

Hon Andrew Little
Minister for the Public Service

Terms of Reference for the Design and Advisory Groups preparing high-level proposals for a redress system for survivors of abuse in care

Date of Issue: 22 May 2023

These documents have been proactively released:

- Cabinet paper: Terms of Reference for the Design and Advisory Groups preparing high-level proposals for a redress system for survivors of abuse in care, 5 April 2023, Office of the Minister for the Public Service;
- Terms of Reference for the Independent Design and Advisory Groups, Redress System for Survivors of Abuse in Care;
- SWC-23-MIN-0027, Cabinet Social Wellbeing Committee Minute, 5 April 2023, Cabinet Office; and
- CAB-23-MIN-0122, Cabinet Minute, 11 April 2023, Cabinet Office.

The following information has been withheld, due to not being part of responding to the Royal Commission into Abuse in Care:

- The names of other Cabinet Social Wellbeing Committee minutes (from different portfolios) from the Cabinet Minute CAB-23-MIN-0122

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Office of the Minister for the Public Service

Cabinet Social Wellbeing Committee

Terms of Reference for the Design and Advisory Groups preparing high-level proposals for a redress system for survivors of abuse in care

Proposal

- 1 This paper seeks endorsement of the attached Terms of Reference for the Design and Advisory Groups, Redress System for Survivors of Abuse in Care, in line with the redress system design arrangements agreed by Cabinet in November 2022.

Executive Summary

- 2 Cabinet agreed to develop an independent survivor-focused redress system for survivors of abuse in care. Cabinet agreed to establish Design and Advisory Groups to produce high-level proposals to support the design of the redress system [SWC-22-MIN-0214 refers].
- 3 Terms of Reference (the terms) for the Design and Advisory Groups are attached for endorsement by the Committee, with key aspects that may be of interest highlighted in this paper. The terms seek to balance providing adequate flexibility to enable strong Māori leadership and inclusion of diverse survivor perspectives, with sufficient structure to support the delivery of workable high-level proposals in a safe and timely way.
- 4 Given the time constraints and desire to establish a redress system at pace, it is important to ensure these terms are fit-for-purpose to avoid delay. However, the terms may need to be reviewed and amended if there are any unforeseen events, particularly if the timing or structure of the delivery of the independent high-level proposals is affected. For this reason, the Committee is asked to delegate to me the authority to make any amendments to the terms necessary as a consequence of any unforeseen events.
- 5 I will be part of the commissioning conversation with the Design Group to help support a successful start and manage expectations about the design proposals. This paper invites other appropriate Ministers to indicate if they would like to attend the commissioning conversation so this can be raised with the Design Group's Co-Chairs.

Cabinet agreed to the overall arrangements for developing a new redress system for survivors of abuse in care

- 6 Following the Abuse in Care Royal Commission of Inquiry's (the Royal Commission's) redress report, *He Purapura Ora, he Māra Tipu*, Cabinet agreed to develop an independent survivor-focused redress system for survivors of abuse in care [SWC-21-MIN-0204 refers].

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- 7 In November 2022, Cabinet endorsed a set of principles, purpose, and functions for a new redress system¹, based on the recommendations in the Royal Commission report. It also agreed, in principle, to some elements of the scope of the new system, including the inclusion of survivors of abuse in non-State based care.
- 8 To support the design of a redress system, Cabinet agreed to establish a Design Group composed of up to 10 members and a chair, and a supporting Advisory Group composed of up to 20 members. Cabinet agreed that the Design Group be tasked with producing high-level design proposals for a redress system that covers the following elements [SWC-22-MIN-0214 refers]:
- a. feedback on the system’s intended principles, purpose, functions, and scope – with the option to outline a strong case for alteration to any of the specific aspects, particularly when considering the principles from a Treaty perspective;
 - b. how the system should safely connect with and support survivors and whānau to navigate their redress journey – how redress needs to “look and feel” to give survivors confidence in the redress system and to provide them with a safe, accessible, trauma informed, and culturally responsive experience;
 - c. the types and mix of services and supports that should ideally be provided as part of each of the redress system’s functions;
 - d. feedback on the apology and payment frameworks, draft redress models, and example proposals, provided by the Crown Response, with a focus on what is needed to support meaningful recognition of the harms people have experienced; and
 - e. an outline of the critical issues that will need to be considered as part of the detailed design and implementation planning needed to give effect to the overall design.

The Design and Advisory Groups’ members are in the process of being appointed

- 9 On 29 March, the Appointments and Honours (APH) Committee noted my intention to appoint two Co-Chairs for the Design Group. Given the visibility and nature of the Design Group’s work I consider a Co-Chair model, with one of the Chairs being a survivor, will help the Group to successfully fulfil its design purpose. Co-Chairs will:
- 9.1 help give survivors and the wider public confidence that key perspectives are helping inform the development of the new redress system; and

¹ subject to further work by the Crown Response to expand the principles and functions to give more explicit reference to the Treaty of Waitangi and better articulate the role of the redress system in the prevention of harm in current care settings.

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- 9.2 allow the leadership workload to be shared, reducing the burden that would otherwise be experienced by a single survivor Chair.
- 10 A formal process is underway to appoint the remaining members of the Design and Advisory Groups. This has involved a nationwide nomination call and an independent candidate review panel as agreed by the Committee [SWC-22-MIN-0214 refers].
- 11 The candidate review panel has provided me with a report on recommended candidates for the remaining membership for my consideration. I will take a paper to the APH Committee in May 2023 to note my intention to appoint the remaining membership of the Design and Advisory Groups.

Terms of Reference for the Design and Advisory Groups are attached

- 12 The Crown Response Unit has drafted Terms of Reference (the terms) for the Design and Advisory Groups in consultation with Crown Response agencies and the National Iwi Chairs Forum. The terms are attached as Appendix A for endorsement.
- 13 The terms are a key enabling instrument and commissioning lever for the Design and Advisory Groups to achieve their goals and to mitigate potential risks in an appropriate manner. The terms seek to balance providing adequate flexibility to enable strong Māori leadership and inclusion of diverse survivor perspectives, with sufficient structure to support the delivery of workable high-level proposals in a safe and timely way.
- 14 The terms include standard provisions such as outlining respective roles and deliverables, how the Groups will work, and key processes around decision making and dispute resolution. Key aspects of the terms that may be of interest to Cabinet are explained below.

Giving effect to Te Tiriti o Waitangi/Treaty of Waitangi (the Treaty) in the new redress system

- 15 The terms state that the redress system and the approach used throughout the design process will be grounded in the Treaty (see part 1C of attached terms, Appendix A).
- 16 Inclusion of this part of the terms responds to Cabinet's endorsement that more explicit reference is given to the Treaty in the principles and functions for a new redress system (see paragraph seven). The inclusion will support the Design and Advisory Groups to develop independent high-level proposals for a redress system that are equitable and reflect the Treaty. How this is applied to the high-level design process will need to be confirmed by the Design Group, reflecting its leadership role.

