



**Listening, learning, changing**  
**Mā Whakarongo me Ako ka huri te tai**  
Crown Response to the Abuse in Care Inquiry

## COVERSHEET

<b>Minister</b>	Hon Erica Stanford	<b>Portfolio</b>	Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions
<b>Title of briefing</b>	Interim approach on access to redress for survivors of abuse in State care with convictions for serious violent and sexual offending	<b>Date to be published</b>	13 March 2026

### Withholding grounds

Information within this document has been withheld as if it had been requested under the Official Information Act 1982. Where this is the case, the reasons for withholding have been listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

- section 9(2)(a) to protect the privacy of natural persons

# Briefing



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## Interim approach on access to redress for survivors of abuse in State care with convictions for serious violent and sexual offending

<b>Date:</b>	18 June 2025	<b>Security level:</b>	
<b>Priority:</b>	High	<b>Report number:</b>	CRACI 25/065

Actions sought	
Hon Nicola Willis <b>Minister of Finance</b>  Hon Simeon Brown <b>Minister of Health</b>  Hon Erica Stanford <b>Minister of Education</b> <b>Lead Coordination Minister for the Government’s Response to the Royal Commission’s Report into Historical Abuse in State Care and in the Care of Faith-based Institutions</b>  Hon Louise Upston <b>Minister for Social Development and Employment</b>	This briefing seeks Ministers’ agreement to draw down funding from the Implementing the Government’s Response to the Royal Commission of Inquiry into Abuse in Care – Tagged Operating Contingency established as part of Budget 2025 to support establishment costs to introduce a presumption against redress payments for survivors of abuse in care.

Contact for discussion			
Name	Position	Telephone	1 <sup>st</sup> contact
Rajesh Chhana	Chief Executive, Crown Response Office	9(2)(a)	
Delwyn Clement	Chief Advisor, Crown Response Office	9(2)(a)	✓

Agencies consulted
Ministry of Education, Ministry of Health, Ministry of Social Development, Oranga Tamariki, Department of Corrections, Te Puni kōkiri

### Minister’s office to complete

<input type="checkbox"/> Noted <input type="checkbox"/> Seen <input type="checkbox"/> See Minister’s notes <input type="checkbox"/> Needs change <input type="checkbox"/> Overtaken by events <input type="checkbox"/> Declined <input type="checkbox"/> Referred to (specify)  _____
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<b>Comments</b>     
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# Briefing

## Interim approach on access to redress for survivors of abuse in State care with convictions for serious violent and sexual offending

**For:** Hon Nicola Willis, Minister of Finance  
 Hon Simeon Brown, Minister of Health  
 Hon Erica Stanford, Minister of Education and Lead Coordination Minister for the Government’s Response to the Royal Commission’s Report into Historical Abuse in State Care and in the Care of Faith-based Institutions  
 Hon Louise Upston, Minister for Social Development and Employment

**Date:** 18 June 2025

**Security level:**

**Priority:** High

**Report number:** CRACI 25/065

### Purpose

1. This briefing seeks Ministers’ agreement to draw down funding from the Implementing the Government’s Response to the Royal Commission of Inquiry into Abuse in Care – Tagged Operating Contingency established as part of Budget 2025 to support establishment costs to introduce a presumption against redress payments for survivors of abuse in care.
2. It also seeks decisions relating to who will be asked if they have any criminal convictions and to complete a consent form for redress agencies to complete a criminal conviction history check and who will undergo a criminal history check.

### Recommendations

3. It is recommended that you:
  - a. **note** this briefing seeks decisions on the interim approach to identify and preclude some serious and/or violent offenders from accessing redress whilst the longer-term approach is developed and implemented under legislation;
  - b. **forward** this briefing to the Minister of Justice, Minister of Corrections, and Minister for Māori Development;

Lead Coordination Minister for the Government’s Response to the Royal Commission’s Report into Historical Abuse in State Care and in the Care of Faith-based Institutions

Yes / No

*Declaration of criminal convictions and consent to criminal conviction history checks and if applicable, sentencing information requests*

- c. **agree** the proposed approach that all survivors will be asked to declare criminal convictions, provide consent to a criminal conviction history check and request to receive their sentencing information where they have convictions for a qualifying offence;

