



Speech by

**Michael Crandon**

**MEMBER FOR COOMERA**

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

**Mr CRANDON** (Coomera—LNP) (9.21 pm): I rise to contribute to the cognate debate on the Carers (Recognition) Amendment Bill 2010 and the Seniors Recognition (Grandparents Providing Care) Bill. The Carers (Recognition) Amendment Bill was introduced by the Minister for Disability Services and Multicultural Affairs. The Seniors Recognition (Grandparents Providing Care) Bill was introduced by the member for Burdekin. It is also the case that the Carers (Recognition) Bill was introduced by the member for Burdekin in 2008. Fundamentally, the Seniors Recognition (Grandparents Providing Care) Bill is the only bill that will achieve the goals of recognising the Grandparent Carers Charter, the major focus of the bill. This is not about politics. Sadly, that is what this government has made it. Grandparents caring for their grandchildren is very different from carers, whether they be parents or others, caring for those with disabilities. It is a very different situation and should be treated as such. Carers should be retained under the Carers Charter under the disabilities legislation. Grandparents should be under a separate charter under families legislation. By attempting to make all carers the same, we will end up with an inferior charter. Simply put, the charter that the member for Burdekin proposes in her bill provides that if changes will affect grandparents they will be consulted.

Two areas of the minister's bill cause me concern. The explanatory notes to the Carers (Recognition) Amendment Bill 2010 relating to clause 5 state—

This clause amends the definition of *carer* in section 6 to provide that a grandparent is a carer for his or her grandchild if the child lives with the grandparent and the grandparent is the primary care-giver and decision-maker for the child.

It then goes on to say that it excludes grandparents who look after the children whilst their parents are working and under various circumstances. There is a fundamental error and a fundamental concern in this, and of course in recent times we received an erratum to the explanatory notes. I note that it is not an erratum to the bill at hand but an erratum to the explanatory notes, and it clarifies the wording for 'decision maker'. In clarifying the wording for 'decision maker', it makes clear that this bill was perhaps done in haste or certainly not a great deal of attention was applied to the wording within the bill. The erratum states—

The words 'decision-maker' include both day to day decision-maker where the lawful guardian of the child is someone other than the grandparent and also where the grandparent is the lawful guardian of the child.

That raises a fundamental issue and a fundamental situation, and that fundamental situation is this: many grandparents who look after their grandchildren do not have the decision-making rights that we would expect someone looking after a child in full-time care would have, and the reality is that many of those children are under the guardianship of someone else. Grandparents do not have the decision-making options, for example, to move a child from a school. They do not have the ability to be able to move a child from one school to another. They have to go to someone else. Under the wording that was first proposed by the minister, it was clear that so many—in fact, I would argue the majority—grandparents would in fact have found themselves out in the cold because they would not have come under the charter. In recent days there has been this hurried explanation that 'decision maker', which really has no standing

in law and no standing in the existing act, is now being watered down. For example, if a grandparent takes a child to the doctor and gives medication to the child that has been provided by a doctor, then that is a decision-making power. However, it was not the same power that we saw in the original definition of 'decision maker.'

The second area that concerns me relates to clause 9. Once again, there is an erratum to water down clause 9. Essentially, clause 9 gave an assurance that grandparent carers' access to information that supports them in their role of caring full time for their grandchildren was available. However, that is now watered down. This refers to things such as their health situation—that is, being able to go to the doctors and say, 'Tell me, how has my grandchild's health been over the last five years?' and various other very important questions that a grandparent full-time carer would want to ask. However, we now find that the capacity to gather that information under clause 9 has been watered down in that the erratum states—

... Grandparents providing full-time care for their grandchildren could access information of a general nature ...

So they can access information of a general nature as opposed to that more important fundamental information that a carer of a child needs to have so that they can make appropriate decisions for that child's care as if that child was being cared for by their natural parent.

We have that situation where a natural parent is able to do all of those things, gather all of that information, but on the other hand we now have a situation where a grandparent who is caring for the child does not have that same capacity. That is a watering down of the bill. I am only able to support the bill that has been put to this House by the member for Burdekin. I cannot support the bill put forward by the minister on this occasion.