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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 Cabinet paper	Introducing legislation to underpin changes to redress for abuse in care	Date to be published	21 November 2025

List of documents that have been proactively released		
Date	Title	Author
30 June 2025	Introducing legislation to underpin changes to redress for abuse in care	Crown Response Office
30 June 2025	Introducing Legislation to Underpin Redress Improvements CBC-25-MIN-0033	Cabinet Office
14 July 2025	Report of the Cabinet Business Committee: Period Ended 4 July 2025 CAB-25-MIN-0228	Cabinet Office

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)(f)(iv) to maintain the current constitutional conventions protecting the confidentiality of advice tendered by Ministers and officials.
- section 9(2)(h) to maintain legal professional privilege.

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 Social Outcomes Committee

Introducing legislation to underpin changes to redress for abuse in care

Proposal

- 1 This paper seeks Cabinet decisions on outstanding policy matters relating to the introduction of a presumption against making redress payments to some survivors with serious offences. It also seeks decisions relating to legislative changes to enable more meaningful personal apologies to survivors of abuse and neglect in care.

Relation to government priorities

- 2 This paper progresses the Government's response to the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions (the Royal Commission).

Executive Summary

- 3 This paper seeks Cabinet agreement to the following matters relating to introducing a presumption against making redress payments to some survivors with serious violent and/or sexual offences through the Redress for Abuse in State Care Bill (the Bill):
 - 3.1 Appointing a retired judge, practicing Kings Counsel, or lawyer (with at least 7 years standing) who can demonstrate specified skills listed in paragraph 21 to the position of Redress Officer to consider applications to overturn the presumption;
 - 3.2 Establishing the factors set out in paragraph 24 as matters the Redress Officer must consider when assessing whether the payment of redress to a claimant would bring the redress system into disrepute;
 - 3.3 Enabling survivors with serious offences to reapply once to have the presumption against redress overturned no sooner than three years after their first application is declined; and
 - 3.4 Introducing under the Bill a new strict liability category 1 offence that has a maximum penalty of up to \$5,000 for any claimant providing false information about their criminal history.
- 4 I also recommend Cabinet authorise myself, as Lead Coordination Minister, and the Minister of Justice, in consultation with other relevant Ministers, to take decisions on whether, and if so, what legislative change may be required to support the information gathering and verification mechanisms necessary to support the operation of the presumption.
- 5 I recommend Cabinet delegate myself, as Lead Coordination Minister, the authority to apply discretion to exempt a survivor who may be subject to the

presumption and whose life is likely to end due to terminal illness before the legislation comes into effect.

- 6 Regarding personal apologies to survivors of abuse in care, I propose Cabinet agree the purpose of personal apologies provided by the State redress system as set out in paragraph 31. 9(2)(h)

I propose Cabinet agree to include legislative protections in the Bill to ensure redress agencies making apologies are protected from any liability that may arise

Background

- 7 On 2 April 2025, the Cabinet Social Outcomes Committee agreed an approach and parameters for delivering enhanced redress to survivors of abuse in State care and invited a report back on options for legislative change to enable more meaningful apologies to survivors [SOU-25-MIN-0039 refers].

- 8 On 5 May 2025, Cabinet agreed [CAB-25-MIN-0145 refers] to introduce a presumption against making redress payments to new claimants who:

- 8.1 make a claim for redress following redress announcements;
- 8.2 have been convicted of a qualifying offence under Schedule 1AB of the Sentencing Act 2002; and
- 8.3 were sentenced to five years or more in prison for that offence.

- 9 Cabinet also agreed:

- 9.1 9(2)(h)
- 9.2 the presumption against redress payments for serious offenders could only be overturned in circumstances where making the payment would not bring the redress system into disrepute; and
- 9.3 the discretionary authority to award redress to serious offenders would be vested in an independent decisionmaker external to redress agencies.

- 10 Cabinet invited a report back on a small number of outstanding matters relating to survivors with serious offences.

