



**Submission to the Senate
Inquiry into the Disability
Discrimination and Other
Human Rights Legislation
Amendment Bill 2008**

January 2009

This submission was prepared by: Jessica Beswick, Research Officer, Carers Australia
Assisted by Sue Aiesi, Policy and Research Manager, Carers Australia

Title: **CA Submission to the Inquiry into the Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008**

Date: January 2009

On behalf of: Carers Australia and the Network of Carers Associations
PO Box 73
DEAKIN WEST ACT 2600
Telephone: 02 6122 9900
Facsimile: 02 6122 9999
Email: caa@carersaustralia.com.au
Website: www.carersaustralia.com.au

Table of Contents

About Carers Australia	1
About Australia's Carers	1
Response to the Amendments Bill.....	1
Conclusion.....	2
References... ..	2

About Carers Australia

Carers Australia is the national peak body representing those Australians who provide unpaid care and support to family members and friends with a disability, mental illness or disorder, chronic condition, terminal illness or who are frail.

Carers Australia's members are the Carers Associations in each state and territory that deliver specialist information, counselling and others services to carers in the community. Carers Australia is informed about carer issues through its member Carers Associations (the Network of Carers Associations) and its participation in national and international forums.

We believe that all carers are entitled to the same rights, choices and opportunities as other Australians in order to enjoy optimum health, social and economic wellbeing and to participate in family, social and community life, employment and education.

About Australia's Carers

Australia has almost 2.6 million carers, and nearly 500,000 of these are primary carers – the people who provide the most care¹. Carers are from all walks of Australian society and come into the caring journey at various stages throughout their life.

Of around 4 million Australians with a reported disability in Australia, almost one-third had a profound or severe limitation and of those 1.07 million live in private households. 79 per cent of people with a disability living in households received care from the close link between people with disabilities and carers.

Carers are the foundation of our aged and community care system, and the annual replacement value of the vital care they provide is over \$30.5 billion. In 2005 it is estimated that carers provided 1.2 billion hours of unpaid care and the productivity loss of this care is approximately \$4.9 billion.²

Response to the Amendment Bill

Carers Australia welcomes the opportunity to respond to the Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008. The introduction of further amendments to anti-discrimination legislation ensures that people with a disability and their carers will experience greater protection from discrimination. Robust anti-discrimination legislation supports the fundamental right of all people to be treated with dignity and respect.

Carers Australia fully supports the introduction of the Disability and Other Human Rights Legislation Amendment Bill 2008 for the potential benefits it will introduce for carers. Legislative changes that support people with a disability provide peace of mind for carers by ensuring that the people they care for experience respect and fair treatment. The Bill also introduces several amendments to the *Disability Discrimination Act 1992* that provide direct benefits for carers of people with a disability, ensuring that carers are included in and protected by disability discrimination legislation.

The new section 7 of the Bill is particularly positive as it provides direct protection for carers against discrimination on the basis of being an associate of someone with a disability. In practical terms, the physical, medical, emotional and psychological support that carers of people with a disability provide

cannot be wholly conveyed by the term 'associate', but the inclusion of carers in the discussion of associative discrimination provides important recognition of the relationship between carers and persons with a disability.

The Bill outlines that "discrimination on the basis that a person possesses or is accompanied by a carer, assistant or aid, is discrimination on the basis of disability". This is an important acknowledgement that considers that the perception of disability is not confined to the individual but extends to the aids that they use and their relationships with the people around them. Protection should be provided against discrimination on this basis.

The inclusion of provisions that cover present, past, future and imputed accompaniment by a carer under subsection 9(4) also provides important legislative protection against subtleties of discrimination for people with a disability and their carers.

These amendments represent a shift in the current approach to discrimination, by encouraging mindfulness of potential discriminatory outcomes. Further, they support the idea that people with a disability should be accommodated for wherever possible.

In the future, Carers Australia would like to see this concept extended to carers through national legislation that encourages mindfulness of the needs of carers in the community and states that proactive steps be taken to avoid disadvantaging individuals on the basis of their caring responsibilities.

Conclusion

Carers Australia fully supports the introduction of the Disability Discrimination and Other Human Rights Amendment Bill 2008. We believe that it introduces better protection against discrimination for carers of people with a disability and welcome the acknowledgement of the role of carers in national legislation.

Protection against discrimination in law encourages people to openly express themselves in all aspects of life— in the home, the workplace and the community— without fear of negativity or reprisal. Carers Australia considers that the introduction of these amendments will support people with a disability and their carers to experience a greater level of social participation and enhance carers' security and peace of mind.

The introduction of the amendments Bill is an example of the government improving on current legislation. We believe that these amendments indicate a willingness on the part of the Australian Government to support all carers across a range of legislation in the future.

References

¹ Australian Bureau of Statistics (2004) 2003 Disability, Ageing and Carers: Summary of Findings, Australia, Canberra

² Access Economics (2005) The Economic Value of Informal Care, prepared for Carers Australia, Canberra