



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	Decisions relating to the Crown's response to allegations of torture in State care settings	Date to be published	25 September 2026

List of documents that have been proactively released

Date	Title	Author
2 September 2026	Decisions relating to the Crown's response to allegations of torture in State care settings	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
2 September 2026	Decisions Relating to the Crown's Response to Allegations of Torture in State Care Settings SOU-26-MIN-0072	Cabinet Office
7 September 2026	Report of the Cabinet Social Outcomes Committee: Period Ended 4 September 2026 CAB-26-MIN-0293	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)(h) to maintain legal professional privilege
- section 9(2)(f)(iv) to maintain the current constitutional conventions protecting the confidentiality of advice tendered by Ministers and officials

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

Decisions relating to the Crown's response to allegations of torture in State care settings

Proposal

- 1 This paper seeks:
 - 1.1 agreement to a process for responding to allegations of torture in State care settings outside of the Lake Alice Psychiatric Hospital Child and Adolescent Unit (Lake Alice); and
 - 1.2 authorisation for the Lead Coordination Minister and the Minister of Mental Health to agree, in extenuating circumstances, to provide torture redress for any remaining Lake Alice torture survivors.

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

Responding to allegations of torture outside of Lake Alice

- 3 While the Royal Commission did not find that systemic torture occurred outside of Lake Alice, individual allegations of torture in State care have continued to be brought to the attention of Ministers and agencies providing redress for abuse in State care (redress agencies)¹.
- 4 To support a robust and consistent response to these allegations, the Crown Response Office, in consultation with Crown Law, New Zealand Police, redress agencies, and other relevant agencies, is developing a policy which sets out a process for responding to allegations of torture in State care outside of Lake Alice. The development of this policy is being overseen by joint Redress Ministers² and the Attorney-General.
- 5 Because of the significance of torture and its relevance to New Zealand's international legal obligations, I am seeking Cabinet agreement that the process will

¹ The Ministries of Education, Health and Social Development, Oranga Tamariki, Department of Corrections and Te Puni Kōkiri.

² 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 and Minister of Education, Minister for Social Development and Employment, Associate Minister Health (Hon Matt Doocey), and the Minister for Children.

include a requirement for independent civil investigations of credible³ torture allegations that cannot be investigated and/or prosecuted by New Zealand Police.

- 6 I also propose that this policy would include torture that is alleged to have occurred before New Zealand's legal obligation to investigate torture came into effect on 28 December 1978. This is on the basis that we have recognised and provided redress for torture that took place at Lake Alice prior to 28 December 1978 and a consistent approach to torture allegations in other State care settings is needed.

Authorising late access to torture redress for Lake Alice torture survivors

- 7 Cabinet has previously delegated to joint Ministers decisions regarding late access to Lake Alice torture redress in extenuating circumstances. This authorisation expired in November 2025. I am seeking Cabinet agreement to establish this authorisation on an ongoing basis. The cost of any additional redress payments can be met from an existing tagged contingency for the Crown's Royal Commission response.

Background

- 8 Torture is defined in Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention). The three elements are:
- 8.1 any act or omission by which severe pain or suffering (whether physical or mental) is intentionally inflicted on a person;
 - 8.2 by a public official or person acting in an official capacity or by a person at the instigation of or with the consent or acquiescence of a public official or person acting in an official capacity; and
 - 8.3 the act or omission must have been inflicted for a torture related purpose such as obtaining a confession, punishment, intimidation or coercion, or for any reason based on discrimination.
- 9 In July 2024, Cabinet acknowledged that some children and young people were tortured at Lake Alice [CAB-24-MIN-0234 refers] and in December 2024, Cabinet agreed a redress package for the survivors of torture [CAB-24-MIN-0516 refers]. Under the redress process agreed by Cabinet in 2024, the Lead Coordination Minister and the Minister for Mental Health could approve late access to the individual payment pathway until 30 June 2025 and the expedited (fixed) payment pathway until 30 November 2025.
- 10 Following the acknowledgement of torture at Lake Alice, the Crown Response Office and Crown Law, in consultation with redress agencies, have continued to provide advice to Ministers on possible torture outside of Lake Alice.

- 11 9(2)(h) [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

³ Assessing the credibility will involve determining whether an allegation appears to meet the definition of torture, and if it does, whether there is some information to support the allegation.

