

Briefing to the Incoming Minister

Disability Issues

Prepared by the Ministry of Social Development
2022



**MINISTRY OF SOCIAL
DEVELOPMENT**

TE MANATŪ WHAKAHIATO ORA

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Welcome to the Disability Issues portfolio

To support you in your role, we have put together this briefing, which provides you with information on:

- MSD's ongoing role in relation to your portfolio
- Changes to MSD's role in the Disability Issues portfolio with the new Ministry for Disabled People from 1 July 2022
- MSD-led Work items under the Disability Issues portfolio
- Items under the Social Development and Employment portfolio that you may be interested in
- the key decisions and matters requiring your immediate attention
- Your key contacts at MSD

We can provide you with any additional information you require regarding MSD's role in the Disability Issues portfolio.

We look forward to working with you over the coming term and supporting you in your priorities and your responsibilities.

Our continuing role in supporting disabled people

The Ministry of Social Development provides substantial support to disabled people

The Ministry of Social Development is one of New Zealand's largest government agencies. We promote social development by helping build successful individuals, whānau and communities. We primarily support and are responsible to the Minister for Social Development and Employment to deliver their priorities, providing policy advice on the welfare system and on the wider social development sector; employment, income and housing support; regional development; issues faced by seniors and disabled people; child- and youth-related policy; and international policy.

MSD provides a number of disability-focused services

A core part of the MSD's role is delivering supports and services through the welfare system. These include specific supports for disabled people, such as the Supported Living Payment, Job Seeker – Health Condition and Disability and Disability Allowance. MSD also administers a number of disability-focused services including Community Participation Services, Employment services and COVID-19 disability support. You can find a detailed list of MSD administered disability-focused services in Appendix 2.

We are also responsible for coordinating all-of-government's management of alternate formats – Easy Read, New Zealand Sign Language (NZSL), braille, audio and large print. Alongside this, we are also responsible for coordinating advice on creating accessible information.

MSD Disability Policy team

Our Disability Policy team is part of the Disability, Seniors and International Policy Group, and is responsible for disability-focused policy development and advice within MSD.

The team is accountable to the Minister for Social Development and Employment and work to the Social Development and Employment portfolio. Prior to the establishment of the Ministry for Disabled People, MSD has provided advice and led policy work in the Disability Issues portfolio to support the Office for Disability Issues. Further information on this change is provided in the next section. We may be able to support your portfolio with advice on key issues, however this will need agreement from the Minister for Social Development and Employment.

Establishment of the Ministry for Disabled People

Cabinet agreed in October 2021 to establish a new Ministry for Disabled People, as a departmental agency hosted by the Ministry of Social Development [SWC-21-MIN-0146 refers]. The new Ministry will commence on 1 July 2022 and an Establishment Unit in MSD is working to set this up.

Some MSD functions are moving to MfDP on 1 July 2022

In April 2022, Cabinet agreed to shift the Office for Disability Issues (ODI), including the New Zealand Sign Language Secretariat and Enabling Good Lives (EGL) Waikato demonstration from MSD to the new Ministry for Disabled People (MfDP) on 1 July 2022 [CAB-22-MIN-0104 refers]. At this time, Cabinet also agreed that the accelerating accessibility work programme will transfer to the new Ministry from 1 July 2023. The new Ministry will be responsible for the Accessibility for New Zealanders Bill once it is enacted.

There are no other MSD functions transferring over to MfDP on 1 July 2022. ■

s 9(2)(f)(iv)

MSD will have responsibilities as the Host Agency of MfDP

This hosting arrangement reflects this Government's policy decision to shift to a rights-based, social model of disability. MSD will provide MfDP's initial Strategic Framework, and our Chief Executive will administer the new Multi-Category Appropriation for MfDP operations.

The new Ministry is operationally autonomous, and our hosting arrangement will allow MfDP to access MSD's established systems and corporate services. This includes the provision of ongoing services such as finance, HR, ICT and facilities management, as well as time-limited transitional services, such as legal and ministerial services. We also have an Information Sharing Agreement that allows for information to flow between MfDP and MSD safely.

More detailed information about the Departmental Agency model and the specifics for MfDP is provided to you in the Briefing prepared by the Establishment Unit and the Ministry of Health.

