



Cabinet

CAB Min (12) 25/13

Copy No: 24

Minute of Decision

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Paid Family Carers Case: Work to Date and Scope of Future Policy Work

Portfolio: Health

On 23 July 2012, following reference from the Cabinet Social Policy Committee (SOC), Cabinet:

- 1 **noted** that the decision to not appeal the Court of Appeal's decision in *Ministry of Health v Atkinson & Others* (the Family Carers case) [CAB Min (12) 20/13] means that the focus of future work is now on understanding the implications of the decision and developing policy responses;
- 2 **noted** that the highest priority for future work is developing a response to the particular discrimination that was considered by the Courts in reaching their decisions – the Ministry of Health's (MoH) policy of not paying the parents of adult sons and daughters to deliver Home and Community Support services;
- 3 *{redacted under Official Information Act 1982 Section 9(2)(f)(iv) to protect confidentiality of advice between Ministers of the Crown and officials}*
- 4 **noted** that the date on which the Order suspending the Human Rights Review Tribunal's declaration of discrimination is lifted will be determined either through agreement with the plaintiffs or through a decision by the Courts;
- 5 **agreed** that, if the timeframe for lifting the Suspension Order allows, MoH will consult with the disability and carers communities on how the government might respond to the issues raised by the Family Carers case;
- 6 **invited** the Minister of Health to report to SOC in August 2012 on:
 - 6.1 the policy options, costings, and implementation issues for responding to the particular discrimination that was considered by the Courts in the Family Carers case;

- 6.2 if there is sufficient time to consult with the disability and carers' communities, a document on which to base a consultation process.