



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 release of Amendment Paper regarding redress process in the event of advanced terminal illness or death	Date to be published	16 June 2026

List of documents that have been proactively released

Date	Title	Author
30 April 2026	Redress System for Abuse in Care Bill: Approval for release of Amendment Paper regarding redress process in the event of advanced terminal illness or death	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
30 April 2026	Redress System for Abuse in Care Bill: Approval for release of Amendment Paper regarding redress process in the event of advanced terminal illness or death LEG-26-MIN-0078	Cabinet Office
4 May 2026	Report of the Cabinet Legislation Committee: Period Ended 1 May 2026 CAB-26-MIN-0148	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)(ba)(ii) to protect information which is subject to an obligation of confidence, where the making available of the information would be likely otherwise to damage the public interest.

Context

The following documents are related to these papers and provide further context:

- Cabinet paper - [Approach to redress process for survivors of abuse in State care in the event of advanced terminal illness or death](#)
- Amendment paper - [Redress System for Abuse in Care Bill - Amendment paper No 581 | New Zealand Legislation](#)
- Disclosure statement - [NZ Legislation Disclosures](#)

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 release of Amendment Paper regarding redress process in the event of advanced terminal illness or death

Proposal

- 1 This paper seeks agreement to release an Amendment Paper for the Redress System for Abuse in Care Bill (the Bill) to:
 - 1.1 provide a discretionary exemption from the serious offender process where a survivor of abuse in State care is terminally ill with a prognosis of less than six months; and
 - 1.2 specify the process where a survivor dies before their claim is resolved.

Policy

- 2 The Bill implements two aspects of the Government's broader decisions on the State redress system for abuse in care. Its purpose is to:
 - 2.1 introduce a presumption against financial redress for serious violent or sexual offenders [CAB-25-MIN-0145 and CAB-25-MIN-0228 refer], and
 - 2.2 provide legal protections for core State agencies when making apologies for abuse in State care [CAB-25-MIN-0228 refers].
- 3 It applies to redress schemes operated by the Ministries of Education, Health, and Social Development, Oranga Tamariki, the Department of Corrections, and Te Puni Kōkiri, which collectively make up the core State redress system.

Cabinet has agreed amendments to the Bill to address circumstances where a survivor is terminally ill or dies

- 4 This paper seeks agreement to release a second Amendment Paper for the Bill (**Appendix One**). The first Amendment paper covered extending the redress scheme administered by the Ministry of Health to cover abuse in State mental health care settings until 30 June 2022 [CBC-26-MIN-0016 refers].
- 5 This Amendment Paper reflects Cabinet decisions relating to the redress process for survivors in the event of advanced terminal illness or death. In April, Cabinet agreed [CAB-26-MIN-0116 refers]:

- 5.1 to allow for a discretionary exemption from the serious offender process where a survivor suffers from a terminal illness that is likely to end their life within six months; and
 - 5.2 that the independent decision maker established by the Bill (the redress officer) will make decisions about exemptions.
- 6 For an exemption where a criminal record check has not been undertaken in respect of the survivor, the independent decision maker must have reasonable grounds to believe that an applicant for financial redress suffers from a terminal illness that is likely to end their life within six months.
- 7 For an exemption where the person has been identified as a serious offender, as well as having reasonable grounds to believe that an applicant for financial redress suffers from a terminal illness that is likely to end their life within six months, the independent decision maker must be satisfied that:
- 7.1 it is unlikely that a determination on whether to overturn the presumption will be made before the person's death; and
 - 7.2 the granting of an exemption to the person would not bring the redress system into disrepute or adversely affect public confidence in the redress system.
- 8 With respect to claims made by survivors who die before the serious offenders process is complete, Cabinet [CAB-26-MIN-0116 refers]:
- 8.1 confirmed that claims from survivors who die before the serious offender process is complete can be progressed by their next-of-kin or estate;
 - 8.2 confirmed that the presumption against financial redress for serious offenders will apply to claims being progressed by the survivor's next-of-kin or estate; and
 - 8.3 agreed that a deceased survivor's next-of-kin or estate cannot reapply to the independent decision maker (the redress officer) if the redress officer decides not to overturn the presumption.

Impact analysis

- 9 The Ministry for Regulation determined that the proposals contained in the Bill 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. The Ministry for Regulation was consulted on the changes included in the Amendment Paper attached to this paper and confirmed the exemption from the requirement to provide a Regulatory Impact Statement still applies.

Compliance

- 10 The Amendment Paper complies with each of the following:

- 10.1 the principles of the Treaty of Waitangi;
 - 10.2 advice was not sought from the Treaty Provisions Officials Group on Treaty of Waitangi provision because the Amendment Paper does not specifically refer to or propose a clause relating to Te Tiriti o Waitangi;
 - 10.3 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
 - 10.4 the principles and guidelines set out in the Privacy Act 2020;
 - 10.5 the disclosure statement requirements (see paragraph 8 below);
 - 10.6 relevant international standards and obligations; and
 - 10.7 the Legislation Guidelines (2021).
- 11 The Amendment Paper complies with disclosure statement requirements. The Crown Response Office has prepared a supplementary disclosure statement reflecting the changes in the Amendment Paper (**Appendix Two**).