Our relationship with you is likely to change as the MfDP consolidates its functions.

s 9(2)(f)(iv)



Disability Issues Portfolio

This section outlines work items on our policy work programme to support the Disability Issues portfolio:

- Accessibility for New Zealanders legislation
- Review of the New Zealand Sign Language Act
- s 9(2)(f)(iv)

We have also provided information on MSD's all-of-government role leading the Accessibility Charter and coordinating all-of-government's management of alternate formats.

Subject to any Ministerial views, the Accessibility for New Zealanders Bill will continue to be led by MSD until it has been passed, at that time responsibility will transition to MfDP. All other work items will remain with MSD for now, however you may wish to consider where they sit in the future.

Accessibility for New Zealanders legislation¹

The Government is planning to introduce the Accessibility for New Zealanders Bill (the Bill) into the House in July 2022. This Bill will create an enabling framework focused on progressively identifying, preventing, and removing accessibility barriers that disabled people and others face. Cabinet agreed [CAB-22-MIN-0104] that the legislation will be administered by the new Ministry for Disabled People from 1 July 2023 and be responsible for it once it is enacted.

s 9(2)(f)(iv)

The vision of the Bill and the framework it creates is to achieve the fully accessible society where disabled people, tāngata whaikaha and whānau whaikaha Māori, and others with access needs have an equal opportunity to achieve their goals and aspirations.

Specifically, the Bill seeks to:

- create an Accessibility Committee with a majority of disabled people and responsible for making recommendations on addressing accessibility barriers to the Minister for Disability Issues
- strengthen Public Service and Government accountability towards progressing accessibility by creating strong, clear roles and responsibilities for the Minister for Disability Issues, Chief Executive of the new Ministry,

¹ You can find further information relevant to MfDP in the Briefing presented by the Establishment Unit and the Ministry of Health.

and Accessibility Committee to implement the framework with the support of agencies across the public service

- create a consistent methodology for providing advice to Government on identifying, preventing, and removing systemic accessibility barriers and growing accessibility practices across New Zealand.

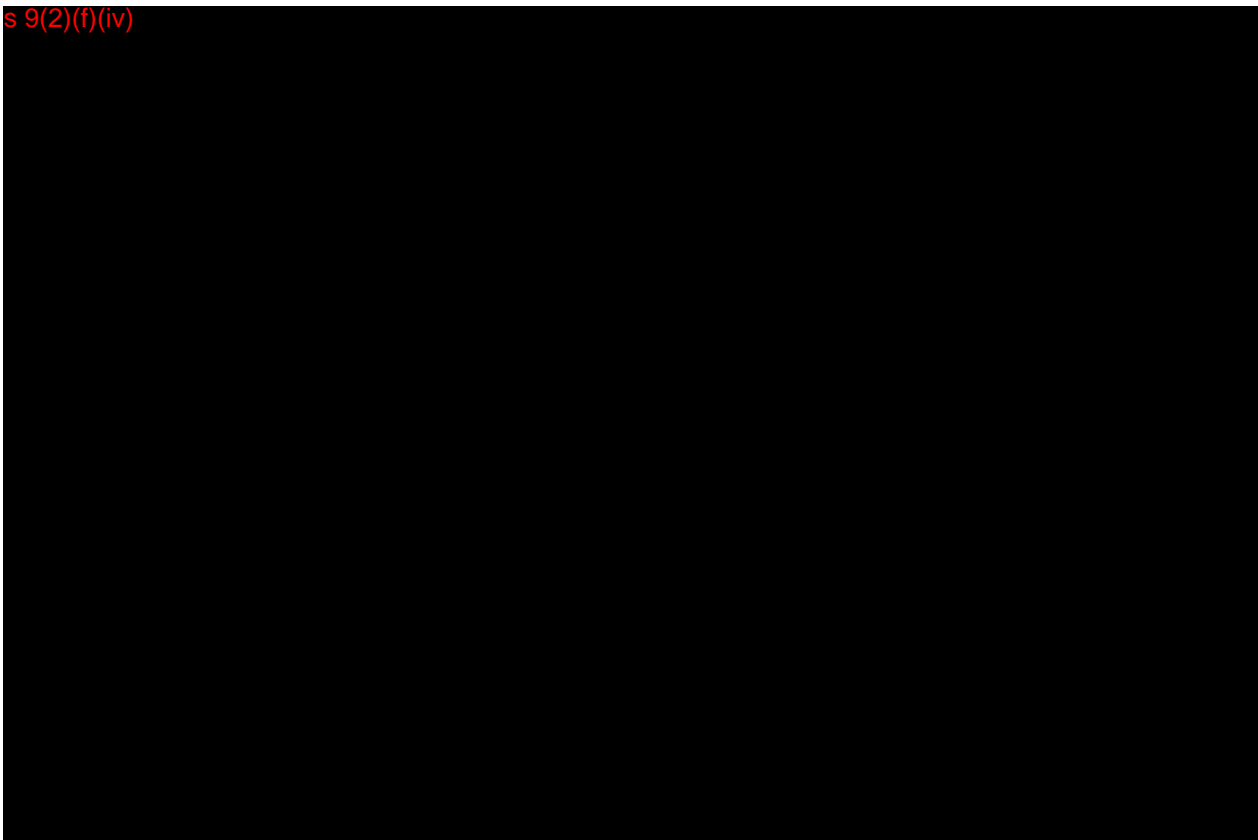
These elements, alongside non-legislative features within the new Ministry such as notification mechanisms, policy support, voice and partnership, make up the accessibility framework.

s 9(2)(f)(iv)



While MSD officials worked closely with the community on the policy underpinning the Bill, many members of the community do not think that it goes far enough as it does not create mandatory and enforceable standards. In particular, the Access Alliance (recently rebranded as Access Matters) who were our partners in this work up to October 2021 (when Cabinet agreed to the enabling framework) believe the Government’s approach should be more prescriptive.

s 9(2)(f)(iv)



² You can find further information relevant to MfDP in the Briefing presented by the Establishment Unit and the Ministry of Health.

s 9(2)(f)(iv)

Accessibility Charter

MSD leads the work on the Accessibility Charter, which aims to make public information accessible across the wider public sector including DHBs and Local authorities. Launched in February 2018, the Charter commits signatories to improving the accessibility of information, communication, and services. Signatories agree to work progressively over five years towards ensuring that all information intended for the public is accessible to everyone. This is needed so that everyone can interact with government services and information in a way that meets their individual needs and promotes their independence and dignity.

All government agencies are expected to appoint a sponsor, develop a five-year plan of action, and complete six-monthly reports on progress. In addition, agencies need to have a commitment from their leadership teams and have both an IT and Communications champion.

There has been a lot of interest from the health sector and local authorities wishing to sign up to the Charter and implement accessibility across their businesses. The Charter has been signed by 40 government agencies and one Council.

MSD in conjunction with DIA, MBIE and three Disabled People's Organisations (DPOs) have delivered monthly accessibility training to officials since December 2018. On average 25-30 people from across government agencies attend the training each month.

The Accessibility Charter reporting contributes to a 6-monthly Lead Programme³ report provided to the Minister of Disability Issues on the progress across the Public Service on the implementation of the Lead Toolkit, Accessibility Charter and Disability Data work programmes.

Accessibility and alternate formats

MSD is responsible for coordinating all-of-government's management of alternate formats – Easy Read, New Zealand Sign Language (NZSL), braille, audio and large print. It is also responsible for coordinating advice on creating accessible information.

³ The Lead programme of work is designed to support leaders, managers and human resource professionals to create an inclusive and welcoming environment for disabled people.

MSD partners with three Disabled People's Organisations (DPOs), who provide government with independent and consistent advice about alternate formats. The DPOs are Deaf Aotearoa, Association of Blind Citizens, and People First.

Social Development & Employment Portfolio

This section outlines disability-related work items on our policy work programme to support the Social Development & Employment portfolio and decisions on these work programmes are led by the Minister for Social Development & Employment. We have provided it to you so that you can get a sense of the broader work MSD does relating to disabled people.

They are grouped by size of work programme under three of MSD's focus areas:

- Employment
- Income Support
- Communities

We have also provided information on disability-related issues in each of these focus areas.

Employment

Working Matters Disability Employment Action Plan

The Disability Employment Action Plan was launched in July 2020. It is one of the seven action plans launched under the all-of-government Employment Strategy. It seeks to ensure that disabled people and people with health conditions have an equal opportunity to access employment. The plan has three objectives:

1. Support people to steer their own employment futures
2. Back people who want to work and employers with the right support
3. Partner with industry to improve work outcomes for disabled people and people with health conditions.

Each of these objectives are focused on a particular part of the employment cycle – supply, match, and demand. Some of the work in this plan, particularly relating to Objective 2, has been taken forward in the ALMP Review (see below).

The plan is a three year one with actions from 2020-2022. A monitoring and reporting dashboard is presented to Employment, Education and Training (EET) Ministers every six months.

Active Labour Market Programmes review

The MSD Employment policy team, with support from the MSD disability policy team, is leading work to increase the provision of ALMPs for disabled people and people with health conditions, including mental health and addiction issues, to reduce barriers to their employment. This work is part of the ongoing Review of ALMPs, which is a cross-agency work programme by MSD, Ministry of Business,

Innovation and Employment and Ministry of Education, and will be of interest to you due to the impacts it could have on disabled people.

Many disabled people want to work but are underrepresented in the labour market. The Review proposes options to support investment in a range of ALMPs in the short, medium and longer term and considers the system levers that sit alongside them. § 9(2)(f)(iv)

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Income support

Welfare overhaul

The Government has a vision for a welfare system that ensures people have an adequate income and standard of living, are treated with and can live in dignity and are able to participate meaningfully in their communities. To achieve this the Government is overhauling the welfare system.

Rates of main benefits have increased significantly in recent years. MSD estimates that compared to 2017 policy settings, around 364,000 beneficiaries will be better off by on average \$109 per week, increasing to \$133 per week during the 2022 winter period. As part of the welfare overhaul, further work will be undertaken to improve support and services for people with health conditions and disabilities and their carers. Opportunities for greater alignment between the welfare and health system will also be considered.

New Zealand Income Insurance Scheme

MBIE is leading work with the social partners and agencies, including MSD, to introduce an income insurance scheme to provide financial support for up to 6 months to workers who lose their jobs through redundancy and workers who fully or partially lose work due to a disability or health condition. The scheme will be funded via levies on employers and employees and administered by ACC.

Given the scheme is proposed to cover workers with disabled people and those with health conditions, the disability policy team is providing input to ensure that their needs are appropriately considered and that the scheme is implemented as equitably as possible. MSD has been closely involved in the design of the scheme and officials will continue to provide input as the scheme develops. The Disability Policy team has provided input on key papers.

Replacing Minimum Wage Exemptions

This is a joint work programme with the Disability Issues & Work Place Relations & Safety, led by the Social Development & Employment portfolio. Minimum Wage Exemptions (MWEs) exist under section 8 of the Minimum Wage Act 1983 and allow disabled people to be paid less than the minimum wage on the basis that they are perceived to be less productive due to their disability. Currently, approximately 900 disabled employees in New Zealand have MWE permits. As of 2019 data, it is estimated over a quarter of employees with a MWEs receive \$1.99 or less per hour of work (before tax), and around 70% receive less than \$4.99 per hour of work (before tax).

Replacing MWEs is a Government manifesto commitment. MSD is leading on work, with support from MBIE, to introduce a wage supplement to replace MWE permits. Replacing MWEs with a wage supplement is considered the only feasible option to replace MWEs while protecting existing jobs. Replacing MWEs with a wage supplement will end a discriminatory practice whereby certain disabled employees are the only employees in New Zealand who are not afforded the right to earn minimum wage and will improve New Zealand's alignment with our international commitments (such as the United Nations Convention on the Rights of Persons with Disabilities).

Communities

Carers' Strategy and Mahi Aroha

The Carers' Strategy (the Strategy) aims to improve support for carers (ie people who care for a friend, family, whānau or aiga member with a disability, health condition, illness or injury who needs help with everyday living). Carers play a crucial role in the lives of many disabled people, and many carers are disabled themselves.

Mahi Aroha – the Carers Strategy Action Plan 2019-2023 (Mahi Aroha) supports the Strategy. Mahi Aroha has 17 actions across four areas: recognition of carers, navigation of supports and services, supporting carers, and balancing the life of carers.

The Ministry of Social Development is the lead agency and secretariat for Mahi Aroha. The Ministry for Disabled People will also have an important role as it takes on functions of the Office for Disability Issues and the Ministry of Health Disability Directorate (both of which are part of the Mahi Aroha working group).

This may include:

- supporting the overall direction of the Strategy

- participating in developing and implementing a next Action Plan, or equivalent next steps
- considering the needs of carers within the family/whānau support structure for disabled people
- identifying and supporting the needs of disabled carers in the system.

WAI 2575 Health Services and Outcomes Inquiry⁴

The Waitangi Tribunal have heard evidence of historical and contemporary treatment of tāngata whaikaha Māori (disabled Māori). Evidence has primarily exposed the inequities faced by Māori within the healthcare system.

The evidence has primarily referred to issues within the Health sector, however the establishment of the new Ministry for Disabled People has been referred to throughout the hearings. One of the key issues that has been referred to throughout is the lack of prevalence data for Māori.

The MSD disability policy team has taken a supporting role throughout the different hearing weeks. **s 9(2)(h)**

[REDACTED]

s 9(2)(f)(iv)
[REDACTED]

Review of MSD vocational supports for disabled people

MSD provides a range of vocational supports to disabled people under the Social Development and Employment portfolio. Although Minister Sepuloni will remain the lead on work relating to these supports, there is work being scoped that will consider a transfer of some funding to the MfDP as part of a national implementation of the Enabling Good Lives approach.

On 31 March 2022, we provided the Minister for Social Development and Employment with advice on options to address some underlying policy issues relating to how MSD determined eligibility to Community Participation Services (CPS), one of our vocational support programmes. Minister Sepuloni agreed that MSD would, by September 2022:

⁴ You can find further information relevant to MfDP in the Briefing presented by the Establishment Unit and the Ministry of Health.

- undertake a rapid review to explore if other assessments of need could be used as a proxy to reassess eligibility to CPS funding and provide advice on the options
- scope a longer-term review of vocational supports for disabled people to ensure they align with the broader changes in disability supports and provide advice on the longer-term options.

New Zealand Artificial Limb Service

New Zealand Artificial Limb Service – Peke Waihanga (NZALS) is a Crown Entity that sits under the Social Development portfolio, partly due to the historical connections of the services provided to amputees as a result of military conflict. NZALS create and produce limbs (prostheses), provide rehabilitative and physiotherapy services to their clients and have a focus on amputation prevention.

In recent years there have been some questions raised, including through the High Court, about the form and function of NZALS and the services they are able to provide within their statutory powers. **s 9(2)(f)(iv)**

Currently, the majority of NZALS’ funding comes from ACC and the Ministry of Health. NZALS also receives some disability support funding, therefore there is a connection with the Disability Issues portfolio and the MfDP.

s 9(2)(f)(iv)

Guidelines to support disabled people to attend events

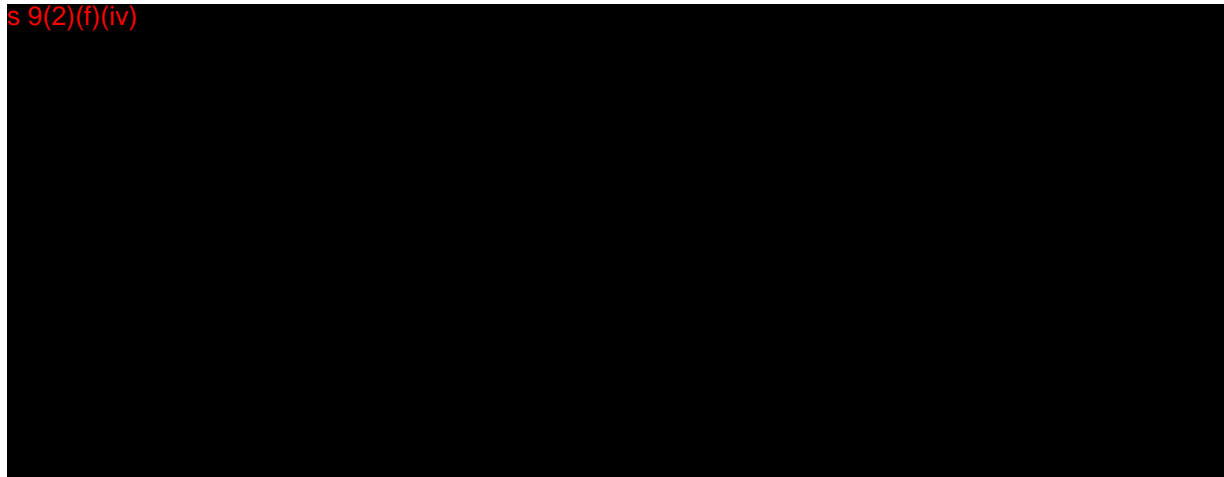
MSD and Ministry for Culture and Heritage (MCH) have been exploring how disabled people, including those who require a companion, can best be supported to attend paid arts, cultural and sporting events. **s 9(2)(f)(iv)**

Matters that require your immediate attention

We would like to discuss these key matters with you:

- Accessibility legislation: In preparation for Cabinet Business Committee and introduction of the Bill into the house, officials would like to discuss this work with you at your earliest convenience.

s 9(2)(f)(iv)



Appendix 1 - Key contacts for the Ministry of Social Development

MSD Disability Policy

Julia Bergman, General Manager, Disability Seniors and International Policy

s 9(2)(a)

Shaun McMaster, Manager, Disability Policy

s 9(2)(a)

MSD Senior Leadership

Simon MacPherson, Deputy Chief Executive, Policy

s 9(2)(a)

Debbie Power, Chief Executive, MSD

s 9(2)(a)

Appendix 2 – Overview of MSD disability-focused services under Māori, Community and Partnerships Group

Below is an overview of disability-focused services administered by MSD's Māori, Community and Partnerships Group on behalf of the Minister of Social Development. Note the MSD Service Delivery Group also delivers a range of supports through the welfare system to disabled people, which are not included in this appendix.

Community Participation Services

The aim of Community Participation Services is to contribute towards disabled people reaching their goals and aspirations in their local communities.

\$105M per annum including Pay Equity.

Employment service

MSD funds providers to support disabled people and people with a health condition to gain sustainable employment and move closer to financial independence.

\$21M per annum

Support funds

Job Support and Training Support funds are available to help disabled people to take part in open employment (which means that anyone could apply for the job and it is not reserved for a person with a disability). The funds are administered on MSD's behalf by Workbridge. If a disabled person faces higher costs than a non-disabled person to take on the same job or training, they may be eligible for funding.

\$7.15M per annum

COVID-19 disability support

Support for the disability community as part of the Care in the Community Welfare Response.

\$5m

Mainstream programmes

Mainstream programmes help disabled people, get into paid work and support them towards getting a long-term job.

Clients are placed in created or adapted jobs, for up to one year, to assist them to gain knowledge, skills, and experience necessary to gain employment on merit in the future or retain an adapted permanent position.

The positions are tailored to the skills and abilities of the participant and the needs of the employer.

\$3.5M per annum

Employment service in schools

This pilot was developed to provide a pathway to employment and post school employment related training for disabled school students and students health conditions.

Approximately \$2M per annum

Transition services

Transition services funded by the Ministry of Social Development (MSD) are available for all Ongoing Resourcing Scheme (ORS) funded students who are in their last year of school.

Approximately \$1.2M per annum including Pay Equity.

Talking books

MSD contributes towards the costs of distributing audio books, magazines and newspapers to blind people.

\$690K per annum

Outward Bound

Outward Bound provides residential motivational training courses at Anakiwa in the Marlborough Sounds. They provide specialised courses for people with an intellectual, physical and/or sensory disability or health condition. The aim of these courses is to improve motivation, self-confidence and self-esteem. Work and Income purchase places on these courses.

Funding is provided for three courses for disabled people:

- Aspire – for ages 27+, suitable for people with a mild physical impairment.
- Activate – for ages 18+ for people with a physical disability.
- Horizons – for ages 18+ for people with an intellectual disability."

\$170K per annum

Appendix 3 – Overview of Vote Social Development

The Minister for Social Development and Employment is responsible for the appropriations in Vote Social Development for the 2022/23 financial year covering the following:

- a total of nearly \$19,529 million on payments of New Zealand Superannuation
- a total of over \$7,465 million on payments for the working age benefits - Jobseeker Support, Sole Parent Support and Supported Living Payment
- a total of nearly \$1,385 million on improved employment and social outcomes support
- a total of nearly \$703 million on payments to assist people to obtain a qualification including Student Allowances, and Study Scholarships and Awards
- a total of nearly \$623 million on payments for non-recoverable hardship assistance, transitional assistance, entering or remaining in the workforce assistance and special circumstance assistance
- a total of nearly \$519 million on financial assistance for childcare, care of unsupported children and extraordinary care fund
- a total of over \$518 million to support those in receipt of a benefit to heat their homes in winter - Winter Energy Payment
- a total of nearly \$418 million on disability assistance for adults and children with disability costs
- a total of nearly \$399 million on community support services
- a total of nearly \$381 million on advances of benefits and other recoverable payments to assist with hardship
- a total of nearly \$212 million on supporting employers of existing and incoming apprentices
- a total of over \$155 million for departmental capital expenditure
- a total of nearly \$132 million on purchasing services from non-governmental organisation service providers and Crown entities
- a total of over \$108 million on the provision of debt write-downs to achieve accurate valuations of outstanding Crown debt in accordance with generally accepted accounting practice

- a total of nearly \$71 million on income support and assistance to seniors and administration of service cards
- a total of nearly \$66 million on payments supporting youth who are not able to live at home and payments to provide financial support to young parents
- a total of nearly \$56 million on prevention programmes to minimise errors and fraud of the benefit system and services for investigation and collection of overpayments and fraudulent payments
- a total of \$50 million on the COVID-19 Leave Support Scheme
- a total of over \$49 million on social policy advice, and data, analytics and evidence services
- a total of nearly \$44 million on historic claims resolution
- a total of nearly \$36 million on the Ministry of Social Development's Te Pae Tawhiti Transformation Programme
- a total of over \$23 million on corporate support services, mainly providing services to Oranga Tamariki - Ministry for Children under a shared services agreement
- a total of over \$21 million on management of student support
- a total of nearly \$21 million on the Training Incentive Allowance
- a total of over \$16 million on supporting equitable pay for care and support workers
- a total of over \$11 million on an independent monitoring and assurance function of the Oranga Tamariki system
- a total of over \$6 million on planning, correspondence and monitoring
- a total of nearly \$2 million on supporting the Social Workers Registration Board
- a total of \$200,000 on investigating and responding to alleged social work offending, and
- a total of \$28,000 on a capital injection for the Social Workers Registration Board.

The Minister for Social Development and Employment is also responsible for a capital injection of nearly \$27 million to the Ministry of Social Development.

The Minister of Housing is responsible for appropriations in the Vote for the 2022/23 financial year covering the following:

- a total of nearly \$2,331 million on accommodation assistance
- a total of nearly \$76 million on services to support people to access accommodation
- a total of nearly \$61 million on housing support assistance for those in need to access or retain housing solutions
- a total of over \$5 million on reimbursement to tenants of income related rent overpayments
- a total of over \$3 million on an emergency housing support package, and
- a total of \$917,000 on a housing place-based approach.

The Minister for Youth is responsible for an appropriation in the Vote for the 2022/23 financial year covering the following:

- a total of over \$19 million on partnering for youth development.

The Minister of Revenue is responsible for appropriations in the Vote for the 2022/23 financial year covering the following:

- a total of over \$1,766 million on payments for student loans, and
- a total of nearly \$21 million for management of student loans.

The Minister for Disability Issues is responsible for an appropriation in the Vote for the 2022/23 financial year covering the following:

- a total of over \$2,008 million on supporting tāngata whaikaha Māori and disabled people
- a total of nearly \$10 million on promoting positive outcomes for disabled people, and
- a total of over \$1 million on establishing the Ministry for Disabled People.

The Minister for Veterans is responsible for appropriations in the Vote for the 2022/23 financial year covering the following:

- a total of nearly \$131 million on payments of Veteran's Pension, and
- a total of \$684,000 for processing of Veterans' Pensions.

The Minister for Seniors is responsible for appropriations in the Vote for the 2022/23 financial year covering the following:

- a total of nearly \$3 million on promoting positive outcomes for seniors, and
- a total of nearly \$2 million on the enhancement and promotion of SuperGold Cards.

