
Carer rights and recognition

Summary

- A carer should be respected and recognised as a person with their own needs, as a carer and as someone with special knowledge of the person they care for.
 - Carers should be recognised for their efforts and the contribution they make to the community because of their care role. Both carers and the people they care for should always have their views and needs considered.
 - Carers can only access someone else's medical records if they are their authorised representative.
 - It's important to support care relationships, for the health and wellbeing of both the carer and the person being cared for.
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No matter what level of care you provide and the type of care relationship you are in, you have rights. Respect, consideration, recognition and support are some of the principles that guide how government departments, local councils and government-funded services work with carers and the people they care for.

In July 2012, the Victorian Government introduced legislation to recognise, promote and value the role of carers. The Carers Recognition Act 2012 formally acknowledges the role of carers and the importance of care relationships in the Victorian community.

The Act includes a set of principles about the significance of care relationships and the obligations state government agencies, local councils and other organisations have when interacting people in care relationships.

Principles relating to carers

The principles relating to carers include that a carer should:

- be respected and recognised
 - as an individual with their own needs
 - as a carer
 - as someone with special knowledge of the person in their care
- be supported as an individual and as a carer, including during changes to the care relationship
- be recognised for their efforts and dedication as a carer and for the social and economic contribution to the community that comes from their role as a carer
- if appropriate, have their views and cultural identity taken into account, together with the views, cultural identity, needs and best interests of the person they care for, in matters relating to the care relationship, including when decisions are made that impact on the carer and the care relationship
- have their social wellbeing and health recognised in matters relating to the care relationship
- have considered when deciding to become a carer the effect that the caring role would have on their participation in employment and education.

Principles relating to the person being cared for

The principles relating to people being care for state that a person being cared for should:

- be respected, recognised and supported as an individual and as a person in a care relationship, including when the care relationship changes.
 - have their views and needs taken into account.
 - have their changing needs considered when taking into account how they are cared for.
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Principles relating to the care relationship

Principles relating to care relationships specify that a person in a care relationship should:

- have their care relationship respected and honoured
- if appropriate, have their views considered in the assessment, planning, delivery, management and review of services affecting them and the care relationship.

Accessing the health records of someone you care for

You only have the right to access someone else's health and medical records if you are their authorised representative. For someone under 18 years of age, this is a parent or guardian. For someone over 18, this is either someone legally authorised to act on the person's behalf, or an otherwise appropriate person such as a spouse, partner or friend.

To become an authorised representative for someone under 18, you need to prove your identity and your relationship to the person. Some of the ways you can prove your relationship is by showing a Medicare card with your name and the young person's name on it, their birth certificate showing you as their parent, or a court order.

Raising concerns about services

If you have concerns about the services you deal with, the best place to start is to speak directly with the staff at these services.

It may be useful to use the **Carers Recognition Act 2012** to guide your discussion. Some organisations have their own dedicated complaints procedures that they will ask you to follow. Most hospitals have a patient liaison officer who will be able to guide you through the process.

If you get stuck or need help working through the complaints process, there are a number of organisations providing advocacy and mediation services that can help you voice your concerns.

Getting legal advice and assistance

If you have concerns that your rights as a carer or the rights of the person you care for have been violated, you may need to seek legal advice or assistance.

The **Dispute Settlement Centre of Victoria (DSCV)** is a free dispute resolution service that the Victorian Government funds. DSCV provides free, practical strategies and mediation services.

The **Federation of Community Legal Centres** offers information on free legal services in several areas including information, referral and advice.

Victoria Legal Aid offers free legal advice to Victorians.

Where to get help

- Your doctor
- **Carers Victoria**, call 1800 242 636
- **Tandem**, call (03)8803 5555
- **Royal Australasian College of Surgeons**, call (03) 9249 1200
- **Medical Practitioners Board of Australia**, call 1300 419 495
- **Health Complaints Commissioner**, call, (03) 8601 5200 or 1800 136 066

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Department of Health and Human Services

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