

TAKUTAI MOANA: HIGH COURT FUNDING

The Crown contributes to the costs of iwi, hapū or whānau groups who are engaging with the Crown or have made an application to the High Court under the Takutai Moana Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

This guide outlines how to apply for funding to support your application in the **High Court pathway**.

This funding is not intended to cover all expenses but contributes towards key milestones to progress your application for recognition of customary rights.

FOR FURTHER INFORMATION

If you have any questions about these guidelines or need further information, please email fundingtakutai@tearawhiti.govt.nz; or call **0800 866 222**.

FUNDING FOR HIGH COURT PATHWAY

Funding becomes available once your High Court application has been publicly notified and an application for a funding limit has been approved by the Takutai Moana funding rōpū at Te Arawhiti.

WHAT CAN FUNDING BE USED FOR?

Funding for High Court applications may be used towards costs such as:

- project planning and project management costs
- gathering and preparing evidence
- carrying out historical research
- legal advice and representation at your hearing
- travel and accommodation associated with attending hearings
- research and expert witnesses

For more information on costs covered by this funding, please see the [High Court Funding Matrix](#).

WHAT THE FUNDING CAN'T BE USED FOR

Funding can't be used to fund costs not associated with your application. For example:

- applications or submissions to the Waitangi Tribunal or any other court or forum
- work related to the Resource Management Act 1991 including responding to resource consent applications
- telephone, internet and general household or operational office costs

- meetings with Te Arawhiti officials not related to your application
- historical research previously undertaken for other purposes
- costs that have been already been funded under the Crown engagement pathway.

If you have any questions about whether or not a task can be funded, please email us on fundingtakutai@tearawhiti.govt.nz; or call **0800 866 222**.

HOW TO APPLY FOR FUNDING

High Court applications vary in size and complexity. The first step in the funding process is a complexity assessment to determine how much funding you will need to progress your application.

You will need to provide Te Arawhiti with a self-assessment of complexity by completing this [Self-Assessment Complexity Form](#). You may also provide any other information that you think will help in the assessment.

You can email the completed complexity self-assessment form and any other information to support your assessment to fundingtakutai@tearawhiti.govt.nz, or post to:

**Te Kāhui Takutai Moana
Te Arawhiti
Justice Centre, SX 10111
Wellington**

Te Arawhiti will review your assessment to determine the complexity of your application and how much funding you will need to progress your application.

Te Arawhiti will then notify you of the outcome of your complexity assessment and your funding limit.

If the complexity factors of your application change, the funding limits will be reassessed. Please see the section on **Reassessment of funding** below.

WHO RECEIVES THE FUNDING?

Funding will be paid into your account or an alternative account authorised by you.

If you would like to authorise a third party to receive funding on your behalf, you can write a letter to us to request this. A [sample letter](#) is available on the Te Arawhiti website for you to use as a guide.

BUDGETING FOR YOUR APPLICATION

Te Arawhiti requires you to complete a budget for your application. Creating a budget for your application is a good way to make sure you don't encounter any unexpected costs or reach the funding limit for a milestone with tasks still remaining.

The [High Court Funding Matrix](#) sets out how funding is spread across milestones to progress your application. A [budget template](#) is also available on Te Arawhiti's website to help you create your budget.

Your completed budget should be included when you make your first request for reimbursement.

INFORMATION NEEDED FOR FIRST REQUEST FOR REIMBURSEMENT

You will need to provide the following information to process your first request:

- a completed budget
- a letter from you seeking reimbursement of costs. A [sample letter](#) is [here](#)
- a bank deposit slip or bank statement for the account you want the funds paid into

- a completed [Summary of Costs form](#) which must include:
 - an indication of the task and expenditure type
 - copies of invoices or receipts
 - evidence that the work has been completed. For example, minutes from hui, timesheets, project plans or research outputs.

You can use this [sample timesheet](#) to help keep a record of work that has been completed.

The minimum for a single request for reimbursement is \$1,000 and the maximum is \$50,000.

We may contact you if we need more information to process your reimbursement.

You can email your completed reimbursement request to fundingtakutai@tearawhiti.govt.nz, or post to:

**Te Kāhui Takutai Moana
Te Arawhiti
Justice Centre, SX 10111
Wellington**

MAKING FURTHER REQUESTS

If you are making a further request for reimbursement you will need to provide:

- a letter seeking reimbursement of costs. A [sample letter](#) is [here](#)
- a completed [Summary of Costs form](#) which includes:
 - information on the task and expenditure type
 - copies of invoices or receipts that show the costs being requested against each task
- evidence to show that the work to be funded has been completed e.g. minutes from hui, timesheets, project plans or research outputs.