Further policy decisions relating to survivors with serious offences

Information gathering and verification

- 11 All new redress claims made after the redress announcements on 9 May will be required to agree to a criminal history check and to declare any specified criminal convictions. Where a claimant declares a serious conviction in scope of the presumptive regime, this will be verified via a criminal history check.
- 12 Criminal history checks do not capture sentence length and appeals information. The Crown Response Office and the Ministry of Justice are working on a long-term approach to gaining this information. This may require legislative and IT changes. In the short term, information will be accessed through both the Ministry of Justice and the courts, with the consent of the claimant.

- 13 I recommend Cabinet delegate authority to myself, as Lead Coordination Minister, and the Minister of Justice to decide whether, and if so what, legislative changes are needed in the Bill to enable the necessary information gathering and verification processes. Other relevant Ministers will be consulted accordingly, including the Minister of Finance on any fiscal implications. Officials will also consult with the Privacy Commissioner.

Authority to exempt terminally ill survivors from the presumption against redress over the interim period

- 14 Ahead of the legislative regime being enacted, there is a risk that terminally ill survivors who may be within the scope of the regime will die before being able to apply to have the presumption against redress overturned.
- 15 I therefore recommend Cabinet authorise myself, as Lead Coordination Minister, the discretion to exempt a claimant from the presumption against redress where they have a terminal illness that is likely to end their life before the legislation is implemented. The only supporting material would be evidence from an appropriate medical professional confirming a terminal diagnosis and prognosis.
- 16 Once the legislation comes into effect, it is my expectation that claimants who are elderly and/or ill would be prioritised when redress agencies refer survivors with serious offences to the Redress Officer and, therefore, the power to exempt claimants with terminal illnesses will no longer be required.

Introducing a new offence as a sanction for any false or misleading declarations

- 17 To deter people from giving false or misleading information about their criminal history when applying for redress, there needs to be an offence and penalty that is appropriate to this context and the nature of the offence.
- 18 Ahead of the Bill being enacted, existing offences and penalties for falsely declaring information established through the Crimes Act 1961 will be relied upon if necessary. These offences (see sections 111 and 241 of the Crimes Act) attract a maximum penalty of up to three years imprisonment.
- 19 Given the unique circumstances and vulnerability of this cohort, I recommend establishing a new offence with a lower and more appropriate and proportionate penalty than the Crimes Act offences. This is consistent with the approach taken in Australia and Scotland and with penalties that apply in similar contexts in New Zealand.
- 20 Following consultation with the Ministry of Justice's Offence and Penalty Vetting team, I recommend the new offence is constructed as a strict liability category 1 offence (punishable by fine only) that has a maximum penalty of up to \$5,000 upon conviction. The Courts would also be empowered to make an order requiring the person to refund the amount of any redress in a context where redress had already been paid to the survivor. The Bill would include a 'reasonable excuse' element, to capture a situation where a person has a valid reason for providing a false or misleading declaration. For example, someone with a cognitive impairment who is unable to recall the details of their offending.

Appointing an independent decision maker to overturn the presumption

- 21 Cabinet agreed the discretionary authority to award redress to serious offenders would be vested in an independent decisionmaker external to redress agencies. I recommend the independent decision maker (the Redress Officer) would be a retired Judge, practicing Kings Counsel, or lawyer with at least seven years standing¹. The Redress Officer should demonstrate:
- 21.1 knowledge and understanding of the criminal justice system and the findings of the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions;
 - 21.2 ability to make a balanced and reasonable assessment of community expectations;
 - 21.3 ability to operate effectively with people who have experienced abuse in care;
 - 21.4 sensitivity to, and understanding of, the impact of crime on victims (as defined in section 4 of the Victims' Rights Act 2002).
- 22 The appointment would be made through the Cabinet Appointments and Honours Committee, and the Redress Officer would be remunerated in line with the Cabinet Fees Framework. Indicative costings associated are discussed in the financial implications section (paragraphs 40-41).
- 23 I considered the appointment of a panel, modelled on the Parole Board, but reached the view that one independent decision maker is sufficient given the small number of cases expected to be considered.

