

# Te Rau o te Tika Justice System Kaupapa Inquiry

## CLAIMANT FUNDING FACTSHEET

This factsheet explains who can apply to Tāhū o te Ture - the Ministry of Justice for claimant funding in Te Rōpū Whakamana i te Tiriti o Waitangi - the Waitangi Tribunal's Justice System Kaupapa Inquiry.

This includes information on:

- who can make a claim
- which costs will be funded
- how to make a claim

### What is the Justice System Kaupapa Inquiry?

A Kaupapa inquiry is a topical inquiry dealing with nationally significant issues affecting Māori as whole.

The Justice System Kaupapa Inquiry will be heard in the Waitangi Tribunal (the Tribunal), facilitated by the Ministry of Justice (the Ministry).

Further information on Kaupapa inquiries and the Justice System Kaupapa Inquiry is available via:

<https://waitangitribunal.govt.nz/inquiries/kaupapa-inquiries/>

<https://www.justice.govt.nz/justice-sector-policy/justice-system-kaupapa-inquiry/>

### Who can make a claim?

Named claimants can apply for funding to reimburse the costs incurred by themselves, or on behalf of a claimant witness or support persons.

The Tribunal will decide which groups or individuals are given 'claimant' status for an individual event.

An individual or group can confirm if they have claimant status by contacting the Tribunal:

<https://www.waitangitribunal.govt.nz/contact-us/>

These costs must be related to attending events set down by the Tribunal, as part of the Justice System Kaupapa Inquiry.

*Please note: Groups or individuals given 'interested party' status by the Tribunal are not eligible to make funding claims under the Inquiry.*

### What type of events might need to be attended?

There are three main types of events called by the Tribunal as part of the Justice System Kaupapa Inquiry:

- hearing days where claimants, the Crown and interested parties are invited by the Tribunal to present their evidence.
- closing days where the Tribunal invites claimants, the Crown and interested parties to make closing statements.
- judicial conferences where procedural issues are decided.

Funding will be provided to cover the actual and reasonable costs of eligible claimants, claimant witnesses and necessary support people to attend an event.

*Please note: In general, it is considered that claimant counsel can represent their claimant's interests at judicial conferences, which predominantly deal with procedural issues, and therefore it is not necessary for claimants to attend.*

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## Who decides whether costs are actual and reasonable?

The Ministry will decide which costs are actual and reasonable based off the information provided in the Claimant Funding form.

When deciding if costs are actual and reasonable the Ministry may consider the following:

- If the number of claimants, claimant witnesses and necessary support people that will attend the event is reasonable.
- If claimants and or their witnesses need extra support people to attend the event with them.
- The distance the claimant group must travel and if a suitable form of travel has been selected.
- If there is the need for a claimant group to stay overnight.

*Please note: The claimant may be required to provide further information and verification requested by the Ministry to decide if a cost is reasonable. In general, it is considered that up to three support people or witnesses can be included.*

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## What costs are covered under this Inquiry?

Travel, meal, and accommodation costs related to attending events set down by the Tribunal as part of the Justice System Kaupapa Inquiry can be included for consideration in a claim.

Case-by-case consideration will be given to fund other organisational costs incurred as a direct result of attending a Justice System Kaupapa Inquiry event.

To request funding for a cost not outlined above email: [claimantfunding@justice.govt.nz](mailto:claimantfunding@justice.govt.nz)

*Please note: For further guidance see Appendix A: Cost Guidelines Table.*

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## What costs are not covered under this Inquiry?

The Ministry will not provide Claimant funding for:

- Costs incurred by claimants prior to the commencement of the Justice System Kaupapa Inquiry.
- Costs of legal representation, as this is available through legal aid.
- Direct funding for each claimant to undertake their own research.
- Resolving issues of equity between funding allocated for different claimant groups.

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## How to make a claim?

To make a claim the claimant needs to complete the Justice System Kaupapa Inquiry Claimant Funding form.

The following documentation and evidence is required before the form will be processed:

- A legible GST receipt for the cost being claimed.

*Please Note: See Appendix A: Cost Guidelines Table for further guidance if a GST receipt is required.*

- A bank deposit slip or screenshot including bank logo, account name and account number for the person named in the claim.

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## Questions?

If you have further questions email:

- [claimantfunding@justice.govt.nz](mailto:claimantfunding@justice.govt.nz)
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## Appendix A: Cost Guidelines Table

The following table contains the guidelines of what costs can be claimed, what level of the cost will be covered and if evidence of the cost is required.

Cost Guidelines Table			
Cost type	Maximum amount \$ Including GST	Further information	Evidence required
Travel <i>Transport fares excluding ride share apps</i>	To be assessed on a case-by-case basis	Airfare, bus, ferry, taxis, train, or car rental costs can be included for consideration in a claim.	Yes
Travel <i>Personal vehicle mileage</i>	To be assessed on a case-by-case basis	Personal car use at \$0.83/Km can be included for consideration in a claim.  <i>Please specify Km travelled when claiming personal vehicle costs.</i>	No
Travel <i>Parking</i>	\$34.50 <i>per person per day</i>	Car parking can be included for consideration in a claim.	Yes
Meals <i>Excluding alcohol</i>	\$80.00 <i>per person per day</i>	Breakfast, lunch, or dinner can be included for consideration in a claim.	Yes
Accommodation <i>Excluding minibar, video, telephone, or other extra charges</i>	\$205.00 <i>per person per night</i>	Accommodation can be included for consideration in a claim.  <i>Please specify the type of accommodation and number of nights spent</i>	Yes
Other costs	To be assessed on a case-by-case basis	Organisational costs can be included for consideration in a claim.  <i>Please specify how this cost is related to the Justice System Kaupapa Inquiry</i>	To be assessed on a case-by-case basis

<sup>1</sup> The maximum limits will be treated with flexibility, provided that the Ministry considers a claim for a sum exceeding the limit to be a reasonable cost.

<sup>2</sup> The Ministry will not be liable for the costs of any damage caused or fines incurred during their travel or time in accommodation.

<sup>3</sup> A tax invoice including GST is required as evidence for any single cost over \$50.00. Please contact Inland Revenue for further details on the criteria of a tax invoice.