23 February 2025 OIA 1153-26

[redacted]

Tēnā koe [redacted]

I refer to your request received on 26 January 2026, which has been considered under the Official Information Act 1982 (OIA). You requested the following information:

> *Copies of any of the office's reports, documents, minutes, briefing notes, memoranda, legal advice, and aide memoires, both internal and external, dated 2025, about the removal of financial redress for sexual and violent offenders.*

Information being released

Please find enclosed the following documents:

Date	Document Description	Decision
11/04/2025	Internal document: Table of policy decisions need for May Cabinet paper	Partial release – some information withheld
30/04/2025	Internal document: Options for redress payments to offenders – including associated costs and implications	Partial release – some information withheld

I have decided to release the documents listed above, subject to information being withheld under one or more of the following sections of the OIA, as applicable:

- section 9(2)(f)(iv), to maintain the confidentiality of advice tendered by or to Ministers and officials
- section 9(2)(h), to maintain legal professional privilege

Information soon to be publicly available

The following information is covered by your request and will soon be publicly available:

Date	Document Description	Published by
3/04/2025	Briefing: Redress options for high tariff offenders and gang members	13/03/2026
23/05/2025	Briefing: Further matters relating to the introduction of a presumption against redress for serious sexual and violent offenders	13/03/2026
29/05/2025	Briefing: Draft Cabinet papers on meaningful apologies and on further decisions regarding serious offenders' access to financial redress	13/03/2026
5/06/2025	Briefing: Updated draft Cabinet papers on meaningful apologies and on further decisions regarding serious offenders' access to financial redress	13/03/2026
18/06/2025	Briefing: Interim approach on access to redress for survivors of abuse in State care with	13/03/2026

	convictions for serious violent and sexual offending	
7/08/2025	Briefing: Presumption against redress for serious offenders: advice on information sharing	13/03/2026
13/10/2025	Cabinet paper: Redress System for Abuse in Care Bill: Approval for Introduction	13/03/2026

As the documents are soon to be published, I have refused your request for the documents listed in the table above under section 18(d) of the OIA – the information requested is or will soon be publicly available. We will notify you when this information has been published on our website.

Information already publicly available

The following information is covered by your request and is already publicly available:

Date	Document Description	Link
3/04/2025	Cabinet paper: Introducing legislation to underpin changes to redress for abuse in care	Link
5/05/2025	Access to redress for survivors of abuse in State care with convictions for serious violent and sexual offending	Link

Accordingly, I have refused your request for the two documents listed above under section 18(d) of the OIA – the information requested is or will soon be publicly available.

Information being withheld

The briefing titled *Redress System for Abuse in Care Bill: Themes and issues arising from submissions* dated 19 December 2025 falls within scope of your request. However, I am refusing your request for this document under section 18(c)(ii) of the OIA as making this information available would constitute contempt of the House of Representatives.

In making my decisions, I have considered the public interest considerations in section 9(1) of the OIA. I do not consider that these considerations outweigh the need to withhold the information.

Context

The Redress System for Abuse in Care Bill (the Bill) introduces a presumption for a survivor making a new redress claim who has a conviction for a serious violent or sexual offence and has been sentenced to five years or more in prison for that offence. The presumption is that they are not eligible for financial redress (noting they could receive non-financial redress such as an apology, records and/or wellbeing support). The Bill creates a process for the survivor to apply to an independent redress officer to have the presumption overturned, if the redress officer is satisfied that providing financial redress would not bring the redress scheme into disrepute. The qualifying offences for the presumption are the 42 offences listed in Schedule 1AB of the Sentencing Act 2002.

I understand that during a phone call on 29 January 2026 with Tamsin Vuetilovoni (Principal Advisor Communications) you indicated you were interested in understanding the progression of advice provided to Ministers regarding survivors accessing redress from the State redress system. Specifically, how the State redress system initially offered all forms of redress (from financial to wellbeing support) to advice about the presumption. Further information that you may find useful to enhance your understanding is provided below.