Minister of Health

Yes / No

Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions Yes / No

Minister for Social Development and Employment Yes / No

*Confirmation of criminal conviction history checks*

- d. **agree** to the proposed approach that only survivors who have declared they have a qualifying criminal conviction will need to undergo a criminal conviction history check;

Minister of Health Yes / No

Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions Yes / No

Minister for Social Development and Employment Yes / No

*Implementation of the interim approach of the presumption criteria*

- e. **agree** to establish a Specialised Assessment Unit which is independent to redress agencies' claims teams housed in the Ministry of Health, as they hold an existing Information Sharing Memorandum of Understanding with the Ministry of Justice;

Minister of Health Yes / No

Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions Yes / No

Minister for Social Development and Employment Yes / No

- f. **note** the Specialised Assessment Unit will be responsible for receiving declaration and consent forms from survivors, completing the criminal conviction history checks, and where applicable, requesting the sentencing information on behalf of survivors, and identifying survivors in scope of the presumption against redress;

- g. **note** as part of Budget 2025, a tagged operating contingency was established, implementing the Government's Response to the Royal Commission of Inquiry into Abuse in Care, totalling \$28.375 million over four years [CAB-25-MIN-0126.72];

- h. **note** the tagged operating contingency was reduced to \$21.375 million over four years on 9 June 2025 [CAB-25-MIN-0190 refers];

- i. **agree** to a drawdown of \$0.164 million from Implementing the Government's Response to the Royal Commission of Inquiry into Abuse in Care tagged operating contingency to enable the implementation of the interim approach of the presumption;

Minister of Finance Yes / No

Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions Yes / No

Minister of Health Yes / No

- j. **approve** the following changes to appropriations to provide for the decision in recommendation (i) above, with a corresponding impact on the operating balance and net core Crown debt:

Vote Health Minister of Health	\$m-increase/(decrease)			
	2025/26	2026/27	2027/28	2028/29 & Outyears
Redress for Abuse in Care MCA				
Departmental Output Expense: Delivering redress for abuse in care	0.164	-	-	-

Minister of Finance Yes / No

Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions

Minister of Health Yes / No

- k. **agree** that the proposed change to appropriations for 2025/26 above be included in the 2025/26 Supplementary Estimates and that, in the interim, the increase be met from Imprest Supply;

Minister of Finance Yes / No

Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions

Minister of Health Yes / No

- l. **agree** that the expenses incurred under recommendation j above be charged against the Implementing the Government's Response to the Royal Commission of Inquiry into Abuse in Care tagged operating contingency described in recommendations (g) and (h) above;

Minister of Finance Yes / No

Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions

Minister of Health Yes / No

m. **note** that following the adjustment detailed in recommendation (i) above, the remaining balance and indicative phasing of the tagged operating contingency described in recommendations (g) and (h) above will be as follows:

	\$m			
	2025/26	2026/27	2027/28	2028/29
Implementing the Government's Response to the Royal Commission of Inquiry into Abuse in Care – Tagged Operating Contingency	5.178	5.344	5.344	5.343

n. **note** that the tagged operating contingency described in recommendation (g) above will expire on 30 June 2027.



Rajesh Chhana  
**Chief Executive, Crown Response Office**  
**Crown Response to the Abuse in Care Inquiry**  
 18/06/2025

Hon Nicola Willis  
**Minister of Finance**

/ /

Hon Simeon Brown  
**Minister of Health**

/ /

Hon Erica Stanford  
**Lead Coordination Minister for the Crown Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions**

