Redress System for Abuse in Care Bill

Government Bill

As reported from the Social Services and Community Committee

Commentary

Recommendation

The Social Services and Community Committee has examined the Redress System for Abuse in Care Bill and recommends by majority that it be passed. We recommend all amendments by majority.

Introduction

The bill would make changes to the legal framework for the provision of redress to survivors of abuse in State care. It would apply to redress schemes that handle claims of abuse received by core State agencies.[1] The bill forms part of the Government's response to recommendations in the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions regarding redress for abuse in State care.

The redress system in New Zealand has developed as an alternative dispute resolution model, to resolve claims for abuse in care out of court. Court processes are still available to people, if they choose to use that option. It is currently comprised of several administrative schemes, which are in the process of being brought together to form a single unified system. This bill provides that the purpose of a redress scheme operated by a core State agency is to recognise a person's experience of abuse in care and offer an alternative to litigation to provide for redress for abuse in care.

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[1] The core State agencies operating redress schemes are the Ministry of Education, Ministry of Health, Ministry of Social Development, and Oranga Tamariki—Ministry for Children. The Department of Corrections and Te Puni Kōkiri—Ministry of Māori Development do not currently operate redress schemes, but a process for them to assess and respond to claims will be developed by June 2026.

This bill proposes to:

- establish a presumption that survivors who are also serious violent or sexual offenders are not eligible for financial redress under a redress scheme
- provide legal protections for core State agencies when making apologies for abuse in State care, so that personal apologies given on behalf of core State agencies would not be admissible as evidence in civil proceedings.

We understand that the Government considers that payment of financial redress to survivors with convictions for certain serious violent or sexual offences could bring the redress system into disrepute. The bill would also introduce an independent redress officer whose role would be to consider whether the presumption should be overturned.

Proposed amendments

This commentary covers the main amendments we recommend to the bill as introduced. We do not discuss all minor or technical amendments.

Circumstances in which the bill would not apply

We understand that the Government's intention is that the presumption against financial redress for serious offenders would not apply to redress for torture at the Lake Alice Psychiatric Hospital Child and Adolescent Unit. The response to claims involving Lake Alice, whether torture is involved or not, has historically been a discrete process and is almost complete. New Zealand also has obligations under the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Currently, Lake Alice is the only institution where the Government has formally acknowledged torture in State care. However, the Government has agreed that if torture were to be acknowledged in any other historical abuse in care contexts, or any individual were to be successfully prosecuted for torture under the Crimes of Torture Act 1989, any redress provided would not be covered by this presumption against financial redress for serious offenders, or any other provisions introduced through this bill. Redress for torture in those contexts would be provided for separately from existing redress schemes.

To reflect these issues, we recommend:

- inserting new subclause (2) into clause 5 (Interpretation), to make clear that nothing in this bill would apply to any application for redress for abuse in care made in relation to Lake Alice
- inserting new clause 4A, to specify that redress for an act of torture is not within the scope of this bill, and that nothing in the bill would affect the process for redress for an act of torture.

Retrospectivity

Clause 8 of the bill states that the redress system as set out in clauses 9 to 24 would apply to any application made on or after 9 May 2025 for financial redress under a redress scheme.

Clauses 23 and 24 would make it an offence to fail to declare criminal convictions or subsequent serious violent or sexual offences. These offences would incur a fine of up to $5,000. We consider that the retrospectivity in clause 8 could mean that the fine was applied retrospectively to survivors who made their redress application before this legislation came into force, with its requirement to make a declaration. We also note that retrospective penalties are inconsistent with good law-making principles.

We therefore recommend amending clause 8 so that the offence provisions in clauses 23 and 24 do not apply retrospectively.

Privacy of criminal record information

Clause 15 would allow a redress agency to conduct a criminal record check of an applicant for financial redress. The bill does not indicate what would be done with this information after it had been used by the redress agency. We consider that privacy safeguards should be inserted into the bill, to ensure that information collected for this purpose is not held indefinitely by the redress agency.

We recommend inserting clauses 15(2) and (3) to require redress agencies to dispose of a person's criminal record information as soon as reasonably practicable if it is confirmed that they are not a serious offender. We also recommend amending the bill to specify that a redress agency may not use information obtained in identifying whether a person is a serious offender for the purposes of assessing and responding to their abuse in care claim.

Reapplying after failed redress applications

Clause 21 provides that if a serious offender is denied financial redress by the redress officer, they may reapply again after three years from the date of the determination. This right may only be exercised once. We understand that this limit was set to avoid repeated reapplications to the redress officer.

However, we consider that there may be circumstances where a serious offender undergoes genuine and meaningful rehabilitation later in life, after both of their application attempts for financial redress have been made and denied. We consider that the redress officer should have some level of discretion in these instances. We recommend inserting new clause 21(5) accordingly, to permit the redress officer to consider a further application from a serious offender if they consider that information provided by the serious offender indicates a change of circumstances that could reasonably change the outcome.

