

Aide-mémoire



**MINISTRY OF SOCIAL
DEVELOPMENT**
TE MANATŪ WHAKAHIATO ORA

Meeting

Date: 18 June 2021 **Security Level:** IN CONFIDENCE

For: Hon Carmel Sepuloni, Minister for Social Development

File Reference: REP/21/6/625

Meeting with the Disability Rights Commissioner

Meeting/visit details 3.15 – 3.45pm, 21 June 2021, Minister's office

Expected attendees Paula Tesoriero, Disability Rights Commissioner

Purpose of meeting/visit This is one of your regular quarterly meetings for 2021 with the Disability Rights Commissioner, Paula Tesoriero.

Paula Tesoriero has advised she wishes to raise the following topics:

- Increases to Child Disability Allowance
- Changes to benefit rates and impact on Temporary Additional Support and Disability Exception Amounts
- Disability Support Services eligibility criteria for people with Fetal Alcohol Spectrum Disorder and others
- Accessibility legislation progress update.

There is also an opportunity for you to ask the Disability Rights Commissioner about:

- The Attitudes Campaign/Social Change – Project Mobilise being developed by the Human Rights Commission
- The United Nations Convention on the Rights of Persons with Disabilities update forum
- On a more informal note, Paula Tesoriero is preparing to travel to the Paralympics in Japan as New Zealand's Chief de Mission at the games.

Background **Correspondence on Child Disability Allowance increases**

The Disability Rights Commissioner wrote to you on 29 March wanting to follow up on previous discussions regarding increases to Child Disability Allowance (CDA) as a means of alleviating poverty for disabled children and their families.

You responded on 24 May saying you had asked officials to provide you with further advice on CDA and potential options for change.

You also mentioned the adjustments to the formula for Temporary Additional Supplement (TAS) and the Disability Exception as part of main benefit changes through Budget 2021. It is likely she may ask about this.

Attitudes Campaign/Social Change – Project Mobilise

The Office for Disability Issues (ODI) is working with the Ministry of Social Development (MSD), to secure funding of \$400,000 for the Human Rights Commission (HRC) to progress the design of its Attitudes Campaign for 2021/22.

The grant will be approved by MSD procurement committee shortly. HRC has developed a detailed proposal to support the funding.

Improving attitudes towards disability and supporting disabled people to be treated with dignity and respect is a key outcome of the New Zealand Disability Strategy. Currently the Disability Action Plan does not have a work programme that explicitly addresses attitudes.

Access to services for children with Fetal Alcohol Spectrum Disorder

In July 2020, the Disability Rights Commissioner and the Children's Commissioner provided a report, *Fetal Alcohol Spectrum Disorder: A call to Action*, to the Prime Minister requesting a meeting with relevant Ministers to discuss how to advance the issues raised.

The primary report recommendation was that people with Fetal Alcohol Spectrum Disorder (FASD) and their families/whānau should be eligible to access Ministry of Health-funded Disability Support Services (DSS) and that a Cabinet decision be made to allow this.

In February the Prime Minister, Minister of Health and yourself met with Children's Commissioner, Judge Andrew Becroft and Disability Rights Commissioner, Paula Tesoriero to discuss access to services for children with FASD following the July 2020 Report.

You and Paula Tesoriero have continued FASD discussions throughout 2019, 2020, and 2021.

Correspondence on CDA increases **Child Disability Allowance**

CDA is a non-taxable, fortnightly allowance available to the main carer of a child or young person with a serious disability. It is paid in recognition of the extra care and attention needed for the child.

CDA is a universal payment set at a weekly rate of \$49.83 and is not income or asset tested.

Temporary Additional Support and Disability Exemption

When someone is in hardship and their disability costs exceeds the Disability Allowance (DA) maximum (\$66.11 per week), they may qualify for TAS. The maximum amount that can be paid for TAS is called the 'TAS Upper Limit' and is equal to 30 percent of the main benefit the client is receiving. If the client's disability costs exceed the TAS Upper Limit, they may also qualify for the Disability Exception Amount to help cover the remaining disability costs.