A policy for the State redress system that will provide a consistent response to allegations of torture in State care settings is being developed, consistent with our obligation to investigate torture

- 12 We cannot rule out the possibility of isolated instances of torture in State care institutions and individual allegations of torture have continued to be made to Ministers, redress agencies, and in correspondence from lawyers representing survivors. Most recently, declaratory judgment proceedings were filed in June 2026 relating to alleged torture and cruel, degrading, or disproportionately severe treatment at three historic bush programmes. The Ministry of Social Development (MSD) is the respondent to the proceeding.
- 13 Consistent with our obligations under the Convention to ensure allegations of torture are investigated⁵, the Crown Response Office, in consultation with redress agencies, Crown Law, New Zealand Police, and other relevant agencies, is developing a policy which sets out how the Government will respond to allegations of torture in State care. The policy will apply to new allegations received after the date the policy is introduced, and that which arise in relation to care settings for which the State provides redress for abuse in care.⁶ The scope of the State redress system, and therefore the care settings the policy will apply to, is defined in section 6 of the Redress System for Abuse in Care Act 2026. These settings currently are:
- 13.1 care, protection or control of children or young people by Oranga Tamariki (or its predecessor agencies) and Te Puni Kōkiri (or its predecessor agencies);
 - 13.2 State-run psychiatric or psychopaedic facilities before 1 July 2022⁷;
 - 13.3 a specialist school or primary school before 1 October 1989;
 - 13.4 a State school that has been closed under section 199 of the Education and Training Act 2020 or any corresponding former legislation; and
 - 13.5 youth penal institutions (including borstals).
- 14 The policy is limited to the State's response to torture allegations in the context of abuse in State care. Some care settings covered by the State redress system are also defined as places of detention (e.g. compulsory mental health is both a State care setting and a place of detention), and allegations of torture in these settings before 1 July 2022 would fall within scope of the policy.

⁴ 9(2)(h)

⁵ Under the Convention, the State is obliged to ensure allegations of torture are promptly, impartially, and effectively investigated by competent authorities if there is reasonable ground to believe that an act of torture has been committed.

⁶ The common policy does not establish any obligation on agencies to revisit closed claims and assess them for possible torture. A survivor with a closed claim would need to contact a redress agency and make an allegation of torture for this to occur.

⁷ The Redress for Abuse in Care Act 2026 provides for this to be extended to include abuse in State-run psychiatric or psychopaedic facilities on or after 1 July 2022 in the future.

- 15 The policy would not apply to the Crown's response to allegations of torture in other contexts (e.g. adult prisons) nor how places of detention are monitored.⁸ A contemporary allegation of torture in a care setting and/or place of detention likely presents an immediate safeguarding and safety issue and should be reported to the Police.
- 16 Joint Redress Ministers and the Attorney-General have oversight of the development of the policy and the associated proposals in this paper. The policy ensures that appropriate Ministerial and Cabinet oversight is provided at key points in the process.
- 17 The proposed process for redress agencies to follow when they receive or become aware of an allegation of torture has three key steps which are summarised below and in **Appendix One**:
- 17.1 **redress agencies will make an initial assessment around whether investigation may be required** – the common policy will include guidance on the definition of torture and the types of information that should be sought to support an assessment of the credibility of a torture allegation. It is expected that most historic allegations will not reach the threshold for referral for investigation, because of the highly specific nature of the three elements of torture;
- 17.2 **impartial investigation of the allegation** – where possible, torture should be investigated by the Police, being the agency responsible for, and with expertise in, criminal investigations and prosecutions. However, in some cases a police investigation may not be possible or appropriate (for example, where the alleged perpetrator or key witnesses have died). In these circumstances, there still needs to be an investigation. I am seeking decisions on the process where a criminal investigation and/or prosecution is not possible; and
- 17.3 **decisions on acknowledgement and the provision of redress** (if an investigation finds that torture occurred) – the common policy would set out the approach to seeking Cabinet decisions on acknowledgement and the provision of redress. Officials are considering what guidance is needed to help ensure a consistent set of factors are taken into account when determining financial redress, noting it is important the provision of redress is based on the individual circumstances of the case. While Lake Alice provides an example of torture redress that may be relevant, the unique and exceptional circumstances of Lake Alice (including the number of survivors, the contemporaneous complaints, and the delay in making an acknowledgement of torture) mean it is likely to have limited precedent value for any other acknowledgements that may be made.

I am seeking Cabinet agreement that, where a criminal investigation is not possible, the common policy will require an independent civil investigation by a senior lawyer

⁸ Several independent bodies (including the Ombudsman, Children's Commissioner, and the IPCA) are designated as national preventative mechanisms under the Crimes of Torture Act and are mandated to inspect places of detention (which includes some 'care' settings) and make recommendations to improve the conditions of detention, improve the treatment for detainees, and to prevent torture.