Notification of changes to redress scheme

Clause 21(3) specifies that if a redress scheme is being wound up, the Minister responsible for the redress scheme must give public notice. Paragraph (b) requires the redress agency to notify each serious violent or sexual offender eligible for that scheme, but who has been denied financial redress by the redress officer, that:

- the redress scheme is being wound up
- the date on which the redress scheme will be closed for applications
- the serious violent or sexual offender may reapply for financial redress at any time before the date on which the redress scheme is closed for applications.

We consider that anyone eligible for a redress scheme should be given every reasonable opportunity to apply to it, and should know if circumstances have changed. We consider that the redress agency should make its best efforts to notify those affected, and that this could be better reflected in the bill. We therefore recommend amending clause 21(3) to state that the redress agency must "take reasonable steps" to notify each relevant serious violent or sexual offender of the matters set out in paragraph (b).

Redress officer

The function of the redress officer is to determine whether a serious violent or sexual offender should receive financial redress despite the presumption against financial redress for serious offenders. The redress officer must act independently when making this determination.

We note that the bill only provides for one redress officer at any time. We consider that there may be a need for an alternate officer to be appointed, in case the redress officer is unable to conduct their work due to illness, absence from New Zealand, or for any other cause.

We recommend inserting new clause 10(2), to state that the Minister may, at any time, appoint an alternate redress officer if the primary redress officer is unable to act in their role for the reasons suggested above. We also recommend inserting new clause 10(3), which would require an alternate redress officer to meet all of the same requirements that a redress officer must meet. We discuss these requirements further in the next section of this commentary.

Appointing a redress officer

Clause 10 sets out the requirements for appointment of a redress officer, including the knowledge, experience, and abilities that the officer must have. We recommend several amendments to clause 10 to enhance the independence of the redress officer and ensure that they have the appropriate skills and experience for the role. We consider this especially important given the sensitive nature of the work the redress officer would be undertaking.

Clause 10(a) sets out the type of person who could be a redress officer: a retired judge, a King's Counsel, or a lawyer of not less than seven years' legal experience.

We recommend amending this to include more requirements, namely that a redress officer:

- not be an employee of a redress agency
- can only be removed by the Minister because of misconduct or incapacity to fill the role
- be appointed for a term of no more than five years.

We consider five years an appropriate term length for a redress officer because it is consistent with the term for other similar statutory roles in New Zealand. It would allow the redress officer the time to develop capabilities, relationships, and institutional knowledge. We also note that a redress officer could be reappointed after their initial five-year term has concluded.

Clause 10(b) sets out the specific knowledge and abilities that the redress officer must have. We consider that the requirements in the bill as introduced could be strengthened to better reflect the redress officer's role in working directly with survivors. We therefore recommend that paragraph (b) be amended to state that the redress officer must have:

- knowledge and understanding of the criminal justice system and the findings of the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions, particularly the impact of abuse in care on survivors
- knowledge and understanding of the effect of crime on victims (as defined in section 4 of the Victims' Rights Act 2002)
- the ability to make a balanced and reasonable judgement of community expectations
- the ability to work effectively with people who have experienced abuse in care
- the ability to work effectively with people from a range of cultures and backgrounds.

Matters for the redress officer's consideration

When a serious offender applies for financial redress from a redress agency, the serious offender can choose to apply to the redress officer for a determination. Clause 20 sets out the matters that the redress officer must consider when determining whether the presumption should be overturned.

The redress officer must consider a range of factors, including the person's age at the time of the offending, criminal record, nature and seriousness of the offending, sentence length, time elapsed since the offending, rehabilitation efforts, and any submissions or other relevant matters. We note that in many instances, a survivor's background (including any abuse in care that has been disclosed) would already have been considered at the time of sentencing.

We understand that it would be up to the redress officer to determine the weighting of the factors for consideration. However, we consider that this could be clarified in the

bill. We therefore recommend inserting clause 20(4A) to state that the weighting of matters would be determined by the redress officer themselves.

Consideration of age at the time of offending

We consider that the bill as introduced is not sufficiently clear about how the redress officer should evaluate cases of very serious offending committed by young people. We heard from submitters who cautioned that consideration of the person's age at the time of offending could be outweighed by consideration of the nature of the person's offending. We also note that a person's age would likely have been considered by the court and reflected in the sentence given for the offence. We therefore recommend that the requirement to consider the person's age at the time of the relevant offending be removed (clause 20(4)(f)).

Procedure to be followed by the redress officer

We heard from several submitters who wanted to know the process that the redress officer would use in deciding whether to overturn the presumption, and recommended that this process be reflected in the bill. We consider that there should be some flexibility in this process, as each individual should be assessed on a case-by-case basis. We do not think that a specific process should be provided for in legislation. We therefore recommend inserting clause 20C(2), to state that a redress officer may determine their own procedure for determining the success of an application, as long as they follow the requirements in clause 20 to consider certain matters.

Meaning of "disrepute"

Clause 19(2) states that the redress officer may only determine that a serious offender should be provided financial redress if they are satisfied that providing financial redress to the person "would not bring the redress scheme into disrepute". We understand that the intention of this clause (and of the presumption in general) is to maintain public trust and confidence in New Zealand's redress schemes. However, we consider that the wording of "disrepute" is unclear and could be subjective. We therefore recommend that the test in clause 19(2) be amended to refer to the effect on public confidence in a redress scheme, alongside disrepute.

