

Daisy Lutyens [TSY]

From: Callum Finn Reason [TSY]
Sent: Thursday, 4 June 2026 4:52 pm
To: Daisy Lutyens [TSY]
Subject: FW: Vote Disability Support Services - Disability Support Services MCA

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

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From: Callum Finn Reason [TSY]
Sent: Monday, 22 December 2025 9:47 am
To: Jo Welson <Jo.Welson005@msd.govt.nz>
Cc: ^MSD: Justine Cornwall <Justine.Cornwall009@msd.govt.nz>; Wayne Tietjens <wayne.tietjens003@msd.govt.nz>; Tracey Crowther <tracey.crowther004@msd.govt.nz>; James Gluck <james.gluck002@msd.govt.nz>; Claire Howard [TSY] <Claire.Howard@treasury.govt.nz>
Subject: RE: Vote Disability Support Services - Disability Support Services MCA

[IN-CONFIDENCE]

Kia ora Jo

I've tested this issue with some others in the team – it does seem like a bit of a marginal case. Put simply, though, we think it's fine for Joint Ministers to take the decision to establish a new category, so long as it the activity remains within the overall scope statement of the MCA, and so long as it's clear that any broader policy/leg response would be taken to Cabinet later. The technical change is within the scope of CO18(2). That said, you may want to test with your Minister whether she would prefer to surface this type of decision with her wider colleagues.

Hopefully that's helpful and happy to discuss again if preferable.

Ngā mihi
Callum

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

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From: Jo Welson <Jo.Welson005@msd.govt.nz>
Sent: Friday, 19 December 2025 4:27 pm
To: Callum Finn Reason [TSY] <Callum.FinnReason@treasury.govt.nz>
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Subject: Vote Disability Support Services - Disability Support Services MCA

IN-CONFIDENCE

Kia ora Callum,

Refers to legal advice

Thanks for making the time to talk with us today.

The issue is:

- The Supreme Court has issued its ruling in the paid family carers litigation: [2025-NZSC-188.pdf](#). It found that two specific people are MSD employees. MSD must comply with the Supreme Court's ruling.
- We are working toward employment agreements with the two litigants. That negotiation process may happen quickly.
- We think:
 - s 9(2)(j)
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 -
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For context:

- These new employees represent a fundamental shift in MSD's role in administering DSS.
- The Supreme Court's declaration relates to these two people. There are s 9(2)(h) stayed cases in the Employment Court. s 9(2)(h)
- We don't know the wider implications of the judgment. We're obtaining legal advice and working fast to develop options. We will not be able to talk about likely financial impact s 9(2)(j) until we've done that work.
- We're working with MBIE and aiming for a joint report on 14 January 2026.

We'd appreciate your help:

1. Is this a "technical adjustment" per CO(18)2 or a significant policy issue
2. Whether or not it is a technical adjustment, will we be looking at joint advice to joint Ministers?

Ka kite,

Jo Welson (she/her) – Principal Policy Analyst | DSS Policy

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Disability Support Services, National Office

**Disability
Support Services**



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