



Cabinet Social Policy Committee

SOC Min (12) 9/1

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Minute of Decision

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Paid Family Carers Case: Implications of the Court of Appeal's Decision

Portfolio: Health

On 30 May 2012, the Cabinet Social Policy Committee (SOC):

- 1 **noted** that on 14 May 2012, the Court of Appeal upheld the decisions of the High Court and the Human Rights Review Tribunal in *Ministry of Health v Atkinson & Others* that the Ministry of Health's (MoH) policy of not paying the family carers of adult children with a disability represented unjustified discrimination on the basis of family status;
- 2 **noted** that the Attorney-General needs to make a final decision on whether to seek leave to appeal to the Supreme Court by 12 June 2012;
- 3 **noted** that *Ministry of Health v Atkinson & Others* has substantial implications for support funded through the Vote Health National Disability Support Services appropriation, and may have significant implications for some services funded through District Health Boards, the Ministry of Education (MoE), and the Ministry of Social Development (MSD);
- 4 **noted** that on 21 May 2012, Cabinet noted that the Minister of Health (the Minister) intended to ask the Director-General of Health to work with the Social Sector Forum Chief Executives to consider the implications of the Court of Appeal's decision, and to provide further advice to SOC as soon as possible [CAB Min (12) 17/14];
- 5 *{redacted under Official Information Act 1982 Section 9(2)(f)(iv) to protect confidentiality of advice between Ministers of the Crown and officials}*
- 6 **noted** that the Minister has established a Technical Advisory Group of experts from the disability sector to help officials to work through the issues raised by *Ministry of Health v Atkinson & Others* for supports funded through the Vote Health National Disability Support Services appropriation;
- 7 **invited** the Minister to provide a further update to Cabinet once a final decision has been made on whether to appeal *Ministry of Health v Atkinson & Others* to the Supreme Court.

Reference: SOC (12) 41