We can confirm that in February 2025 the Lead Coordination Minister, following discussions with her Ministerial colleagues, requested advice from officials on options to preclude financial redress for high tariff offenders and/or gang members. Officials provided initial advice to Ministers on 3 April 2025 in the briefing titled *'Redress options for high tariff offenders and gang members.* This briefing will be published on our website by 13 March 2026 as noted above. You can find multiple Cabinet papers and briefings relevant to this advice on our website here.

You may also find the published OIA response on our website useful as it contains further briefings regarding advice and decisions made during the process of Budget 2025. This two part response can be found here.

We may publish this OIA response on www.abuseinquiryresponse.govt.nz (with your personal details having been removed). Publishing responses to OIA requests increases the availability of information to the public and is consistent with the purpose of the OIA to enable effective participation in the making and administration of law and policies, and to promote the accountability of Ministers and officials.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available via www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā

John Henderson
General Manager Enabling Services

Policy decisions needed for May Cabinet paper

At the officials meeting on Monday 7 April, the Lead Coordination Minister signalled that of the three options identified in the paper[1], their preference (if any options were to progress) was the option of introducing a discretion to exclude high tariff offenders from receiving redress payments in certain circumstances (option 1). This approach has been implemented in the Australian and Scottish redress schemes.

Table One sets out initial considerations relating to the key purpose, scope, statutory, and implementation Cabinet decisions needed to progress this option at pace and includes some detail on alternative options two[2] and three[3], for information. **It reflects the current state of initial work, but additional considerations and options will inevitably arise in the course of any further work.**

Table Two sets out an indicative timeline for progressing decisions through Cabinet and, should Ministers wish to put the proposed regime on a statutory footing, introducing a bill in the House.

Policy decision	Discussion/commentary
Purpose and rationale of regime Decisions are needed on the purpose and rationale of the regime, as this provides the overarching justification for the intervention and provides an anchor for further decisions around scope.	*What should the purpose and rationale of the regime be?* • 9(2)(h) [redacted] • The Australian and Scottish regimes are both anchored to the purpose of ensuring the credibility and confidence in their respective redress schemes. Both regimes deem it appropriate to restrict the use of public funding in relation to making redress payments to people who have been convicted of serious criminal offences.

1 Briefing to redress Ministers, 3 April 2025: 'Redress options for high tariff offenders and gang members' (HTOGM briefing).
2 Per HTOGM briefing, option 1 was to make payments available to the victim of redress claimant's crimes.
3 Per HTOGM briefing, option 2 was to introduce control mechanism around redress payments.
4 9(2)(h) [redacted]

	• There is no other obvious purpose and rationale for a discretionary measure of this kind. When this issue was last considered in 2017, the underlying objective was to ensure redress payments were consistent with the then Government's objective of reducing reoffending; however, this objective was clearly linked to the measure to impose restrictions on how money is spent, rather than a discretion to exclude. If the Prisoners and Victims option was followed, then the objective would likely be based on providing remedies to victims of crime.
Scope of regime Decisions are needed on which redress processes would be within the scope of the regime and which elements of redress are affected.	*What redress processes would be within the scope of the scheme.* • The scope of the regime would include redress currently delivered through the Ministries of Social Development, Health and Education and Oranga Tamariki. • Redress provided through Health New Zealand, school Boards, and non-state institutions would be outside of the scope of the regime. • Decisions would be needed on whether any claims for Lake Alice torture redress received following announcements of the scheme would be within the scope of the new regime. *Should high tariff offenders be excluded from **all** redress offerings (monetary redress, individual apology, and access to services) or only from accessing redress payments?* • Scotland– successful claimants can still access non-financial redress, including an apology, even if a redress payment is deemed inappropriate. • Australia –claimants with serious offences cannot access non-financial redress if a redress payment is deemed inappropriate through a special assessment process. • If the concern is that making redress payments to serious offenders is repugnant, there is no need to deny personal apologies. An apology without a redress payment may, however, be considered hollow. • Access to support services may be considered repugnant, depending on the nature of those services and supports. Tailored supports and services also have rehabilitative potential which could mitigate the risk of the offender perpetrating further harm. • If an applicant with serious offences was able to access non-financial redress, operational implications would need to be worked through as redress agency's primary orientation is to reach settlement of financial redress.