Nature of legal test applied as part of the exercise of discretion

- 24 Cabinet agreed that the presumption against redress payments for survivors with serious offences could only be overturned in circumstances where the making of a redress payment would not bring the redress system into disrepute [CAB-25-MIN-0145 refers]. This is the test applied in Australia. I propose that the Redress Officer be required to consider similar factors when determining whether the test is satisfied as those in the Australian legislation. The relevant factors are:
- 24.1 the nature of the claimant's offence/s;
 - 24.2 the length of the claimant's sentence of imprisonment;
 - 24.3 the length of time since the claimant committed the offence/s;
 - 24.4 the claimant's age/s when the offending took place;
 - 24.5 any rehabilitation undertaken by the claimant; and
 - 24.6 other information considered relevant by the Redress Officer.
- 25 The decision making process would require the Redress Officer to obtain and consider the claimants' court files, Parole Board files, sentence management notes, and any other information the Redress Officer considers relevant to the

¹ Seven years standing is appropriate as this is the level of experience required for a lawyer to become eligible for appointment as a Judge

assessment. The legislation will need to include information gathering powers to enable this information to be obtained.

- 26 Section 27(1) of the New Zealand Bill of Rights Act 1990 sets out requirements relating to the right to the observance of the principles of natural justice. These principles require that affected parties should be given the opportunity to be heard. Consistent with this, the Redress Officer would also consider any further information that the claimant puts forward and any submissions on why the claimant considers that a redress payment should be made available. The Redress Officer would have the power to determine the procedure, provided it is conducted in an as expeditious manner as possible, including whether the claimant's information and submissions should be provided orally or in writing.
- 27 Consistent with the principles of open justice, I recommend the annual publication of the number of claimants applying to have the presumption overturned, the outcome of those applications, and summary information on the basis for and circumstances in which the decisionmaker has overturned the presumption. The published information will be anonymised, with names and other identifiable information removed.

Reapplication following the outcome of a decision not to overturn the presumption

- 28 I propose that survivors with serious offences 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. This approach is aligned to our objective of breaking the cycle of reoffending.

Delivering more meaningful personal apologies to survivors

- 29 In April 2025, Cabinet confirmed that providing personal apologies will continue to be a key offering of the State redress system and invited me to report back by July 2025 with legislative options to enable more meaningful apologies to survivors [CAB-25-MIN-0101 refers]. Many faith-based and other non-State redress systems also offer personal apologies.
- 30 The Royal Commission found that while some survivors received meaningful apologies from redress agencies, the majority had not. It recommended improving both the content of apologies and the process for developing them. The findings and recommendations of the Royal Commission and Redress Design Group are detailed in Appendix One.
- 31 To provide clarity to both survivors and redress agencies, and to progress the Crown's response to the relevant Royal Commission recommendations, I propose Cabinet agree the purpose of personal apologies provided through the State redress system is to:
- 31.1 acknowledge the harm experienced by the survivor (that is the subject of their claim for redress) and the impact it has had on their life;
 - 31.2 take appropriate responsibility for the harm experienced by survivors (that is the subject of their claim for redress); and
 - 31.3 include tangible actions that have and/or will been taken to prevent similar harm occurring again.

32 To ensure personal apologies provided by the State redress system meet these expectations, the Crown Response Office and redress agencies will create a common apologies policy for the State redress system, along with supporting guidance and tools. Officials will also report back to the Minister of Health, Minister of Education and Lead Coordination Minister, and the Minister for Social Development and Employment with advice on formal responses to the Royal Commissioner's apologies recommendations.

