



Reference: T2026/1088 SH-3-7-4-9-M139272

Date: 22 May 2026

To: Minister of Finance (Hon Nicola Willis)

Deadline: SOU, 27 May 2026
(if any)

Aide Memoire: s 9(2)(j)

Precab Briefing

Purpose

This briefing recommends you support the Cabinet paper, s 9(2)(j)

at the Social Outcomes Committee (SOU) on 27 May 2026. We are providing this briefing separately to the weekly "Briefing for Cabinet and Cabinet Committees" Treasury Report due to the sensitivity of the proposal and references to legally privileged advice below.

Description

This Cabinet paper responds to the *Fleming & Humphreys v Attorney General* Supreme Court judgment, which found (among other things) that two carers of their disabled relatives are employees of the Ministry of Social Development (MSD). The Supreme Court referred determination of remedies back to the Employment Court, scheduled for September 2026.

Hon Upston introduced a new Disability Support Services Bill to the House on 18 May, which in part responds to the judgment. The Bill saves Ms Fleming and Ms Humphreys' existing claims while extinguishing claims pending with the Employment Relations Authority.

s 9(2)(j)

s 9(2)(h)

This paper does not breach the Budget moratorium. s 9(2)(j)

[REDACTED]

s 9(2)(h)

[REDACTED]

Treasury recommendation: support this paper.

Callum Finn Reason, Analyst, Social Sector Communities and Learning, s 9(2)(a)

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Claire Howard, Unit Manager, Social Sector Communities and Learning, s 9(2)(a)

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