Serious offenders captured by the regime Decisions are needed on the scope of offending to be captured under the definition of 'high tariff offender', including offence type, length of sentence imposed, and whether the regime should apply to offences committed by adults only, or whether it could also cover some offences committed by children and young people.	*Should the regime be confined to serious sexual and violent offences and possibly terrorist offences or should it also apply to other offences such as serious property offences and drug dealing?* • The Australian and Scottish regimes are both focused on serious sexual and violent offences and the Australian regime also includes terrorism. Under NZ law, there are existing regimes that apply specifically to serious violent and serious sexual offences, such as the preventive detention regime in the Sentencing Act 2002 and the extended supervision order regime in the Parole Act 2002. The existence of these regimes suggests that this type of offending is of the most public concern. If Ministers consider the focus should be on serious violent and serious sexual offences, the definitions in this legislation would provide a useful starting point for the definition of 'high tariff offender'. While there is a large degree of overlap between the offences in each piece of legislation, there are also some differences so there would be some policy choices at the margins. • There is no comparable precedent for a regime that includes other types of offending and defining the offences that fall within the regime would be more challenging. It would be possible to create a list of the offences that perceived as being of most public concern, but the list approach creates a risk of anomalies. The alternative would be a definition based on maximum penalties, but this is a blunt instrument and could bring very large numbers of offenders under the regime, depending on the choice of penalty level. *Should it be based on offence type alone or should it also depend upon the sentence imposed?* • The second policy choice is whether the regime should look only at offence type or whether it should also depend upon the sentence that was imposed. Offence type on its own is a relatively blunt instrument for assessing the seriousness of an offender's conduct because it involves no consideration of an individual offender's level of culpability. For most offence types, there will be some offenders whose offending will have been assessed as being at the lower end of the spectrum and as not being sufficiently serious to attract a custodial sentence. These offenders would be caught within the regime if offence type alone is used as the basis for the definition. • If the objective of the regime is to target the worst offenders, it may be appropriate therefore to also limit the regime to those offenders whose offences have attracted a certain level of penalty. This is the approach in both Australia and Scotland which only include those offenders who have convictions for serious violent and serious sexual **and** who have been sentenced to a period of imprisonment of 5 years or more.

	Should the regime apply to offences committed by adults only or should it also apply to some, very serious, offences committed by children or young people? • Further consideration would need to be given to how the regime applies to offences committed by children and young people. Charges proven in the Youth Court do not generally attract a criminal conviction and would likely be excluded from the regime.
Decision maker Decisions are needed on the level of independence of the decision-maker who would be applying the discretion.	*What level of independence are needed for the decision maker to maintain public confidence in the regime?* • Currently redress decisions are made by departmental officials within the four redress agencies. However, having exclusions from the scheme determined by departmental officials would be likely to undermine public confidence in the regime because these decisions would not be seen as being independent. • There are two possible options to address this: 1) An independent statutory officer could be appointed within one or more of the existing redress agencies, or 2) An independent decisionmaker external of the agencies (such as a retired judge or Kings Counsel) which would be likely to be perceived as being more independent.
The nature of the test Decisions are needed on the nature of the legal test to be applied as part of the discretion. There are two possible models to draw on, based on the Australian and Scottish regimes, which are a presumption of non-eligibility or an unconstrained discretion.	*Should the legal test entail a presumption of non-eligibility, or should the discretion be neutral/unconstrained?* • The Australian approach presumes that serious offenders are excluded from redress unless the decision maker is satisfied that 'providing redress would not bring the scheme into disrepute'. The available information suggests that the majority of offenders do not meet this threshold and only a very small number of offenders have been excluded under the regime. • A presumption against eligibility would more likely exclude serious offenders from eligibility than an unconstrained discretion and make decisions less vulnerable to legal challenge (although not immune). • 9(2)(h) [redacted] • 9(2)(f)(iv) [redacted] • 9(2)(f)(iv) [redacted]
Legislation	*Should the redress scheme be put on a statutory footing to minimise legal risk?*

