

# Redress Submission Process

# Abuse in Care Royal Commission

## 5 May to 16 June

### Submission template

## Background

The Abuse in Care Royal Commission is calling for submissions on potential changes to redress schemes in Aotearoa New Zealand for survivors of abuse in care.

Redress refers to actions that set right, remedy or provide reparations for harms or injuries caused by a wrong, such as abuse. Redress can take many forms, including:

* Payments of money
* Physical, emotional and psychological rehabilitation or other assistance through counselling and other health and social services
* Acknowledgment of and apology for abuse that occurred
* Memorials for survivors of abuse
* Criminal prosecutions
* Taking steps to prevent further abuse.

A redress scheme is a way for survivors to make a claim for abuse or neglect without having to go to court. These schemes are sometimes referred to as out-of-court redress schemes. The Royal Commission has gathered evidence of survivor experience of redress schemes in Aotearoa New Zealand through public hearings, collecting witness statements and listening to survivors in private sessions. We have also heard from the government and faith-based institutions about how they run their various redress schemes.

Survivors have told the Royal Commission that government and faith-based institutions have not responded adequately to their complaints of abuse. Survivors have said that this has added to their ongoing trauma and have made strong calls for change. They have said that a new redress scheme independent from government and faith-based institutions is needed. Representatives of government and the faith-based institutions heard by the Royal Commission have generally not opposed this call or have supported it in principle.

In its interim report *Tāwharautia: Pūrongo o te Wā*, the Royal Commission outlined its current view of the main general principles required to make redress effective. We are now considering the option of an independent redress scheme, and other potential changes, in more detail.

**Below** arethe questions on which the Royal Commission is seeking submissions. If you have already provided information to the Royal Commission, this will be taken into account. We would appreciate any new or additional information you would like to supply.

The Royal Commission will receive submissions from **5 May - 16 June** (inclusive).

You can make a submission in the following ways:

1. **Download** this submissions template (located on the Abuse in Care Royal Commission website:
[https://www.abuseincare.org.nz/survivors/how-to-get-involved/redress-submissions](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.abuseincare.org.nz%2Fsurvivors%2Fhow-to-get-involved%2Fredress-submissions%3Fstage%3DStage&data=04%7C01%7C%7C317b7e79c5c04dd0048908d90e7d5f92%7C1a50e6388eac457ab57ec63934e512d1%7C0%7C0%7C637556753893905736%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=1I%2Bdcc7h%2BJGwnbwmR1kouU3suzxz%2Bn9cLeWgwNN2Eoc%3D&reserved=0))

Save the form, fill it in and email it back to submissions@abuseincare.org.nz

1. **Print the printable version** of the submissions template (located on the Abuse in Care Royal Commission website:
[https://www.abuseincare.org.nz/survivors/how-to-get-involved/redress-submissions](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.abuseincare.org.nz%2Fsurvivors%2Fhow-to-get-involved%2Fredress-submissions%3Fstage%3DStage&data=04%7C01%7C%7C317b7e79c5c04dd0048908d90e7d5f92%7C1a50e6388eac457ab57ec63934e512d1%7C0%7C0%7C637556753893905736%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=1I%2Bdcc7h%2BJGwnbwmR1kouU3suzxz%2Bn9cLeWgwNN2Eoc%3D&reserved=0))

Fill in the form and return it in hard copy to the following address:

Royal Commission of Inquiry
PO Box 10071
The Terrace
Wellington 6143

1. **Phone / ema**il our Contact and Support Centre if you require further assistance:
	* (0800) 222-727 (weekdays 8am to 6pm NZT), excluding public holidays
	* (1800) 875 745 if calling from Australia
	* Email: submissions@abuseincare.org.nz

If you wish to make a submission in a different format (such as an audio file) or need support to make a submission, please phone or email our Contact Centre and they can discuss other options with you.

Note that you do not have to respond to each question.

We will consider the information you provide in developing recommendations to government and faith-based institutions on how best to provide effective redress to survivors of abuse in care.