/ /

Hon Louise Upston  
**Minister for Social Development and Employment**

/ /

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## Background

4. The Cabinet Social Outcomes Committee (SOU) met on Wednesday 2 April 2025 and agreed an approach and parameters for delivering enhanced redress to survivors of abuse in care [SOU-25-MIN-0039].
5. In April 2025, the Cabinet Social Outcomes Committee (SOU) authorised the Minister of Health, the Minister of Education and Lead Coordination Minister, and the Minister for Social Development and Employment (joint Ministers), in consultation with any relevant Ministers as appropriate, to take detailed design and implementation decisions within the overall approach and parameters set out in the paper under SOU-25-SUB-0039 and within the final Budget 2025 envelope, informed by the findings and recommendations of the Royal Commission and Redress Design Group.
6. Cabinet met on Monday 5 May 2025 and agreed to the introduction of a presumption against making redress payments to new claimants who:
  - a. make a claim for redress following redress pre-Budget announcements on Friday 9 May 2025; and
  - b. have been convicted of a qualifying offence under Schedule 1AB of the Sentencing Act 2002 (see Appendix 1); and
  - c. were sentenced to five years or more in prison for that offence.
7. Since redress pre-Budget announcements, there have been approximately 400 new claims lodged across the redress agencies who operate agency specific redress claims schemes (Ministry of Social Development (MSD), Ministry of Health (MOH), Ministry of Education (MOE), Oranga Tamariki (OT))<sup>1</sup> and approximately over 2,200 claims estimated to be received over the next year.
8. Key decisions are needed to ensure an interim approach is in place to allow redress agencies to progress all claims lodged after 9 May and provide redress to survivors whilst the long-term approach of the presumption is developed for implementation later this year. The key decisions consist of:
  - a. who will be asked if they have any criminal convictions and to complete a consent form for redress agencies to complete a criminal conviction history check; and
  - b. confirming who will undergo a criminal conviction history check.
9. At the Ministerial group meeting on Monday 19 May 2025, officials presented potential interim approach options for Ministers' consideration. The approach has been informed by feedback at the Ministerial Group meeting and further scoping by the Crown Response Office (CRO) and redress agencies. The CRO has also worked with the Ministry of Justice (MOJ) to undertake further detailed design of the interim approach and how this will operate in practice.

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<sup>1</sup> Corrections and TPK currently receive claims but do not have an agency-specific redress scheme. Decisions are yet to be made as to how these claims will be integrated into redress improvements.

## **Rationale for seeking funding from tagged contingency**

10. The CRO is seeking funding from the tagged contingency - Implementing the Government's Response to the Royal Commission of Inquiry into Abuse in Care, to implement the interim approach. Flexibility was built into the tagged contingency for arising initiatives, while the scope for the redress envelope was for more specific policy initiatives that Cabinet agreed in April this year [SOU-25-MIN-0039]. Consideration was given to reprioritising funding from the existing envelope established for redress for survivors of abuse in State care. However, diverting funds from the redress envelope risks unintended consequences.
11. A key priority for joint Ministers when developing the enhanced redress proposals was the ability of the system to increase capacity and reduce the backlog of survivors waiting for their claims to be progressed. Redress proposals included initiatives aimed at creating efficiencies with the expressed intention of reinvesting savings to increasing the capacity of the system. Reprioritising any potential savings from these enhancements reduces the ability of the system to meet this intention and risks not delivering on the policy intent to deliver an enhanced redress system.

## **Decisions are needed on who will be asked to disclose their criminal convictions and provide consent to a criminal conviction history check and if applicable, sentencing information requests**

12. Two options have been identified for how requests for survivors to declare criminal convictions and to complete a consent form to a criminal conviction history check and if applicable, sentencing information requests could be implemented.

*Proposed approach: All survivors will be asked to complete the declaration form and provide consent to a criminal conviction history check and if they have a qualifying conviction, consent to requesting their sentencing information*

13. It is proposed that all survivors seeking to register a claim after 9 May 2025 will be asked to complete a declaration form indicating whether or not they have been convicted of a qualifying offence and to provide consent to undergo a criminal conviction history check.
14. Whilst criminal conviction history checks may not be completed for all survivors who provide a declaration this approach enables checks to be completed to confirm the information declared is accurate.
15. Survivors completing the declaration will also be reminded that making a false declaration is an offence.
16. Survivors will also be asked to provide consent to requesting their sentencing information from the relevant Court(s) on their behalf, in the case that they have been identified as having been convicted of a qualifying offence.

*Alternative approach: Only survivors who declare they have a criminal conviction will be asked to complete a consent form to a criminal conviction history check and if they have a qualifying conviction, consent to requesting their sentencing information*

17. Alternatively, a trust-based approach could be adopted, which looks to seek a declaration and consent to a criminal history check from a subset of survivors. This approach minimises

the number of survivors providing consent and could reduce the risk of re-traumatising survivors by viewing the list of qualifying offences.