- 18 Given the significance of torture and New Zealand's international legal obligations, I am seeking Cabinet agreement to key elements of this policy.
- 19 If an allegation is deemed to be credible, the State has an obligation to impartially investigate it and determine whether torture occurred. The common policy will be clear that if a criminal investigation into torture is possible it should be pursued.
- 20 Nonetheless, in the case of historic torture allegations, the Police will often be unable to fully discharge the State's duty to establish the facts of and responsibility for torture. Constraints on the Police's ability to investigate torture include that torture has only been a criminal offence under the Crimes of Torture Act 1989 since 13 November 1989, the fact many alleged perpetrators and/or key witnesses may be deceased or unidentifiable, and the need for Police to make judgements about which offence(s) to prosecute based on the available evidence.
- 21 The Convention does not distinguish between criminal and civil proceedings, only requiring investigations to have sufficient power and adequate resources to make a finding of fact about what occurred, and if possible, to determine responsibility for torture. The investigation step of this process therefore needs to address alternative methods of impartial investigation if a criminal investigation is not possible.
- 22 I am seeking Cabinet agreement that in these circumstances, and consistent with New Zealand's obligation to investigate credible allegations, the common policy will require an independent civil investigation of those allegations to determine whether torture occurred on the balance of probabilities.
- 23 While the standard of proof for a civil investigation is lower than that of a criminal one (which is beyond reasonable doubt), the civil investigation would still need to be rigorous enough to make findings of fact about what occurred. This is in contrast to the State redress system for abuse in care, whereby, to be trauma-informed and efficient, it does not subject claims for abuse in State care to rigorous testing or make findings of fact. A duty to investigate torture necessarily imports some testing of the evidence but the common policy will include requirements for the process to be trauma-informed to the extent it can be consistent with the allegations being thoroughly investigated.
- 24 I am also seeking Cabinet agreement that to help ensure survivor trust and confidence in a civil investigation of their allegation, the common policy will have a standard approach of appointing an independent senior lawyer (e.g. a King's Counsel, retired Judge or an experienced lawyer with the relevant knowledge and skills) to undertake a civil investigation on behalf of the State unless some other form of investigation is more appropriate.
- 25 The common policy would allow for the flexibility to respond to the particular circumstances of the allegation. There may be situations where a redress agency or agencies, in consultation with Crown Law, consider that another form of investigation is more appropriate, because it is necessary for the investigator to have information-gathering powers. In this situation, some form of statutory inquiry may need to be established, either by commissioning an investigation from a body with standing powers of inquiry⁹, or by establishing a government inquiry under the Inquiries Act if no other inquiry option is suitable.

⁹ For example, district inspectors who are appointed to uphold the rights of people receiving compulsory mental health, substance, or intellectual disability care.

I am also seeking Cabinet agreement that the common policy will require an appropriate response to all credible allegations of torture in State care

- 26 9(2)(h)
- 27 However, I am seeking agreement from Cabinet that the Crown will respond to allegations of torture made in the context of abuse in State care that predate New Zealand's international obligation to investigate torture under the Convention. This means the common policy for responding to torture allegations in State care settings would include allegations dating from before 28 December 1978. The torture that occurred, and was acknowledged, at Lake Alice took place between 1972-77 and so a consistent approach is needed.¹⁰
- 28 The prohibition on torture also forms part of customary international law and almost certainly predates both the ICCPR and the Convention. Given this, New Zealand may be subject to criticism by international treaty bodies if it took a strict approach to its obligations and declined to investigate allegations of torture that took place before 28 December 1978.
- 29 The inquiry period covered by the Royal Commission was 1950-1999 and the Royal Commission found that significant abuse occurred in State care before 1978 (when our legal obligation to investigate torture begins). While the Royal Commission did not make findings of torture other than at Lake Alice, it did identify other settings where egregious abuse occurred.
- 30 In a context where we are trying to rebuild and maintain survivor trust and confidence in care agencies and the State redress system, having a cut-off date for responding to torture allegations is likely to be seen as arbitrary and unfair by survivors. It may also be seen as inconsistent with the treatment of Lake Alice survivors.
- 31 The Royal Commission also made two recommendations for how the State should improve its response to allegations of torture in care.¹¹ The intent of both recommendations has been accepted and the common policy outlined in this paper progresses that response. Agreeing to have no cut-off date would also be consistent with the response to the Royal Commission recommendations and findings.

