

# Rights and responsibilities in caring for a family member

## Rights and responsibilities explained

When caring for an older person, it can be helpful to consider the rights and responsibilities you each have.

Broadly speaking this falls under the Aged Care Act (1997). There is no Act relating to being a carer - but you still have rights.

## The responsibilities in caring

In providing care to a family member or friend, there is often a fine line between helping and taking control. If the person you care for has the capacity to make decisions for themselves (check this with their GP if unsure), your responsibility lies with telling them about their options, encouraging them in what you feel is the 'right' decision and then supporting them as far as possible.

When caring for an older person you should:

- ▣ Treat them with respect.
- ▣ Protect their dignity and privacy.
- ▣ Provide information and advice - but not ultimatums.
- ▣ Be upfront and honest about the kind of care and support you and other family members can offer.
- ▣ Involve them in decisions about how the care and support will be provided.
- ▣ Allow them to make their own decisions where at all possible.
- ▣ Accept that they may choose to take risks.
- ▣ Know that you will not automatically have access to information about them from their GP, health professional or service provider. The transfer of health information requires their consent.

The Privacy Act and Health Records Act restrict the type and extent of information that carers and families can be given without the expressed permission of their family member.

If the person you care for is not capable of giving permission for you to receive or access information about them, the Health Records Act allows an 'authorised representative' to exercise the person's rights in relation to health information.

The authorised representative may be yourself, a family member or friend acting as the 'person responsible' under the Guardianship and Administration Act. Alternatively, it may be the person's enduring guardian - or it may be their enduring power of attorney (financial), where the information is about their financial matters.

More information on this is available from Office of the Public Advocate on 1800 066 969.

## The rights of carers

Carers have rights too. Be clear about your rights as well as your responsibilities. It will help you to find a balance between caring and the other things in your life.

As a carer you have the right to:

- ▣ Dignity and privacy.
- ▣ Be treated with respect.
- ▣ Be asked to help - not expected to.



- ☒ Be acknowledged as the carer and included in any decision making about the support needs of the person you care for.
- ☒ Choose the types of tasks you are comfortable helping with - e.g. preparing meals as opposed to showering.
- ☒ Ask other family members for assistance and support.
- ☒ Negotiate with the person you care for about using support services.
- ☒ Access support services to help with caring.
- ☒ Provide important or helpful information to GPs, health professionals and service providers.
- ☒ Offer suggestions and raise concerns when necessary.
- ☒ Reduce the level of support you offer or stop providing care, when and if you need to.

## Further information on rights and responsibilities

It can be helpful to talk through a specific situation when it arises. You may like to contact:

- ☒ The [Commonwealth Carer Resource Centre](#) for information, support and advice to people caring for a family member or friend - ph: 1800 242 636\*.
- ☒ [Office of the Public Advocate](#) - ph: 1800 066 969
- ☒ [Financial and legal considerations - Part 2: Guardianship and administration orders](#) - information sheet.

Contact the [Commonwealth Carer Resource Centre](#) on 1800 242 636\* to request the above information sheet be sent to you - or to find out about other information sheets in this series.

\*Free call except from mobile phones. Mobile calls at mobile rates.

We do our best to keep these links up to date, but the internet changes all the time. If you can no longer access any of the above resources, please go to our [Internet Troubleshooting Guide](#), or email us at [website@carersvic.org.au](mailto:website@carersvic.org.au)