18. Under this option, all survivors registering a new claim will be asked to declare whether they have any criminal convictions. Only those survivors who answer yes to this question will then be asked to declare whether they have been convicted for one or more of the qualifying offences and asked to provide consent for a criminal conviction history check. If applicable, they will also be asked to provide consent to requesting their sentencing information from the relevant Court(s) on their behalf. Agencies could retain the ability to request a declaration and consent from any survivor if they held or received information that suggested the survivor have been convicted of a qualifying offence.
19. Whilst this option reduces the risks of re-traumatising survivors, the criminal conviction history checks could only be completed for a subset of survivors increasing the risk that some serious offenders are not identified.

### **Decisions are needed to confirm who will undergo a criminal conviction history check**

20. Whilst it is proposed that consent for a criminal conviction history check will be requested from all survivors, there are options about whether checks are completed for survivors or a subset of survivors that provide consent.
21. The cost of a third party requesting a single criminal conviction history check provided by the MOJ, is \$13.00 per check with additional costs if sentencing information is required from the relevant Court(s). In addition to this there is administration costs requesting and receiving each check.

*Proposed approach: Only survivors who have declared they do have a qualifying criminal conviction will need to undergo a criminal conviction history check with random spot checking for survivors who do not declare a qualifying offence.*

22. This approach will lessen the administration needed to complete criminal conviction history checks by only checking a particular cohort of survivors.
23. There is a risk that survivors wrongly disclose whether or not they have a qualifying criminal conviction and meet the presumption criteria, resulting in some serious offenders being missed or survivors being wrongly framed as a serious offender.
24. To mitigate this risk, spot checks would be completed to provide assurance that the risk of wrongful disclosures is low, and agencies would still have the option to request a check if they hold information that suggests the survivor may have been convicted of a qualifying offence.

*Alternative approach: criminal conviction history checks are completed for all survivors who lodge claims*

25. This option may mitigate the risk of survivors wrongly disclosing whether or not they have a qualifying criminal conviction and meet the presumption criteria.

26. However, this option will result in additional operational and financial costs for the implementation of the interim approach. As it costs \$13.00 per check, it would cost approximately \$28,600 for an estimate of 2,200 claims over the next 12 months.
27. This option also risks slowing down the redress system and would therefore not meet Cabinet's intent and funding provided to increase processing capacity [SOU-25-MIN-0039 refers].
28. Upon your decision to proceed with your preferred option, CRO and redress agencies will ensure all necessary processes are in place to implement the interim approach.

*If a survivor has been convicted of a qualifying offence, we would need to request their sentencing information from the relevant Court(s)*

29. If a survivor is identified as being convicted of one or more qualifying offences, a request would be made to the relevant Court(s) to seek and confirm their sentencing information as this information is not in the scope of a criminal conviction history check. The initial costs are \$33.00 per request. If a survivor has multiple convictions and was sentenced at multiple Courts, this will require separate applications to each Court. CRO and redress agencies are continuing to do further work with MOJ and the Courts to explore whether this process can be centralised to reduce the administrative burden and costs associated with checking sentencing information.

### **Implementation of the interim approach to the presumption criteria**

30. Upon your decisions on attaining consent and confirmation of who is to undergo a criminal conviction history check, we recommend that a Specialised Assessment Unit independent to those working in redress agencies' claims teams is established to receive declaration and consent forms from survivors, complete the criminal conviction checks and attain the sentencing information on behalf of the survivor. The Specialised Assessment Unit would then inform the redress agencies' claims teams of the outcomes to ensure they have the information they need to proceed with claims accordingly.
31. As a survivor's criminal conviction history does not affect assessments of the claim, this approach manages any privacy impacts for the survivor as it ensures redress agencies are not privy to any of the survivor's criminal conviction history.

*There is an existing Memorandum of Understanding between Ministry of Health and Ministry of Justice that can be used to provide criminal conviction history checks*

32. MOJ have advised that there is an existing Memorandum of Understanding (MOU) between their agency and MOH regarding third party requests for criminal conviction history checks that can be used to implement the interim approach.
33. Leveraging off the existing MOU, we recommend the Specialised Assessment Unit be established within MOH. This resource will only be one FTE – Senior Advisor to provide required secretariat support.

*Financial implications for implementation and operation of the interim approach*

34. No new funding is sought as part of this proposal. As part of Budget 2025, a tagged contingency was established to support the delivery of the Crown's response to the

recommendations made by the Royal Commission [CAB-25-MIN-0126.72 refers]. For the 2025/26 financial year, \$7.094 million is available. Cabinet authorised you, the Minister of Finance and relevant appropriate Ministers to draw down the tagged contingency.

35. Table One provides the indicative costings to support implementation of the interim approach. The costings are based on the 2,220 projected number of claims for the 2025/26 financial year. It is estimated that 5% of this population will be serious offenders within the scope of these provisions. However, the number of survivors for whom a criminal conviction history check will need to be completed will be significantly more than this. It is difficult to estimate the exact number of criminal conviction history checks and court checks to confirm sentencing information will be required as no data about survivors' criminal history is collected. Further the projected number of claims received could exceed what is anticipated.
36. Given the high level of uncertainty around the percentage of claimants likely to be within the scope of the regime, officials are proposing to report back to redress Ministers and the Minister of Finance by the end of 2025. The report will provide updated estimates of how many future claims will likely be within the scope of the regime and associated processing times and costs. The report will also include an analysis of the potential to meet costs from within agency baselines and clear rationale if they cannot be.
37. For the purposes of costings, we have estimated that up to 50% of survivors registering a claim will require a criminal conviction history check (approximately 1,100 checks in the next 12 months) and of these, 25% will require a further check to confirm sentence information (approximately 275 checks in the next 12 months). These estimates also consider the requirement to undertake spot checking as well as the likelihood for some individuals sentence information may need to be requested from multiple Courts. Given the limited information available to estimate the potential demand for checks to be completed further funding may be required if demand and the number of checks required to be completed exceeds our initial estimates.
38. **Table One: financial implications associated with the Specialised Assessment Unit resource**

Item	Costings
Personnel costs and overheads (1FTE – Senior Advisor):	\$0.140 million
Costs of criminal conviction history check costs (\$13.00 per check) and sentencing information check costs (\$33.00 per check)	\$0.024 million
<b>Total for FY25/26</b>	<b>\$0.164 million</b>

### Next steps

39. Upon your agreement, CRO and redress agencies will continue to work collectively to ensure all necessary processes and resources are in place to implement the interim approach to the presumption criteria.

**Appendix 1: List of qualifying offences under Schedule 1AB of the Sentencing Act 2002**

Provision of Crimes Act 1961	Subject matter
s 128B	Sexual violation
s 129(1)	Attempted sexual violation
s 129(2)	Assault with intent to commit sexual violation
s 129A(1)	Sexual connection with consent induced by threat
s 131(1)	Sexual connection with dependent family member under 18 years
s 131(2)	Attempted sexual connection with dependent family member under 18 years
s 132(1)	Sexual connection with child
s 132(2)	Attempted sexual connection with child
s 132(3)	Indecent act on child
s 134(1)	Sexual connection with young person
s 134(2)	Attempted sexual connection with young person
s 134(3)	Indecent act on young person
s 135	Indecent assault
s 138(1)	Exploitative sexual connection with person with significant impairment
s 138(2)	Attempted exploitative sexual connection with person with significant impairment
s 142A	Compelling indecent act with animal
s 144A	Sexual conduct with children and young people outside New Zealand
s 172	Murder
s 173	Attempted murder
s 174	Counselling or attempting to procure murder
s 175	Conspiracy to murder
s 177	Manslaughter
s 188(1)	Wounding with intent to cause grievous bodily harm
s 188(2)	Wounding with intent to injure
s 189(1)	Injuring with intent to cause grievous bodily harm
s 189A	Strangulation or suffocation
s 191(1)	Aggravated wounding

Provision of Crimes Act 1961	Subject matter
s 191(2)	Aggravated injury
s 198(1)	Discharging firearm or doing dangerous act with intent to do grievous bodily harm
s 198(2)	Discharging firearm or doing dangerous act with intent to injure
s 198A(1)	Using firearm against law enforcement officer, etc
s 198A(2)	Using firearm with intent to resist arrest or detention
s 198B	Commission of crime with firearm
s 200(1)	Poisoning with intent to cause grievous bodily harm
s 201	Infecting with disease
s 208	Abduction for purposes of marriage or civil union or sexual connection
s 209	Kidnapping
s 232(1)	Aggravated burglary
s 234	Robbery
s 235	Aggravated robbery
s 236(1)	Causing grievous bodily harm with intent to rob, or assault with intent to rob in specified circumstances
s 236(2)	Assault with intent to rob