Roles of the Design and Advisory Groups and their interface

- 17 The terms outline the respective roles of the Design and Advisory Groups. They make clear that the Design Group has a lead role and is tasked with

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producing independent high-level proposals for a new redress system for Cabinet consideration (see part 1D of attached terms, Appendix A).

- 18 The terms state that the proposals must cover the aspects agreed previously by Cabinet (outlined in paragraph eight of this paper). The form of the proposals, including whether these will include recommendations, options, and advice for Cabinet on further commissioning of work, is purposefully not prescribed and will be determined by the Design Group.
- 19 The terms state that the role of the Advisory Groups is to support the Design Group in achieving its mandate by providing their diverse survivor perspectives to inform the high-level proposals (see part 1E of attached terms, Appendix A).
- 20 The Design Group will carefully consider and give appropriate weight to the perspectives, insights, feedback, and ideas the Advisory Groups provide. Engagement between the Design and Advisory Groups will be determined by the Design Group Co-Chairs (see part 2L of attached terms, Appendix A).

Timings

- 21 The Design Group is expected to convene in late May/early June 2023 and provide its high-level design proposals to me (the Minister for the Public Service) in August 2023 (see part 1F of attached terms, Appendix A).
- 22 I recognise that these timeframes are ambitious but reflect the commitment to develop the redress system at pace, in line with the November 2022 paper [SWC-22-MIN-0214 refers]. I intend to discuss timing for the delivery of the proposals with the Co-Chairs once the Design Group has had the opportunity to develop an initial view on its workplan.
- 23 Officials have produced alternative timelines, including options to accommodate phased delivery of proposals, that could be used to modify the terms should an adjustment to timeframes be required. This could be actioned in line with the delegated function discussed below in paragraph 28.
- 24 Once I receive the design proposals, and advice from the Crown Response Unit on the proposals and parallel policy work invited by Cabinet on abuse, neglect and care settings' definitions and the potential inclusion of whānau in the redress system [SWC-22-MIN-0214 refers], I will report back to the Committee later in 2023 on recommended next steps.
- 25 After Cabinet's decisions on those recommendations, detailed design and implementation planning will be required. Further Cabinet consideration will then be sought during key stages in the detailed design of the new redress system.

Ministerial engagement points

- 26 The terms indicate that I will be part of the commissioning conversation with the Design Group to help support a successful start and manage expectations about the design proposals. I invite other appropriate Ministers to indicate if

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they would like to attend the commissioning conversation so this can be raised with the Co-Chairs (see part 2M of attached terms, Appendix A).

- 27 Meetings to discuss progress will be convened between myself as the responsible Minister, and the Co-Chairs, as required. The Design Group is also committed to having a handover conversation with me when the high-level design proposals are delivered.

Reviewing and changing the terms

- 28 Given the time constraints and desire to establish a redress system at pace, it is important to ensure these terms are fit-for-purpose to avoid delay. However, the terms may need to be reviewed and amended if there are any unforeseen events, particularly if the timing or structure of the delivery of the independent high-level proposals is affected. For this reason, the terms explain the process to be followed in such an event, and state that the final decision to amend the terms sits with me (see part 4 of attached terms, Appendix A).

Supports and services will be available to the Design and Advisory Group

- 29 The terms provide an important structural basis to help the Design and Advisory Groups to deliver. The Co-Chairs are another important element for helping the Groups to produce effective proposals at pace. It is also vital to provide a range of supports to the Groups to contribute to their success and to create a safe and trauma-informed environment to work in.
- 30 The Design and Advisory Groups will therefore have access to diverse services to assist them in their work. The range available will be agreed by the Co-Chairs but I expect may include:
- 30.1 wellbeing supports, including advice and assistance on maintaining personal safety in a public-facing role;
 - 30.2 access to experts, including service design, trauma, legal, tikanga, and accessibility expertise;
 - 30.3 information on request from care and claims agencies and organisations (subject to standard privacy and privilege considerations);
 - 30.4 accessible information in alternate formats (e.g. Braille, Easy Read, Large Print, NZ Sign Language or Audio); and
 - 30.5 accessible in-person and online opportunities, with reasonable accommodations, for disabled members of the Groups to participate fully.

Te Tiriti o Waitangi/The Treaty of Waitangi (the Treaty) analysis

- 31 There has been negative, differential treatment towards pēpi, tamariki and whānau Māori across the State care system. Māori over-representation in State care is a result of enduring systemic failures and structural issues

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across multiple Government settings (social welfare, health and disability, education and law enforcement).

- 32 As noted in the December 2021 Cabinet paper on the initial response to the Royal Commission's redress report, the Crown failed to uphold its responsibilities to Māori as citizens by failing to provide safe State care. The Crown also failed as a Treaty partner through denying tino rangatiratanga and active protection to Māori in State care through the disconnection created to language, identity and culture compounding the trauma caused by abuse in care. The result of this is a loss of connection for Māori to whānau and whakapapa, which for many survivors and their whānau, hapu and iwi has intergenerational effects.
- 33 To recognise the Crown's responsibility to take appropriate account of the Treaty, the terms state that the redress system and the approach used throughout the design process must be grounded in the Treaty. This supports the Design and Advisory Groups to develop independent proposals for a redress system that are equitable and affirms a design process that reflects partnership between the Crown and Māori. How the Treaty is specifically applied to the high-level design process will need to be confirmed by the Design Group, reflecting its leadership role.
- 34 The Royal Commission recommended a set of principles for the redress system that are grounded in te ao Māori, which Cabinet has agreed to in principle and which are part of the work to be considered by the Design Group. Inclusion of the principles in the terms seek to ensure that the high-level proposals produced by the Design and Advisory Groups are cognisant of tikanga principles to support a redress system design that is accessible and meets the needs of Māori survivors and their whānau. The proposals are also a step towards providing redress for the loss of taonga and access to aspects of culture that were positive and affirming.
- 35 To support participation and leadership by Māori in the high-level design process and to reflect the views of survivors and advocates, there will be significant Māori representation in the Design and Advisory Groups. The terms explicitly require that Māori are represented and that members work collaboratively grounded in kaupapa Māori, with a range of services and support to be offered to the Group to do so successfully. It must be acknowledged that the decisions on how the high-level proposals progress to detailed design sit with Cabinet.
- 36 The terms acknowledge that the Design and Advisory Groups will determine who they wish to engage with as part of their high-level design work. There will also be close engagement and consultation with Māori throughout the detailed design phase that will follow Cabinet decisions on the high-level proposals, including with the National Iwi Chairs Forum, Māori urban authorities, New Zealand Māori Council, Māori Women's Welfare League, and groups representing Māori survivors, tangata whaikaha Māori, takatāpui, and Māori community providers.