33 9(2)(h)

34 I therefore propose Cabinet agree to include provisions in the Bill that protect agencies making personal redress apologies from any further liability arising as a result of making the apology. Redress for abuse in care is a unique context that makes legislative protections particularly desirable. As survivors' accounts are not typically extensively tested (in order to avoid re-traumatising survivors and because of significant gaps in care records), agencies can be reticent to acknowledge unsubstantiated facts due to the risks of litigation associated with admitting facts where an investigation has not occurred.

35 This approach is modelled on legislative protection for apologies that have been introduced in comparable overseas jurisdictions. These models are not specific to abuse in care and their origin appears to be concerns about making apologies following accidents, where to do so will often void insurance cover and where a failure to apologise can impact negatively on the victim. By contrast, in New Zealand personal injury claims are largely dealt with through the ACC scheme.

36 I therefore propose that Cabinet agree:

36.1 subject to discussions with the Parliamentary Counsel Office on the precise formulation of the protection, personal apologies given as part of providing redress for abuse in care should not be 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;

36.2 the admissibility of apologies should not be affected by the proposed provisions in the context of:

36.2.1 criminal proceedings;

36.2.2 any other civil proceedings;

36.2.3 existing apology provisions in the Privacy Act;

36.2.4 matters relating to employment and/or defamation claims;

36.2.5 inquiries and Coroners hearings; and

36.2.6 any other contexts necessary to maintain the integrity of the legal system.

- 37 The apologies protected in legislation will be defined as full apologies (rather than partial) which can express sympathy and regret, can admit fault and responsibility, and the protection should cover both the apology words and any accompanying statements of fact.
- 38 Agencies will continue to manage the tension around apologising for specific acts in the absence of an investigation, but reducing risks relating to liability will enable agencies to offer more genuine acknowledgements, including by taking direct responsibility, where appropriate.
- 39 I will be reporting back to Cabinet in late 2025 with advice on redress for survivors of abuse and neglect in schools outside the Ministry of Education's redress process, healthcare settings after 1 July 1993 managed by Health New Zealand, faith-based institutions, and in the care of non-government organisations [SOU-25-MIN-0039 refers]. 9(2)(f)(iv)

Financial Implications

- 40 Continued development and implementation of the presumptive regime and the new apology guidance will be funded through the Crown Response to the Royal Commission of Inquiry into Historical Abuse in State Care Budget '25 package or other agency baselines as appropriate. This package includes a tagged contingency and Cabinet has authorised myself, as Lead Coordination Minister, the Minister of Finance, and the relevant appropriation Minister/s to jointly draw down funding from the tagged contingency [CAB-25-MIN-0126.72 refers]. Funding for redress agencies to implement the interim approach is being sought from the tagged contingency.
- 41 Indicative costings for the Redress Officer are \$0.236 annually, including \$0.140 for administrative support. Given the high level of uncertainty around the percentage of claimants likely to be within the scope of the regime, and as information sharing and verification requirements are still being worked through, officials will report back to redress Ministers and the Minister of Finance by the end of 2025 with 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.

Legislative Implications

- 42 The Bill to implement a legislative presumption against redress for survivors with serious offences and to provide greater legal protection for personal apologies will likely be introduced in the house in September 2025.

Impact Analysis

Regulatory Impact Statement

- 43 The Ministry for Regulation has determined that the proposals for survivors with serious offences and personal apologies are 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.

Climate Implications of Policy Assessment

- 44 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to these proposals as the threshold for significance is not met.

Population Implications

- 45 Māori, Pacific peoples, and disabled people, particularly people with intellectual/learning and neuro-development disability such as fetal alcohol spectrum disorder are over-represented in care, as survivors of abuse in care and among serious offenders, noting the clearly documented links between abuse in care and subsequent offending. It is likely the Bill will disproportionately affect these populations.
- 46 To mitigate some of the impacts for disabled people who are claimants, redress agencies will need to prioritise ensuring the process is accessible and claimants are supported to understand their options.
- 47 The personal apologies proposals will deliver improvements to all survivors accessing redress through the State redress system, 9(2)(f)(iv) [REDACTED] Part of the work on the common apologies policy will be to ensure the personal apologies process is accessible and responsive to the needs of all survivors.