Decisions are needed on whether the regime should be put on a statutory footing, considering the serious legal risks involved in implementing an administrative exclusion.	• The current redress system is an administrative regime. The legal risks of operating as such are currently low as claimants are treated equally and there are no grounds for being ineligible for redress on the basis of criminal offending or other factors. • 9(2)(h) [redacted] • 9(2)(h) [redacted] • If legislation is required, it would likely be necessary to put the whole redress system on a statutory footing and this may require the legislation to not only set out the grounds for excluding eligibility but also eligibility requirements as well.
Information sharing Decisions are needed on how offenders who come within the scope of the regime are be identified and what degree of verification would be required.	• The Ministry of Justice is responsible for maintaining records of criminal offending and conducts criminal record checks on behalf of individuals by request. The Privacy Act 2020 prevents the sharing of this information between government agencies, unless the person who is the subject of that information gives their consent. • There are a range of options for gathering the information needed to support the operation of the scheme, including (i) a consent-based scheme backed by legislation, (ii) an information gathering scheme with statutory authority. • There are a range of legal and operational complexities that would need to be worked through with all options to minimise harm to claimants, maintain the integrity of the scheme, minimise privacy impacts, and manage costs and operational impacts. • As the regime would requirement obtaining sensitive Courts and claims information, it is likely to attract interest and potential criticism by the Privacy Commissioner.
Transitional provisions – prospectivity	*Should it apply prospectively to claims that were made after the regime was announced?* • All claims lodged following this date would be paused until the regime came into force (see Table Two for potential timeframes).

Decisions are needed on whether the regime would apply prospectively or retrospectively, including whether it should apply to top-up payments.	• New backlogs would occur in the Ministry of Health and Oranga Tamariki as these agencies do not currently have backlogs but would no longer be able to progress and resolve claims until the regime came into force. • Would need to identify if there are any options for continuing to progress claims from terminally ill and/or elderly claimants ahead of the regime coming into force. *Should the regime also apply to claims that were filed before the new regime comes into effect but that have not yet been settled?* • The Legislation Design and Advisory Committee (LDAC) notes that legislation should have a prospective and not retrospective effect. Applying any new regime to applications that are already in train involves a degree of retrospectivity and may result in criticism that the legislation breaches the LDAC guidelines. It may also be perceived to be unfair because it applies new rules about the way an application should be dealt with that did not apply at the time the application was filed. *Should the regime apply to top-up payments?* • The issues surrounding the making of top up payments are complex because different approaches have been taken at different times to the question of whether redress payments are ex gratia payments or full and final settlements. For those claims that have been treated as ex gratia payments, no issue of retrospectivity arises an application for a top up payment is in effect a new claim. In contrast if a matter has been fully and finally settled, then arguably it is applying new rules retrospectively to deny a claimant a top up payment that is designed to recognise an inadequacy in the amount of a previously settled claim. However, it would open the regime to criticism if different approaches were taken to top up payments based on legal technicalities about the basis on which earlier claims were settled. On that basis, any decision to make, or to exclude, top up payments should apply to all high tariff offenders. • This would likely delay the roll out of top up payments.
Cost Cabinet will need to be informed of the cost implications involved in the design, implementation, and potential defence (in relation to prospective litigation against the Crown) of the regime.	• There will be costs associated with appointing an independent decision maker. The alternative option of appointing a statutory officer may attract less cost. • There will be additional design, implementation and delivery costs for redress agencies, regarding communicating, checking and supporting gathering of information to enable this regime. This may also require additional specialist capability. • Likely litigation associated with challenges to decisions around access to redress. • Justice-sector processing times and costs (TBC).

