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2 July 2015

Ms Catherine Batt
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Dear Ms Batt

Ref: H201501462

Response to your request for official information

Thank you for your requests of 27 April and 5 May 2015 under the Official Information Act 1982 (the Act) for information about family carers, following the Human Rights Review Tribunal decision in 2010. You asked for:

- final or incomplete cost or economic analyses on family carers (whether authored by the Ministry of Health (the Ministry) or not, or commissioned by the Ministry or not)
- any reviews of family carer policy (whether authored by the Ministry or not, or commissioned by the Ministry or not)

Documents being released

The Ministry has found 31 documents that relate to your request. I have decided to release 22 documents, which are listed in Table 1 with copies of the documents attached. Four documents are being released as excerpts because only parts of the documents are relevant, and eight documents are being released with redactions. The specific grounds for redacting information under the Act are stated in Table 1.

As you are aware, the Cabinet papers and minutes relating to the family carers litigation are publicly available on the Ministry's website (www.health.govt.nz). I have decided to remove some of the redactions that were made to the public versions of the Cabinet papers and re-release these papers to you. This is because some of the reasons under the Act for withholding information in these papers no longer apply.

Some of the documents being released to you were prepared for an Expert Advisory Group (EAG) that the Ministry established in mid-2012. The purpose of the EAG was to review and advise on the economic and fiscal issues raised by the family carers litigation and Court decisions. The Ministry asked the EAG to review two economic models. These models were designed to provide Cabinet with information about the possible financial impacts of paying family carers under various policy options. The first economic model informed the Ministry's September 2012 paper to Cabinet, and the second economic model informed the Ministry's December 2012 paper to Cabinet. The EAG papers being released to you explain the methods behind the two economic models.

I am also releasing to you an incomplete Ministry paper entitled *The costs of paying family carers: A draft analysis for consultation*. The paper was written in 2012 by a former

Ministry official to promote discussion within the Ministry about the fiscal assumptions of paying family carers. The paper is a summary of the author's analytical work, and the views expressed in the paper are the sole opinion of the author only. The methodology described in the paper was not used to develop the two economic models that the Ministry prepared for Cabinet.

Table 1:		
Type & Title of Document	Date	Comment
Evidence presented to the Human Rights Tribunal Case: Idea Services Ltd v Ministry of Health – *Statement of Kieran Murray*	17 September 2010	Released in full.
Report by Martin, Jenkins & Associates Limited – *Family Caregivers for Persons with Disabilities.*	November 2011	Released in full.
Draft Health Report 20120262 – *Ministry of Health v Atkinson & Others (payment to family carers) litigation*	April 2012	Relevant excerpt released under s16(e) of the Act. The draft report was not provided to the Minister of Health.
Draft Health Report 20120520 – *Atkinson and Others v Ministry of Health (payment for family carers) – Next Steps*	May 2012	Relevant excerpt released under s16(e) of the Act. The draft report was not provided to the Minister of Health.
Health Report 20120830 – *Cabinet Paper on Paid Family Carers Case: Work to Date and Scope of Future Policy Work*	27 June 2012	Relevant excerpt released under s16(e) of the Act. Redaction made to the appendix under s9(2)(f)(iv) of the Act to protect the confidentiality of advice tendered by Ministers of the Crown and officials.
Cabinet Paper – *Paid Family Carers Case: Work to Date and Scope of Future Policy Work*	15 July 2012	Released in full.
Draft internal Ministry document – *The Costs of Paying Family Carers*	August 2012	Redactions made under section 9(2)(ba)(ii) of the Act to protect information which is subject to an obligation of confidence.
Paper to the Family Carers Expert Advisory Group – *Number of informal carers*	24 August 2012	Released in full.
Paper to the Family Carers Expert Advisory Group – *Take up rates*	24 August 2012	Released in full.
Cabinet Paper – *Consultation on policy options*	9 September 2012	Paragraphs 13, 15, and 48(10) redacted under s9(2)(f)(iv) of the Act to protect the confidentiality of advice tendered by Ministers of the Crown and officials.
Internal Ministry document – *Handover - method behind fiscal impact estimates included in September 2012 Family Carers Cabinet Paper.*	29 October 2012	Redaction made under section 9(2)(ba)(ii) of the Act to protect information which is subject to an obligation of confidence. **Refers to the first economic model.**