Financial Implications

- 37 Fees for members working on the Design and Advisory Groups are outlined in the terms attached and are set under, and will be paid in compliance with, the Cabinet Fees Framework CO (22) 2.
- 38 The Design Group process is expected to cost \$1.5 to \$2 million in total, spread across the 2022/23 and 2023/24 financial years. Costs for the current year will be funded from the existing Crown Response appropriation in Vote Oranga Tamariki. The appropriation's funding for next financial year is subject to Budget 2023 decisions. However, the high-level design process is a priority for the CRU under the future funding allocation.
- 39 As noted in the November 2022 design arrangements paper, the cost of the new redress system is likely to be high but is difficult to estimate at this stage. Costs will depend on demand for the system, the mix of support services offered, the payments offered, and how supports and payments are scaled for direct survivors and whānau (if the latter are included and offered a sub-set of support types). Indicative total lifetime costs for the system, range from \$160 million to \$29 billion. These costs are purely indicative and based on illustrative demand levels and component costs [SWC-22-MIN-0214 refers].
- 40 The financial implications of the new redress system have not altered since the November 2022 paper as the terms have been drafted. However, the proposals put forward by the Design Group on the mix of support services offered through the redress system will help to support work to estimate costs.

Legislative Implications

- 41 There are no immediate legislative changes proposed. The next stage of design is expected to identify potential legislative changes that will need to be considered as part of the eventual detailed design proposals.

Regulatory Impact Statement

- 42 Impact analysis is not required, since there is no proposal to amend, repeal or introduce new legislation at this time. Any legislative proposals arising from the design work will be accompanied by impact analysis.

Population Implications

- 43 Māori are significantly over-represented in the number of children and young people who have been in care, and therefore among survivors of abuse in care. Māori, Pacific peoples, Disabled people, Deaf people, and LGBTQIA+ people have been significantly affected by abuse in care and are therefore a critical focus in the design of the new redress system.
- 44 It was agreed in the November 2022 paper that the Design and Advisory Groups would include diverse representation from the affected communities so that the system is designed in ways that are responsive to people's specific cultures, context, and needs [SWC-22-MIN-0214 refers]. In light of this, there

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will be meaningful representation of Pacific peoples in the Design and Advisory Groups. The terms also provide for the Design Group to determine who they may need to engage with to ensure the perspectives of those significantly affected by abuse in care are meaningfully considered. This is important with regards to ensuring the high-level design is accessible and inclusive, to avoid further perpetrating exclusion and the neglect of disabled people.

Human Rights

- 45 The Royal Commission recommended that the redress system should be consistent with the commitments Aotearoa New Zealand has under international human rights law, including the United Nations Declaration on the Rights of Indigenous Peoples, the United Nations Convention on the Rights of Persons with Disabilities, and the United Nations Convention on the Rights of the Child. These commitments include that effective redress must be available for human rights violations.
- 46 The high-level proposals delivered by the Design Group is intended to strengthen human rights and be consistent with New Zealand's international obligations as well as the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

Consultation

- 47 This paper was developed by the Crown Response Unit. The following agencies were consulted: ACC, Archives New Zealand, Crown Law Office, Department of Corrections, Ministry for Pacific Peoples, Ministry for Women, Ministry of Business, Innovation and Employment, Ministry of Education, Ministry of Health, Ministry of Justice, Ministry of Social Development, New Zealand Police, Oranga Tamariki, Public Service Commission, Te Arawhiti, Te Puni Kōkiri, Treasury, Whaikaha – Ministry of Disabled People. The Department of the Prime Minister and Cabinet was informed.

Communications

- 48 I intend to issue a media release once the Design and Advisory Groups' members are appointed, which will reference the terms attached in Appendix A.

Proactive Release

- 49 I intend to proactively release this paper as soon as practicable. The paper will be published on the Crown Response Unit's website.

Recommendations

- 50 It is recommended that the Committee:
- 1) **note** Cabinet agreed to establish Design and Advisory Groups to produce independent high-level design proposals for a new redress system for survivors of abuse in care [SWC-22-MIN-0214 refers];

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- 2) **note** that in line with Cabinet's agreement to establish the Design and Advisory Groups, Terms of Reference for the Groups are attached that seek to balance providing adequate flexibility to enable strong Māori leadership and inclusion of diverse survivor perspectives, with sufficient structure to support the delivery of workable high-level design proposals in a safe and timely way;
- 3) **note** that the Cabinet Appointment and Honours Committee noted my intention to appoint two Co-Chairs for the Design Group on 29 March and that work is underway to appoint the remaining members of the Design and Advisory Groups, with noting through the Cabinet Appointment and Honours Committee intended to follow in May 2023;
- 4) **note** that the Terms of Reference include provisions that:
 - a) explicitly reference giving effect to Te Tiriti o Waitangi/Treaty of Waitangi in the new redress system;
 - b) authorise me (as the Minister for the Public Service) to consider and approve changes to the terms of reference in circumstances where changes are necessary;
 - c) commit to providing the Design and Advisory Groups with access to supports and services to assist them in their work, with the suite of supports to be agreed by the Design Group's Co-Chairs (once appointed); and
 - d) specify that the Design Group will provide me with high-level design proposals, which will form the basis of a report back to the Committee later in 2023 for decisions which will inform the detailed design of the new redress system;
- 5) **endorse** the attached Terms of Reference for the Design and Advisory Groups, Redress System for Survivors of Abuse in Care;
- 6) **delegate** to the Minister for the Public Service the authority to make any amendments to these terms of reference necessary as a consequence of any unforeseen event(s); and
- 7) **invite** Ministers to indicate to me (as Minister for the Public Service) any interest in attending the commissioning conversation with the Design Group, so this can be discussed with the Design Group's Co-Chairs.

Authorised for lodgement

Hon Andrew Little

Minister for the Public Service

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Terms of Reference

Independent Design and Advisory Groups

Redress System for Survivors of Abuse in Care

DATE: 27 March 2023

PROACTIVELY RELEASED UNDER THE COMMITMENT TO OPEN GOVERNMENT

Part One: The work to be done

A. Overall purpose

1. To develop proposals for the high-level design of a new redress system for survivors of abuse and neglect in care. The high-level proposals will be reported to Cabinet for consideration and decisions on proceeding to the detailed design of the new system.

