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Crown Response to the Abuse in Care Inquiry

COVERSHEET

Minister	Hon Erica Stanford	Portfolio	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
Title of briefing	Presumption against redress for serious offenders: advice on information sharing	Date to be published	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
- section 9(2)(h) to maintain legal professional privilege



Presumption against redress for serious offenders: advice on information sharing			
Date:	7 August 2025	Security level:	
Priority:	High	Report number:	CRACI 25/092

Actions sought	
<p>Hon Erica Stanford 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</p> <p>Hon Paul Goldsmith Minister of Justice</p>	<p>Note the approach to the information sharing arrangements required to support the consideration of applications to have the presumption against redress overturned.</p> <p>Agree to forward a copy of the briefing to the Minister of Corrections, Hon Mark Mitchell.</p>

Contact for discussion			
Name	Position	Telephone	1st contact
Rajesh Chhana	Chief Executive, Crown Response Office	9(2)(a)	
Rebecca Martin	General Manager Policy and Strategy, Crown Response Office	9(2)(a)	✓
Caroline Greaney	Deputy Secretary Policy, Ministry of Justice	9(2)(a)	
Kathy Brightwell	General Manager, Civil and Constitutional, Ministry of Justice	9(2)(a)	

Agencies consulted
Department of Corrections, Crown Law

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) <hr/>

<p>Comments</p>
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Presumption against redress for serious offenders: advice on information sharing

For: Hon Erica Stanford, 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 (Lead Coordination Minister)

Hon Paul Goldsmith, Minister of Justice

CC: Hon Mark Mitchell, Minister of Corrections

Date: 7 August 2025

Security level:

Priority: High

Report number: CRACI 25/092

Purpose

1. Cabinet has agreed to the introduction of a new legislative regime that will create a presumption against making redress payments to new claimants who are also serious sexual and violent offenders. This briefing sets out officials' recommended approach to the information sharing arrangements required to support the consideration of applications to have the presumption against redress overturned.

Legal privilege

2. The information in this briefing may be subject to legal privilege.

Recommendations

3. It is recommended that you:
 - a. **note** that, on 5 May, Cabinet agreed to establish a legislative regime that would create a presumption against the payment of financial redress for some serious offenders and that those deemed ineligible could apply to an independent decision maker (the 'Redress Officer') to have the presumption overturned [CAB-25-MIN-0145 refers];
 - b. **note** that, on 30 June, Cabinet authorised the Lead Coordination Minister and Minister of Justice to decide whether, and if so what, provisions need to be included in the legislation establishing the regime to enable the necessary information gathering and verification processes [CBC-25-MIN-00-33];
 - c. **note** the Redress Officer will be able to access necessary information with the consent of the applicant and under existing legal frameworks and mechanisms, including the Privacy Act 2020 and relevant Court rules, and that a new legislative authority is not needed;
 - d. **note** that officials from the Crown Response Office and Ministry of Justice are available to talk through the approach, if needed; and

e. **agree** to forward a copy of this briefing to the Minister of Corrections.

Lead Coordination Minister Yes/No

Minister of Justice Yes/No



Rajesh Chhana
Chief Executive
Crown Response Office
Crown Response to the Abuse in Care Inquiry

07 / 08 / 2025



Caroline Greaney
Deputy-Secretary Policy
Ministry of Justice

07 / 08 / 2025

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 Paul Goldsmith
Minister of Justice