¹⁰ As well as the overwhelming evidence of torture at Lake Alice documented in the Royal Commission's report on the Child and Adolescent Unit, a key driver of the Crown's acknowledgement of torture at Lake Alice was that the UN Committee Against Torture had found New Zealand in breach of its obligations under the Convention in relation to the complaints taken by two Lake Alice survivors, Paul Zentveld and Malcolm Richards.

¹¹ Recommendation 6 in Whanaketia is about ensuring Police conduct proper investigations into allegations of torture. Recommendation 7 in Whanaketia is directed at all State (and non-State) care agencies and sets out expectations for how agencies should support the response to allegations of torture. This includes providing reasonable assistance to any Police investigation, taking all reasonable steps to ensure an impartial and independent investigation is carried out by an appropriate investigator, and ensuring redress is provided to survivors if there is credible evidence torture has occurred.

Delegated authority to approve late access to torture redress for Lake Alice survivors in extenuating circumstances

- 32 Cabinet agreed a redress package for the survivors of torture at Lake Alice in December 2024 [CAB-24-MIN-0516 refers]. 142 survivors received redress from the torture redress process which was administered by the Crown Response Office. There were two payment options: an expedited payment of \$150,000 (which required no assessment of individual circumstances) or an individualised payment determined by an independent arbiter and based on individual experiences of torture. The arbiter then determined financial redress for all survivors in the individualised pathway from a fiscal envelope agreed by joint Ministers. Individualised payments ranged from \$160,000 to \$600,000.
- 33 Claims were accepted for the individual payment pathway from late December 2024 until 30 April 2025 and until 30 September 2025 for the expedited payment pathway. Cabinet agreed that the Lead Coordination Minister and the Minister for Mental Health could approve late access to the individual payment pathway until 30 June 2025 and the expedited (fixed) payment pathway until 30 November 2025.
- 34 However, I am aware of three potentially eligible survivors who have not yet progressed a claim for redress for torture at Lake Alice. This includes two survivors who are awaiting the outcome of the litigation currently being pursued against the Crown. A Lake Alice survivor, Malcolm Richards, is seeking judicial review of Cabinet's decisions on the Lake Alice torture redress scheme. The High Court dismissed the application in September 2025 and Mr Richards was granted leave to appeal. The appeal is set to be heard in February 2027.
- 35 The Crown Response Office has also recently been informed of a third individual who did not come forward when the scheme was open but it is believed they would have been eligible if they had completed the necessary declaration. It is possible that other Lake Alice survivors may come forward in future.
- 36 Setting a timeframe for the redress scheme was effective in encouraging survivors to come forward to make a claim and necessary for the completion of the individualised process overseen by an independent arbiter. This is supported by the fact only one additional survivor who may have missed out on redress has come to our attention in the 12-months since the scheme closed. Having set timeframes for application supported the efficient use of public funds in terms of resourcing the administration of the scheme, with the vast majority of survivors' claims able to be addressed during the 11 months the scheme was operating with no ongoing capacity required.
- 37 However, our international obligations means that the the Crown neds to continue to have the ability to respond to the small number of Lake Alice torture survivors who may not have received redress. I propose Cabinet authorise myself and the Minister for Mental Health on an ongoing basis to enable eligible survivors of torture at Lake Alice to access redress if there were extenuating circumstances which prevented them from applying and/or progressing a claim while the redress scheme was open.
- 38 The redress available in extenuating circumstances would be consistent with that previously agreed by Cabinet for the expedited pathway [CAB-24-MIN-0516 refers], comprising a \$150,000 payment, a written apology from the Prime Minister and the Minister for Mental Health, wellbeing support, and legal advice to support them through this process.

- 39 I do not recommend enabling late access to an individualised payment for torture. It is not possible to reopen this payment pathway on an individual basis as it was a time-limited option that involved an independent arbiter with a specific pool of funding, who then made allocation decisions based on the individual experiences of torture of those who opted for this pathway.
- 40 This approach strikes a balance between protecting the integrity of the original redress process and the need to ensure survivors of torture receive redress. It also helps to avoid potential criticism by United Nations Committee Against Torture for not providing accessible redress for torture given there is a requirement to have an enforceable right to access redress under the Convention.
- 41 Cabinet has previously agreed additional funding for Lake Alice torture redress payments. In June 2025, due to a larger than expected number of eligible Lake Alice survivors coming forward to the torture redress process, Cabinet agreed an additional \$7 million for torture redress payments [CAB-25-MIN-0190 refers]. Funding was drawn from the tagged contingency established in Budget 2025 to support the Government's response to the Royal Commission [CAB-25-MIN-0126.72 refers] and Cabinet agreed the Minister of Finance and the Lead Coordination Minister could return any underspend to the tagged contingency. \$2.46 million of this additional funding was returned in March 2026.
- 42 Pending completion of the 2025/26 financial statements, there is approximately \$1.753 million underspend in the Lake Alice Unit Torture-Redress Payments Multi-Category Appropriation which will be transferred to the tagged operating contingency, meaning the cost of additional torture redress payments will be offset from the funding originally agreed by Cabinet for torture redress.
- 43 I seek agreement for funding for torture redress for up to an additional six survivors. This will allow us to provide redress to the three potential survivors we are aware of along with up to three additional survivors who may come forward.
- 44 The Crown Response Office will remain the point of contact for survivors and will be responsible for administering the payments, wellbeing support and legal advice for survivors.