B. Background and context

2. The Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions (the Royal Commission) was established in 2018 to examine the nature and extent of the abuse of children, young people and vulnerable adults that occurred in State care and in faith-based institutions, focused on the period 1950–1999. The Royal Commission was also tasked with reviewing the current redress systems for survivors of abuse. The Royal Commission is yet to provide its final report.
3. Cabinet agreed there would be a principles-based Crown Response to the Royal Commission working in a coordinated and supportive manner, with resulting actions collectively owned. The Crown Response is overseen by the Minister for the Public Service. The Crown Response Unit (the CRU) coordinates and drives the Crown Response and its different work programmes, and is guided by six principles: manaakitanga, openness, transparency, learning, being joined up, and meeting obligations under Te Tiriti o Waitangi/the Treaty of Waitangi (the Treaty).
4. In December 2021 the Royal Commission issued its report on redress, *He Purapura Ora, he Māra Tipu: From Redress to Pūretumu Torowhānui*. The report followed a number of public hearings on redress by the Royal Commission and extensive engagement with many survivors. The report outlined the need for, and functions of, a future independent, holistic redress system for survivors of abuse in care – pūretumu torowhānui. The Royal Commission also outlined how such a system could be developed through a survivor-focused process.
5. In December 2021 Cabinet agreed:
 - a. the Royal Commission's work showed an urgent and clearly demonstrated need for a significant shift from settlement-based claims processes to an integrated support-based approach to redress;
 - b. to develop an independent survivor-focused redress system, informed by the Royal Commission's findings and recommendations, with a clear vision, purpose and characteristics that ensure the system is compassionate, equitable and meets survivors' needs; and
 - c. the development of the redress system will be underpinned by the Crown Response principles (listed in paragraph 3 above) and informed by a survivor-centred approach.
6. In August 2022 Cabinet agreed to four immediate projects on redress to be led by the Crown, based on some of the Royal Commission's recommendations. More information on these projects is provided in the section 'Work being done in parallel on other aspects of redress' below.
7. In November 2022 Cabinet agreed the high-level design of the new redress system would be led by a Design Group supported by an Advisory Group (noting that the Advisory Group could be established as separate groups to support participation by different survivor communities). Copies of the Cabinet papers referred to above can be found on the Crown Response website.

C. Giving effect to Te Tiriti o Waitangi/the Treaty of Waitangi in the new redress system

8. Māori are significantly over-represented among survivors of abuse in care. Failing to provide safe State care represents a failure by the Crown to uphold its responsibilities to Māori as citizens, and as Treaty partners through denying tino rangatiratanga to Māori in state care, through the disconnection from language, identity and culture created, compounding the trauma caused by abuse in care. The result of this is a loss of connection for Māori to whānau and whakapapa, which for many survivors has intergenerational effects.

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9. The redress system and the approach used throughout the design process will be grounded in the Treaty. How this is applied to the high-level design process will need to be confirmed by the Design Group, reflecting its leadership role (as set out in the section on collective responsibility below).
10. The Royal Commission recommended a set of principles for the redress system that are grounded in te ao Māori, which Cabinet has agreed to in principle and which are part of the work to be considered by the Design Group (as set out in the following role section).
11. Cabinet agreed there must be significant Māori representation in the independent Design and Advisory Groups. The Groups will determine who they need to engage with as part of their high-level design work.
12. There will also be close engagement and consultation with Māori throughout the detailed design phase that will follow decisions on the high-level proposals (as set out in these terms of reference). The Appendix includes an overview of some of the areas the detailed design work will need to consider, which will require consultation with diverse groups including the National Iwi Chairs Forum, Māori urban authorities, the Māori Women's Welfare League, groups representing Māori survivors, tangata whaikaha Māori, takatāpui, and Māori community providers.

D. Role of the Independent Design Group

13. The Design Group is to produce independent, high-level design proposals for the new redress system, that covers:
 - a. feedback on the system's intended principles, purpose, functions, and scope, drawing on the recommendations of the Royal Commission and agreed in principle¹ by Cabinet (see the Appendix);
 - b. how the system should safely connect with and support survivors and whānau to navigate their redress journey – how redress needs to “look and feel” to give survivors confidence in the redress system and to provide them with a safe, accessible, trauma informed, and culturally responsive redress experience;
 - c. the types and mix of services and supports that should ideally be provided as part of each of the redress system's functions (see the Appendix for the list of functions);
 - d. feedback on apology and payment frameworks, and any draft redress models and example proposals, provided by the CRU (see ‘Interface with the Crown Response Unit’ below for more information), with a focus on what is needed to support meaningful recognition of the harms people have experienced; and
 - e. an outline of the critical issues that will need to be considered as part of the detailed design and implementation planning in order to give effect to the overall design.
14. The work involves the consideration of a range of issues and system interactions that will, at times, be complex. A range of starting material will be provided for the Design Group (including the material outlined in ‘Support from and interface with the Crown Response Unit’ outlined below), which will include some initial design questions raised by the Royal Commission's findings and to help support consideration of the content areas above. The Design Group can request additional information, material or advice that it considers would aid in its work from the Crown Response or from external sources.
15. The form of the proposals is to be determined by the Design Group but should cover the content set out above and be suitable for consideration by Cabinet. The CRU can provide advice and support with forms and formats that would support Cabinet decision-making.
16. The high-level proposals, to be submitted to the Minister for the Public Service, can set out recommendations and give specific advice about each of the content areas. The Design Group may also, if it wishes, present options on different parts of the redress system (either with or without a

¹ Being agreed in principles means that Cabinet agreed in general terms to the core concept but that details still need to be worked through before a full and binding decision can be made.

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preferred option) for the Minister and Cabinet's consideration, or the Design Group may highlight areas that the Minister or Cabinet could commission further analysis on.

17. The focus for the Design Group is preparing the high-level design proposals for the new redress system and providing them to the Minister for the Public Service. The Minister will then take recommendations to Cabinet for consideration, based on the proposals. Following Cabinet decisions, detailed design and implementation planning will need to be undertaken. It is expected that there will continue to be strong survivor and Māori involvement in the detailed design process. How the detailed design, and survivor involvement, is to be configured will need to be agreed by Cabinet after it has considered the high-level design proposals.
18. As part of considerations around item 13b above, the Design Group is invited to consider the language used around redress. The terms 'puretumu torowhānui', 'redress' and 'survivor' are used in these terms of reference for consistency with Cabinet papers and reflecting the language used by the Royal Commission.

E. Role of the Independent Advisory Groups

19. The Advisory Groups are intended to support the Design Group in its work, providing a wider range of survivor perspectives that will be drawn on to help inform the high-level design proposals.
20. The Design Group will consult with the Advisory Groups to test ideas, redress elements, and draft proposals as the Design Group progresses its work. The Design Group may wish to pose questions for the Advisory Groups' consideration or commission the Advisory Groups to examine specific aspects of redress. Hui, wānanga or meetings for the Design and Advisory Groups will be agreed in advance by the Design Group Co-Chairs in consultation with the Groups' members.