Impact for survivors	• Specific impacts will need to be worked through as part of the design of the scheme, but are likely to include distress and re-traumatisation associated with increased uncertainty, delays and information sharing requirements, and loss of trust and confidence in the fairness of the scheme.

Table two: Indicative timeline for Cabinet decisions and to introduce a bill into the House

Timeframe	Milestone
Cabinet paper 1: Key scope, process, and implementation decisions	
15 April	**Skeleton draft** paper to joint redress Ministers and agencies
16 April	**Initial feedback** from joint redress Minsters and agencies
23 April	**Final draft** paper to Ministers
TBC	Truncated Ministerial consultation
1 May	Lodgement date
Monday 5 May	Initial Cabinet decisions, ahead of Budget 2025 announcements, and approval to begin drafting legislation in parallel with ongoing policy work (subject to PCO agreement).
Further process steps	
By 30 June 2025	Cabinet paper 2: Detailed regime design
TBC	Drafting bill (drafting timeframes dictated by complexity and priority of the bill)
TBC	Cabinet paper 3: Approval to introduce the bill
By September 2025	Bill introduced in the House

Options for redress payments to offenders – including associated costs and implications

	Option One - status quo with re-direction of any outstanding court-ordered reparations from redress payments to claimants' victims[1]	Option Two – presumption against redress for serious offenders applied to new claims[2]	Option Three – presumption against redress for serious offenders applied to new and lodged claims and claims for top-up payments[3]
Estimated numbers of impacted claimants			
Estimated total claimants in first year	2,200	2,200	11,000
Estimated offenders' claims affected in first year	Unknown	110	550
Estimated total claimants over four years	12,000	12,000	20,800
Estimated offenders' claims affected over four years (5% of total)	Unknown	600	1,040
Process steps			
Step One	All new claimants will be informed that any outstanding court-ordered reparations will be deducted from any redress payments. Claimants will be asked to consent to the redress agency checking with the Ministry of Justice whether the claimant has any such outstanding debts.	All new claims received following announcements would be required to agree to a criminal check.	In addition: • anyone who has previously received redress and applies for a top up would have to agree to a criminal check to progress a top-up; and • anyone who had lodged a claim prior to the announcement would be contacted and advised that there has been a change that now requires all claimants to agree to a criminal check to enable their claim to progress.
Step Two	Redress agencies to share claimants' name with Ministry of Justice. Ministry of Justice to inform redress agency whether claimant has any outstanding debt and the value of that debt.	Redress agencies would apply for and receive criminal check results for all claimants. These would identify whether someone had received a conviction for any offence and the length of the sentence awarded. The redress agency would need to work through those records to identify whether the claimant was within scope. This process could be simplified if the Ministry of Justice introduced an IT change to enable the automated identification of whether a particular claimant was within scope.	
Step Three	Redress agency to re-calculate value of redress payment with debt deducted and make that payment to the claimant.	Those claimants identified as within scope would have their claim paused until the new legislation is enacted and they can then apply to the independent decision maker to have the presumption over-turned.	
Step Four	Value of outstanding debt (where that is possible within the value of the redress payment) to be paid to the victim. Agencies roles and responsibilities yet to be worked through.	Once the independent decision maker is established, they will start working through the backlog of claimants seeking to have the presumption over-turned. This will could require access to further information such as parole board and probation information, depending on the nature of the factors the independent decision maker is required to take account of. Natural justice would require that the claimant is given the right to make a submission. Yet to be determined whether the claimant	

[1] MoJ advising on number of offenders with outstanding reparations owing and median value of those reparations. We have no information on the number of claimants who are offenders with outstanding court-ordered reparations owed. This would apply to all future claimants, not just serious sexual and violent offenders.

