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Mā Whakarongo me Ako ka huri te tai
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 Cabinet paper	Redress System for Abuse in Care Bill: Approval for Introduction	Date to be published	13 March 2026

List of documents that have been proactively released		
Date	Title	Author
9 October 2025	Redress System for Abuse in Care Bill: Approval for Introduction	Crown Response Office
9 October 2025	Redress System for Abuse in Care Bill: Approval for Introduction LEG-25-min-0192	Cabinet Office
13 October 2025	Report of the Cabinet Legislation Committee: Period Ended 10 October 2025 CAB-25-MIN-0354	Cabinet Office

Withholding grounds

Documents have been released in full.

Office of the 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

Cabinet Legislation Committee

Redress System for Abuse in Care Bill: Approval for Introduction

Proposal

- 1 This paper seeks Cabinet approval to introduce the Redress System for Abuse in Care Bill (the Bill) to Parliament in October 2025.

Policy

- 2 The Bill will be new standalone legislation that introduces a presumption against some survivors with convictions for serious sexual and/or violent offences (serious offenders) receiving redress payments from core State agencies. This presumption can be overturned where an independent decision maker determines that making a redress payment would not bring the scheme into disrepute.
- 3 The Bill also provides legal protections for these agencies when making apologies for abuse in State care [CAB-25-MIN-0145 and CBC-25-MIN-0033 refer].

Presumption against financial redress for some serious offenders

- 4 The Bill introduces a presumption against making redress payments to new claimants who:
 - 4.1 make a claim for redress for abuse in care following redress announcements (on 9 May 2025);
 - 4.2 have been convicted of a qualifying offence under Schedule 1AB of the Sentencing Act 2002; and
 - 4.3 were sentenced to five years or more in prison for that offence.
- 5 The new regime will apply to some serious offenders who are seeking redress from the Ministries of Education, Health, and Social Development, Oranga Tamariki – Ministry for Children, the Department of Corrections, and Te Puni Kōkiri.
- 6 The presumption against redress payments for serious offenders can be overturned in circumstances where the making of a payment would not bring the redress system into disrepute [CAB-25-MIN-0145 refers].
- 7 The ability to overturn the presumption would be vested in an independent decision maker (the 'Redress Officer') external to redress agencies. If the

Redress Officer declines to overturn the presumption, serious offenders can reapply once to have the presumption against redress overturned, no earlier than three years from the date of decision by the Redress Officer to decline a redress payment [CBC-25-MIN-0033 refers].

- 8 To deter people from providing false or misleading information about their criminal history when applying for redress, the Bill will establish two new strict liability category 1 offences (punishable by fine only) for failing to declare specified criminal convictions either when first making an application for financial redress or any time after they have made an application for financial redress but before redress is granted. The new offences have a maximum penalty of up to \$5,000 [CBC-25-MIN-0033 refers].
- 9 Criminal offending has not previously been a factor in eligibility for redress for abuse in State care. However, the Government considers that the granting of financial redress to some serious offenders could bring the redress system into disrepute and so have decided that consideration of these cases by an independent decision maker is appropriate. This approach models the Australian National Redress Scheme for Institutional Child Sexual Abuse Act 2018.
- 10 The presumption against financial redress for serious offenders was publicly communicated on 9 May 2025, at the time of redress announcements. It is, therefore, publicly known.
- 11 An interim process to check if a claimant is a serious offender is required so that core State agencies can continue to process claims ahead of the legislative changes coming into force. Agencies have been working to establish the interim process. Once the Bill comes into force, the interim process will be replaced by the process set out in the Bill.

Personal apologies for abuse in care

- 12 The Bill establishes that personal apologies given by core State agencies as part of providing redress for abuse in care should not be admissible as evidence in civil proceedings that seek remedies for abuse in State care and are not to be treated as expressly or implicitly admitting guilt [CBC-25-MIN-0033 refers].
- 13 Apologies form an important part of the redress provided to survivors of abuse in care. However, the risk of liability following an apology in a context where it has not been possible to fully establish the facts provides a disincentive to the making of fulsome apologies.