F. Timing and reporting

21. The Design Group is expected to convene and start work in late May/early June 2023.
22. Subject to the Design Group developing its detailed work programme, it is expected the Design Group will provide its independent, high-level design proposals to the Minister for the Public Service by August 2023. The Design Group may wish to provide the proposals as a complete set or prefer to provide the proposals in different parts as it completes different aspects of its work. The Co-Chairs will discuss the proposals' structure with the Minister to agree on the most suitable approach.

G. Work being done in parallel on other aspects of redress

23. The Design and Advisory Groups should be aware that work on a number of different areas, highlighted by the Royal Commission in its findings and recommendations, is being led by the CRU and other agencies. Some of these work items were specifically flagged by the Royal Commission for the Crown to undertake, others reflect Cabinet consideration of issues arising from Royal Commission findings.
24. The Design Group may be consulted on different aspects of the following areas, depending on the timing of the individual projects or analysis. Separate survivor input has already been sought for many of the immediate projects to help inform decision-making by Cabinet or Ministers and may continue to be sought as the projects move into their implementation stages.
25. Work is being progressed by the CRU on four immediate projects, as directed by Cabinet in August 2022 in response to Royal Commission recommendations. The four projects are:
 - a. establishing an interim listening service to provide a safe and confidential avenue for survivors to continue to share their care experiences after the Royal Commission concludes in June 2023 and before the new redress system is established;
 - b. improving records processes for survivors to more easily request, receive, and understand information about their time in care, and to have an improved sense of control over their care narratives;

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- c. setting up rapid advance payments to survivors who, due to serious ill-health or age, may not be able to engage with the new redress system; and
 - d. a public national apology by the Governor-General and Prime Minister, to be delivered once the Royal Commission's final report has been published.
26. The CRU has also been directed by Cabinet to do further analysis, for report back alongside the high-level proposals, on:
 - a. potential definitions of the forms of abuse and neglect and care settings to be covered by the new system; and
 - b. the potential inclusion of whānau as indirect survivors to help address the impacts of abuse within and across generations, on the expectation the services and supports offered by the system to indirect survivors would differ to those provided for direct survivors.
27. The CRU will be consulting the Design Group on the two areas of further analysis, as well as drawing on reviews of international experiences, engagement with other experts, and further Ministerial consultation to help inform the analysis.
28. Work is being led by the Ministry of Justice and the Ministry of Business, Innovation and Employment, with assistance from Crown Law, examining the Royal Commission's recommendations related to reform of the limitation Acts and ACC settings. This work is being reported to the Minister of Justice.

H. Membership of the Independent Design and Advisory Groups

29. The Design Group will have Co-Chairs and up to 10 members. Members will be appointed through a process that includes a nationwide nomination call, advice on the nominations by a small independent candidate review panel, and appointment of members by the Minister for the Public Service through the Cabinet Appointments and Honours Committee process.
30. The use of Co-Chairs for the Design Group reflects the significant work to be led, with the weight of the responsibilities shared to support the wellbeing of those involved. At least one Chair is to be a survivor to help ensure that survivors perspectives are centred throughout the high-level design process.
31. The Advisory Groups will have up to 20 members in total. Members will be appointed through a process that includes a nationwide nomination call, advice on the nominations by a small independent candidate review panel, and appointment of members by the Minister for the Public Service through the Cabinet Appointments and Honours Committee process.
32. Appointees to each Group should demonstrate:
 - a. experience in representing or advocating for survivor communities;
 - b. understanding and commitment to the Treaty; and
 - c. the ability to work collaboratively to deliver collectively agreed outcomes, including the ability to manage personal trauma.
33. Collectively, each Group's membership should have:
 - a. survivors from a range of backgrounds and contexts, including Deaf, disabled, rangatahi, Pacific, Māori, LGBTQI+, residential care, faith-based care, State care, survivors who have been in prisons, survivors who have been in gangs, and survivors who live in rural areas;
 - b. a wide range of subject matter expertise, including mātauranga, public policy, wellbeing and oranga services, healing and restoration, and service design, development, and implementation;
 - c. experience in grassroots community support and service organisations;
 - d. experience applying the Treaty in systems, organisations, and services; and
 - e. experience working in trauma-informed ways, including kaupapa Māori methods.
34. A member may, at any time, resign from any of the Groups by providing written notice to the Minister for the Public Service. The Minister will advise the Design Group Co-Chairs of the resignation.

35. The Minister for the Public Service may revoke a member's appointment if the member is unable to discharge their role as a Group member or found to be guilty of misconduct, or fails to disclose any relevant conflicts of interest.
36. In the event of a member's resignation or removal, the Minister for the Public Service, in consultation with the Design Group Co-Chairs, may appoint a replacement member drawing on previous nominations or any other suitable person identified in line with the experience and representation outlined above.

Part Two: How the Independent Design Group will work

I. Collective responsibility

37. Together, the Design Group's members will:
 - a. work collaboratively, grounded in kaupapa Māori while also being alert to other cultures, to deliver an effective high-level design for the new redress system;
 - b. act in accordance with the principles and obligations of the Treaty both in the work they do and in the high-level design produced;
 - c. be mindful and respectful of the diversity within the Group's membership and each other's wellbeing, working in accordance with accessibility needs and trauma informed principles;
 - d. understand and observe collective responsibility for the Group's processes and decisions;
 - e. be able to take a balanced view of issues, considering the Group's purpose, the redress needs of survivors, and the need for a redress system design that is practical, sustainable and fiscally responsible;
 - f. operate on a 'no surprises' basis, informing the Co-Chairs (and through them the Minister for the Public Service) of any issues that might affect the work of the Group;
 - g. carefully consider and give appropriate weight to the perspectives, insights, feedback and ideas of the Advisory Groups;
 - h. adhere to the principles of natural justice, ensuring that any matters that arise are handled in a fair and impartial manner;
 - i. exercise respectful consensus-based decision making, which gives space for the consideration of different perspectives as part of seeking to reach a consensus; and
 - j. work in a transparent manner while recognising that some of the material the Group considers and the deliberations it undertakes may need to be kept confidential.

J. Individual responsibility

38. The Design Group Co-Chairs will:
 - a. work together in a spirit of partnership to provide effective leadership and direction for the Group;
 - b. keep the Minister for the Public Service informed of the Group's work and any issues that may need discussion;
 - c. act as spokespeople for the Group, ensuring the Minister for the Public Service and other key stakeholders are aware of the Group's purpose, activities, and progress;
 - d. make sure appropriate policies and structures are in place to support the Group;
 - e. oversee the Group's detailed work programme development and preparation of agendas and material;
 - f. manage conflicts of interest in the Group's overall operation and in any individual wānanga, hui, or meeting; and
 - g. help ensure contributions are made by all members; facilitating discussions and decision making.