Notification of the redress officer's decision

Clause 20(5) states that, after determining whether financial redress should be made available, the redress officer must notify the serious offender and the redress agency of their determination. We recommend removing clause 20(5) and inserting clause 20A to require the redress officer's notification to include in writing the reasons for the decision. We understand that this would be best practice for a statutory decision-maker. We also consider that having this information would help the serious offender to make an informed decision about reapplying or appealing the decision.

Annual reporting requirements

Clause 22 requires that the redress officer must report annually to the responsible Minister. This annual report must include an anonymised summary of the basis on which, and circumstances in which, the redress officer has made a determination. We consider that this would provide oversight of the redress officer decision-making processes, given our proposed amendment to allow a redress officer to determine their own procedure.

We understand that reporting obligations are intended to support open justice, transparency, and public confidence in the redress officer. However, we consider that this should always be balanced with the privacy rights of the individuals. We therefore recommend amending clause 22 to require that the information in the redress officer's report be in a form that does not identify an individual.

Clause 22(3) requires that the redress officer must arrange for certain information to be published annually on an internet site operated by a redress agency. We consider that this information should be included in the annual report, and that the annual report should also be published online. We therefore recommend repealing clause 22(3) and inserting new clause 22A, to state that the annual report must:

- include the number of applications approved and declined by the redress officer
- be available, free of charge, on a website maintained by or on behalf of the responsible redress agency.

Other matter considered: double jeopardy

Some submitters raised concerns that the presumption could give rise to double jeopardy, as a person could be punished twice for the same offence (first through sentencing, then through the presumption against financial redress). We wish to clarify that this would not be the case.

Section 26(2) of the New Zealand Bill of Rights Act 1990 states that no one who has been finally acquitted or convicted of, or pardoned for, an offence shall be tried or punished for it again. This applies to criminal penalties, but does not apply to civil consequences that may result because of a criminal conviction. The presumption against financial redress would be a civil consequence, and would therefore not qualify as double jeopardy.

Labour Party of New Zealand differing view

Labour opposes this bill in its entirety. The bill has not been developed with survivors. It goes against the Royal Commission of Inquiry into Historical Abuse in Care recommendations. This bill undermines the apology that the Prime Minister gave on behalf of the Crown. The Prime Minister said, "for many of you [abuse in care] changed the course of your life, and for that, the Government must take responsibility".[2] The Bill is a cynical attempt by the Government to avoid responsibility for the harm it caused.

The Select Committee has recommended some amendments that improve the Bill. However, the purposes of the Bill mean that the entire Bill is irredeemable.

The Bill's first purpose—to establish the legal presumption that survivors with convictions for serious violent and sexual offences are not eligible for financial redress in the first instance—is contrary to what the Royal Commission of Inquiry into Historical Abuse in Care recommended. The Royal Commission stated:

> ...we consider there should continue to be no exclusion for serious offenders or any extra criteria for them to meet. A large number of those in prison have been in care and the tūkino they suffered may have contributed to their offending. Most are Māori, and they and their whānau are likely to be among those most in need of help through the scheme.[3]

Survivors experienced breaches of their human rights while in the care of the State. These breaches must be addressed through redress from the State, including the option of financial redress.

There is no justification for presumption against redress for survivors who have committed serious offences because there is a causative link between child maltreatment and criminal behaviour later in life.

The State has been providing financial redress for survivors, including survivors who have convictions for serious and violent offences, for twenty years. There has been no concern from the public about these payments.

Labour agrees with several submitters that the presumption in clause 9 is likely in breach of the New Zealand Bill of Rights Act 1990. The rights engaged likely include the right under section 19 to be free from discrimination on the basis of race or disability, and the implied right to a remedy. It is possible that the presumption may also be a penalty, engaging the right against double jeopardy under section 26(2). We are disappointed the section 7 advice to the Attorney-General on this Bill did not consider either the section 19 or section 26(2) right.

The limits on these rights cannot be justified based on the reputation of the scheme. This bill has, in fact, brought the scheme into disrepute itself—as evidenced by the overwhelmingly negative response to it at select committee. And even if that were not true, the scheme's reputation is simply not as important as whether it truly provides justice for those who the State has abused.

The bill's other purpose—to remove any determination of fault or liability in State apologies and make an apology inadmissible as evidence in any civil proceeding—is argued to be necessary to enable the State to make more meaningful apologies. The Government has decided that apologies should acknowledge and take responsibility

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[2] Rt Hon Christopher Luxon, Prime Minister apologies for abuse in care, 12 November 2024.

[3] Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions He Purapura Ora, he Māra Tipu From Redress to Puretumu Torowhānui (December 2021) vol 1, p 280.

for the harm survivors experienced. The State believes that doing this will create a risk that these apologies will be used as evidence of fault or liability. However, paradoxically, by legislating to remove any fault or liability, this undermines the ability for survivors to believe an apology is sincere and genuine, and that the State is taking responsibility for the abuse, all of which are core principles for a meaningful apology. In attempting to make apologies more meaningful, this bill will make them less so. If the bill had been developed in collaboration with survivors, these issues may have been mitigated.