/ /

Proactive release - open and transparent government

Background

4. On 5 May, Cabinet agreed to establish a legislative regime that would create a presumption against the payment of financial redress to claimants who have been convicted of a qualifying offence¹ and were sentenced to five years or more in prison for that offence [CAB-25-MIN-0145 refers].
5. A person who is presumed ineligible for accessing financial redress under the regime will have the option to apply to an independent decision maker (the ‘Redress Officer’) to have the presumption overturned. The Redress Officer will be authorised to grant financial redress where they are satisfied, having regard to specified factors, that the granting of redress will not bring the redress system into disrepute.
6. The specified factors are:
 - a. the nature of the offence;
 - b. the length of sentence;
 - c. length of time since the person committed the offence;
 - d. the person’s age when the offending took place;
 - e. any rehabilitation of the person; and
 - f. any other information the Redress Officer deems necessary [CBC-25-MIN-00-33 refers].
7. On 30 June, as part of the report back to Cabinet on further matters, Cabinet authorised the Lead Coordination Minister and Minister of Justice to decide whether, and if so what, provisions need to be included in the legislation establishing the regime to enable the necessary information gathering and verification processes [CBC-25-MIN-00-33 refers].
8. The Crown Response Office and the Ministry of Justice, with support from the Department of Corrections, have been working on the information gathering and verification mechanisms necessary to support:
 - a. claimants in scope of the presumption to be identified; and
 - b. the Redress Officer to make decisions on applications by claimants to have the presumption against financial redress overturned.
9. This briefing is focussed on information to support decisions made by the Redress Officer.
10. In December 2025, officials will be reporting back to the Minister of Finance, the Lead Coordination Minister, and other relevant Ministers, as to any fiscal implications of the new legislative regime. This will include any additional costs associated with resourcing the necessary information gathering and verification arrangements.

Proposed approach for the Redress Officer to access necessary information

11. Officials recommend information access requests made by the Redress Officer occur with the consent of the person applying to have the presumption overturned (the applicant) and within existing legal frameworks and mechanisms.

¹ A qualifying offence is one listed under Schedule 1AB of the Sentencing (Reinstating Three Strikes) Amendment Act 2024.

12. The key legal frameworks that apply are the Privacy Act 2020 and relevant Court rules determining access to court records.² The Privacy Act governs the way in which personal information is collected and managed. Relevant court rules govern access to court records. If the information is already in the public domain, that information can be used freely without any special process for accessing or handling the information.
13. We considered whether a new legislative authority would be required and have concluded that it would not. The relevant documents can be accessed under existing laws, with the consent of the applicant, if the information is not already public. Moreover, a new legislative authority would not fundamentally alter the process for, or timeliness of, the Redress Officer accessing the necessary information.
14. The types of information that will be needed by the Redress Officer include information about the offence that triggered the presumption, any aggravating or mitigating factors, the impact of the offending on the victim/s, the offender's response to the sentence, including the response to any rehabilitative programmes, and the offender's subsequent conduct including any reoffending.
15. 9(2)(h) [REDACTED]
16. In some cases, these documents will be available publicly. Where they are not, the Redress Officer will need to work with the Courts and the Parole Board or Corrections, and with the consent of the applicant, to request these documents and/or determine what other documents exist and would be appropriate in the circumstances. These processes are discussed further in **Appendix One**.
17. Through our engagement with the Office of the Chief Justice and the Director of the Parole Board, we are confident these processes will enable access to the necessary documents by the Redress Officer.
18. Further, we consider that the proposed approach does not raise significant privacy concerns. The Redress Officer will be obtaining information about the person applying to have the presumption overturned, with their consent. We are also confident that the relevant documents will either be:
- a. expressed with appropriate protections in place for privacy and sensitivity (for example, where necessary, victims' information may be anonymised and generally sensitive information about the victim will not be included in these documents which are necessarily designed to be provided to the offender), or
 - b. appropriate steps would be taken by the agency or entity providing the information to the Redress Officer, to redact or withhold information in line with relevant provisions under the Privacy Act 2020.
19. Note that we have not yet discussed this advice with the Privacy Commissioner.

² Section 173(1) of the Senior Courts Act 2016 and the Senior Courts (Access to Court Documents) Rules 2017; and section 236(1) of the District Court Act 2016 and the District Court (Access to Court Documents) Rules 2017.

Next steps

20. Officials will continue to work with the Office of the Chief Justice and the Parole Board on the implementation of the information sharing arrangements. We will also engage with the Privacy Commissioner on the privacy implications of this work.
21. As part of the report back to Ministers in December 2025 on fiscal implications of the regime, we will also set out any costs associated with the information sharing arrangements and whether these can be met within baselines.
22. The regime will be established through the Redress (Abuse in Care) Bill (as currently named), a new standalone legislation. A draft timeline to introduce the Bill is also included below (noting the priority status for the Bill is currently under review as part of the 2025 Legislation Programme reprioritisation process, led by the Prime Minister).