[2] These costings assume 5% of claimants are within the scope of a serious criminal conviction scheme that include offenders convicted of a three strikes offence and who received a sentence of more than 5 years. The exact number of claimants within the scope of the scheme is unknown as we do not have criminal conviction information for current or previous claimants, and we do not know what the conviction profile of future offenders is. The 5% is based on data from the Scottish and Australian schemes who operate similar models and work undertaken by MSD to informally identify high profile offenders with open claims in 2017. To note, between 1980 – 2024, of the 121,420 offenders over that period, 10,600 received a sentence of more than five years for a qualifying serious sexual and/or violent offence.

1

	Option One - status quo with re-direction of any outstanding court-ordered reparations from redress payments to claimants' victims[1]	Option Two – presumption against redress for serious offenders applied to new claims[2]	Option Three – presumption against redress for serious offenders applied to new and lodged claims and claims for top-up payments[3]
		should have access to legal representation and potentially legal aid to support them in making that decision – there are some relevant international obligations that officials are considering.	
Operational costs (over four years)			
Costs of identifying whether a claimant is within the scope of the new regime	Will include justice sector costs associated with providing information on outstanding debts held by redress claimants to redress agencies. Agencies roles and responsibilities yet to be worked through.	Costs will depend on detailed design and implementation decisions that have yet to be taken but will include: • Automated criminal checks (assumes $13 for third party criminal checks) - $156,000 • Manual processing costs (until IT changes completed) • Justice sector IT changes	Costs will depend on detailed design and implementation decisions that have yet to be taken but will include: • Costs associated with criminal checks (assumes $13 for third party criminal checks) - $270,400 • Agency manual processing costs (until IT changes completed) • Justice sector IT changes
Redress agency resourcing implications	Costs will depend on the number of claimants with outstanding debts which is unknown and detailed design and implementation decisions that have yet to be taken.	Redress agencies have advised that: • It is difficult to estimate the resourcing that will be required without understanding all the steps/work required for the criminal conviction checks; • because the estimates are based on overseas and justice sector data, it is difficult to confidently estimate how many claimants this option would apply to; • this option could increase processing timeframes due to the additional time required to work with individuals about why this information is required and the associated harm and trauma that this may cause to claimants, as survivors of abuse in care; • due to increased legal risks, technical and senior staff would likely be diverted from operational work to respond to increased complexity; and • with capacity impacted, agencies may need to source additional FTE and potentially other costs in order to avoid a build up of backlogs/slowing down of processing capacity.	Redress agencies have advised that, this option would carry similar challenges to option two but **on a much larger scale** particularly in the first few years of operation, given the proportion of claims this option would apply to. It would significantly change the approach to the implementation of the top up payment which Cabinet had intended to be a straightforward transactional approach. Because of the transactional approach, no additional wellbeing support has been put in place for claimants seeking to apply for a top up payment. If this option was progressed, it could create additional work for agencies who will likely need respond to questions, concerns and confusion from claimants.
Independent decision-maker • Arbiter fees • Secretariat • Legal aid costs (TBD) Justice system information gathering costs (TBD)	N/A	CRO to produce costings, noting • MoJ advising costs of Prisoners' and Victims' scheme • Any legal aid costs and justice-sector information gathering costs will depend on policy and detailed design decisions.	
Litigation costs	N/A (claimant consent to gather relevant information would be sought and no discretionary decisions involved)	Unknown but litigation anticipated due to claimants challenging decisions of independent decision maker as well as serious offenders filing claims through the courts rather than the redress system. While a historical abuse claim has not been litigated to trial in the High Court for a number of years, 9(2)(h) [redacted]	