Cost-of-living implications

- 45 The proposals in this paper have no cost-of-living implications.

Financial implications

- 46 The proposals in this paper regarding the common policy for responding to torture allegations have no immediate financial implications. The initial assessment of whether an investigation is required will be incorporated into agencies usual activity and, where possible, would be undertaken alongside the assessment of the claim for ordinary redress. Given the uncertainty around whether and when a civil investigation might be needed, funding options can be explored at the time.
- 47 If an individual is successfully prosecuted for torture under the Crimes of Torture Act 1989, or the Government formally acknowledges torture has occurred following an investigation, the New Zealand Government has reserved the right to award compensation (financial redress) only at the discretion of the Attorney-General. Decisions on compensation would be made on a case-by-case basis and would be taken by Cabinet.

- 48 Funding for additional torture redress payments for Lake Alice survivors needs to be appropriated alongside the decision to make them available. I therefore propose to draw down \$0.9m funding for the additional torture redress payments from the tagged operating contingency *Implementing the Government's Response to the Royal Commission of Inquiry into Abuse in Care* established as part of Budget 25 [CAB-25-MIN-0126.72 refers]. However, pending completion of the 2025/26 financial statements, there is approximately \$1.753 million underspend in the Lake Alice Unit Torture-Redress Payments Multi-Category Appropriation which will be transferred to the tagged operating contingency, meaning the cost of additional torture redress payments will be offset from the funding originally agreed by Cabinet for torture redress.
- 49 Costs to administer the payments as well as support and legal costs can be met from Crown Response Office departmental baselines and the Lake Alice Unit Torture Redress Payments MCA, respectively.

Legislative implications

- 50 The proposals in this paper do not have legislative implications.

Impact analysis

- 51 Impact analysis is not required as this paper contains no proposal to amend, repeal or introduce legislation.

Population implications

- 52 Given that instances of torture are rare, it is difficult to analyse the population implications. To the extent the population that may have experienced torture mirrors the population that experienced abuse in State care, Māori, Pacific peoples, Deaf and Tūri Māori, disabled people and tāngata whaikaha Māori, particularly people with intellectual (learning) and neuro-development disability such as fetal alcohol spectrum disorder are over-represented in care and as survivors of abuse in care.

Human rights

- 53 The right not to be subjected to torture is codified by the Convention Against Torture as well as Section 9 of the New Zealand Bill of Rights Act 1990, Article 7 of the ICCPR, Article 15 of the Convention on the Rights of Persons with Disabilities, and Article 37(a) of the Convention on the Rights of the Child. The process that redress agencies will follow when responding to allegations of torture is intended to support the discharging of New Zealand's domestic and international obligations regarding torture. Enabling additional payments to survivors of torture at Lake Alice ensures those survivors have access to redress as required under Article 14 of the Convention.

Use of external resources

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

Consultation

- 55 This paper was developed by the Crown Response Office. ACC, Archives New Zealand, Crown Law, Department of Corrections, Department of Internal Affairs, the Ministry of Health, Inland Revenue, Ministry of Education, Ministry of Foreign Affairs

and Trade, Ministry of Justice, Ministry for Pacific Peoples, Ministry of Social Development, Ministry for Women, Oranga Tamariki, Public Service Commission, Te Puni Kōkiri, the Treasury and Ministry of Disabled People—Whaikaha were consulted. The Department of the Prime Minister and Cabinet was informed.

Communications

- 56 The common policy will be published on the State Redress New Zealand website when completed. Communications to accompany its publication will be developed at the time.
- 57 An approach to communicating the decisions regarding late access to Lake Alice torture redress will be finalised following Cabinet agreement.

Proactive release

- 58 This paper will be proactively published on the Crown Response Office's website with appropriate withholdings under the Official Information Act 1982.