The bill is named a "Redress System" bill. But the bill does not legislate a redress system, highlighting the neglect that this Government has shown to one of the key findings of the Royal Commission of Inquiry into Historical Abuse in Care—a finding that the Royal Commission devoted an entire report to—to establish an independent redress system that is trauma-informed and inclusive of survivors at all levels.

Green Party of Aotearoa New Zealand differing view

The Green Party opposes parts of the Redress System for Abuse in Care Bill. The bill is not in line with the recommendations of the Royal Commission of Inquiry into Abuse in Care (RCI). Our position to oppose this bill aligns with the submissions of survivors Denise Caltaux, Eugene Ryder, Dr Rawiri Waretini-Karena, and Kenneth Clearwater, as well as many other submitters.

Our opposition stems from the bill going directly against recommendations of the RCI, its lack of meaningful consultation with affected communities, and the harm it risks perpetuating against survivors. Additionally, the bill continues to prioritise State control over survivor-led redress mechanisms; to access care, survivors must go back to the same government departments who were responsible for their abuse, perpetuating harm and trauma in the current day.

The Government has selectively adopted recommendations from the RCI while ignoring key provisions that would strengthen survivor rights and access to redress, which include:

- establishing an independent, survivor-led redress system
- the Prime Minister's apology to survivors on 12 November 2024 being legally binding
- no requirement for police checks for redress applications
- access to redress for all survivors
- access to redress for deceased survivor's families.

The Green Party believes that going against RCI recommendations is wrong and, though it will save the Government money, does not recognise the harm perpetuated by the State on innocent children. Only delivering on certain RCI recommendations is not enough. Instead, a more comprehensive approach is required to address the scale and harm suffered by survivors of State and faith-based care, while also upholding the findings of the RCI.

Presumption against financial redress for certain offenders

A person who commits a crime must be held accountable and have access to rehabilitation. To exclude any survivors from redress when they have already been sentenced for a crime is punishing them twice for the same crime. This is wrong. This section of the bill is contentious, given that many survivors of abuse in State care have been failed by the justice system due to inappropriate standards of care, misdiagnosis, and mistreatment. This has often resulted in wrongful convictions, or the care system has contributed to conditions and circumstances which may have driven someone to offend.

This section undermines the findings of the RCI and experiences of those who faced abuse in care. The Royal Commission is clear that the abuse many suffered in State and faith-based care led them into criminal behaviour. We note many survivors did not go on to offend and will never offend.

Higher rates of abuse in State care were suffered by Māori, disabled, deaf, neurodiverse, and rainbow children. These people are also overrepresented in the criminal system and are more likely to be convicted and end up in prison.

Many who received inappropriate standards of care were misdiagnosed or mistreated, given they were failed by the system, therefore resulting in wrongful convictions as the conditions and circumstances they experienced may have driven them to offend it is wrong to exclude them from financial redress.

The review clause has been shown not to work for other similar redress systems. Survivors of abuse in care have been harmed over and over by the State and many have fought their entire lives to have their abuse acknowledged. They are ground down by the system and will give up. With few meaningful rehabilitation programmes available in prison and the community, this review clause is not sufficient to allow access to redress for all survivors.

Process for applying for financial redress

A criminal record check being undertaken by the redress agency in relation to the applicant goes against the RCI recommendations; this will retraumatise survivors especially disabled and neurodiverse survivors. The creation of two new offences relating to non-disclosure of criminal offences in the redress system could be considered another form of punishment when the applicants have already received a sentence or charge. It would be unfair for the State to punish someone who has both already received a sentence for a crime committed and was mistreated by the State in the first instance.

The removal of this provision is necessary to prevent further harm and align with best practices for survivors of abuse in care.

Excluding redress for some deceased survivors

This bill will cut families out of accessing redress if their deceased family member who is a survivor did not make a redress claim before death. This again goes against RCI recommendations. Generational trauma and the structural marginalisation of sur-

vivors and their families has long lasting effects. Families must have access to redress especially considering the evidence below on life expectancy of those who experience childhood trauma.

From the New Zealand Medical Journal

Childhood trauma is a major risk factor for adult illness, including liver disease, chronic obstructive pulmonary disease, coronary artery disease, autoimmune disease, and psychiatric illness. Individuals with adverse childhood event (ACE) scores higher than six have a life expectancy two decades shorter than healthy, untraumatized children. A New Zealand community survey found that 51 percent of people had experience of traumatic events, 9 percent in the last year, including such events as accidents, medical treatment, and violent attacks.

In closing, cherry-picking recommendations is not enough; a comprehensive approach is required to address the scale of harm suffered by survivors of State and faith-based care.

This bill represents a missed opportunity to deliver justice for survivors of abuse in care. By failing to fully implement the RCI recommendations, the Government is falling short of its duty to survivors and the public. We urge the Government to reconsider its approach, listen to survivors, and adopt a truly independent, survivor-led redress process that upholds Te Tiriti, centres the voices of affected communities, and ensures meaningful change.

