwealth Inquiry and the [National Carers Strategy](#) to promote national consistency and simplify the policy landscape for South Australian carers.

This resulted in the draft Carers Recognition (Miscellaneous) Amendment Bill, which proposed to:

- Broaden and clarify the definition of 'carer'.
- Broaden the scope of the Act's obligations and reporting requirements.
- Introduce a requirement for the Act to be reviewed every five years.
- Update the Carers Charter.

A consultation draft of the Amendment Bill was released for a four-week public consultation between 7 July 2025 and 1 August 2025 on the YourSAy platform.

3. Who we engaged

Overall, 134 responses were received during consultation, comprised of:

- 107 YourSay Survey responses
- 15 written responses from 19 stakeholders (two joint response)
- 13 responses from public sector agencies

Of the 107 YourSAy responses, 72 (67%) respondents identified as being carers.

4. What we heard

We heard from a diverse range of voices throughout the consultation and key themes emerged regarding the Amendment Bill.

Positive feedback for the Amendment Bill commonly highlighted the broadening and simplifying of the definition of carer, the focus on ‘care relationships’, and the new Carers Charter being clearer, more concise and having regard to intersecting identities.

Many of those who did not support the bill wanted more from the Act than purely recognition, raising the need for financial support, respite options and enforceable human rights for carers. Whilst these issues are acknowledged as important, they are out of scope of the current Act and Amendment Bill.

The following key points of feedback were raised regarding the Amendment Bill.

4.1 Scope of the Act and Amendment Bill

Some respondents recommended the reinstatement of the inclusion of non-government providers as ‘applicable organisations’ in the Act to ensure consistency across the government and non-government sectors.

4.2 Definition of ‘Mental Ill Health’ and ‘Medical Conditions’

The proposed Amendment Bill used the definition of ‘Mental Ill Health’ linked to the definition of ‘Mental illness’ from the *Mental Health Act 2009*.

Many respondents called for a broader interpretation which would include recognition of trauma as an element of mental ill-health. Conversely, it was also suggested that ‘mental ill health’ was not contemporary and suggested ‘mental health condition’ or ‘mental health issue’.

There were also different views on the use of the term ‘medical condition’ with some suggesting it captured the wide range of conditions a person may experience, while others recommended a narrowing of focus to ongoing care. At the same time, many respondents supported a broad definition that encompassed temporary conditions. The specific inclusion of dementia was strongly supported in several submissions.

4.3 Definition of Care Relationship and Carer

There was support for a focus on the care relationship and a definition that provides for the broadest application without specifying carer types. A number of respondents preferred to avoid having specific types of carers listed in the definition.

Conversely, there were some calls for the explicit inclusion of various carer types within the definition of ‘carer’. These were predominantly for the inclusion of informal kinship carers as a distinct group but also included sibling carers, Ngangkari healers, carers where the care recipient has moved to a residential facility, and professional carers.

These carer types, with the exception of professional carers, are not excluded under the Act but only included if they meet the definition of carer.

It was also suggested the explicit recognition of the variety of carer types be included in the Carers Charter.

Aboriginal Cultural Considerations

Recommendations were made to ensure cultural relevance and safety including acknowledgement of holistic caregiving, kinship care structures and the role of care as a cultural and intergenerational responsibility within Aboriginal communities.

Caring for someone who is frail

There was support for retaining the aspect of frailty from the current Act that is not linked to age, which is in alignment with the National Carer Strategy and Commonwealth carer supports such as the Carers Gateway.

Caring for someone experiencing suicidality

There was a call from some stakeholders for the explicit mention of individuals who care for someone experiencing suicidality and/or someone who has made a previous suicide attempt, noting 25% of people who experience suicidal crisis do not have a diagnosed mental illness.

Exclusion regarding volunteers

Section 5(2)(b) which states:

‘A person is not in a care relationship... if the person provides personal care, support or assistance... as a volunteer for a charitable, welfare or community organisation, other than an approved kinship and foster care organisation’.

There was some confusion expressed in relation to this section as to whether it excluded carers who were not linked to a specific organisation, which is not its intention. It was also identified that ‘approved kinship and foster care organisation’, does not make sense in the South Australian context and the wording should refer to approved carers within the meaning of the Children and Young People (Safety) Act 2017.

4.4 Definition of Personal Care

There were calls from some stakeholders for ‘personal care’ to receive a statutory definition, which was previously avoided to provide for the broadest interpretation across a wide range of care relationships, and to avoid a person feeling excluded from the Act should they provide in a way not listed in a definition.

4.5 Reporting by applicable organisations

There were some calls for the expansion of applicable organisations and a requirement for transparent reporting obligations to also include non-government organisations and contract providers.

4.6 Carers Charter

Several stakeholders proposed that the Charter adopt a rights-based approach, which is not aligned with the recommendations of recent State or Commonwealth reviews.

Some concerns were also raised regarding the reduced scope of the proposed Carers Charter compared with the original, particularly the reduction of references to young carers and Aboriginal carers. Recognition of carers in regional and remote South Australia was widely supported. Additionally, there were recommendations to explicitly acknowledge a broader range of carers, including informal, grandparent, kinship and sibling carers within the Charter.

Several submissions further suggested the inclusion of enforceability mechanisms, such as mandatory compliance and transparent reporting requirements for both government and non-government organisations.

5. Next Steps

We appreciate the commitment, time and energy of all respondents who submitted feedback regarding the proposed Amendment Bill.

We will now carefully consider all feedback and make recommendations for changes to the Amendment Bill for consideration by Government, and, ultimately, Parliament.