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39. Design Group members will:
- act in good faith, and show honesty, integrity, and openness in their dealings with each other;
 - be diligent, prepared, and participate in a full and timely way in the work of the Group;
 - use their full knowledge, insights, networks, and expertise in contributing to the work of the Group, including the development of its processes and approach, as well as the effective development of the high-level design proposals;
 - honour the collective responsibility of the Group; and
 - take all reasonable steps to ensure their own wellbeing and be alert to the wellbeing of other members.
40. Members will declare any perceived, potential, or actual conflicts of interest at the start of the Design Group's work or as soon as they arise and shall be recorded in a register. The Design Group Co-Chairs will agree on the appropriate manner for dealing with each conflict on a case-by-case basis. The manner for dealing with the Design Group Co-Chairs' conflicts will be agreed with the CRU Director, acting as the agent of the Minister for the Public Service.

K. Key processes

41. The Design Group will determine its own detailed operating procedures and approaches, in line with the following key processes.
42. An induction will be held at the start of the Design Group's work as part of its whakawhanaungatanga, bringing everyone together to understand who they are individually and as a group, and to familiarise everyone with the work and the different supports available, and agree key approaches and processes.

General standards

43. All communications and material provided to the Design Group will be provided in alternate formats in line with the members' accessibility needs. Other reasonable accommodations will also be provided as needed to ensure all members can participate in the group on an equal basis to others.
44. All public-facing communications and documents produced by the Group will comply with Plain English requirements, and be accessible in te reo Māori and in alternate formats with reasonable accommodations (e.g. Braille, Easy Read, Large Print, NZ Sign Language and Audio). The timing of the delivery of alternate formats may vary, depending on the availability of the production specialists.
45. Members will not make detailed public statements on deliberations or sensitive work undertaken within the Design Group. They may however make general statements about the Design Group's work and will give advance notice to the Co-Chairs of any such statements. Any media or social media queries will be handled by the Co-Chairs in consultation with the Design Group, and with the support of the CRU or independent secretariat (if the latter is established, see 'Interface with the Crown Response Unit' below).
46. The CRU will be advised of any public statements or media queries so it can help inform the Minister for the Public Service, as part of the 'no surprises' approach.

Decision making and dispute resolution

47. Decisions made by the Design Group will be determined by consensus decision-making, with the Group working to discern a path forward where there are differing perspectives. Where a consensus-based path cannot be determined, a majority vote situation will apply. Differing perspectives can then be appropriately recorded a part of the Design Group's deliberations.
48. Rather than a single recommended option, the Design Group may wish to present a range of options (with relevant assessments) for any part of its proposals, or any consultation material for the Advisory Groups. The options could, for example, include different scales of services and supports, or different pathways into the new system.

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49. Any dispute or point of clarification will be referred to the Co-Chairs for consideration and to resolve. If necessary and in consultation with the CRU, the Co-Chairs may appoint an independent arbiter to work through the matter with the Design Group.

Meeting procedures

50. Wānanga, hui or meetings will be held on an agreed schedule. The initial schedule will be developed by the Co-Chairs and agreed with the full Design Group.
51. An agenda and supporting papers or material will be produced for wānanga, hui, and meetings under the Co-Chairs' direction, and with input from the Design Group. Papers, presentations, and other material can be prepared by the CRU, Design Group secretariat, or any external expert or agency that the Design Group wishes to commission input from.
52. A quorum will consist of six members (excluding Chairs). Where the Co-Chairs are unable to attend a wānanga, hui, meeting, or discussion, they will appoint an acting Chair from the Design Group membership for that event.

Fees and expenses

53. Fees for working on the Design Group are \$1,250 per day for the Co-Chairs and \$850 per day for Design Group members. The fees are set under and will be paid in compliance with the Cabinet Fees Framework CO (22) 2.
54. Travel, accommodation, and associated expenses for the Co-Chairs and members to attend all wānanga, hui, and meetings will be paid by the CRU in line with policies based on the Cabinet Fees Framework. Travel and accommodation will be organised by the CRU, or by the Design Group's secretariat if logistical support services are operating independently of the CRU.

L. Interface with the Advisory Groups

55. Engagement with the Advisory Groups will be determined by the Design Group Co-Chairs, in consultation with the Advisory Groups. The Advisory Groups will provide the Design Group with access to a wider range of survivor perspectives and input.
56. The Design Group will carefully consider and give appropriate weight to the perspectives, insights, feedback and ideas the Advisory Groups provide. The Design Group will do justice to the contributions of the Advisory Groups in the design proposals, while recognising that responsibility for discerning a path through the different perspectives offered by the Advisory Groups rests with the Design Group.
57. The Design Group will ensure the Advisory Groups are provided with feedback following consultation, in line with good consultation practice.

M. Interface with Ministers

58. The Design Group will have a commissioning conversation with the Minister for the Public Service at the start of its work. Other Ministers may attend the commissioning conversation as considered appropriate and worked through between the Minister for the Public Service and the Co-Chairs.
59. There will be update meetings between the Minister for the Public Service and the Co-Chairs as needed. Other Ministers can be engaged with as needed, working through the Minister for the Public Service initially.
60. The Design Group will have a handover conversation with the Minister for the Public Service when it delivers its high-level design proposals. Other Ministers may attend the handover conversation as considered appropriate, and worked through between the Minister for the Public Service and the Co-Chairs.

N. Support from and interface with the Crown Response Unit

61. A range of supports and services will be made available to the Design Group and Advisory Groups to assist the groups in their work, and to help maintain the wellbeing of the members. The exact mix of

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supports will be agreed by the Co-Chairs, in consultation with the Groups as needed, and organised through the CRU.

