



Queensland

Seniors Recognition (Grandparents Providing Care) Bill 2010



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2010

A Bill

for

An Act to provide for the recognition of grandparents providing full-time care to their grandchildren and to ensure their interests are considered when making decisions that impact on their ability to care for their grandchildren

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

1 Short title 3

This Act may be cited as the *Seniors Recognition*
(Grandparents Providing Care) Act 2010. 4
5

2 Commencement 6

This Act commences on a day to be fixed by proclamation. 7

3 Dictionary 8

The dictionary in schedule 2 defines particular words used in
this Act. 9
10

4 Act binds all persons 11

(1) This Act binds all persons including the State and, as far as
the legislative power of Parliament permits, the
Commonwealth and all other States. 12
13
14

(2) Subsection (1) does not make the State, the Commonwealth or
another State liable for an offence. 15
16

5 Main objects of Act 17

The main objects of this Act are— 18

(a) to recognise the valuable contribution of a grandparent
providing full-time care to his or her grandchild because
a parent— 19
20
21

(i) has impaired capacity; or 22

	(ii) would likely cause an unreasonable risk to the child's health or welfare without support; or	1 2
	(iii) is otherwise not willing or able to provide full-time care; and	3 4
	(b) to provide a mechanism for the interests of grandparents providing full-time care to be considered in decisions about the provision of services that impact on their grandchildren or their ability to continue to provide full-time care to their grandchildren.	5 6 7 8 9
6	Interpretation	10
	In interpreting a provision of this Act or another Act, a construction that would promote the Grandparent Carers Charter is to be preferred to a construction that would not promote the Grandparent Carers Charter.	11 12 13 14
7	The Grandparent Carers Charter	15
	The Grandparent Carers Charter (the <i>charter</i>) is set out in schedule 1.	16 17
Part 2	Decisions affecting grandparents providing care	18 19
8	Meaning of <i>relevant decision</i>	20
	For this part, a <i>relevant decision</i> is a decision that may—	21
	(a) affect children who receive full-time care from a grandparent; or	22 23
	(b) affect the ability of a grandparent to continue to provide full-time care to a grandchild.	24 25

[s 9]

9	Decision-maker must consider the charter	1
(1)	A decision-maker making a relevant decision must ensure that the decision is consistent with the principles of the charter.	2 3
(2)	An employee of a decision-maker involved in a multi-staged decision-making process relating to a relevant decision must ensure his or her actions are consistent with the principles of the charter.	4 5 6 7
(3)	An office of a decision-maker must ensure that the office has a program for providing training and awareness of the charter to its employees.	8 9 10
10	Decision-maker must consult with representative bodies	11
(1)	Before making a relevant decision, a decision-maker must—	12
(a)	issue a notice to representative senior carers bodies—	13
(i)	outlining details of the relevant decision; and	14
(ii)	inviting the representative senior carers bodies to make submissions on the relevant decision within a stated time at least 20 business days after the notice was issued; and	15 16 17 18
(b)	consider any submissions received within the time stated in the notice.	19 20
(2)	In this section—	21
	<i>representative senior carers bodies</i> means community groups prescribed under a regulation.	22 23

Part 3	Carers Advisory Council	24
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11	Administration by council	25
	The council must—	26

[s 12]

-
- (a) work to advance the interests of grandparents who provide full-time care to their grandchildren; and 1
2
 - (b) promote compliance by decision-makers with the charter; and 3
4
 - (c) make recommendations to the Minister on enhancing compliance by decision-makers with the charter. 5
6

Part 4 **Miscellaneous** 7

12 **Regulation-making power** 8

The Governor in Council may make regulations under this Act. 9
10

Schedule 1	The Grandparent Carers Charter	1
		2
	section 7	3
	Because—	4
	the Parliament recognises that grandparents who provide accommodation and care for their grandchildren make a significant contribution to the lives of their grandchildren and deserve respect and support for their roles as full-time carers;	5 6 7 8
	this Act establishes the following Grandparent Carers Charter—	9 10
1	The State recognises the effort and dedication of grandparents in our community and the vital community service they perform.	11 12 13
2	The State recognises that grandparents who provide full-time care to their grandchildren are primary care givers and deserve the same rights as other primary care givers.	14 15 16 17
3	The relationship between grandparent and grandchild should be honoured and respected.	18 19
4	Grandparents providing full-time care to their grandchildren should be respected by our community and supported by all levels of government, institutions and organisations.	20 21 22 23
5	The views and needs of grandparents, providing full-time care to their grandchildren, should be taken into account, together with the views, needs and best interests of their grandchildren, when making decisions that may affect either the grandchild or the ability of the grandparent to provide full-time care.	24 25 26 27 28 29
6	Grandparents should be recognised for the unique knowledge, love and experience they contribute to their grandchildren’s growth through formative years.	30 31 32

Schedule 2	Dictionary	1
	section 3	2
<i>charter</i>	see section 7.	3
<i>council</i>	means the Carers Advisory Council established under the <i>Carers (Recognition) Act 2008</i> .	4 5
<i>decision-maker</i>	means a person who is authorised, under an Act, statutory instrument or quasi-legislation, to make a decision that may affect a person or group of persons.	6 7 8
<i>full-time care</i>	of a child by a grandparent, means at least 30 hours a week of care and supervision provided to the child in the grandparent's home or another place.	9 10 11
<i>grandparent</i>	of a child, includes the spouse of a grandparent of the child.	12 13
<i>Grandparent Carers Charter</i>	see section 7.	14
<i>impaired capacity</i>	see the <i>Guardianship and Administration Act 2000</i> .	15 16
<i>employees</i>	includes the following—	17
(a)	part-time, full-time or casual employees;	18
(b)	contractual and non-contractual employees;	19
(c)	paid or unpaid employees;	20
(d)	agents or their employees;	21
(e)	volunteers.	22
<i>quasi-legislation</i>	includes—	23
(a)	documents publicly notified that describe how an Act or statutory instrument will be interpreted by the administering or review body; and	24 25 26

Schedule 2

- (b) arrangements or agreements made by administering or 1
review bodies that directly or indirectly affect the 2
operation of an Act or statutory instrument. 3
- relevant decision* see section 8. 4