



## MARINE AND COASTAL AREA (TAKUTAI MOANA) ACT 2011

# GUIDELINES FOR FUNDING:

## Applicant groups in the High Court

Ministers have agreed an upper funding limit for groups making an application in the High Court under the Marine and Coastal Area (Takutai Moana) Act 2011. This will allow the group to contribute information about whether they meet the tests under the Act. Funding will support decision-making and provide access to justice for the group.

### UPPER FUNDING LIMIT

There are four sets of approved upper funding limits for applicant groups in the High Court. The funding matrices (see **Appendix 1**) provide a series of milestones against which the applicant group's progress can be measured. Each milestone is separated into spending on tasks expected to be undertaken by legal, project management and historian service providers.

The system used to determine the upper funding limits was developed using a core set of spending data collected since 2012. Spending data for several groups with applications in the High Court was used to determine the expected costs for each of the milestones in the High Court process.

The complexity measure separates applications according to the size of the applicant group, application area, the number of overlapping groups, nature of relations between these groups and current third party use in the application area.

### INFORMATION REQUIRED BEFORE FUNDING IS RELEASED

Funding is for costs related to legal, historian and project management tasks that contribute to determining whether the application meets the tests under the Act.

Reimbursements will only be made on the condition that a group provides sufficient information. This information includes:

- a letter from the group's appointed representative seeking reimbursement of costs (see **Appendix 2** for a sample letter);

- a completed Summary of Costs form (see **Appendix 3** for a blank form) that includes:
  - an indication of the milestone, task and expenditure type against which the group is applying for costs;
  - copies of invoices or receipts that prove the costs being claimed against each task;
- supporting materials to evidence that the work to be funded has been completed (e.g. minutes from hui, project plans or research outputs); and
- evidence the work has contributed to determining whether the application meets the tests under the Act.

Funding reimbursements will be paid in instalments of up to a maximum of \$50,000 at a time.

## **MOJ CONTACT**

The contact person is Rhonda Taylor, Marine and Coastal Area Manager at ([Rhonda.m.taylor@justice.govt.nz](mailto:Rhonda.m.taylor@justice.govt.nz) or 04 494 9769).

## Appendix 1: Funding matrix for applicant groups in the High Court

Milestone	Task	Expenditure type	Complexity measure			
			Low	Medium	High	Very High
<b>Pre-notification Appointment*</b> Work undertaken up until the representative has established that they have authority to represent the application group.	Appointment process	Project Manager	\$5,000.00	\$15,000.00	\$35,000.00	\$50,000.00
<b>Notification</b> Work undertaken up until public notice of the application (under s103)	Project Planning and Project Management	Project Manager	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
	Court fees			<i>real court fees at that time</i>		
	Public notice	Project Manager	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
	Legal advice	Lawyer	\$6,000.00	\$9,000.00	\$12,000.00	\$15,000.00
<b>Pre-hearing/ Evidence gathering</b> Work undertaken until hearing commences	Project Planning and Project Management	Project Manager	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
	Legal advice and representation	Lawyer	\$16,000.00	\$22,000.00	\$28,000.00	\$40,000.00
	Court fees			<i>real court fees at that time</i>		
	Historical research	Historian	\$40,000.00	\$50,000.00	\$60,000.00	\$70,000.00
	Traditional evidence gathering	Researcher	\$40,000.00	\$50,000.00	\$60,000.00	\$70,000.00
<b>Interlocutory hearing</b> <i>If arising</i>	Legal representation and advice	Lawyer	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00
	Travel and accommodation		\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00
	Court fees			<i>real court fees at that time</i>		
<b>Hearing</b> Work undertaken up until hearing concludes	Project Planning and Project Management	Project Manager	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
	Legal representation and advice	Lawyer	\$15,000.00	\$20,000.00	\$25,000.00	\$30,000.00
	Research/expert witnesses	Historian	\$8,000.00	\$8,000.00	\$8,000.00	\$8,000.00
	Hearing fees			<i>real court fees at that time</i>		
	Any other Court fees at this time			<i>real court fees at that time</i>		
	Travel and accommodation		\$1,500.00	\$2,000.00	\$5,000.00	\$6,000.00
<b>Determination</b> Work undertaken until recognition order is sealed	Legal advice	Lawyer	\$750.00	\$750.00	\$750.00	\$750.00
	Project Planning and Project Management	Project Manager	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
	Drafting of order	Lawyer	\$5,000.00	\$6,500.00	\$7,000.00	\$7,500.00
	Court fees			<i>real court fees at that time</i>		
<b>Totals:</b>			<b>\$156,750.00</b>	<b>\$202,750.00</b>	<b>\$260,250</b>	<b>\$316,750.00</b>

\*Note: a voluntary step that applicant may determine to undertake - to establish their authority to represent the applicant group in accordance with the 'appointed by' aspect of the definition of the applicant group under the Act. May take place after the application has been filed – the applicant will still be able to access this funding should they incur real costs related to appointment at a later stage.

## Appendix 2: Sample letter from applicant seeking reimbursement

[Date]

Doris Johnston  
Deputy Secretary Treaty and Director  
Office of Treaty Settlements  
PO Box 180  
**Wellington**

### **Request for reimbursement: [Group] application in the High Court under the Marine and Coastal Area (Takutai Moana) Act 2011**

We are seeking reimbursement of [\*\*,\*\*\*] being the Crown's contribution to costs incurred in relation to our application for recognition of customary interests under the Marine and Coastal Area (Takutai Moana) Act 2011. This reimbursement relates to work undertaken for the period [start date] to [end date].

Please find enclosed a copy of supporting documentation including:

- a properly completed Summary of Costs form;
- a copy of all invoices and receipts relating to the reimbursement amounts; and
- a copy of our bank account details.

The total costs to [applicant] was [\*\*,\*\*\*].

Nākū noa, nā

[Applicant name and title]

*Encl:*

*Summary of Costs*

*Copies of invoices or receipts*

*Other relevant document*