62. The supports and services for the Design Group are expected to include:
 - a. wellbeing supports, including advice and assistance on maintaining personal safety in a public-facing role;
 - b. access to experts, including service design, trauma, legal, tikanga, and accessibility expertise;
 - c. information on request from care and claims agencies and organisations (subject to standard privacy and privilege considerations);
 - d. accessible information in alternate formats (e.g. Braille, Easy Read, Large Print, NZ Sign Language or Audio); and
 - e. accessible in-person and online opportunities, with reasonable accommodations, for disabled members of the Groups to participate fully.
63. The CRU will provide secretariat and design support to the Design Group, either directly or by securing independent support based on the view of the Design Group Co-Chairs. This includes dedicated facilitation, analytical, policy, visual design and illustration, engagement, and administrative support to the Co-Chairs and the Group.
64. There will be ongoing engagement between the Design Group Co-Chairs and the CRU to help determine and make sure services and supports are being provided to the Design Group and Advisory Groups, and to help regarding all processes and engagements for and with the Minister for the Public Service set out in these terms of reference.
65. The design process will also be assisted by a set of starting materials prepared or compiled by the CRU and provided to the Design Group to be used as required. The material, which could take the form of written reports and papers, videos, or presentations, will include:
 - a. these terms of reference;
 - b. apology and payment frameworks, which will include proposed principles and considerations for meaningful apologies, and proposed principles, structuring, and treatments for recognition payments;
 - c. draft high-level redress design models, example proposals, and service design guidance, based on national and international experience and expertise;
 - d. an outline of New Zealand's obligations under international law including the United Nations Convention on the Rights of the Child, the United Nations Declaration on the Rights of Indigenous Peoples, the United Nations Convention on the Rights of Persons with Disabilities, and the United Nations Convention Against Torture; and
 - e. Royal Commission reports and evidence summaries, along with relevant findings from other New Zealand and international inquiries, past reviews of and lessons from historic claims processes, investigations, and strategies.
66. An overview and guides to the different content will be provided as part of the Design Group induction and be available for members use.

Part Three: How the Independent Advisory Groups will work

O. How the Advisory Groups are structured

67. The Co-Chairs will make decisions on the number of smaller Advisory Groups required to represent different survivor communities. It is expected that this will include Māori, Pacific, Faith, Rangatahi and Disabled groups. Given the diverse needs of disabled communities, the Co-Chairs will also consider the potential requirement for other mechanisms for inputting disabled perspectives into this design process.

P. Member responsibilities

68. Advisory Groups members will:

- a. act in good faith, and show honesty, integrity, and openness in their dealings with each other;
- b. be diligent, prepared, and participate in a full and timely way in the work of the Group;
- c. use their full knowledge, insights, networks, and expertise in contributing to the work of the Group;
- d. honour the collective responsibility of the Group; and
- e. take all reasonable steps to ensure their own wellbeing and be alert to the wellbeing of other members.

69. Together the Advisory Group members will:

- a. work in way that is grounded in te ao Māori, while also being alert to other cultures;
- b. be mindful and respectful of the diversity within the Group's membership and each other's wellbeing, working in accordance with accessibility needs and trauma informed principles;
- c. operate on a 'no surprises' basis, informing the Co-Chairs of any issues that might affect the work of the Group;
- d. adhere to the principles of natural justice, ensuring that any matters that arise are handled in a fair and impartial manner; and
- e. work in a transparent manner while recognising that some of the material the Group considers and the deliberations it undertakes may need to be kept confidential.

70. Members will declare to the Design Group Co-Chairs any perceived, potential, or actual conflicts of interest at the start of the Advisory Groups' work or as soon as they arise and shall be recorded in a register. The Co-Chairs, in consultation with the relevant Advisory Group, will agree on the appropriate manner for dealing with each conflict on a case-by-case basis.

71. Members will give advance notice to the Co-Chairs of any general public statements they intend to make about the Advisory Group's work. Members will not make detailed statements on deliberations or sensitive work undertaken within the Advisory Group.

Q. Support services

72. A range of supports and services will be made available to the Advisory Groups to assist them in their work, and to help maintain the wellbeing of the members. The exact mix of supports will be agreed by the Design Group Co-Chairs, in consultation with the Advisory Groups as needed, and organised through the CRU.

73. The supports and services are expected to include:

- a. wellbeing supports, including advice and assistance on maintaining personal safety in a sensitive role;
- b. administrative support;
- c. accessible information in alternate formats (e.g. Braille, Easy Read, Large Print, NZ Sign Language or Audio); and
- d. accessible in-person and online opportunities, with reasonable accommodations, for disabled members of the Groups to participate fully.

R. Key processes

74. The Advisory Groups will determine their own operating procedures and approaches, in line with the following key processes.

Meeting procedures

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75. Wānanga, hui or meetings will be held on an agreed schedule. The initial schedule will be developed by the Design Group Co-Chairs and agreed with the Advisory Groups.
76. An agenda and supporting papers or material will be produced for wānanga, hui, and meetings under the Design Group Co-Chairs direction, and with input from the Advisory Group.

Fees and expenses

77. Fees for working on the Advisory Group are \$750 per day for members. The fees are set under and will be paid in compliance with the Cabinet Fees Framework CO (22) 2.
78. Travel, accommodation, and associated expenses for members to attend all wānanga, hui, and meetings will be paid by the CRU in line with policies based on the Cabinet Fees Framework. Travel and accommodation will be organised by the CRU.

Part Four: Reviewing and changing the terms of reference

79. These terms of reference may need to be reviewed if there is an unforeseen event. In particular, if such an event arises there may need to be changes to the work's timing and/or the manner in which the high-level proposals are delivered (for example, the proposals could be provided in stages rather than as a single report back).
80. If a change to the terms of reference needs to be considered, there will be an initial discussion between the Design Group Co-Chairs and the CRU, acting for the Minister for the Public Service. Formal amendments will then be developed by the CRU in consultation with the Design and Advisory Group as appropriate, for consideration and decision by the Minister for the Public Service.

Appendix: The starting purpose, functions, principles, and scope for the new redress system, and other work to be done on redress

Cabinet has endorsed, in principle, the following purpose, functions, principles, and scope parameters for the new redress system, based on the Royal Commission's recommendations and subject to consideration and feedback by the Design Group (per the Design and Advisory Groups' terms of reference above). Final decisions about the parameters will be made by Cabinet following its receipt of the Design Group's high-level proposals.

Purpose

The Royal Commission proposed the redress system have a three-part purpose:

- to apologise for the tūkino (abuse, harm, and trauma) suffered by survivors;
- to support the healing or restoration of the mana, tapu, and mauri of people; and,
- to take steps towards preventing abuse.

Functions

Flowing from the overall purpose, the Royal Commission's proposed functions are that the system:

- provide a safe, supportive environment for survivors to share their care experiences;
- facilitate acknowledgements and apologies by the relevant institutions;
- facilitate access to support services, financial payments and other measures that enable te mana tāngata; and
- make recommendations on identified issues, to help prevent further abuse in care.

