

## WHY WE ARE REVIEWING THE SCHEME

The Takutai Moana Financial Assistance Scheme (the scheme) was set up to support applicant groups to progress their applications under the Marine and Coastal Area (Takutai Moana) Act 2011 (the Act). The last review of the scheme took place in 2016, which was before the April 2017 deadline for applications under the Act. The large volume of applications, and level of complexity given the extent of overlapping interests, was not envisaged when the scheme was developed. This has placed pressure on the ability for the scheme to achieve its purpose to support applicant groups, and has raised questions about the design and administration of the scheme.

## FUNDING INFORMATION

The purpose of this funding is to assist with costs in progressing an application in Crown engagement or the High Court, including:

- gathering of evidence (including mapping);
- preparation of submissions;
- obtaining legal advice, and
- project management support.

Different levels of funding are available depending on the complexity of your applications (for example, area, size and number of overlapping applicant groups), and which pathway you are progressing your application through.

**How is funding accessed?** To access funding:

- Applicants apply for an upper funding limit (UFL), which determines the total amount of funding available to you, and
- Once you have a UFL, you can then apply to Te Arawhiti to have a contribution towards your application costs reimbursed.

**How much funding is available?** There are UFLs, or funding caps, on the level of financial assistance that can be provided. Once these limits have been reached, applicants will need to meet any further costs from their own resources. Different levels of funding are available depending on the complexity of an application (for example, area, size and number of overlapping applicant groups), and which pathway the application is being progressed through.

**When is funding available in the Crown engagement pathway?** In the Crown engagement pathway, funding becomes available once the Minister has agreed to engage on the application, a terms of engagement has been signed and an application for funding has been made to Te Arawhiti.

**When is funding available in the High Court pathway?** In the High Court application pathway, funding becomes available once your application has been publicly notified and an application for a UFL has been made to Te Arawhiti.

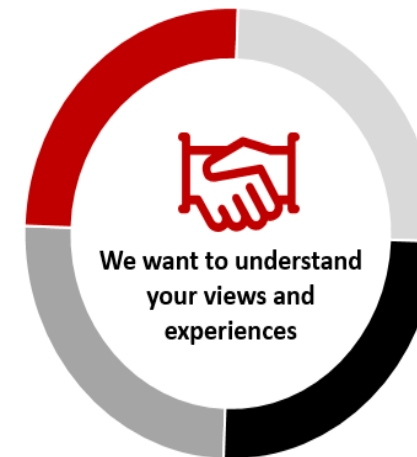
**Can applicants move between pathways?** If you have an application in both the Crown engagement and High Court pathways, you can transfer between the pathways. However, an application for funding needs to be filed for each pathway and if you transfer, you will need to make an application for funding under the new pathway. As many of the tasks are the same under both pathways (for example, gathering of evidence) funding will not be provided for tasks already funded. The Crown will only provide funding for one application pathway at a time.

**Can a funding application be reassessed?**

**Reassessing an application:** A reassessment of funding can occur at the request of the named applicant, or if Te Arawhiti believes that the complexity of an application may have changed. A reassessment can be triggered if there are any changes to the following:

- the number of overlapping applications;
- the area within originating application;
- the number of Protected Customary Rights sought;
- the size or nature of the applicant group; or
- when an application is transferred to the High Court or vice-versa

The Takutai Moana Financial Assistance Scheme was designed to support applicants to progress their applications under the Marine and Coastal Area Act.



### Funding Pathways

Customary rights and interests can be recognised through the High Court and the Crown.

- Applications filed in the **High Court** are publicly notified and applicants are able to access funding immediately.
- Applications filed directly with the **Crown** are able to access funding only after they enter into Terms of Engagement with the Minister.

### Milestones and Reimbursements

Milestones contain key tasks which enable you to progress your application. Each milestone is allocated a funding limit and when seeking reimbursements you must allocate all costs to a milestone. Actions or costs that fall outside of the specified milestones are not reimbursed.

### Upper Funding Limits

The amount of funding an applicant is entitled to depends on the complexity of their application and whether the application is being progressed in the High Court or in Crown engagement. To determine complexity, funding conditions (size of area, size of applicant group etc) are weighted.

### Funding Caps

Once the limits in milestones have been reached applicants are required to meet any further costs. The scheme provides a contribution of 85% of estimated costs for achieving key milestones and tasks in the application process.

## WHAT WE HAVE HEARD SO FAR

Last year, we heard from claimants involved in the Waitangi Tribunal kaupapa inquiry into the Takutai Moana Act (Wai 2660). We heard that the scheme needed to be clearer, more consistent, and ensure adequate levels of funding to assist applicants was available. This review is an opportunity for us to understand what is and isn't working, and to work collaboratively with you, as applicants, to develop solutions. We have heard from applicants that:

- It is difficult to find helpful information about the scheme and how it works, including the reimbursement process and what can and can't be funded.
- There is not enough funding available to achieve particular milestones.
- Applications in the Crown engagement pathway are disadvantaged because they are unable to access funding until the Minister has signed Terms of Engagement, but applicants may have already incurred substantial costs.
- Whānau groups, or hapū and iwi who have not received a historical Treaty settlement are disadvantaged because they are less likely to be able to contribute to the costs of progressing their applications.
- The 85 percent contribution does not take into account real, and non-financial costs incurred by applicants.
- Some applicants are unable to cover any costs above what is funded through the scheme and limits their ability to complete tasks and progress their applications.
- There are significant delays in receiving reimbursements.
- The reimbursement threshold of \$3,000 is too high and is a burden for applicants to carry costs.
- The maximum reimbursement amount of \$50,000 makes it difficult for applicants to cover large invoices.
- The milestone approach is not flexible and should take greater account of unique circumstances.
- Unspent funds should be able to be transferred between milestones.

## HAVE YOUR SAY

Fill out the 'Submission Form' available on the Te Arawhiti website or write your own submission and send it to: Te Arawhiti, Level 3/19 Aitken Street Wellington, Talk to us on 0800 866 222 or email us at [maca@tearawhiti.govt.nz](mailto:maca@tearawhiti.govt.nz)