

# Proposed Talking Points for Minister Stanford

**Ministerial Group**

**Crown Response to the Abuse in Care Inquiry**

Wednesday 29 May 2024

# Item 1: Public Apology to survivor of abuse in care

## Objectives for this item

- Seek Ministers' on the draft outline for the public apology text, including some specific issues that are yet to be resolved.
- Outline the proposal for the apology event including regional options and tangible actions to accompany the public apology, for Ministers' feedback.

# Public Apology to survivors of abuse in care

## Proposed Talking Points

- Cabinet has agreed to the Royal Commission's recommendation of a public apology for abuse in care to be delivered after the Royal Commission's final report. We now have a timing of early November confirmed for the apology. Appendix One of the Ministerial briefing - the apologies briefing - provides details of apologies planning work.
- The table in paragraph 15 provides a proposed outline for the content to be covered in the public apology. **I am seeking your feedback on this outline and whether you agree we progress work on the drafting of the apology along the lines set out in this table.**
- Some aspects of the public apology will require Cabinet agreement and this will be sought in August. These three areas are set out in paragraphs 16 – 27. They are systemic abuse, Treaty of Waitangi breaches and institutional racism. Advice on these matters is being developed with relevant agencies eg Crown Law and Te Arawhiti for Treaty breaches. **There will be an opportunity for Ministerial consultation on these matters through the Cabinet paper process but are there any initial questions or thoughts about our approach to these matters at this stage?**

# Public Apology to survivors of abuse in care

## Proposed Talking Points

- Paragraphs 28 to 34 provide details around planning for the public apology events. This includes an apology in the House followed by an event in Parliament House to which Ministers with relevant portfolios will be encouraged to attend. **I am seeking an indication from Ministers about their comfort in being part of this event and whether you have any questions about the approach outlined.**
- The paper notes that officials are working with a group of tikanga Māori experts as part of the planning for the national and regional apology events. These advisors have supported with previous apologies including Vietnam veterans and Parihaka. **I am seeking an indication of whether any Ministers would like an opportunity to meet with these experts to discuss their work in more detail.**
- Paragraphs 42 – 45 of the paper identify three specific areas for tangible actions to accompany the public apology – funding for scholarships, regional memorials and creative projects by survivors. These areas were selected following consultation with survivors. **I am seeking your feedback on whether these are the right areas to focus on so Crown Response officials can connect with officials in key agencies to progress this work.**

# Public Apology to survivors of abuse in care

## Proposed Talking Points

- It is worth highlighting that \$2.2 million was appropriated for these tangible actions by the previous administration. I note that this is less than what was spent on tangible actions to accompany the Dawn Raids apology and am mindful that this may have created expectations around tangible actions that we may fall short of. It will be important to position these initiatives within the wider work we have underway to respond to the Royal Commission, including the Survivor Experiences Services and a new records website.

Rebecca Martin and Sandra Moore will be available to provide further information throughout the session, to answer key questions etc as required.

## Item 2: Potential redress for torture experienced at Lake Alice

### Objectives for this item

- To reach a view on whether specific redress for torture at Lake Alice should be developed at pace ahead or if it should be considered as part of wider work on the redesign of redress.
- If there is agreement that specific redress should be developed at pace, confirm what parameters Ministers want to put in place for the redress or its development.

# Potential redress for torture experienced at Lake Alice

## Proposed Talking Points

- We are looking now at the Lake Alice discussion paper in Appendix Two of the meeting pack, starting from page 12.
- As the paper outlines, over the last two years there have been findings about torture at Lake Alice by both the Royal Commission and the UN Committee Against Torture that require specific responses from the Government in light of the Convention Against Torture.
- s9(2)(h) [REDACTED]  
[REDACTED] I instructed officials to work on a Cabinet paper doing so. A working draft the paper was shared as Appendix Three of the meeting pack. **I am seeking feedback and questions on the proposal to recommend an acknowledgement of torture to Cabinet.**
- Given the UN Committee Against Torture recommendations, we also need to consider when we should look at specific redress for torture, and what should be offered.

# Potential redress for torture experienced at Lake Alice

## Proposed Talking Points

- On the timing question, paragraphs 13 – 18 outline the options for work to be done now at pace or else considered as part of wider work on redress redesign, and the pros and cons of each option.
- There are drivers to act sooner – the age and health of the survivors and international scrutiny – but also a risk of setting a redress precedent ahead of the wider consideration of redress.
- There is guidance on what redress for torture could cover, as per paragraphs 20 – 21 of the paper, namely an apology, payments, and rehabilitation services. What each of these could look like is detailed in the three sections of the discussion paper spanning paragraphs 30 – 51.
- **I am seeking your views on whether we should proceed at pace with considering redress for torture or defer decisions on that matter until decisions have been made on wider redress design.**



# Potential redress for torture experienced at Lake Alice

## Proposed Talking Points

- If we are wanting work to proceed now, there would be benefit in some level of survivor engagement in shaping the detail of the package. As noted in the discussion paper (paragraphs 52 – 60) such engagement would need to have appropriate parameters in place to manage expectations and deliver a pragmatic outcome.
- **I am seeking your comfort with some level of survivor engagement on the redress package, and your views on the parameters to agree ahead of any engagement particularly:**
  - **the elements the redress should include – a new apology, payment, and supports**
  - **the overall financial value of any package to provide to each torture survivor**
  - **whether there are specific types of support or rehabilitation that should be excluded from any package.**

Rebecca Martin and Brian McMillan will be available to provide further information throughout the session, to answer key questions etc as required.

## Item 3: Final feedback on draft work programme Cabinet paper

### Objective for this item

- Confirm if there are any remaining comments or changes needed for the work programme paper to be lodged tomorrow (Thursday 30 May).

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# Final feedback on draft work programme Cabinet paper

## Proposed Talking Points

- I intend to have the work programme paper lodged tomorrow (30 May) for consideration at Cabinet Business Committee on 4 June.
- Crown Response officials can summarise the changes made on the back of Ministerial feedback and we can then confirm if any further changes are needed.

Rebecca Martin and Brian McMillan to speak to the changes and invite any further items from the group.

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