



Office of Hon Peseta Sam Lotu-Iiga

MP for Maungakiekie

Minister of Corrections

Minister for Ethnic Communities

Minister for Pacific Peoples

Associate Minister of Health

Mr Ian Andrews
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Auckland

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Dear Mr Andrews,

I thank you for your request for official information received in my office on 16 February 2015. This request was transferred from the Cabinet Office under section 14 of the Official Information Act 1982 as the responsibility for the requested information sits with the functions my office as Minister of Corrections.

You have requested the following information:

“CAB Min (02) 26/10: “Settlement of Offender Claims”

In response to your request I am releasing the above document in full. Please find this attached.

If you are dissatisfied with this response, you have the right to ask the ombudsman to investigate. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143.

Kind regards,

Hon Peseta Sam Lotu-Iiga
Minister of Corrections



Cabinet

CAB Min (02) 26/10

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.

Minister of Justice
Minister of Corrections

Copies to:

Prime Minister
Deputy Prime Minister
Minister of Finance
Hon Jim Anderton
Minister of Social Services and Employment
(CYFS)
Minister of Health
Attorney-General
Minister for Courts
Minister of Police
Minister for ACC
Secretary of the Cabinet
Secretary, SDC

Settlement of Offenders' Claims

On 7 October 2002, following reference from the Cabinet Business Committee, Cabinet:

1 **noted** that in August 2002 Cabinet approved the settlement of a claim by a former inmate for alleged ill-treatment and negligence while serving his sentence and noted that a further paper would be submitted to Cabinet which would deal with the wider issues relating to claims made by offenders [CAB Min (02) 22/4];

Claims relating to unlawful detention

2 **agreed** that claims by offenders against the Department of Corrections which relate to unlawful detention (arising in the main from administrative error) should continue to be settled by the Department, in consultation with the Minister of Corrections and the Attorney-General, if they fall within the relevant financial delegation for the Chief Executive;

Other Claims against the Department of Corrections

3 **agreed** that Cabinet be required to approve any settlements of claims against the Department of Corrections that fall into the following categories:

3.1 claims by offenders that are not related to unlawful detention;

- 3.2 claims by members of the public who are not offenders alleging misuse of the powers of corrections officers or probation officers;
- 4 **agreed** that where there is some uncertainty about whether a particular claim comes within one of the categories referred to in paragraph 3, or a claim raises sensitive issues for some other reason, the Minister of Corrections can direct that the matter be considered by Cabinet;

Outstanding reparation orders

- 5 **noted** that the Department of Corrections has advised that when settlement with an offender is being contemplated, it will ascertain from the Department for Courts whether the offender is subject to any outstanding reparation orders, and where this is the case the Department of Corrections will only settle the claim on the basis that the offender agrees as part of the terms of settlement that the reparation is paid from the settlement sum by the Department of Corrections before the balance is paid to the offender;

Further Work

- 6 **noted** that the Department of Corrections and the Department for Courts will do further work on determining how best to facilitate the recovery of any outstanding monetary penalties when settlement of an offender's claim against the Department of Corrections is being contemplated, and report back to the Cabinet Social Development Committee by 31 October 2002;
- 7 **noted** that it may be desirable for other justice sector agencies such as the Police, Department for Courts, and Child, Youth and Family Services to develop similar rules for handling claims by offenders;
- 8 **noted** that the Minister of Justice has asked the Ministry of Justice to undertake further work on wider issues in relation to settlement of offenders' claims, in consultation with the Department of Corrections.



Secretary of the Cabinet

Reference: CAB (02) 407; CAB Min (02) 25/3

Secretary's Note: Cabinet added a reporting date to paragraph 6. It noted in paragraph 8 that the Ministry of Justice was undertaking related work.