Treaty of Waitangi Implications

- 48 The Treaty of Waitangi implications associated with the presumption against redress for some survivors with serious offences were set out in the initial Cabinet paper titled *Access to Redress for Survivors of Abuse in State Care with Convictions for Serious Violent and Sexual Offending*.

Human Rights

- 49 The Human Rights implications associated with the presumption against redress for some survivors with serious offences were set out in the initial Cabinet paper titled *Access to Redress for Survivors of Abuse in State Care with Convictions for Serious Violent and Sexual Offending*. 9(2)(h) [REDACTED]
- 50 The proposals regarding personal apologies are consistent with the New Zealand Bill of Rights Act 1990 and 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.

Use of external resources

- 51 No external resources have been used in preparing the advice in this paper.

Consultation

- 52 This paper was developed by the Crown Response Office. ACC, Archives New Zealand, Crown Law, Department of Corrections, 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, Oranga Tamariki, Parliamentary Counsel Office, Public Service Commission, Te Puni

Kōkiri, the Treasury and Whaikaha—Ministry for Disabled People were consulted. The Department of the Prime Minister and Cabinet was informed.

Communications

53 A communications plan will be developed to support Cabinet decisions.

Proactive Release

54 This paper will be proactively published on the Crown Response Office's website with appropriate withholdings under the Official Information Act 1982 following the introduction of the legislation.

Recommendations

I recommend that the Committee:

Decisions relating to redress payments to some serious and violent offenders

- 1 **note** on 5 May 2025, Cabinet agreed [CAB-25-MIN-0145 refers] to introduce a presumption against making redress payments to some serious offenders;
- 2 **authorise** the Lead Coordination Minister and the Minister of Justice, in consultation with other relevant Ministers, including the Minister of Finance on any fiscal implications, 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;
- 3 **agree** a new strict liability category 1 criminal offence for failing to declare specified criminal convictions that has a maximum penalty of up to \$5,000;
- 4 **agree** that a Redress Officer be appointed to consider applications to overturn the presumption against redress who is a retired judge, practicing Kings Counsel, or lawyer with at least 7 years standing and can demonstrate the following:
 - 4.1 knowledge and understanding of the criminal justice system and the findings of the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions;
 - 4.2 ability to make a balanced and reasonable assessment of community expectations;
 - 4.3 ability to operate effectively with people from a range of cultures; and
 - 4.4 sensitivity to, and understanding of, the impact of crime on victims (as defined in section 4 of the Victims' Rights Act 2002);
- 5 **note** the proposed appointment of the Redress Officer would be considered by Cabinet closer to when the Bill is enacted;
- 6 **agree** to delegate to the Lead Coordination Minister the discretion to exempt a survivor from the operation of the presumption against redress if their life is likely to end before the legislation is implemented;
- 7 **note** officials will report back to the Minister of Finance, Minister of Health, Minister of Education and Lead Coordination Minister, and the Minister for Social Development and Employment by the end of 2025 with updated estimates of how many claims will likely be within the scope of the regime, impacts on processing times, associated costs and an analysis of the

potential to meet costs from within agency baselines and clear rationale if they cannot be;

- 8 **agree** the Redress Officer consider whether the payment of redress to a claimant would bring the redress system into disrepute, having regard to:
 - 8.1 the nature of the claimant's offence/s;
 - 8.2 the length of the claimant's sentence of imprisonment;
 - 8.3 the length of time since the claimant committed the offence/s;
 - 8.4 the claimant's age/s when the offending took place;
 - 8.5 any rehabilitation of the claimant; and
 - 8.6 other information considered relevant by the Redress Officer;
- 9 **agree** the Redress Officer can access relevant court files, Parole Board records, and sentence management notes, with the specific documents to be confirmed through the information sharing requirements agreed by joint Ministers as part of recommendation 2;
- 10 **agree** the Redress Officer would have the power to determine the procedure, provided it is conducted in an as expeditious manner as possible;
- 11 **agree** the annual publication of the number of claimants applying to have the presumption overturned, the outcome of those applications, and summary information on the basis for, and circumstances in which, the decisionmaker has overturned the presumption;
- 12 **agree** a survivor with serious offences can reapply once to have the presumption against redress overturned no earlier than three years after an application is declined;