Impact analysis

- 14 The Ministry for Regulation has determined that this proposal is exempt from the requirement to provide a Regulatory Impact Statement on the grounds that the economic, social, or environmental impacts are limited and easy to assess.

Compliance

The principles of the Treaty of Waitangi

- 15 It is anticipated that the presumption against financial redress for some serious offenders will disproportionately impact Māori, given the clearly documented link between abuse in care to later offending, including violent and sexual offending, and over-representation of Māori in care and the criminal justice system. Consequently, the proposal may engage Article Three of the Treaty of Waitangi as it may not achieve equitable outcomes.

The New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993

- 16 Given the objective of the redress system is to provide redress to survivors of abuse in care, any policy that excludes particular cohorts of survivors, based solely on their criminal history, may be inconsistent with the right to an effective remedy under the New Zealand Bill of Rights Act 1990 (NZBORA) and may attract a report by the Attorney-General under section 7 of NZBORA. The Ministry of Justice will provide advice to the Attorney-General on the consistency of the Bill with NZBORA prior to introduction.
- 17 The apologies aspect of the Bill is consistent with NZBORA and the Human Rights Act 1993. The provision of redress for abuse in care, which can include a personal apology from the responsible agency, seeks to address breaches of a survivor's human rights.

Disclosure statement requirements

- 18 The Bill complies with the disclosure statement requirements. The disclosure statement prepared by the Crown Response Office is attached to this paper.

The Privacy Act 2020

- 19 The Bill prescribes the information gathering and verification mechanisms necessary to support claimants in scope of the presumption to be identified and the Redress Officer to make decisions on applications by claimants to have the presumption against financial redress overturned. Relevant information, as requested by the Redress Officer, will be obtained about the person applying to have the presumption overturned, with their consent, and in compliance with the principles and guidelines set out in the Privacy Act 2020.

Relevant international standards and obligations

- 20 The establishment of a legislative presumption against financial redress for some serious offenders could attract criticism in international fora, such as the Human Rights Committee that monitors implementation of the International Covenant on Civil and Political Rights. However, New Zealand is not an outlier, as the presumption is modelled on similar approaches taken in Australia and Scotland, within their respective redress schemes.

The Legislation Guidelines (2021)

- 21 The Legislation Design and Advisory Committee (LDAC) notes that legislation should have a prospective and not retrospective effect. The legislation would apply to claims lodged following the announcement of the changes to the redress system (9 May 2025) but before the enactment of legislation and, therefore, there is some degree of retrospectivity. This may result in criticism that the legislation does not comply with the LDAC guidelines. It may also be perceived to be unfair because it applies new rules about the way an application should be dealt with that did not apply at the time the claim was lodged, as the supporting legislation will not have been passed. This criticism may be mitigated by the presumption having been publicly announced on 9 May 2025 and, therefore, already in the public domain.

Consultation

- 22 The Bill has been developed by the Crown Response Office. Key agencies supporting the Crown response to the Abuse in Care Inquiry were consulted on the policy proposals. They include ACC, Crown Law, Department of Corrections, Department of Internal Affairs, Inland Revenue, Ministry of Business, Innovation and Employment, Ministry of Education, Ministry of Health, Ministry of Justice, Ministry for Pacific Peoples, Ministry for Regulation, Ministry of Social Development, Ministry for Women, New Zealand Police, Oranga Tamariki – Ministry for Children, Parliamentary Counsel Office, Public Service Commission, Te Puni Kōkiri, the Treasury, and Ministry of Disabled People—Whaikaha. The Department of the Prime Minister and Cabinet was informed.
- 23 The judiciary and the New Zealand Parole Board were consulted on aspects of the Bill related to the gathering and verification of criminal records and personal information.

Binding on the Crown

- 24 The Bill will be binding on the Crown [CAB-25-MIN-0145 refers].

Allocation of decision-making powers

- 25 The Bill gives the power to make decisions to overturn the presumption to an independent statutory officer called the Redress Officer.
- 26 The Bill prescribes the qualifications of the Redress Officer and the decision-making process.