We recognise that sharing your submission may be difficult for some people. If you need support, you can contact any of the providers below or call us on 0800 222 727 or email submissions@abuseincare.org.nz

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| WHERE TO GET HELP: If you are worried about your or someone else's mental health, the best place to get help is your GP or local mental health provider. However, if you or someone else is in danger or endangering others, call police immediately on 111. Or if you need to talk to someone else: • LIFELINE: 0800 543 354 (available 24/7)  • SUICIDE CRISIS HELPLINE: 0508 828 865 (0508 TAUTOKO) (available 24/7)  • YOUTHLINE: 0800 376 633 • NEED TO TALK? Free call or text 1737 (available 24/7)  • KIDSLINE: 0800 543 754 (available 24/7)  • WHATSUP: 0800 942 8787 (1pm to 11pm)  • DEPRESSION HELPLINE: 0800 111 757 (available 24/7)  • SAMARITANS: 0800 726 666  • OUTLINE: 0800 688 5463 (confidential service for the LGBTQI+ community, their friends and families)  • RURAL SUPPORT TRUST: 0800 787 254 |

### Privacy

We may use material from submissions for the purposes of the Inquiry, including by sharing it with other participants. We may name people and organisations who have made a submission, and their representatives, and refer to what they have said in published material including reports.  If your submission contains any information that you do not want published, or if you wish to make an anonymous submission, please state this in your submission with a brief statement of the reasons for seeking that confidentiality.

For more information on the Inquiry’s general approach to privacy, see [www.abuseincare.org.nz/footer-navigation/privacy/](https://aus01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.abuseincare.org.nz%2Ffooter-navigation%2Fprivacy%2F&data=04%7C01%7C%7C2cc81c3d9b424b7ed83d08d90e8a32b6%7C1a50e6388eac457ab57ec63934e512d1%7C0%7C0%7C637556808983009246%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=hpEcm5%2Bmxl5Yj5vTBDVCIWd2Pz1FoMdeDO7VBLioFoc%3D&reserved=0).

# Submitter information

The Royal Commission would appreciate it if you could provide some information about yourself. Any information you provide will be stored securely.

1. **About you**

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| Name: |  |

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| Email address: |  |

1. **Are you happy for the Royal Commission to contact you if we have questions about your submission?**

[ ]  Yes [ ]  No

1. **Are you making this submission on behalf of a business or organisation?**

[ ]  Yes [ ]  No

If yes, please tell us the title of your company/organisation.

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1. **Do you have any further information about yourself that you would like to share? If so, please do so in the comment box below.**

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| **Redress public engagement: questions** |

**You are invited to respond to as many or as few questions as you like, depending on your interests.**

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| **Question 1** |
| **What do you think an out-of-court redress scheme or schemes for claims of abuse in care should try to achieve? In other words, what do you think a redress scheme’s purpose or objectives should be?**  |
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| **Question 2** |
| **Who should make decisions on redress claims, and what should any new redress scheme do?** |
| *At the moment, survivors can make out-of-court redress claims to government agencies and/or faith-based institutions. Those agencies and institutions also respond to and defend court cases by survivors seeking redress.*  |
| *A. Who do you think should make decisions on claims by survivors for out-of-court redress?** *Existing government agencies and faith-based institutions?*
* *An organisation or organisations independent from government and faith-based institutions?*
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| *B. If you think claims should be decided by an independent organisation, what would need to be done to make the organisation independent? For example:** *Who should choose who leads the organisation and works for it?*
* *Who should the organisation report to?*
* *Where should the organisation’s funding come from?*
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| *C. If you think claims should be decided by an independent organisation, do you think that the organisation should involve government agencies, faith-based institutions, and individuals named as abusers in some way? If you do think that, what do you think that involvement should be? For example:** *should individuals and institutions named in applications for redress as abusers or as places where abuse happened be asked to respond to the application?*
* *should the organisation arrange for government agencies, faith-based institutions and individuals who accept responsibility for abuse to make apologies directly to survivors?*
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| *D. If you think claims should be decided by an independent organisation, what do you think this organisation should be able to do? For example:** *Investigate claims of abuse and neglect?*
* *Make findings on claims of abuse and neglect?*
* *Where appropriate, hold individuals and institutions responsible for abuse and neglect?*
* *Arrange legal advice for survivors making claims?*
* *Arrange advocacy for survivors making claims?*
* *Arrange cultural support for survivors making claims?*
* *Help survivors access information about them, such as their records from their time in care?*
* *Make decisions on redress for survivors or just make recommendations to another organisation?*
* *Make decisions public or keep them private?*
* *Provide or arrange for survivors to receive services (like counselling, health and other rehabilitative services)?*
* *Make reports on abuse and neglect affecting groups of survivors or at particular places? Put another way, should an independent organisation report on systemic or broader issues beyond individual claimants?*
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| *E. Do you think that any new organisation should not be allowed to do some of these things?* |
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| *F. If you think any new organisation should not be allowed to do some of these things, why do you think that?* |
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| **Question 3** |
| **What types of abuse should survivors be able to seek out-of-court redress for?** |
| *What types of abuse should be included in a redress scheme? For example:*1. *Physical, sexual, emotional and psychological abuse?*
2. *Neglect?*
3. *All of those types of abuse?*
4. *Only one or some of those types of abuse?*
5. *Only abuse which results in serious mental or physical harm to the survivor?*
6. *Other types of abuse?*