WHAT HAPPENS WHEN YOU REACH A MILESTONE FUNDING LIMIT?

You will receive funding up to the limit for each milestone, as set out in the matrices.

You can request to transfer money between tasks within a milestone, or transfer an underspend remaining in a milestone you have completed. If you are considering a

transfer, contact us at fundingtakutai@tearawhiti.govt.nz; or call **0800 866 222**.

REASSESSMENT OF FUNDING

You can request a reassessment of funding, or Te Arawhiti may make a reassessment, if the complexity of your application has changed. This can happen at any point in the High Court process.

A reassessment can occur if there are any changes to the following:

- number of overlapping applications
- area covered by your application
- number of protected customary rights sought
- size or nature of your applicant group
- when an application is transferred to Crown engagement.

REASSESSMENT PROCESS

If you are considering asking for a reassessment of funding, you will need to do the following:

- complete a new [Self-Assessment Complexity Form](#) and explain how you think the complexity has changed from the original assessment
- send the completed complexity self-assessment form and any relevant supporting documentation to Te Arawhiti (for example, Court minutes or memoranda).

Te Arawhiti will complete a new complexity assessment and will advise you if there are any changes to your funding limits.

TRANSFERRING BETWEEN THE APPLICATION PATHWAYS

If you have an application in both pathways (Crown engagement and High Court), you can transfer between them. Please contact Te Kāhui Takutai Moana to discuss options for funding if you are thinking of transferring.

If you decide to transfer, you will need to make an application for funding under the new pathway. Many of the tasks are the same for both pathways, for example, evidence gathering. Funding will not be provided for tasks already funded in the previous pathway.

You can transfer between pathways more than once. However, you can only receive funding for one pathway at a time.

TRANSFERRING TO THE CROWN ENGAGEMENT PATHWAY

High Court applicants can transfer to the Crown engagement pathway once the Minister has agreed to engage on the application, Terms of Engagement have been signed, and an application for funding has been submitted.

High Court applicants seeking funding in the Crown engagement pathway must ask the High Court to adjourn their High Court application before they can receive funding in the Crown engagement pathway.

You can email all supporting information to fundingtakutai@tearawhiti.govt.nz, or post to:

Te Kāhui Takutai Moana
Te Arawhiti
Justice Centre, SX 10111
Wellington

FUNDING FOR INTERESTED PARTIES

Funding is available for you to participate in the High Court proceedings of another applicant group, if you are not already funded to do so. This includes funding for research, evidence gathering, and legal costs needed to ensure your customary interests are represented. This funding is also available for non-applicant customary interest groups.

For more information, see the [High Court: Overlapping Interests Matrix](#).

HOW TO APPLY?

Contact Te Arawhiti to discuss whether funding under this matrix may be available to you:

- email takutaimoana@tearawhiti.govt.nz; or
- call **0800 866 222**.

FUNDING FOR APPEALS

The Crown will contribute to the costs of appealing a decision made by the High Court on an application for a recognition

order under the Takutai Moana Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

This funding is:

- only available after the High Court has released its decision on an application
- limited to a contribution to costs for research, project management and legal services for the appeal

WHO CAN APPLY?

Funding for appeals is available to applicant groups and non-applicant customary interest groups who have taken part in the High Court hearing to which the appeal relates.

For more information on the funding available, see the [High Court: Appeals Funding Matrix](#).

HOW TO APPLY?

If you are seeking funding for an appeal, email fundingtakutai@tearawhiti.govt.nz or call **0800 866 222**.

GLOSSARY

Engagement: The decision made by the Minister for Treaty of Waitangi Negotiations to formally work with an applicant group to determine their customary interests in the common marine and coastal area. Engagement happens with the Crown once Terms of Engagement between the Minister and the applicant group have been signed.

Interested party: An iwi, hapū or whānau group who are appearing in another applicant group's High Court proceedings to represent their own customary interests. Other possible interested parties include groups without customary interests, such as local councils or groups with commercial interests in an application area.

Non-applicant customary interest group: An iwi, hapū, or whānau group who has not made an application under the Takutai Moana Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, but who wants to represent their own customary interests in part of the marine and coastal area, where another group has applied to have their customary interests recognised.

PCR: A protected customary right is a type of customary interest that can be recognised under the Takutai Moana Act 2011. PCRs can be recognised for a customary activity that is

carried out in the common marine and coastal area, such as collecting hāngi stones or launching waka.

Recognition order: An order made by the High Court once a judge has made a formal decision recognising a group's customary interests in the common marine and coastal area.