Decisions relating to personal apologies

- 13 **agree** the purpose of personal apologies provided by the State redress system is to:
 - 13.1 acknowledge the harm experienced by survivors (that is the subject of their claim for redress) and the impact it has had on their life;
 - 13.2 take appropriate responsibility for the harm experienced by survivors (that is the subject of their claim for redress); and
 - 13.3 include tangible actions that have and/or will be taken to prevent similar harm occurring again;
- 14 **note** the Crown Response Office and core State redress agencies will create a common apologies policy which delivers on the purpose described in recommendation 12 and report back to the Minister of Health, Minister of Education and Lead Coordination Minister, and the Minister for Social Development and Employment with advice on formal responses to the Royal Commission's apologies recommendations;
- 15 **agree**, subject to discussions with the Parliamentary Counsel Office, personal apologies given as part of providing redress for abuse in care should not be 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;

- 16 **agree** the admissibility of apologies should not be affected by the proposed provisions in the context of:
- 16.1 criminal proceedings;
 - 16.2 any other civil proceedings;
 - 16.3 existing apology provisions in the Privacy Act;
 - 16.4 matters relating to employment and/or defamation claims;
 - 16.5 inquiries and Coroners hearings; and
 - 16.6 any other contexts necessary to maintain the integrity of the legal system;
- 17 **agree** to include provisions relating to personal redress apologies in the Bill which will be introduced to establish the presumption against redress payments for new claimants with serious sexual and/or violent offences;
- 18 9(2)(f)(iv) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- 19 **invite** the Lead Coordination Minister to issue drafting instructions giving effect to the decisions relating to apologies set out in this paper; and
- 20 **authorise** the Lead Coordination Minister, in consultation with the Ministers of Health, Education, and Minister for Social Development and Employment to make decisions on drafting consistent with the policy agreed in this paper.

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

Appendix One: Background information regarding the apology proposals

- 1 The Royal Commission made several findings and recommendations regarding personal apologies in its interim report on redress, *He Purapura Ora, He Māra Tipu*, including that:
 - 1.1 apologies were insincere because they failed to genuinely acknowledge the abuse experienced by the recipient, did not take any responsibility, and used language that was careful to avoid legal responsibilities;
 - 1.2 apologies were generic, lacked personal details and appeared to be the based on standard templates; and
 - 1.3 survivors had little or no involvement in the creation of the apology and wanted opportunities to amend content or make special requests regarding the way they were delivered.
- 2 The Royal Commission made five recommendations regarding personal apologies in its redress report, *He Purapura Ora, He Māra Tipu*¹. The table below details the recommendation text and the current response status as agreed to by Cabinet on 12 May 2025.

Rec #	Full Recommendation text	Current response status
32	If desired by a survivor, the scheme should facilitate meaningful acknowledgements and apologies from the responsible institution to the survivor and others affected by abuse in care.	Partially accept
33	Apologies should: acknowledge the tūkino or abuse, harm and trauma caused; accept responsibility for the tūkino; express regret or remorse for the tūkino; be made by a person at an appropriate level of authority so the apology is meaningful; commit to taking all reasonably practicable steps to prevent any recurrence of the tūkino; be flexible and respond appropriately to the needs and wishes of the individual survivor; be consistent, where appropriate, with tikanga Māori or with Pacific cultural practices; come directly from the institution concerned.	Needs further consideration
34	To give effect to these apology principles, the institution concerned should: work with those harmed by the tūkino to apologise in a way that is meaningful to them as part of their wider healing; ensure the person making the apology has the necessary cultural awareness and humility, and has received training about the nature and impact of abuse and the needs of survivors; provide information about the steps it is taking or will take to prevent further abuse.	Needs further consideration