*Tell us what you think and why* |
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| **Question 4** |
| **What claims should be covered by a redress scheme?** |
| *A. If a new redress scheme were established for claims of abuse in care, do you think it should be able to look at:** *only abuse that happened in the past?*
* *abuse that is happening now?*
* *all abuse, whenever it happens (including in the future)?*
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| *B. Do you think that a redress scheme should:** *close after it has made decisions on particular claims? For example, claims relating to abuse that happened between 1 January 1950 and 31 December 1999?*
* *stay open for as long as claims are made to it?*
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| *C. Do you think that a redress scheme should be able to consider claims from survivors who have already received out-of-court redress from government agencies or faith-based institutions?*  |
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| *D. If a survivor is deceased, do you think their family members or whānau should be able to make redress claims?*  |
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| **Question 5** |
| **What types of redress should be available?** |
| *A. What types of redress should survivors of abuse in care be able to get from a redress scheme? For example:** *Someone investigating their claims?*
* *Someone acknowledging the abuse?*
* *Someone saying sorry to them?*
* *Should they be able to get counselling to help them?*
* *Should they get money?*
* *Should they get rehabilitation services (like the services referred to in question C below)?*
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| *B. If you think survivors should get money, what do you think the payment of money should try to achieve? For example, should a payment aim to:** *be enough money to make up for the abuse suffered? In other words, seek to compensate for the impact of and loss caused by the abuse?*
* *be enough money to say that we acknowledge and are sorry for what happened to you, but we know that it will not make up for what you have suffered. In other words, seek to be a tangible acknowledgement of the abuse and its effects, but not to compensate for them?*
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| *C. Services that could be available or accessed through a redress scheme include assistance with education and employment, healthcare, accessing secure housing, financial advisory services, community activities, counselling, and helping survivors to build and maintain healthy relationships with their families and children. If you think services should be available through a redress scheme:** *what kinds of services would be most important?*
* *why do you think it is important for survivors to get these services?*
* *what do you think should be the aim(s) of survivors having access to these services? In other words, what should be the outcome or outcomes for survivors from these services?*
* *should survivors have access to services on an ongoing basis depending on what they need?*
* *or should survivors have access to services up to a particular cost or for a set time period?*
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| *D. Should redress be available for family members or whānau of survivors? If it should, what types of redress should family members be able to access?* |
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| *E. Should a redress scheme provide other types of collective redress for abuse in care (that is, types of redress given to groups of survivors or other groups affected as a group by abuse in care)? If it should, what types of collective redress should the scheme provide?* |
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| *F. Should a redress scheme give survivors a choice between:** *a brief, quickly resolved assessment, which might give survivors a lower monetary payment and access to some services?*
* *an extensive and longer-to-resolve assessment, which might give survivors a higher monetary payment and access to more services?*
* *or should all claims have the same type of assessment, and the same range of potential outcomes available?*
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| **Question 6** |
| **What review or appeal processes should there be in any new redress scheme?** |
| *Some overseas redress schemes allow survivors who do not agree with a decision by the redress scheme to ask another person or organisation to review the scheme’s decision. Survivors could also be allowed to appeal a decision to a Court or another organisation that works like a Court.*  |
| *A. Should a survivor be able to apply for review of, or appeal against, a decision made by the redress scheme on their application?* |
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| *B. Should an individual and/or institution named in an application be able to apply for review of, or appeal, a decision made by the redress scheme on that application?* |
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| **Question 7** |
| **Which organisations should be included in any new redress scheme, how should it be funded, and what should ACC do?** |
| *A. If a new redress scheme were established, should that scheme be responsible for assessing claims relating to abuse in the care of:** *government (including organisations contracting with government to provide care) and faith-based institutions?*
* *only government institutions?*
* *only faith-based institutions?*