Appendix

Committee process

The Redress System for Abuse in Care Bill was referred to this committee on 21 October 2025. The House instructed us to report the bill back no later than 23 March 2026.

We called for submissions on the bill with a closing date of 26 November 2025. We received and considered submissions from 168 interested groups and individuals. We heard oral evidence from 35 submitters at hearings in Wellington and via videoconference.

As part of our consideration of the bill, we examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

Advice on the bill was provided by the Crown Response Office. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting.

Committee membership

Joseph Mooney (Chairperson)

Jamie Arbuckle

Kahurangi Carter (from 11 February 2026)

Paulo Garcia (until 11 February 2026)

Hon Willie Jackson (until 18 February 2026)

Dana Kirkpatrick (from 11 February 2026)

Laura McClure

Ricardo Menéndez March (until 11 February 2026)

Maureen Pugh

Hon Jan Tinetti (from 18 February 2026)

Helen White

Mariameno Kapa-Kingi and Hon Willow-Jean Prime participated in our consideration of this bill.

Related resources

The documents we received as advice and evidence are available on the Parliament website.

Key to symbols used in reprinted bill

As reported from a select committee

text inserted by a majority

~~text deleted by a majority~~

Hon Erica Stanford

Redress System for Abuse in Care Bill

Government Bill

Contents

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Redress System for Abuse in Care Act **2025**.

2 Commencement

This Act comes into force on the day after Royal assent.

Part 1
Preliminary provisions

3 Purpose of Act

The purpose of this Act is to—

(a) establish the legal presumption that serious violent and sexual offenders are not eligible for financial redress under a redress scheme; and

(b) set out the process by which serious violent and sexual offenders can apply for eligibility for financial redress; and

(c) provide that—

(i) an apology given by or on behalf of a person to a survivor of abuse in care is not relevant to any determination of fault or liability in connection with that abuse in care; and

(ii) evidence of such an apology is not admissible in any civil proceeding seeking remedies for abuse in care as evidence of the fault or liability of the person in connection with that abuse in care.

4 Purpose of redress scheme

The purpose of a redress scheme is to—

(a) recognise a person's experience of abuse in care; and

(b) offer an alternative to litigation to provide for redress for abuse in care, including the provision of 1 or more of the following:

(i) an apology:

(ii) financial redress:

(iii) counselling or other well-being support.

4A Act does not apply in respect of torture

(1) To avoid doubt,—

(a) redress for an act of torture is not within the scope of this Act; and

(b) nothing in this Act affects redress for an act of torture.

(2) In this section, **act of torture** has the same meaning as in section 2(1) of the Crimes of Torture Act 1989.

5 Interpretation

(1) In this Act, unless the context otherwise requires,—

abuse means physical, sexual, and emotional or psychological abuse or neglect

abuse in care means the abuse of a person arising from, or relating to, acts or omissions of the State that occur while that person is in the care or control of the state or another person and at a time when the State—

(a) has assumed responsibility for the person's care; or

(b) has a duty of care to the person (including a duty to inquire)

apology—

(a) means an acknowledgement or expression of sympathy or regret; and

(b) includes any statement of facts on which the apology is based; and

(c) may include an admission of fault

at-risk adult means an adult in need of care by reason of mental illness, impairment, or disability

civil proceeding means any proceeding (including any public law or judicial review proceeding) before a court or tribunal other than a criminal proceeding

criminal record, in relation to any person, means any—

(a) charges laid against the person that have resulted in a conviction; and

(b) convictions entered against the person; and

(c) sentences imposed on the person; and

(d) orders imposed on the person as a result of a conviction

criminal record check means an investigation into the criminal record of any person

Minister means the Minister of the Crown who, under the authority of a warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

redress means the provision of 1 or more of the following to a person who has applied for redress under a redress scheme:

(a) an apology:

(b) a financial payment (**financial redress**):

(c) counselling or other well-being support

redress agency means any public service agency (as defined in section 5 of the Public Service~~s~~ Act 2020) or predecessor agency that has, or had, responsibility for the care of children, young persons, or at-risk adults

redress officer means the redress officer appointed under **section 10**

redress scheme means an alternative dispute resolution scheme that provides for redress for any of the following:

(a) the abuse of children and young persons arising from, or relating to, the acts or omissions of Oranga Tamariki—Ministry for Children in performing its statutory functions in relation to the care, protection, or control of children and young persons:

(b) the abuse of children and young persons arising from, or relating to, the acts or omissions of a predecessor agency of Oranga Tamariki—Ministry for Children in performing its statutory functions in relation to the care, protection, or control of children and young persons:

(c) the abuse of patients in State-run psychiatric and psychopaedic facilities before 1 July 1993:

(d) the abuse of children and young persons attending—

(i) a specialist school or primary school before 1 October 1989; or

(ii) a State school that has been closed under section 199 of the Education and Training Act 2020 or any corresponding former legislation:

(e) the abuse of inmates of youth penal institutions (including borstal institutions operated under the Penal Institutions Act 1954):

(f) the abuse of children and young persons arising from, or relating to, the acts or omissions of the Ministry of Māori Development—Te Puni Kōkiri or its predecessor agencies in performing their functions so far as they relate, or related, to the care, protection, or control of children and young persons

relevant Corrections information means any information held by the Department of Corrections in respect of any rehabilitation undertaken by a serious violent or sexual offender

serious violent or sexual offender means a person who—

(a) has been convicted of an offence listed in Schedule 1AB of the Sentencing Act 2002; and

(b) has received a sentence of a term of imprisonment of 5 years or more or in relation to that offence (whether or not that sentence was also imposed in relation to any other offence)

State includes—

(a) a district health board established by the New Zealand Public Health and Disability Act 2000; and

(b) a State school that has been closed under section 199 of the Education and Training Act 2020 or any corresponding former legislation.

