

# Cover note



**Listening, learning, changing**  
**Mā Whakarongo me Ako ka huri te tai**  
 Crown Response to the Abuse in Care Inquiry

Papers for Cabinet Social Outcomes Committee (SOU) on 23 October			
Date:	7 October 2024	Security level:	
Priority:	High	Report number:	CRACI 24/068

Actions sought	
<b>Hon Erica Stanford</b> <b>Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions</b>	<p>Three draft Cabinet papers which are scheduled for consideration at Cabinet Social Outcomes Committee (SOU) on 23 October are appended:</p> <ul style="list-style-type: none"> <li>• <i>A focus on and high-level parameters for improved redress for survivors of abuse in care</i></li> <li>• <i>Confirming tangible actions to accompany the public apology to survivors of abuse in care</i></li> <li>• <i>Redress for survivors of torture at the Lake Alice Child and Adolescent Unit</i></li> </ul> <p>Next steps for the three papers and key points raised during drafting are outlined for your consideration.</p>

Contact for discussion			
Name	Position	Telephone	1 <sup>st</sup> contact
Isaac Carlson	Director, Crown Response Unit	s9(2)(a)	
Rebecca Martin	Head of Policy and Strategy, Crown Response Unit	s9(2)(a)	✓

Agencies consulted
N/A

## Minister's office to complete

<input type="checkbox"/> Noted <input type="checkbox"/> Seen <input type="checkbox"/> See Minister's notes <input type="checkbox"/> Needs change <input type="checkbox"/> Overtaken by events <input type="checkbox"/> Declined <input type="checkbox"/> Referred to (specify)  	<b>Comments</b>        
--	---

# Briefing



**Listening, learning, changing**  
**Mā Whakarongo me Ako ka huri te tai**  
Crown Response to the Abuse in Care Inquiry

## Papers for Cabinet Social Outcomes Committee (SOU) on 23 October

**For:** Hon Erica Stanford, Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions

**Date:** 7 October 2024

**Security level:**

**Priority:** High

**Report number:** CRACI 24/068

### Purpose

1. This cover note outlines the next steps for three papers which you intend to take to the Cabinet Social Outcomes Committee (SOU) on 23 October. Key points and issues raised during drafting and agency consultation are also provided for your consideration.

### Recommendations

2. It is recommended that you:
  - a. **note** that you are currently scheduled to take the following appended draft papers to the Cabinet Social Outcomes Committee (SOU) on 23 October 2024:
    - *A focus on and high-level parameters for improved redress for survivors of abuse in care;*
    - *Confirming tangible actions to accompany the public apology to survivors of abuse in care;*
    - *Redress for survivors of torture at the Lake Alice Child and Adolescent Unit;*
  - b. **note** the key points set out in this briefing in relation to each of these draft Cabinet papers;
  - c. s9(2)(b) [REDACTED]
  - d. **note** the attached letter and out-of-cycle funding request relating to the draft Cabinet paper *Redress for survivors of torture at the Lake Alice Child and Adolescent Unit;*
  - e. **agree** to sign the attached letter which seeks pre-approval from the Minister of Finance before progressing with Ministerial Consultation on the paper *Redress for survivors of torture at the Lake Alice Child and Adolescent Unit;* YES / NO

- f. **refer** the letter, the appended out-of-cycle funding request and the draft Cabinet paper, *Redress for survivors of torture at the Lake Alice Child and Adolescent Unit* to the Minister of Finance.



Isaac Carlson  
Director, Crown Response Unit  
Crown Response to the Abuse in Care Inquiry

Hon Erica Stanford  
Lead Coordination Minister for the  
Government's Response to the Royal  
Commission's Report into Historical Abuse in  
State Care and in the Care of Faith-based  
Institutions

07 / 10 / 2024

/ /

### Next steps for the papers

3. The three draft papers have been through agency consultation and review. They are currently working to the same timeline, noting the Lake Alice Unit paper also entails an additional step of an out-of-cycle funding request.
4. The current timeline is as follows:
  - a. Out-of-cycle funding request (Lake Alice torture-redress only) – must be completed prior to this paper going to Ministerial Consultation. Copies of the letter and funding request template are appended to this cover note, to support your conversation with the Minister of Finance.
  - b. Ministerial Consultation – Ministerial Consultation will need to close on or before Wednesday 16 October in order for the papers to be lodged by 17 October.
  - c. Lodging on 17 October for SOU 23 October.

### Key matters relating to the draft papers

***A focus on and high-level parameters for improved redress for survivors of abuse in care***

5. We draw your attention to the following matters in relation to this paper:
  - a. This paper seeks agreement to a small number of redress design parameters (redress functions, characteristics, coverage of State care and primary abuse forms) and for work to be done across 2025 for a phased implementation of improved redress from 2026.