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| *B. Should there be any limit on the types of government and/or faith-based institutions included in any new scheme? If so, what should those limits be?* |
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| *C. If a new scheme were established to decide claims for redress relating to government and faith-based institutions, should faith-based institutions:** *not be included in the scheme unless they choose to opt-in?*
* *be included in the scheme unless they choose to opt-out?*
* *have no choice about being included in the scheme? In other words, not have a choice to opt-in or opt-out?*
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| *D. If a new scheme were established to assess claims for redress relating to government and faith-based institutions, should a survivor:** *only be able to make a claim for out-of-court redress to the new scheme?*
* *be able to choose whether to make a redress claim to the new scheme or to go directly to the government or faith-based institutions?*
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| *E. If a new scheme were responsible for assessing claims for redress relating to government and faith-based institutions, how should that scheme be funded? For example, should:** *government and faith-based institutions have to contribute on a claim-by-claim basis according to the extent of their responsibility for the claim?*
* *the government seek funding contributions from faith-based institutions, but be ultimately responsible for funding the new scheme?*
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| *F. Some survivors of abuse in care can make claims to the Accident Compensation Corporation. If a new scheme were established to assess claims for redress relating to government and faith-based institutions, what do you think the relationship between that scheme and ACC should be? Or rather than establishing a new scheme, should ACC be responsible for assessing all out-of-court claims for redress for abuse in care relating to government and faith-based institutions?* |
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| **Question 8** |
| **What is required for a redress scheme to be consistent with te Tiriti o Waitangi / the Treaty of Waitangi, and with tikanga?** |
| *A. To be consistent with te Tiriti o Waitangi / the Treaty of Waitangi, and with tikanga:** *how should a redress scheme for abuse in care be designed?*
* *how should a redress scheme operate?*
* *what should a redress scheme make available or facilitate in terms of redress?*
* *should there be a separate redress scheme for Māori?*
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| *B. Should a redress scheme allow for collective redress for whānau, hapū and iwi affected by abuse in care? If you think it should:** *who should assess a collective claim?*
* *what should the scheme provide or give access to as collective redress?*
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| *C. What are or might be the barriers to Māori survivors in accessing a redress scheme?* |
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| *D. If a new redress scheme were established to assess claims for redress for abuse in care, what do you think the relationship between that scheme and the Waitangi Tribunal should be?* |
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| **Question 9** |
| **Should an out-of-court redress scheme be culturally appropriate for each individual survivor who applies to it, such as survivors from Pacific communities?** |
| *A. Should an out-of-court redress scheme aim to be culturally appropriate for all survivors who may apply to it? For example, should it provide or allow for cultural practices other than those of Māori, such as Pacific cultural practices?*  |
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| *B. If an out-of-court redress scheme should aim to be culturally appropriate for all survivors:** *how should the scheme be designed?*
* *how should the scheme operate?*
* *what should the scheme make available or facilitate in terms of redress?*
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| **Question 10** |
| **How should a redress scheme be made accessible?** |
| *A. What are, or might be, the barriers that disabled and other survivors may experience in accessing out-of-court redress?* |
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| *B. To make an out-of-court redress scheme accessible and effective for disabled and other survivors:** *how should the scheme be designed?*
* *how should the scheme operate?*
* *what should the scheme make available or facilitate in terms of redress*?
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| *C. What does a redress scheme need to think about when arranging for or providing redress to disabled survivors living in long-term or lifelong care?* |
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| *D. What should a redress scheme do to make redress effective for survivors living in long-term or lifelong care?* |
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| *E. What should a redress scheme do to try to make sure that survivors know about it and can access it?*  |
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| **Question 11** |
| **Should there be changes to the civil litigation system for cases of abuse in care?**  |
| *What if any changes would you like to see to the civil litigation (Court) system for cases of abuse in care?* |
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| **Question 12** |
| **Do you have any other comments to make arising out of these questions?** |
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