¹ <https://www.abuseincare.org.nz/reports/from-redress-to-puretumu>

35	The scheme should, where appropriate, give guidance to participating institutions about the form and the delivery of apologies.	Needs further consideration
36	The institution should, if a survivor wishes, give an apology as part of a culturally based or other restorative process. The scheme should arrange such a process between the survivor (and any whānau if so desired) and the institution (if it agrees to take part) and any perpetrator (if the perpetrator agrees to take part and the survivor agrees to the perpetrator's participation).	Needs further consideration

- 3 The Redress Design Group also made four specific recommendations² regarding personal apologies, as outlined in the table below. The Redress Design Group broadly endorsed the Royal Commission's apology principles, subject to their overarching recommendation for maximising survivor leadership in all aspects of redress. I have considered their recommendations as part of the development of this advice.

Recommendation text
The Survivor-Led Redress System should have a personal apologies and acknowledgements function that includes system-facing and survivor-facing components.
Apology-related processes should not be overly complex, and should be trauma-informed, accessible, age appropriate, and culturally sensitive to avoid retraumatising survivors and undermining the intent of the apology or acknowledgement.
All survivors, including disabled survivors, need to understand and be able to fully participate in the process. Comprehensive guidance and/or capability building will be needed.
Apology-related processes should draw on and be informed by: meaningful apology and acknowledgement principles; trauma-informed guidance and expertise; tikanga and cultural guidance and expertise; faith and spiritual guidance and expertise; accessibility guidance and expertise; an overview of the natural justice considerations involved in making an apology or acknowledgement; and information on care settings' history and context, abuse prevention initiatives, and other care-related change programmes underway.

² <https://www.abuseinquiryresponse.govt.nz/assets/Uploads/Proactive-release/Putahi-te-mauri-he-wai-ora-e-Redress-design-proposals-1.pdf>



Cabinet Business 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.

Introducing Legislation to Underpin Redress Improvements

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 30 June 2025, the Cabinet Business Committee:

Decisions relating to redress payments to some serious and violent offenders

- 1 **noted** that in May 2025, Cabinet agreed to introduce a presumption against making redress payments to some serious offenders [CAB-25-MIN-0145];
- 2 **authorised** 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 (Lead Coordination Minister) and the Minister of Justice, in consultation with other relevant Ministers, including the Minister of Finance on any fiscal implications (joint Ministers), 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;
- 3 **agreed** to a new strict liability category 1 criminal offence for failing to declare specified criminal convictions that has a maximum penalty of up to \$5,000;
- 4 **agreed** that a Redress Officer be appointed, to consider applications to overturn the presumption against redress, who is a retired judge, practising King's Counsel, or lawyer with at least 7 years' standing and can demonstrate the following:
 - 4.1 knowledge and understanding of the criminal justice system and the findings of the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions;
 - 4.2 ability to make a balanced and reasonable assessment of community expectations;
 - 4.3 ability to operate effectively with people from a range of cultures; and
 - 4.4 sensitivity to, and understanding of, the impact of crime on victims (as defined in section 4 of the Victims' Rights Act 2002);
- 5 **noted** that the proposed appointment of the Redress Officer will be considered by Cabinet closer to when the Bill is enacted;