Recommendations

I recommend that the Committee:

- 1 **note** that Redress Ministers and the Attorney-General are overseeing the development of a common policy which sets out how the Crown will respond to new allegations of torture in State care settings;
- 2 **note** that the common policy is intended to support the discharging of New Zealand's domestic and international legal obligations regarding torture;
- 3 **agree** that if there is a credible allegation of torture in State care that cannot be investigated or prosecuted by New Zealand Police, the common policy will require an independent civil investigation of those allegations;
- 4 **agree** that the standard approach to an independent civil investigation will be to appoint an independent senior lawyer to undertake the investigation, noting redress agencies, with the support of Crown Law, will advise relevant Ministers and the Attorney-General of the approach to the investigation if the circumstances require a statutory inquiry;
- 5 **agree** that the Crown will respond to new allegations of torture made in the context of abuse in State care that predate New Zealand's international obligation to investigate torture under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

Authorising late access to torture redress for Lake Alice torture survivors

- 6 **note** that in December 2024 Cabinet [CAB-24-MIN-0516 refers]:
- 6.1 agreed to provide redress to survivors of torture at the Lake Alice Psychiatric Hospital Child and Adolescent Unit; and
 - 6.2 agreed 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 for Mental Health could approve redress to a survivor of torture at Lake Alice

if there were extenuating circumstances which meant they could not apply for redress within requisite timeframes, with the authorisation expiring in November 2025;

- 7 **authorise** the Lead Coordination Minister and the Minister for Mental Health to agree to the provision of redress to a survivor of torture at Lake Alice if there are extenuating circumstances which meant they did not progress a claim for redress through the torture redress scheme in 2025;
- 8 **agree** that the redress provided in extenuating circumstances will be the same as that previously agreed by Cabinet for the expedited pathway [CAB-24-MIN-0516 refers], comprising a one-off payment of \$150,000, a written apology signed by the Prime Minister and Minister for Mental Health, and access to appropriate wellbeing support, and legal advice;
- 9 **note** that redress for torture at Lake Alice will continue to be administered by the Crown Response Office;
- 10 **note** that Budget 2025 established a tagged operating contingency [CAB-25-MIN-0126.72 refers] Implementing the Government's Response to the Royal Commission of Inquiry into Abuse in Care – Tagged Operating Contingency totalling \$28.375 million over four years;
- 11 **note** that following the reduction in the tagged contingency for Lake Alice redress [CAB-25-MIN-0190 refers], the drawdown to Vote Health [CRACI 25/065 refers], the drawdown to Vote Internal Affairs [CAB-25-MIN-0250 refers] and the drawdown to Vote Public Service and rephasing [Budget 2026 Technical Initiative No: 17502], the remaining balance and indicative phasing of the tagged operating contingency described in recommendation 10 is:

	\$m				
	2026/27	2027/28	2028/29	2029/30	2030/31 & outyears
Implementing the Government's Response to the Royal Commission of Inquiry into Abuse in Care – Tagged Operating Contingency	10.484	5.344	5.343	7.093	7.093

- 12 **note** that a drawdown request of \$2.153 million over two years (2026/27 and 2027/28) from the tagged contingency described in recommendation 10 is currently with the Minister of Finance and Lead Coordination Minister for approval which will have a corresponding impact on the balance of the tagged contingency;
- 13 **approve** the following change to appropriations to provide for up to six redress payments for torture of \$150,000, with a corresponding impact on the operating balance and net core Crown debt:

	\$m – increase/(decrease)
--	---------------------------

Vote Public Service	2026/27	2027/28	2028/29	2029/30	2030/31 & outyears
Lead Coordination Minister Responsible 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					
Lake Alice Unit Torture Redress Payments MCA					
Non-Departmental Other Expenses:					
Redress Payments for Survivors of Torture at the Lake Alice Child and Adolescent Unit	0.900	-	-	-	-

- 14 **agree** that the proposed changes to appropriations for 2026/27 above be included in the 2026/27 Supplementary Estimates and that, in the interim, the increase be met from Imprest Supply;
- 15 **agree** the expenses incurred under recommendation 13 above be charged against the tagged contingency described in recommendation 10 above;
- 16 **authorise** the Minister of Finance, the Lead Coordination Minister and relevant appropriation Minister/s as necessary to jointly increase the tagged operating contingency described in recommendation 10 above by the amount of funding in the Lake Alice Unit Torture Redress Payments MCA that remains unspent in 2026/27, and/or carry forward the unspent funding in the MCA for 2026/27 to the MCA or other appropriations for 2027/28;
- 17 **note** that following the adjustments detailed in recommendation in 13 above, the remaining balance and indicative phasing of the tagged operating contingency described in recommendation 10 above will be:

