



# Coversheet

## **Implementing the Court of Appeal judgment on the means assessment for long-term aged residential care**

**Hon Carmel Sepuloni, Minister for Social Development**

**Hon Andrew Little, Minister of Health**

These documents have been proactively released.

- 9 April 2021, Cabinet paper, *Implementing the Court of Appeal Judgment on the Means Assessment for Long-Term Aged Residential Care*.
- 9 April 2021, Cabinet Social Wellbeing Committee Minute, CAB SWC-21-MIN-0035, Cabinet Office.
- 12 April 2021, Cabinet Minute, CAB-21-MIN-0108, Cabinet Office.

The Cabinet paper sought:

- Cabinet confirmation of a strategy to implement a Court of Appeal judgement retrospectively in relation to the financial means assessments for long-term residential care
- Cabinet agreement for MSD to process refunds to clients/estates directly rather than through DHBs and rest home owners
- amendments to the Social Security Regulations 2018 and the Residential Care and Disability Support Services Regulations 2018 to exempt retrospective back-payments arising from these reviews from asset and income tests for the Residential Care Subsidy and social security assistance for a 12-month period from the date of payment.

Some parts of this information release would not be appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the Act). Where this is the case, the relevant sections of the Act that would apply have been identified. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it. This is the key to the redaction codes used for this release:

- Section 9(2)(f)(iv) to protect the confidentiality of advice tendered by Ministers of the Crown and officials
- Section 9(2)(h) - maintain legal professional privilege
- Out of scope.

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**Search Tags:** Residential Care Subsidy, Long-term Aged Residential Care, Social Security Regulations 2018, Residential Care and Disability Support Services Regulations 2018, Income and Cash Asset Exemptions.