The current Disability Exception Amount Formula can double count disability costs, which results in some clients disproportionately losing their Disability Exception Amount where their income increases marginally.

As part of main benefit changes, MSD adjusted the Disability Exception formula to better recognise disability costs and ensure people are not unintentionally financially disadvantaged if their income changes in the future.

In addition, the new formula ensures people with very high disability costs will be better off because the first \$100 of the disability costs will now be covered in full by the Disability Exception Amount, with any remaining disability costs being subsidised by 30 percent.

Talking points Health and disability work programme

- The Welfare Expert Advisory Group (WEAG) recommended creating a fairer deal for disabled people, people with health conditions and their carers
- Improving supports and services for disabled people, people with health conditions and their carers remains a key medium-term focus area of the Government's welfare overhaul work programme
- However, the welfare overhaul work is wide-ranging and will take time
- Following our meeting in March, I had asked officials to provide me with further advice on the Child Disability Allowance and potential options for changes
- This work is underway, and I am expecting an update on the health and disability work programme, including advice on CDA and potential options for change.

Budget 2021 reflections

- This Government is committed to improving the outcomes for disabled New Zealanders so they can experience the same quality of life as non-disabled New Zealanders
- As part of Budget 2021, we increased main benefit rates by between \$32 and \$55 per adult, in line with a key recommendation from WEAG
- Allowing low-income New Zealanders to have more money

to meet their living costs and children's needs, is a step in the right direction

- These investments mean that by 1 April 2021, 109,000 families with children, will be, on average, \$175 per week better off as a result of changes made by the Government since 2017.

Attitudes Campaign/Social Change – Project Mobilise

- I was pleased to hear that ODI, with MSD has been working to secure funding to support the Human Rights Commission Attitudes Campaign
- What is the plan for, and what can we expect from, the Attitudes Campaign?

Access to services for children with Fetal Alcohol Spectrum Disorder

- Thank you for your continued interest in this important issue
- My expectation is, off the back of the meeting in February, that the Ministry of Health is progressing the FASD action plan, including service design work and will give consideration to the eligibility criteria.

UNCRPD update forum with the Independent Monitoring Mechanism in October

- Thank you for the work that is being done to create this opportunity to review our commitment to progressing the United Nations Convention on the Rights of Persons with Disabilities
- I do not have a firm decision yet on whether this will go ahead, I am looking for the process to be genuine and authentic and move our commitment forward
- How do you think the United Nations and the disability community in New Zealand will view the approach that has been proposed?

Accelerating Accessibility work programme

- MSD officials and the Access Alliance have been working together in partnership to develop an Accessibility for New Zealand Act. It is intended that accelerating accessibility will provide for the effective identification, prevention, and progressive removal of accessibility barriers at a system level
- Officials are currently working on the detailed design of the future accessibility system and the supporting legislation
- I am expecting legislation will create a strong mandate and positive duty for societal change and will establish clear responsibility and accountability mechanisms to ensure that systemic barriers are removed
- I intend to take a final policy proposal to Cabinet on the Accelerating Accessibility work programme in September
- I understand MSD officials have arranged a meeting with

you on 25 June to discuss the Accelerating Accessibility work programme

- The conversations that will arise from the meeting will help ensure that the new accelerating accessibility system is effective. I look forward to hearing about how the meeting goes in due course.

Next steps

You are scheduled to meet with Paula Tesoriero two more times this year:

- Thursday 23 September, 9.00 - 9.30am
- Wednesday 24 November, 8.30 - 9am

You will also meet her at the upcoming Ministerial Leadership Group on Disability Issues' meeting with the Independent Monitoring Mechanism, scheduled for:

- Wednesday 23 June, 3.15 - 4.15pm
- Wednesday 24 November, 3.15 - 4.15pm

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