- 6 **authorised** the Lead Coordination Minister to apply discretion to exempt a survivor from the operation of the presumption against redress if the survivor's life is likely to end before the legislation is implemented;
- 7 **noted** that officials will report back to the Minister of Finance, Minister of Health, Minister of Education, Lead Coordination Minister, and Minister for Social Development and Employment by the end of 2025 with updated estimates of how many claims will likely be within the scope of the regime, impacts on processing times, associated costs and an analysis of the potential to meet costs from within agency baselines and clear rationale if they cannot be;
- 8 **agreed** that the Redress Officer will consider whether the payment of redress to a claimant would bring the redress system into disrepute, having regard to:
 - 8.1 the nature of the claimant's offence/s;
 - 8.2 the length of the claimant's sentence of imprisonment;
 - 8.3 the length of time since the claimant committed the offence/s;
 - 8.4 the claimant's age/s when the offending took place;
 - 8.5 any rehabilitation of the claimant; and
 - 8.6 other information considered relevant by the Redress Officer;
- 9 **agreed** that the Redress Officer can access relevant court files, Parole Board records, and sentence management notes, with the specific documents to be confirmed through the information sharing requirements agreed by joint Ministers as part of the delegation in paragraph 2 above;
- 10 **agreed** that the Redress Officer will have the power to determine the procedure, provided it is conducted in an as expeditious manner as possible;
- 11 **agreed** to the annual publication of the number of claimants applying to have the presumption overturned, the outcome of those applications, and summary information on the basis for and circumstances in which the decisionmaker has overturned the presumption;
- 12 **agreed** that a survivor with serious offences can reapply once to have the presumption against redress overturned no earlier than three years after an application is declined;

Decisions relating to personal apologies

- 13 **agreed** that the purpose of personal apologies provided by the State redress system is to:
 - 13.1 acknowledge the harm experienced by survivors (that is the subject of their claim for redress) and the impact it has had on their life;
 - 13.2 take appropriate responsibility for the harm experienced by survivors (that is the subject of their claim for redress); and
 - 13.3 include tangible actions that have been and/or will be taken to prevent similar harm occurring again;

- 14 **noted** that the Crown Response Office and core State redress agencies will create a common apologies policy which delivers on the purpose described in paragraph 13 above and report back to the Minister of Health, Minister of Education, Lead Coordination Minister, and the Minister for Social Development and Employment with advice on formal responses to the Royal Commission's apologies recommendations;
- 15 **agreed**, subject to discussions with the Parliamentary Counsel Office (PCO), that personal apologies given as part of providing redress for abuse in care should not be 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;
- 16 **agreed** that the admissibility of apologies should not be affected by the proposed provisions in the context of:
- 16.1 criminal proceedings;
 - 16.2 any other civil proceedings;
 - 16.3 existing apology provisions in the Privacy Act 2020;
 - 16.4 matters relating to employment and/or defamation claims;
 - 16.5 inquiries and Coroners hearings;
 - 16.6 any other contexts necessary to maintain the integrity of the legal system;

Next steps

- 17 **agreed** to include provisions relating to personal redress apologies in the Bill which will be introduced to establish the presumption against redress payments for new claimants with serious sexual and/or violent offences;
- 18 9(2)(f)(iv)
- 19 **invited** the Lead Coordination Minister to issue drafting instructions to PCO to give effect to the above decisions relating to apologies, as set out in the paper under CBC-25-SUB-0033;
- 20 **authorised** the Lead Coordination Minister, in consultation with the Minister of Health, Minister of Education, and Minister for Social Development and Employment to make further decisions on drafting consistent with the policy agreed above.

Rachel Clarke
Committee Secretary

Present:

Hon David Seymour (Chair)
Rt Hon Winston Peters
Hon Nicola Willis
Hon Chris Bishop
Hon Simeon Brown
Hon Shane Jones
Hon Erica Stanford
Hon Paul Goldsmith
Hon Louise Upston
Hon Judith Collins KC

Officials present from:

Office of the Prime Minister
Department of the Prime Minister and Cabinet



Cabinet

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.

Report of the Cabinet Business Committee: Period Ended 4 July 2025

On 14 July 2025, Cabinet made the following decisions on the work of the Cabinet Business Committee for the period ended 4 July 2025:

CBC-25-MIN-0033

Introducing Legislation to Underpin Redress Improvements

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