(2) Despite **paragraph (c)** of the definition of **redress scheme**, nothing in this Act applies to any application for redress for abuse in care made in respect of the Lake Alice Psychiatric Hospital Child and Adolescent Unit.

6 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in **Schedule 1** have effect according to their terms.

7 Act binds the Crown

This Act binds the Crown.

8 Application of sections 9 to ~~24~~ 22

Sections 9 to ~~24~~ 22 apply to any application made on or after 9 May 2025 for financial redress under a redress scheme.

Part 2
Redress system for abuse in care

Presumption against financial redress for certain offenders

9 Presumption against financial redress for serious violent or sexual offenders

A serious violent or sexual offender is not eligible for financial redress under a redress scheme unless the redress officer appointed under **section 10** determines under **section 19** that financial redress should be made available to the person.

Redress officer

10 Minister must appoint redress officer

(1) The Minister must appoint a redress officer—

(a) who is—

(i) a retired Judge; or

(ii) a King's Counsel; or

(iii) a lawyer of not less than 7 years' legal experience; and

~~(b) who has—~~

~~(i) knowledge and understanding of the criminal justice system and the findings of the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions; and~~

~~(ii) the ability to make a balanced and reasonable assessment of community expectations; and~~

~~(iii) the ability to work effectively with people who have experienced abuse in care; and~~

~~(iv) sensitivity to, and understanding of, the impact of crime on victims (as defined in section 4 of the Victims' Rights Act 2002).~~

(b) who has—

(i) knowledge and understanding of the criminal justice system and the findings of the Royal Commission of Inquiry into Historical

Abuse in State Care and in the Care of Faith-based Institutions, particularly the impact of abuse in care on survivors; and

(ii) knowledge and understanding of the impact of crime on victims (as defined in section 4 of the Victims' Rights Act 2002); and

(iii) the ability to make a balanced and reasonable judgement of community expectations; and

(iv) the ability to work effectively with people who have experienced abuse in care; and

(v) the ability to work effectively with people from a range of cultures and backgrounds; and

(c) who is not an employee of a redress agency.

(2) The Minister may, at any time, appoint an alternate redress officer to act as the redress officer if the person appointed under **subsection (1)** is unable to act (whether by reason of illness, absence from New Zealand, or other cause).

(3) A person appointed as an alternate redress officer must meet the requirements of **subsection (1)**.

10A Term of office

(1) The redress officer is appointed for a term not exceeding 5 years.

(2) The redress officer is eligible for reappointment.

10B Vacation of office

(1) The redress officer may at any time be removed from office by the Minister for any of the following reasons proved to the satisfaction of the Minister:

(a) inability to perform the functions, duties, and powers of the office:

(b) bankruptcy:

(c) neglect of duty:

(d) misconduct.

(2) The redress officer may at any time resign their office by giving notice in writing to the Minister.

11 Function and duty of redress officer

(1) The function of the redress officer is to determine, when a serious violent or sexual offender applies for financial redress, whether the person should be entitled to receive financial redress despite the presumption against serious violent or sexual offenders being eligible to receive financial redress.

(2) The redress officer must act independently when making a determination as to whether a serious violent or sexual offender should be entitled to receive financial redress despite the presumption against serious violent or sexual offenders being eligible to receive financial redress.

Eligibility criteria for redress schemes

12 Chief executive of redress agency must publish eligibility criteria

(1) The chief executive of a redress agency must ~~publish~~ ensure that the eligibility criteria for all redress schemes operated by that agency is available, free of charge, on an internet site maintained by or on behalf of the redress agency.

(2) The eligibility criteria must include—

~~(a) a statement that the purpose of the redress scheme is to provide redress for survivors of abuse in care; and~~

(a) a statement that the purpose of the redress scheme is to—

(i) recognise a person's experience of abuse in care; and

(ii) offer an alternative to litigation to provide for redress for abuse in care, including the provision of 1 or more of the following:

(A) an apology:

(B) financial redress:

(C) counselling or other well-being support; and

(b) a statement that serious violent or sexual offenders are not eligible to receive financial redress under the redress scheme operated by the agency unless the redress officer determines under **section 19(2)** that financial redress should be made available to a person.

Process for applying for financial redress

13 Application for financial redress

An applicant for financial redress under a redress scheme must—

(a) consent to a criminal record check being undertaken by the redress agency in relation to the applicant; and

(b) make a declaration, on a form approved by the chief executive of the redress agency, as to whether they have been convicted of a violent, sexual, or firearms offence in relation to which they were sentenced to imprisonment for a term of 5 years or more (whether or not that sentence was also imposed in relation to any other offence).