Table One: Timeline for Cabinet consideration of matters on serious offenders

Milestone	Date
Draft Bill, Cabinet Legislation Committee (LEG) paper, and Disclosure Statement to Lead Coordination Minister	By 22 August
Ministerial consultation	25 August - 5 September
Final Bill provided to Lead Coordination Minister, for lodging	10 September
Bill printed and lodged with Cab Office	11 September
LEG approves Bill for introduction	18 September
CBC approves Bill for Introduction	22 September
Bill introduced	Early Oct

Appendix One: Overview of mechanisms supporting the Redress Officer to access necessary information

Accessing sentencing notes and other information relating to the qualifying offence

1. Table One below details the mechanisms by which the Redress Officer can access or request access for information related to the qualifying offence.

Table One: Access mechanisms for information about the triggering offence

Access mechanisms	Documents
1. Information accessible online, via Judicial Decisions Online or Westlaw Online	<ul style="list-style-type: none"> • Sentencing notes if case is heard in High Court after 2005
2. Information can be requested from the Department of Corrections, with the consent of the applicant	<ul style="list-style-type: none"> • Sentencing notes if case is heard in High Court after 2005, and • Sentencing notes if case is heard in High Court prior to 2005 and all cases heard in the District Court
3. An application can be made to the Courts for certain court documents, with the consent of the applicant	<ul style="list-style-type: none"> • All the above documents, and • any other information about the qualifying offence

2. The simplest pathway for the Redress Officer to access information about the qualifying offence will be where the case was heard in the High Court post 2005, as the Judge’s sentencing notes are likely to have been published online. Where sentencing notes cannot be accessed online, the Redress Officer can request this information, with the consent of the applicant, through the Department of Corrections, which holds sentencing notes for offenders on their file.
3. If the information is not readily available or appropriate for release through these means, or if the Redress Officer needs to access other information about the qualifying offence, they will need to go directly to the Courts to request this information. The Courts are responsible for the custody and control of Court records.
4. If Court documents are required by the Redress Officer, they may request this information from the relevant court registry under the relevant court rules. There is a general right of access to certain documents, such as sentencing notes. Where there is no general right of access to a document, a Registrar or Judge will make a decision about whether to permit access to the material. Where court permission is required to access a document, the fact that a survivor has authorised the Redress Officer to obtain the material is likely to be relevant to the court’s assessment of the access request.
5. At this stage, we do not have a clear view of the types of cases that will come through to the Redress Officer, nor of the average age of cases. However, we can expect that the Redress Officer will be required, at times, to access documentation directly via the Courts.

Accessing information on an offender’s rehabilitation and reoffending

6. Information regarding an offender’s rehabilitation and reoffending is held by the Department of Corrections (Corrections) and the New Zealand Parole Board (Parole Board).

7. Corrections is currently reviewing what are the relevant documents held by Corrections and the Parole Board that may be needed to support the Redress Officer’s decision, to inform the design of information sharing arrangements. An estimation of the ongoing costs associated with resourcing information requests made by the Redress Officer is also being developed.
8. Depending on the individual circumstances of the applicant, including whether or not they are eligible for parole, one or more of the following documents would be available to support the Redress Officer’s decision.

Table Two: Access mechanisms for information about rehabilitation and reoffending

Access mechanism	Document
1. Information can be requested from the Parole Board, with the consent of the applicant	<ul style="list-style-type: none"> • Published³ and non-published Parole Board decisions
2. Information can be requested from Corrections, with consent of the applicant, and subject to any necessary redactions in line with Privacy Act provisions	<ul style="list-style-type: none"> • Other relevant material on the Corrections offender file, for example, Programme reports⁴

9. 9(2)(h) [Redacted text block]

10. Information in relation to individuals held by Corrections and the Parole Board is subject to the Privacy Act 2020, unless it is made publicly available. Corrections endorses the approach of redacting records in line with the usual Privacy Act provisions, which enables any sensitive operational information that would not be relevant to the Redress Officer’s decision to remain protected.

³ The Parole Board only publishes ‘high profile’ parole decisions on the Parole Board’s website.

⁴ This documents a person’s attendance, participation and progress in addressing their motivation and/or rehabilitative needs.