Associated regulations

- 27 No regulation is required to support the Bill.

Other instruments

- 28 The Bill does not include any provisions empowering the making of other instruments that are deemed to be legislative instruments or disallowable instruments (or both).

Definition of Minister/department

- 29 The Bill defines the Minister as the Minister who, with the approval of the Prime Minister, is responsible for the administration of the Act.

Commencement of legislation

- 30 The Bill will come into force on the day after the date of Royal assent.

Parliamentary stages

- 31 Cabinet agreed to assign the Bill that will give effect to the decisions under CAB-25-MIN-0145 a category 4 priority in the 2025 Legislation Programme (to be passed by the end of 2025 if possible). Following the review of the 2025 Legislation Programme by the Leader of the House, the Lead Coordination Minister has recommended that the Bill be reprioritised to category 5 (to proceed to select committee by the end of 2025).
- 32 I recommend that the Bill is referred to the Social Services and Community Select Committee as the most substantive changes relate to redress agencies. I anticipate the Bill will be enacted by June 2026.

Proactive Release

- 33 I intend to proactively release this paper, along with the associated policy paper, subject to any necessary withholdings under the Official Information Act 1982, following the introduction of the legislation.

Recommendations

I recommend that the Committee:

- 1 **note** that the Redress System for Abuse in Care Bill holds a category 5 priority on the 2025 Legislation Programme (to proceed to select committee by the end of 2025);
- 2 **note** that the Redress System for Abuse in Care Bill will introduce:
 - 2.1 a presumption against redress payments for some survivors with serious sexual and/or violent convictions who meet the specified requirements; and
 - 2.2 a clause that personal apologies given as part of providing redress for abuse in care are not admissible as evidence in civil proceedings that seek remedies for abuse in care and are not to be treated as expressly or implicitly admitting guilt;
- 3 **approve** the Redress System for Abuse in Care Bill for introduction, subject to the final approval of the Government caucus and sufficient support in the House of Representatives;

- 4 **agree** that the Redress System for Abuse in Care Bill be introduced in October 2025;
- 5 **agree** that the Redress System for Abuse in Care Bill will:
 - 5.1 be referred to the Social Services and Community Select Committee for consideration; and
 - 5.2 come into force on the day after the date of Royal assent.

Authorised for lodgement

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

Proactive release - open and transparent government



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Redress System for Abuse in Care Bill: Approval for Introduction

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

On 9 October 2025, the Cabinet Legislation Committee:

- 1 **noted** that the Redress System for Abuse in Care Bill (the Bill) holds a category 5 priority on the 2025 Legislation Programme (to proceed to select committee by the end of 2025);
- 2 **noted** that the Bill will introduce:
 - 2.1 a presumption against redress payments for some survivors with serious sexual and/or violent convictions who meet the specified requirements; and
 - 2.2 a clause that personal apologies given as part of providing redress for abuse in care are not admissible as evidence in civil proceedings that seek remedies for abuse in care and are not to be treated as expressly or implicitly admitting guilt;
- 3 **approved** the Redress System for Abuse in Care Bill [PCO 27189/6.0] for introduction;
- 4 **agreed** that the Bill be introduced in October 2025;
- 5 **agreed** that Government propose that the Bill be:
 - 5.1 referred to the Social Services and Community Select Committee for consideration;
 - 5.2 come into force on the day after the date of Royal assent.

Tom Kelly
Committee Secretary

Present:

Rt Hon Winston Peters
Hon Judith Collins KC (Chair)
Hon Todd McClay
Hon James Meager
Stuart Smith, MP
Jamie Arbuckle, MP

Officials present from:

Officials Committee for LEG
Office of the Leader of the House
Office of the Attorney-General



Cabinet

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Report of the Cabinet Legislation Committee: Period Ended 10 October 2025

On 13 October 2025, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 10 October 2025:

LEG-25-MIN-0192

Redress System for Abuse in Care Bill: Approval for Introduction

CONFIRMED

Portfolio: Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions



Rachel Hayward
Secretary of the Cabinet

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