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	Option One - status quo with re-direction of any outstanding court-ordered reparations from redress payments to claimants' victims[1]	Option Two – presumption against redress for serious offenders applied to new claims[2]	Option Three – presumption against redress for serious offenders applied to new and lodged claims and claims for top-up payments[3]
Implications / considerations			
Legislation	Does not require legislative change	9(2)(h) [redacted]	
Impact on survivors and wider public commentary	Most reasonably justifiable – offenders continue to be eligible for financial redress reflecting that they are also a victim of abuse, but they must also meet their responsibility to pay any court ordered reparations to their own victims.	Can expect strong adverse response from survivors, legal fraternity, advocates, and some media given Royal Commission recommendations and well-established process for the last 20 years of serious offenders being able to access financial redress for abuse in care.	Can expect significant and pro-longed adverse public response from survivors, legal fraternity, advocates, and some media. Undermines the Cabinet agreed objectives last year for redress, perception of the Crown using its power to punish an offender twice. First through the justice system and second by restricting their access to redress for abuse in state care. Will impact on all survivors with settled, current, and previous claims and will result in redress system becoming more complex, slower and more expensive to administer. Risk that could overshadow announcement of $750m for Crown Response and all the investments being made. Risk could also overshadow other Budget announcements.
Processing		Would result in the least number of claims being held up, however would still result in additional delay from adding another step (criminal check) to the process for all future claimants.	Significant impacts on all aspects of State redress operation. Resources may need to be diverted from resolving claims to conducting criminal conviction assessment and/or facilitating independent decisionmaker process. • Roll out of top up payments for almost 5,000 survivors will be impacted as all claims will need to be manually reviewed by agencies to identify claimants within scope of regime. • Processing of all current claims would effectively have to be paused while claims managers seek permission to perform a criminal background check, undertake check, review results and identify people within scope. There are currently over 3,500 claims in queue. • Unclear what would be the status of claims on offer – would they have to be retracted until the survivors has completed criminal vetting? Or would they be excluded from process in order to complete settlement of claim? • At the point the independent process begins, there will be a backlog of up to around 550 claimants within scope who could be seeking a decision from the independent arbiter. In the short to medium term, multiple decision makers may be required to work through backlog. • Increased impacts on operational staff managing claims as to rationale for decision and fielding questions from survivors about the status of their claim.

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	Option One - status quo with re-direction of any outstanding court-ordered reparations from redress payments to claimants' victims[1]	**Option Two – presumption against redress for serious offenders applied to new claims**[2]	**Option Three – presumption against redress for serious offenders applied to new and lodged claims and claims for top-up payments**[3]
Survivors	• All new claimants being required to agree to a check of whether they have outstanding reparation debts could be considered unreasonable. • Option may not considered to be fully aligned with the Royal Commission's findings and recommendations for redress to be open to all survivors including those in prison or with a criminal record.	• All new claimants being required to agree to a criminal check could be considered unreasonable and potentially re-traumatise individuals who are victims of crime themselves. It could also be challengeable whether redress agencies had a reasonable basis to be requesting consent to the criminal check prior to the legislation being passed. • Risk that ill or elderly claimants who are serious offenders may die while waiting for the legislation to be enacted. • Approach inconsistent with Royal Commission's findings and recommendations for redress to be open to all survivors including those in prison or with a criminal record.	• All claimants being required to agree to a criminal check could be considered unreasonable and potentially re-traumatise some individuals. This may be heightened for people who have already settled claims and are applying for a top up. • High volume of claimants needing criminal checks and numbers of serious offenders in scope increases risk that some claimants may die while waiting for criminal check to be completed and/or the legislation to be passed. • Uncertainty and increased anxiety amongst claimants about the status of their claim and further delays. • Approach inconsistent with Royal Commission's findings and recommendations for redress to be open to all survivors including those in prison or with a criminal record.
Legal and treaty implications	• None identified	• Lowest degree of retrospectivity, but still some degree of inconsistency with LDAC guidelines. • Could result in survivors of abuse who are serious offenders filing claims in court instead of settling claims with redress agencies. While a historical abuse claim has not been litigated to trial in the High Court for a number of years, 9(2)(h) • 9(2)(h) • 9(2)(h)	• High degree of retrospectivity and most inconsistent with LDAC guidelines • Could result in survivors of abuse who are serious offenders filing claims in court instead of settling claims with redress agencies. • 9(2)(h) • 9(2)(h) • Higher risk of litigation because of larger volumes

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