Table 1:		
Type & Title of Document	Date	Comment
Ministry meeting notes – *Paying Family Caregivers*	5 November 2012	Released in full.
Ministry meeting notes – *Family caregivers*	7 November 2012	Released in full.
Paper to Economics Advisory Group – *Method used to estimate fiscal cost of paying family carers, September 2012*	15 November 2012	Released in full. **Refers to the first economic model.**
Presentation to the Economics Advisory Group – *Family Carers September 2012 Estimates of Fiscal Impact*	15 November 2012	Released in full. **Refers to the first economic model.**
Presentation – *Paid Family Care-givers Summary of Costing Methodology*	21 November 2012	Redaction made under section 9(2)(ba)(ii) of the Act to protect information which is subject to an obligation of confidence. **Refers to the second economic model.**
Ministry meeting notes – *Family Carers Economic Modelling Review Notes*	15 November 2012	Released in full. **Refers to the second economic model.**
Excel spreadsheet – *Paid Family Carers – Modelling of Estimated Costs*	7 December 2012	Relevant excerpt released under s16(e) of the Act. **Refers to the second economic model.**
Cabinet Paper – *Paid Family Carers Case: Proposed Response*	11 December 2012	Paragraph 27 redacted under s9(2)(h) of the Act to maintain legal professional privilege.
Cabinet Paper – *Family Carers Case: Implementation of Proposed Response and Consideration of Broader Issues*	22 March 2013	Paragraphs 14–18, 29, 32, 62(2) redacted under s9(2)(h) of the Act to maintain legal professional privilege.
Aide Memoire – *Family Carers SOC Paper 27 March 2013*	26 March 2013	Paragraph 5 redacted under s9(2)(h) to maintain legal professional privilege, and paragraph 12 redacted under s9(2)(f)(iv) of the Act to protect information which is subject to an obligation of confidence.
Health Report 20130709 – *Preliminary estimates of extending the Paid Family Carers policy to people with chronic health conditions*	1 June 2013	Released in full.

Documents being withheld

I have decided to withhold six documents that fall within the scope of your request — these documents are listed in Table 2 along with the specific reasons for withholding under the Act.

Table 2		
Type & Title of Document	**Date**	**Comment**
Human Rights Review Tribunal Case: Atkinson & Others v Ministry of Health – *Brief of Evidence of John Marney*	22 March 2013	Withheld in full under section 9(h) of the Act to maintain legal professional privilege.
Human Rights Review Tribunal Case: Atkinson & Others v Ministry of Health – *Brief of Evidence of Harvey John Steffens*	25 March 2013	Withheld in full under section 9(h) of the Act to maintain legal professional privilege.
Human Rights Review Tribunal Case: Atkinson & Others v Ministry of Health – *Second Brief of Evidence of Harvey John Steffens*	19 August 2013	Withheld in full under section 9(h) of the Act to maintain legal professional privilege.
Health Report 20131629 – *Options for Responding to Issues Raised by Spencer V Attorney General and Other Similar Cases*	20 December 2013	Withheld in full under section 9(h) of the Act to maintain legal professional privilege.
Human Rights Review Tribunal Case: Spencer v Ministry of Health – *Brief of Evidence of Donald Stephen Gray*	5 December 2014	Withheld in full under section 9(h) of the Act to maintain legal professional privilege.
Human Rights Review Tribunal Case: Spencer v Ministry of Health – *Brief of Evidence of Nicholas Hunn*	5 December 2014	Withheld in full under section 9(h) of the Act to maintain legal professional privilege.

Documents publicly available or to be publicly released

There are two documents listed in Table 3 that are relevant to your request and available on the Ministry's website. I am refusing your request for these documents under section 18(d) of the Act because they are publicly available.

I am also refusing your request, section 18(d) of the Act, for one report that will publicly available soon. The report is entitled *Evaluation of Funded Family Care* and it was prepared by the consultancy firm Artemis Research. The Ministry contracted Artemis Research to independently evaluate the implementation of the Government's Funded Family Care scheme. At this stage, the report is being considered by the Minister of Health, but the Ministry intends to release the report on the Ministry's website in the near future.

Table 3		
Type & Title of Document	**Date**	**Comment**
Ministry publication – *Consultation on Paying Family Carers to Provide Disability Support*	19 September 2012	Available on the Ministry's website: http://www.health.govt.nz/publication/consultation-paying-family-carers-provide-disability-support-2012
Regulatory Impact Statement – *Government Response to the Family Carers Case*	15 March 2013	Available on the Ministry's website: http://www.health.govt.nz/system/files/documents/pages/ris-government-response-family-carers-case.pdf

Table 3		
Type & Title of Document	**Date**	**Comment**
External report – *Evaluation of Funded Family Care*		Will be available on the Ministry's website in the near future.

You have the right, under section 28 of the Act, to ask the Ombudsman to review my decision to withhold information under your request.

Yours sincerely

T. h. Wall

Teresa Wall
Acting Deputy Director-General
Policy Business Unit

Encl: