

Daisy Lutyens [TSY]

From: Callum Finn Reason [TSY]
Sent: Thursday, 4 June 2026 4:49 pm
To: Daisy Lutyens [TSY]
Subject: FW: SC judgement on paid family care litigation

Callum Finn Reason (he/him) | Analyst, **Social Sector, Communities and Learning Team** | Te Tai Ōhanga **The Treasury**

tau waea phone: **s 9(2)(a)** | Imēra email: callum.finnreason@treasury.govt.nz

From: Callum Finn Reason [TSY]
Sent: Friday, 9 January 2026 12:48 pm
To: Justine Cornwall <Justine.Cornwall009@msd.govt.nz>; Stu Murphy <Stu.Murphy010@msd.govt.nz>
Cc: Karen McNamara <karen.mcnamara006@msd.govt.nz>; James Gluck <james.gluck002@msd.govt.nz>
Subject: RE: SC judgement on paid family care litigation

A happy new year to you, too.

I can meet on Tuesday – I'm free anytime between 9:30 and 11 if that suits?

Thanks
Callum

Callum Finn Reason (he/him) | Analyst, **Welfare and Oranga Tamariki Team** | Te Tai Ōhanga **The Treasury**

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From: Justine Cornwall <Justine.Cornwall009@msd.govt.nz>
Sent: Friday, 9 January 2026 10:47 am
To: Callum Finn Reason [TSY] <Callum.FinnReason@treasury.govt.nz>; Stu Murphy <Stu.Murphy010@msd.govt.nz>
Cc: Karen McNamara <karen.mcnamara006@msd.govt.nz>; Jeanne Barnard [TSY] <Jeanne.Barnard@treasury.govt.nz>; James Gluck <james.gluck002@msd.govt.nz>
Subject: RE: SC judgement on paid family care litigation

IN-CONFIDENCE

Hi Callum – Happy New Year.

Just following up on your email below. We are doing the work to get the potential costs arising from the SC judgement together. Our work is still waiting on legal advice around the length of time we need to consider etc and the judgment is contingent on quite specific factors which adds to the complexity of the analysis. However, we think it would be good to connect with you next Tuesday to discuss where we have gotten to on this work. Our initial briefing to the Minister is going up on Wednesday next week where we will need to give an indication of costs where we can. Do you have time to meet with us next Tuesday morning?

Many thanks
Justine

Justine Cornwall – GM DSS Policy, Disability Support Services

Mobile § 9(2)(a) | Website: www.disabilitysupport.govt.nz

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**Disability
Support Services**



From: Callum Finn Reason [TSY] <Callum.FinnReason@treasury.govt.nz>
Sent: Wednesday, 10 December 2025 10:24 am
To: Stu Murphy <Stu.Murphy010@msd.govt.nz>
Cc: Justine Cornwall <Justine.Cornwall009@msd.govt.nz>; Karen McNamara <karen.mcnamara006@msd.govt.nz>; Jeanne Barnard [TSY] <Jeanne.Barnard@treasury.govt.nz>
Subject: RE: SC judgement on paid family care litigation

You don't often get email from callum.finnreason@treasury.govt.nz. [Learn why this is important](#)

[SEEMAIL][SENSITIVE]

Kia ora Stu

Thanks for getting in touch – I happened to be drafting you an email about this right as yours arrived in my inbox!

It might be useful to have a quick catch-up with yourself (before you go) and others working on this – although we appreciate that DSS will likely be busy preparing a response over the next couple of weeks. We're interested in getting up to speed on the implications of the judgment, any potential fiscal impacts (and timing, given the Supreme Court has referred costs back to the Employment Court?), and any advice you're putting to your Minister.

Our latest understanding of this case is as published at the last fiscal update as an “unquantifiable contingent liability,” as below:

“The Ministry of Social Development, on behalf of the Crown, is currently a party in a number of Employment Relations Authority matters that are awaiting the outcome of an appeal to the Supreme Court on whether people who are funded from Disability Support Services to provide care to family in their own home are employees of the Crown. The Supreme Court was due to consider this matter in April 2025, but it is unknown when the judgment will be released. The legal work (and associated costs) required to implement the Court's decision and apply it to the remaining cases is likely to continue past the current financial year.”

Let us know when suits for a quick catch-up.

Thanks
Callum

Callum Finn Reason (he/him) | Analyst, **Welfare and Oranga Tamariki Team** | Te Tai Ōhanga **The Treasury**

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From: Stu Murphy <Stu.Murphy010@msd.govt.nz>
Sent: Wednesday, 10 December 2025 10:14 am
To: Callum Finn Reason [TSY] <Callum.FinnReason@treasury.govt.nz>
Cc: ^MSD: Justine Cornwall <Justine.Cornwall009@msd.govt.nz>; Karen McNamara <karen.mcnamara006@msd.govt.nz>
Subject: SC judgement on paid family care litigation

Kia ora Callum,

Hope you're well. You'll have seen that the Supreme Court released its judgement yesterday on the Fleming/Humphreys litigation – much earlier than anticipated. As you'd expect at this early stage we are working through the implications of that judgement, which includes our in-house legal team undertaking analysis, seeking external legal advice, and working with Crown Law (who will be considering the impact on other agencies). In addition, we are looking at our policy and operational responses both in the near and longer-term. The judgement implies there will be some direct financial impact from how the ruling confirms the two applicants as employees of MSD – specifically re backpay and benefits. This will be referred back to the ERA for a determination.

I've copied Justine, GM DSS Policy and Karen, our Principal Policy Analyst who will be working on this as I have a badly timed trip to the UK which means I am away from the end of this week until the second week in January. Let me know if you would like to connect on this, otherwise we'll keep you informed on our understanding of the impacts and our proposed response.

Thanks,

Stu

Stu Murphy | Workstream Lead - Policy | DSS Taskforce

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Disability Support Services, National Office

**Disability
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