	\$m				
	2026/27	2027/28	2028/29	2029/30	2030/31 & outyears
Implementing the Government's Response to the Royal Commission of Inquiry into Abuse in Care – Tagged Operating Contingency	9.584	5.344	5.343	7.093	7.093

- 18 **note** that the tagged contingency described in recommendation 10 above is due also to be topped up by transfer of the 2025/26 underspend in the Lake Alice Unit Torture Redress Payments MCA (estimated at \$1.753 million), following completion of the Public Service Commission's 2025/26 audited financial statements [CAB-26-MIN-0156.55 Initiative No:17386 refers];
- 19 **note** that the tagged operating contingency described in recommendation 10 above will expire on 30 June 2027 (unless the expiry date is extended) meaning funding not drawn down into outyears before this date will be returned.

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: Overview of proposed process for responding to allegations of torture in State care

Convention against Torture	Article 12 – State’s duty to investigate Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction			Article 14 – redress
Crown Law advice	9(2)(h)			
Legal test	Reason to believe that torture occurred	Beyond reasonable doubt	Balance of probability	n/a
PROPOSED PROCESS	Step 1: Initial assessment of need for investigation	Step 2: Impartial investigation of the allegation of torture		Step 3: Acknowledgement of torture and provision of redress
Responsible agency	Redress agency with support of Crown Law	Police <i>Criminal investigation under the Crimes of Torture Act 1989</i>	Redress system <i>Civil investigation, if Police cannot investigate or cannot prosecute.</i>	Redress agency with support of Crown Law
Oversight and assurance		Provided referral to Police is appropriate. A referral may not be appropriate if: - alleged perpetrator is deceased - Police already investigated the allegation - allegation relates to pre-1989 conduct (cannot be investigated as crime of torture).	Redress system-led approach comprising of: - advice to relevant Ministers on how impartial investigation into allegation will be completed (standard approach of appointing independent senior lawyer, unless another approach such as a statutory inquiry is more appropriate) - impartial investigation undertaken.	Redress agency / agencies to provide advice to relevant Ministers on outcome of investigation, acknowledgement of torture, and redress.
Agency	Internal complaints process (common policy)	Police internal complaints process	N/A	N/A
Independent	Ombudsman Judicial Review	IPCA (current) and Inspector-General of Police9(2)(f)(iv)	Ombudsman Judicial Review	Ombudsman Judicial Review
Support for survivors	Legal advice Survivor Experiences Service	Legal advice Victim Support	Legal advice Victim Support	Legal advice Support component of redress



Cabinet Social Outcomes 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.

Decisions Relating to the Crown's Response to Allegations of Torture in State Care Settings

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 2 September 2026, the Cabinet Social Outcomes Committee:

- 1 **noted** that Redress Ministers and the Attorney-General are overseeing the development of a common policy which sets out how the Crown will respond to new allegations of torture in State care settings;
- 2 **noted** that the common policy is intended to support the discharging of New Zealand's domestic and international legal obligations regarding torture;
- 3 **agreed** that if there is a credible allegation of torture in State care that cannot be investigated or prosecuted by New Zealand Police, the common policy will require an independent civil investigation of those allegations;
- 4 **agreed** that the standard approach to an independent civil investigation will be to appoint an independent senior lawyer to undertake the investigation, noting the redress agencies, with the support of Crown Law, will advise relevant Ministers and the Attorney-General of the approach to the investigation if the circumstances require a statutory inquiry;
- 5 **agreed** that the Crown will respond to new allegations of torture made in the context of abuse in State care that predate New Zealand's international obligation to investigate torture under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

Authorising late access to torture redress for Lake Alice torture survivors

- 6 **noted** that in December 2024, Cabinet agreed:
 - 6.1 to provide redress to survivors of torture at the Lake Alice Psychiatric Hospital Child and Adolescent Unit;
 - 6.2 that 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 for Mental Health could approve redress to a survivor of torture at Lake Alice if there were extenuating circumstances which meant they could not apply for redress within requisite timeframes, with the authorisation expiring in November 2025;

[CAB-24-MIN-0516]