Principles

The Royal Commission recommended principles to guide the operation of the redress system as follows:

1. **Te mana tāngata:** the restoration of and respect for the inherent mana of people affected by tūkino.
2. **Utua kia ea:** pathways with the scope for survivors, both as individuals and collectively, to chart their own unique course to account for tūkino and restore mana.
3. **Manaakitia kia tipu:** the nurturing of the oranga or wellbeing of survivors and their whānau so that they can prosper and grow. This includes treating survivors and their whānau with atawhai, humanity, compassion, fairness, respect and generosity in a manner that upholds their mana (this includes being survivor-focused and trauma-informed) and nurtures all dimensions of oranga including physical, spiritual, mental, cultural, social, economic and whānau, in ways that are tailored to, culturally safe for, and attuned to, survivors.
4. **Mahia kia tika:** fair, equitable, honest, impartial, and transparent. In this context it includes a puretumu torowhānui system that has clear, publicly available rules and other information about how it works, and regular reviews of its performance.
5. **Whakaahuru:** processes protect and safeguard people including actively seeking out, empowering, and protecting those who have been, or are being abused in care, as well as implementing systemic changes to stop and safeguard against abuse in care.
6. **Whanaungatanga:** refers to the whakapapa, or kinship, connections that exist between people. In this context, it reflects that the impact of tūkino can be intergenerational and can also go beyond the individual and affect whānau, hapū, iwi and hapori or communities. Therefore, puretumu torowhānui should facilitate individual and collective oranga and mana, connection or reconnection to whakapapa, and cultural restoration.

7. **Teu le vā / tauhi vā:** tending to and nurturing of vā, or interconnected relationships between people and places, to maintain individual and societal oranga. Where there has been abuse, harm or trauma steps must be taken to heal or re-build the vā and re-establish connection and reciprocity.
8. **He mana tō tēnā, tō tēnā – ahakoa ko wai:** each and every person has their own mana and associated rights, no matter who they are. In this context, it means that a new puretumu torowhānui system and its underlying processes must value disabled people and diversity, accept difference, and strive for equality and equity. This includes challenging ableism – the assumptions and omissions that can make disabled people, the tūkino and neglect they experience and their needs for restoration of mana and oranga, invisible.

Scope

The new redress system is to include:

- non-State care (such as faith-based institutions and private schools) survivors, subject to the Crown being able to agree suitable funding mechanisms with those institutions to support the operation of the redress system; and
- current and future survivors, to prevent the need for parallel systems or process to be established in future.

Detailed design work will follow consideration of the parameters for the new system

The detailed design work to be coordinated by the CRU following Cabinet decisions on the high-level design proposals will include working through, in consultation with the key groups:

- funding mechanisms for non-State care organisations, along with the new system's broader fiscal implications and constraints;
- the detail of potentially complex intersections with other systems (such as ACC and health and assisted living entitlements) and how these are best reflected or connected in through the supports offered by the redress system, to help avoid duplication or creating support gaps;
- workforce capability and capacity development, including where existing services can be supported or augmented and where new services may need to be established – which may, for example, require a staged implementation of different components within the redress system;
- issues related to natural justice, such as the extent to which the redress system's apologies and other acknowledgements involve the determination of the liability of alleged perpetrators;
- any potential legislative amendments that may be required, for example to better facilitate information sharing and redress record creation, or the exclusion of acknowledgement payments from means testing for other support systems; and
- the form of the body that operates the redress system and its governance under a Treaty model.



Cabinet Social Wellbeing Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Terms of Reference for the Design and Advisory Groups, Redress System for Survivors of Abuse in Care

Portfolio Public Service

On 5 April 2023, the Cabinet Social Wellbeing Committee (SWC):

- 1 **noted** that in November 2022, SWC agreed to establish Design and Advisory Groups to produce independent high-level design proposals for a new redress system for survivors of abuse in care [SWC-22-MIN-0214];
- 2 **noted** the Terms of Reference for the Design and Advisory Groups, Redress System for Survivors of Abuse in Care, attached under SWC-23-SUB-0027, that seek to balance providing adequate flexibility to enable strong Māori leadership and inclusion of diverse survivor perspectives with sufficient structure to support the delivery of workable high-level design proposals in a safe and timely way;
- 3 **noted** that:
 - 3.1 on 29 March 2023, the Cabinet Appointment and Honours Committee (APH) noted the intention of the Minister for the Public Service (the Minister) to appoint two Co-Chairs for the Design Group [APH-23-MIN-0021];
 - 3.2 work is underway to appoint the remaining members of the Design and Advisory Groups, with submission to APH planned in May 2023;
- 4 **noted** that the Terms of Reference include provisions that:
 - 4.1 explicitly reference giving effect to Te Tiriti o Waitangi/Treaty of Waitangi in the new redress system;
 - 4.2 authorise the Minister to consider and approve changes to the terms of reference in circumstances where changes are necessary;
 - 4.3 commit to providing the Design and Advisory Groups with access to supports and services to assist them in their work, with the suite of supports to be agreed by the Design Group's Co-Chairs;
 - 4.4 specify that the Design Group will provide the Minister with high-level design proposals, which will form the basis of a report back to the Committee later in 2023 for decisions which will inform the detailed design of the new redress system;

- 5 **endorsed** the Terms of Reference for the Design and Advisory Groups, Redress System for Survivors of Abuse in Care;
- 6 **authorised** the Minister to make any amendments to the above terms of reference necessary as a consequence of any unforeseen event(s);
- 7 **invited** Ministers to indicate, to the Minister, their interest in attending the commissioning conversation with the Design Group, so this can be discussed with the Design Group's Co-Chairs.

Rachel Clarke
Committee Secretary

Present:

Rt Hon Chris Hipkins
Hon Carmel Sepuloni (Chair)
Hon Kelvin Davis
Hon Grant Robertson
Hon Dr Megan Woods
Hon Jan Tinetti
Hon Dr Ayesha Verrall
Hon Andrew Little
Hon Peeni Henare
Hon Priyanca Radhakrishnan
Hon Kieran McAnulty
Hon Ginny Andersen
Hon Barbara Edmonds
Hon Willow-Jean Prime
Hon Rino Tirikatene
Jo Luxton, MP

Officials present from:

Office of the Prime Minister
Office of the Chair
Officials' Committee for SWC

PROACTIVELY RELEASED UNDER THE COMMITMENT TO OPEN GOVERNMENT



Cabinet

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Report of the Cabinet Social Wellbeing Committee: Period Ended 6 April 2023

On 11 April 2023, Cabinet made the following decisions on the work of the Cabinet Social Wellbeing Committee for the period ended 6 April 2023:

SWC-23-MIN-0027 **Terms of Reference for the Design and Advisory Groups, Redress System for Survivors of Abuse in Care** CONFIRMED
Portfolio: Public Service

Withheld as not part of the Crown's response to the Royal Commission of Inquiry into Abuse in Care

Withheld as not part of the Crown's response to the
Royal Commission of Inquiry into Abuse in Care

Rachel Hayward
Secretary of the Cabinet

PROACTIVELY RELEASED UNDER THE COMMITMENT TO OPEN GOVERNMENT