14 Applicant must disclose subsequent serious violent or sexual offence

If an applicant for financial redress is convicted of a violent, sexual, or firearms offence at any time after they have made an application for financial redress under a redress scheme but before redress is granted, the applicant must disclose that conviction to the redress agency as soon as possible following the conviction.

15 Redress agency may conduct criminal record check

(1) A redress agency may, after receiving an application from a person for financial redress under a redress scheme, conduct a criminal record check in respect of the person.

(2) If, after conducting a criminal record check in respect of a person who has applied for financial redress, the redress agency considers that the person is not a serious violent or sexual offender, the redress agency must, as soon as practicable, dispose of any information obtained as part of the criminal record check in respect of the person.

(3) If, after conducting a criminal record check in respect of a person who has applied for financial redress, the redress agency considers that the person is a serious violent or sexual offender, the redress agency must not use that information in relation to any assessment of that person's application for redress.

16 Process if person is serious violent or sexual offender

If, after conducting a criminal record check in respect of a person who has applied for financial redress, a redress agency ~~determines~~ considers that the person is a serious violent or sexual offender, the redress agency must notify the person that—

(a) the redress agency ~~has made a determination~~ considers that the person is a serious violent or sexual offender; and

(b) the person is not eligible for financial redress under the redress scheme unless the redress officer determines under **section 19** that financial redress should be made available to that person; and

(c) the person may request that the redress agency refer the application to the redress officer to determine whether financial redress should be made available to that person.

17 Serious violent or sexual offender may request determination by redress officer

(1) After receiving notice under **section 16**, a serious violent or sexual offender may request that a redress agency refer the person's application for financial redress to the redress officer to determine whether financial redress should be made available to that person.

(2) A request under **subsection (1)** must include consent for the redress officer to collect and consider the following information for the purpose of determining whether financial redress should be made available to the person:

(a) sentencing notes:

(b) Parole Board decisions:

(c) any relevant Corrections information.

18 Redress agency must refer certain applications to redress officer

(1) This section applies if a serious violent or sexual offender has requested that a redress agency refer the person's application for financial redress to the redress officer to determine whether financial redress should be made available to that person.

(2) The redress agency must, as soon as is reasonably practicable,—

(a) refer the application for financial redress to the redress officer; and

(b) include with that referral all information held by the redress agency in relation to the criminal record check on the person under **section 15**.

18A Power of redress officer to obtain further information

(1) In addition to the information specified in **section 17(2)**, the redress officer may request that the serious violent or sexual offender consent to the redress officer obtaining any other information that a court, the Department of Corrections, or the Parole Board holds in respect of the offender that the redress officer considers may be relevant to making a determination.

(2) The redress officer may draw any reasonable inference from a serious violent or sexual offender not giving consent to a request made under **subsection (1)**.

19 Redress officer to ~~assess~~ determine whether serious violent or sexual offender should be eligible for financial redress

(1) On receiving a referral from a redress agency of an application from a serious violent or sexual offender for financial redress, the redress officer must determine whether financial redress should be made available to that person.

(2) The redress officer may determine that financial redress should be made available to a serious violent or sexual offender only if satisfied that the payment of financial redress to that person would not bring the redress scheme into disrepute or adversely affect public confidence in the redress scheme.

20 ~~Redress officer to consider certain matters~~ Matters to be considered by redress officer when making determination

~~(1) Before making a determination under **section 19**, the redress officer must give the serious violent or sexual offender the opportunity to —~~

~~(a) put forward any information that may be relevant to the determination; and~~

~~(b) make submissions.~~

~~(2) The redress officer may request that the serious violent or sexual offender consent to the redress officer obtaining any other information a court, the Department of Corrections, or the Parole Board holds that the redress officer considers may be relevant to the redress officer's determination.~~

~~(3) The redress officer may draw any reasonable inference from a serious violent or sexual offender not giving consent to a request made under **subsection (2)**.~~

(4) In determining whether financial redress should be made available to a serious violent or sexual offender, the redress officer must consider—

(a) the information contained in the criminal record check undertaken by the redress agency in respect of the person under **section 15**; and

(b) the information collected under **section 17(2)** or **18A** in respect of the person; and

(c) the nature of the person's offending; and

(d) the term or terms of imprisonment imposed on that person at sentencing; and

(e) the length of time since the relevant offending took place; and

~~(f) the person's age at the time of the relevant offending; and~~

(g) any rehabilitation undertaken by the person; and

(h) any information put forward by the person; and

(i) any submissions made by the person; and

(j) any other matter that the redress officer considers relevant.

(4A) The redress officer may weigh up the factors set out in **subsection (4)** as they think fit, having regard to the circumstances of the application.

~~(5) After determining whether financial redress should be made available to a serious violent or sexual offender, the redress officer must notify the following of their determination:~~

~~(a) the serious violent or sexual offender:~~

~~(b) the redress agency.~~

20A Notification of determination

(1) As soon as practicable after making a determination under **section 19** about whether financial redress should be made available to a serious violent or sexual offender, the redress officer must notify the following of the determination:

(a) the serious violent or sexual offender:

(b) the redress agency to which the determination relates.