Consultation

- 12 The Department of Corrections, Health New Zealand, Ministry of Education, Ministry of Health, Ministry of Social Development, Oranga Tamariki, and Te Puni Kōkiri were consulted on this paper. The Department of the Prime Minister and Cabinet was informed.

Binding on the Crown

- 13 The Amendment Paper will be binding on the Crown [CAB-25-MIN-0145 refers].

Creating new agencies or amending law relating to existing agencies

- 14 The Amendment Paper will not create a new agency or amend law relating to existing agencies.

Associated regulations

- 15 No regulations will be needed to bring the Amendment Paper into effect.

Other instruments

- 16 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

- 17 This Amendment Paper does not define the terms Minister, department or chief executive of a department.

Commencement of legislation

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

Parliamentary stages

19 The Bill was introduced and had its first reading on 14 October 2025. The Social Services and Community Committee reported back on the Bill on 13 March 2026. The Bill is currently awaiting second reading.

20 The Amendment Paper will be released and tabled as soon as practicable following Cabinet approval.

21 9(2)(ba)(ii), 9(2)(f)(iv)

Proactive Release

22 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 release of the Amendment Paper.

Recommendations

I recommend that the Committee:

1 9(2)(ba)(ii), 9(2)(f)(iv)

2 **note** that on 7 April 2026 Cabinet agreed [CAB-26-MIN-0116 refers]:

- 2.1 to amend the Bill to allow for a discretionary exemption from the serious offender process at any stage of the claim process where a survivor suffers from a terminal illness that is likely to end their life within six months;
- 2.2 that the decision maker for exemptions will be the independent redress officer established by the Bill;
- 2.3 claims from survivors who die before the serious offender process is complete can be progressed by their next-of-kin or estate;
- 2.4 that if a survivor dies before the serious offender process is complete, that the presumption against financial redress for serious offenders will apply to claims being progressed by the survivor's next-of-kin or estate; and
- 2.5 deceased survivor's next-of-kin or estate cannot reapply to the independent redress officer if the officer decides not to overturn the presumption.

- 3 **note** the attached Amendment Paper implements the decisions set out in recommendation 2 above;
- 4 **agree** to release the Amendment Paper;
- 5 **note** the Amendment Paper will be released following Cabinet approval.

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



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 Release of Amendment Paper Regarding Redress Process in the Event of Advanced Terminal Illness or Death

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 April 2026, the Cabinet Legislation Committee:

- 1 9(2)(ba)(ii), 9(2)(f)(iv)
- 2 **noted** that on 7 April 2026, Cabinet agreed:
 - 2.1 to amend the Bill to allow for a discretionary exemption from the serious offender process at any stage of the claim process where a survivor suffers from a terminal illness that is likely to end their life within six months;
 - 2.2 that the decision maker for exemptions will be the independent redress officer established by the Bill;
 - 2.3 that claims from survivors who die before the serious offender process is complete can be progressed by their next-of-kin or estate;
 - 2.4 that if a survivor dies before the serious offender process is complete, that the presumption against financial redress for serious offenders will apply to claims being progressed by the survivor's next-of-kin or estate; and
 - 2.5 that deceased survivor's next-of-kin or estate cannot reapply to the independent redress officer if the officer decides not to overturn the presumption.

[CAB-26-MIN-0116]
- 3 **noted** that the Amendment Paper attached to the submission under LEG-26-SUB-0078 implements the decisions set out in paragraph 2 above;
- 4 **agreed** to release the Amendment Paper;
- 5 **noted** that the Amendment Paper will be released following Cabinet approval.

Sam Moffett
Committee Secretary

Attendance (see over)

Present:

Rt Hon Winston Peters
Hon Chris Bishop
Hon Erica Stanford
Hon Paul Goldsmith
Hon Louise Upston (Chair)
Hon Simon Watts
Hon Chris Penk
Hon Brooke van Velden
Hon Nicole McKee
Hon Shane Jones
Hon Casey Costello
Hon Scott Simpson
Hon James Meager
Hon Cameron Brewer
Hon Mike Butterick
Hon Andrew Hoggard
Stuart Smith MP
Todd Stephenson MP
Jamie Arbuckle MP

Officials present from:

Officials Committee for LEG

Proactive release - open and transparent government



Cabinet

Minute of Decision

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Report of the Cabinet Legislation Committee: Period Ended 1 May 2026

On 4 May 2026, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 1 May 2026:



LEG-26-MIN-0078

**Redress System for Abuse in Care Bill: Approval
for Release of Amendment Paper Regarding
Redress Process in the Event of Advanced
Terminal Illness or Death**

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

Proactive release - open and