9(2)(g)(i)

[REDACTED]

- c. Proposals are based on the assumption that there will be funding in Budget 2025 for design work in the next financial year to support implementation to commence in 2026. If Budget 2025 funding is not available to allow work to proceed at pace over 2025, the implementation of improved redress will need to be moved out.
- d. An invitation for a November 2024 report back on interim change options is sought through this paper. In work with the current claims agencies (together with Treasury, the Public Service Commission, and Whaikaha), it is expected change options will be focused on improved supports and services rather than any changes to payments or detailed assessment approaches.

e. 9(2)(g)(i)

[REDACTED]

f. 9(2)(f)(iv)

[REDACTED]

- g. The paper uses the phrase 'redress pathway' as a potentially more neutral framing than 'redress system' to preserve Cabinet choice on the nature of the improvements to be made. There is no explicit reference to a change in terminology in the paper, which may be questioned.

***Confirming tangible actions to accompany the public apology to survivors of abuse in care***

6. We draw your attention to the following matters in relation to this paper:

- a. To progress tangible actions, the paper recommends the establishment of a survivor-focused fund, in operation **until June 2026** to ensure supports are available through 2025 and into 2026 ahead of the improved redress pathway outlined above and to enable officials to explore options for faith-based organisations to contribute to the fund.
- b. The paper also notes an alternative option of re-purposing the tangible actions fund towards increased funding for wellbeing services for individual survivors delivered through existing claims agencies. It recommends the establishment of the fund as it would enable access to a more innovative set of supports and services for survivors, as well as progressing a number of the Royal Commission's recommendations. The fund could be announced as part of the Prime Minister's public apology on 12 November.
- c. The paper recommends that the fund would be administered by the Department of Internal Affairs, using its community grants infrastructure and expertise. We did

engage with the Survivor Experiences Service on the option of that service supporting the administration of the fund but its preference is to remain focussed on its existing functions.

d. s9(2)(g)(i)

- e. Treasury has also identified that it would be best practice to defer the paper to December to enable Cabinet to consider the detailed design of the fund against the alternative option to repurpose contingency funding to support enhancements to existing claims processes. We have not pursued this option on the basis that that timing would preclude any announcements associated with tangible actions from being included in the public apology on 12 November.
- f. MSD and Whaikaha highlighted concerns around the Fund being contestable, given the sensitive and complex relationships within survivor communities, and recommended instead approving successful grants up to a certain amount. The paper now refers to a fund and sets out mechanisms to avoid contestability to address these concerns.

***Redress for survivors of torture at the Lake Alice Child and Adolescent Unit***

7. We draw your attention to the following matters in relation to this paper:

a. s9(2)(h)

Some of the information set out in this update could be included as an appendix in the draft Cabinet paper if you think that would be helpful.

b. s9(2)(g)(i)

- c. The paper now provides three torture-payment options for Cabinet's consideration. The paper recommends Option 3, the two-pathway approach which consists of the expedited and individual payment processes.

d. s9(2)(h)

s9(2)(g)(i)

e. 9(2)(g)(i)

[REDACTED]

- f. In light of work completed by ACC, which identified operational improvements for Lake Alice survivors and also provided a much clearer picture on what Lake Alice survivors have received previously, we now recommend the support component is based on continuing operational improvements and providing assistance (i.e. navigation) to eligible survivors to access their existing entitlements. Direction is sought from Cabinet to report back no later than June 2025 with an update from the relevant support agencies on what torture-survivors have been able to access. Subject to your preference, the paper could also signal that the report back can bring options to address any persistent gaps.

### Other matters

8. We provided an early draft of a public apology to your office on 3 September (CRACI 24/052). Since then we have received a small amount of further feedback from agencies on that draft. We are seeking to confirm with your office whether to progress an apologies Cabinet paper targeting the same Cabinet Committee meeting as per initial planning. This process would enable further agency feedback to be incorporated into the draft considered by Cabinet. Alternatively, we can provide an updated version of the early draft highlighting the small number of changes recommended by agencies for consideration outside of the Cabinet process.

## Appendix One: Update on work to identify possible torture since the release of the Royal Commission's final report

**Subject to legal privilege**

1

s9(2)(h)

1

[REDACTED]



Case - open and tra



active release



[REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]

9(2)(h) [Redacted]

6 s9(2)(h) [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

s9(2)(h) [Redacted]

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]



s9(2)(h) [Redacted]  
[Redacted]  
[Redacted]

- [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

Proactive release - open and transparent Government