(2) A notification under **subsection (1)** must include the reasons for the determination.

20B Redress agency must not use notification of determination in assessment of application for redress

A redress agency that receives a notification under **section 20A** must not use that determination, or any of the reasons given for it, in any assessment of a person's application for redress.

20C Procedure for making determination

(1) Before making a determination under **section 19**, the redress officer must give the serious violent or sexual offender the opportunity to—

(a) put forward any information that may be relevant to the determination; and

(b) make submissions.

(2) Subject to **subsection (1)**, the redress officer may determine their own procedures for making a determination.

21 Serious violent or sexual offender may reapply for financial redress

(1) This section applies if the redress officer determines under **section 19** that financial redress should not be made available to a serious violent or sexual offender.

(2) The serious violent or sexual offender may reapply to the redress officer for financial redress under a redress scheme at any time after the expiry of 3 years after the date of the determination.

(3) However, if a redress scheme is being wound up,—

(a) the Minister responsible for the relevant redress scheme must give public notice of the following:

(i) that the redress scheme is being wound up:

(ii) the date on which the redress scheme will be closed for applications; and

(b) the redress agency must take reasonable steps to notify each serious violent or sexual offender in respect of whom the redress officer has made a determination that financial redress should not be made available of the following:

(i) that the redress scheme is being wound up:

(ii) the date on which the redress scheme will be closed for applications:

(iii) that the serious violent or sexual offender may reapply for financial redress at any time before the date on which the redress scheme is closed for applications; and

(c) the serious violent or sexual offender may reapply for financial redress at any time before the date on which the redress scheme is closed for applications.

(4) ~~A~~ Unless **subsection (5)** applies, a serious violent or sexual offender may exercise only once the right in **subsection (2) or (3)** to reapply for financial redress.

(5) The redress officer may, if satisfied that information provided by the serious violent or sexual offender indicates a change of circumstances that could

reasonably change the outcome of a previous determination made by the redress officer, permit the serious violent or sexual offender to reapply to the redress officer for financial redress under a redress scheme.

Reporting obligations of redress officer

22 Reporting obligations of redress officer

(1) The redress officer must report annually to the Minister stating the number of applications received and determined by the redress officer under **section 19**.

~~(2) The report must include an anonymised summary of the basis on which and circumstances in which the redress officer has made any determination that a serious violent or sexual offender should be eligible for financial redress.~~

~~(3) The redress officer must arrange for the following information to be published annually on an internet site operated by a redress agency:~~

~~(a) the number of applications received and determined by the redress officer under **section 19** in respect of the agency; and~~

~~(b) an anonymised summary of the basis on which and circumstances in which the redress officer has made a determination that a serious violent or sexual offender should be eligible for financial redress in respect of the agency.~~

(2) The report must include—

(a) the number of applications approved and the number of applications declined by the redress officer; and

(b) a summary of the basis on which, and circumstances in which, the redress officer has made determinations that a serious violent or sexual offender should be eligible for financial redress in a form that does not identify any person.

Publishing obligations of chief executive of responsible agency

22A Publishing obligations of chief executive of responsible agency

The chief executive of the agency responsible for the administration of this Act must make each report given by the redress officer to the Minister under **section 22** available, free of charge, on an internet site maintained by or on behalf of the agency.

Offences and penalties

23 Failure to declare criminal conviction

A person who fails, without reasonable excuse, to declare a criminal conviction in accordance with **section 13** commits an offence and is liable on conviction to a fine not exceeding $5,000.

24 Failure to disclose subsequent serious violent or sexual offence

A person who fails, without reasonable excuse, to disclose under **section 14** a violent, sexual, or firearms offence for which they were convicted after the date of their application for financial redress but before redress is granted commits an offence and is liable on conviction to a fine not exceeding $5,000.

24A District Court may order recovery of financial redress

(1) This section applies if a person—

(a) has been convicted of an offence against **section 23 or 24**; and

(b) obtained financial redress under a redress scheme without a determination being made by the redress officer under **section 19** that the person is entitled to redress despite the presumption in **section 9**.

(2) The District Court may order the person to repay, in whole or in part, the amount of financial redress paid to that person under a redress scheme.

(3) An order under this section is enforceable under Part 3 of the Summary Proceedings Act 1957 as if the order were a fine.

Apologies

25 Effect of apology on liability

(1) An apology made by or on behalf of a person in connection with any abuse in care alleged to have been caused by the person is not relevant to the determination of fault or liability in connection with that abuse in care.

(2) Evidence of an apology made by or on behalf of a person in connection with any abuse in care alleged to have been caused by the person is not admissible in any civil proceedings seeking remedies for abuse in care as evidence of the fault or liability of the person in connection with that abuse in care.

Schedule 1
Transitional, savings, and related provisions

s 6

Part 1
Provisions relating to this Act as enacted

There are no transitional, savings, or related provisions in this Act as enacted.

Legislative history

13 October 2025	Introduction (Bill 209–1)
21 October 2025	First reading and referral to Social Services and Community Committee

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