- 7 **authorised** the Lead Coordination Minister and the Minister for Mental Health to agree to the provision of redress to a survivor of torture at Lake Alice if there are extenuating circumstances which meant they did not progress a claim for redress through the torture redress scheme in 2025;
- 8 **agreed** that the redress provided in extenuating circumstances will be the same as that previously agreed by Cabinet for the expedited pathway, comprising a one-off payment of \$150,000, a written apology signed by the Prime Minister and Minister for Mental Health, and access to appropriate wellbeing support, and legal advice [CAB-24-MIN-0516];
- 9 **noted** that redress for torture at Lake Alice will continue to be administered by the Crown Response Office;
- 10 **noted** that Budget 2025 established the Implementing the Government's Response to the Royal Commission of Inquiry into Abuse in Care – Tagged Operating Contingency totalling \$28.375 million over four years [CAB-25-MIN-0126.72];
- 11 **noted** that following the reduction in the tagged contingency for Lake Alice redress [CAB-25-MIN-0190], the drawdown to Vote Health [CRACI 25/065], the drawdown to Vote Internal Affairs [CAB-25-MIN-0250] and the drawdown to Vote Public Service and rephasing [Budget 2026 Technical Initiative 17502], the remaining balance and indicative phasing of the tagged operating contingency described in paragraph 10 above is:

	\$m				
	2026/27	2027/28	2028/29	2029/30	2030/31 & outyears
Implementing the Government's Response to the Royal Commission of Inquiry into Abuse in Care – Tagged Operating Contingency	10.484	5.344	5.343	7.093	7.093

- 12 **noted** that a drawdown request of \$2.153 million over two years (2026/27 and 2027/28) from the tagged contingency described in paragraph 10 is currently with the Minister of Finance and Lead Coordination Minister for approval which will have a corresponding impact on the balance of the tagged contingency;

- 13 **approved** the following change to appropriations to provide for up to six redress payments for torture of \$150,000, with a corresponding impact on the operating balance and net core Crown debt:

	\$m				
Vote Public Service	2026/27	2027/28	2028/29	2029/30	2030/31 & outyears
Lead Coordination Minister Responsible 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					
Lake Alice Unit Torture Redress Payments MCA					
Non-Departmental Other Expenses:					
Redress Payments for Survivors of Torture at the Lake Alice Child and Adolescent Unit	0.900	-	-	-	-

- 14 **agreed** that the changes to appropriations for 2026/27 above be included in the 2026/27 Supplementary Estimates and that, in the interim, the increase be met from Imprest Supply;
- 15 **agreed** that the expenses incurred under paragraph 13 above be charged against the tagged contingency described in paragraph 10 above;
- 16 **authorised** the Minister of Finance, the Lead Coordination Minister, and relevant appropriation Minister/s as necessary to jointly increase the tagged operating contingency described in paragraph 10 above by the amount of funding in the Lake Alice Unit Torture Redress Payments MCA that remains unspent in 2026/27, and/or carry forward the unspent funding in the MCA for 2026/27 to the MCA or other appropriations for 2027/28;
- 17 **noted** that following the adjustments detailed in paragraph 13 above, the remaining balance and indicative phasing of the tagged operating contingency described in paragraph 10 above will be:

	\$m				
	2026/27	2027/28	2028/29	2029/30	2030/31 & outyears
Implementing the Government's Response to the Royal Commission of Inquiry into Abuse in Care – Tagged Operating Contingency	9.584	5.344	5.343	7.093	7.093

- 18 **noted** that the tagged contingency described in paragraph 10 above is due also to be topped up by transfer of the 2025/26 underspend in the Lake Alice Unit Torture Redress Payments MCA (estimated at \$1.753 million), following completion of the Public Service Commission's 2025/26 audited financial statements [CAB-26-MIN-0156.55, Initiative 17386];
- 19 **noted** that the tagged operating contingency described in paragraph 10 above will expire on 30 June 2027 (unless the expiry date is extended) meaning funding not drawn down into outyears before this date will be returned to the Centre.

Tom Kelly
Committee Secretary

Present:

Hon David Seymour
Hon Nicola Willis
Hon Chris Bishop
Hon Erica Stanford
Hon Paul Goldsmith
Hon Louise Upston (Chair)
Hon Mark Mitchell
Hon Tama Potaka
Hon Nicole McKee
Hon Casey Costello
Hon Matt Doocey
Hon Penny Simmonds
Hon Scott Simpson
Hon Karen Chhour

Officials present from:

Office of the Minister of Education
Officials Committee for SOU



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 Social Outcomes Committee: Period Ended 4 September 2026

On 7 September 2026, Cabinet made the following decisions on the work of the Cabinet Social Outcomes Committee for the period ended 4 September 2026:

SOU-26-MIN-0072

Decisions Relating to the Crown's Response to Allegations of Torture in State Care Settings

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