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Minister in Charge of Treaty of Waitangi Negotiations

Subject: Ngatikahu ki Whangaroa release of claimant funding instalment

Date:	1 December 2006	Priority:	High
Report No:	133	File Ref:	CLA-N116-NF-01-03

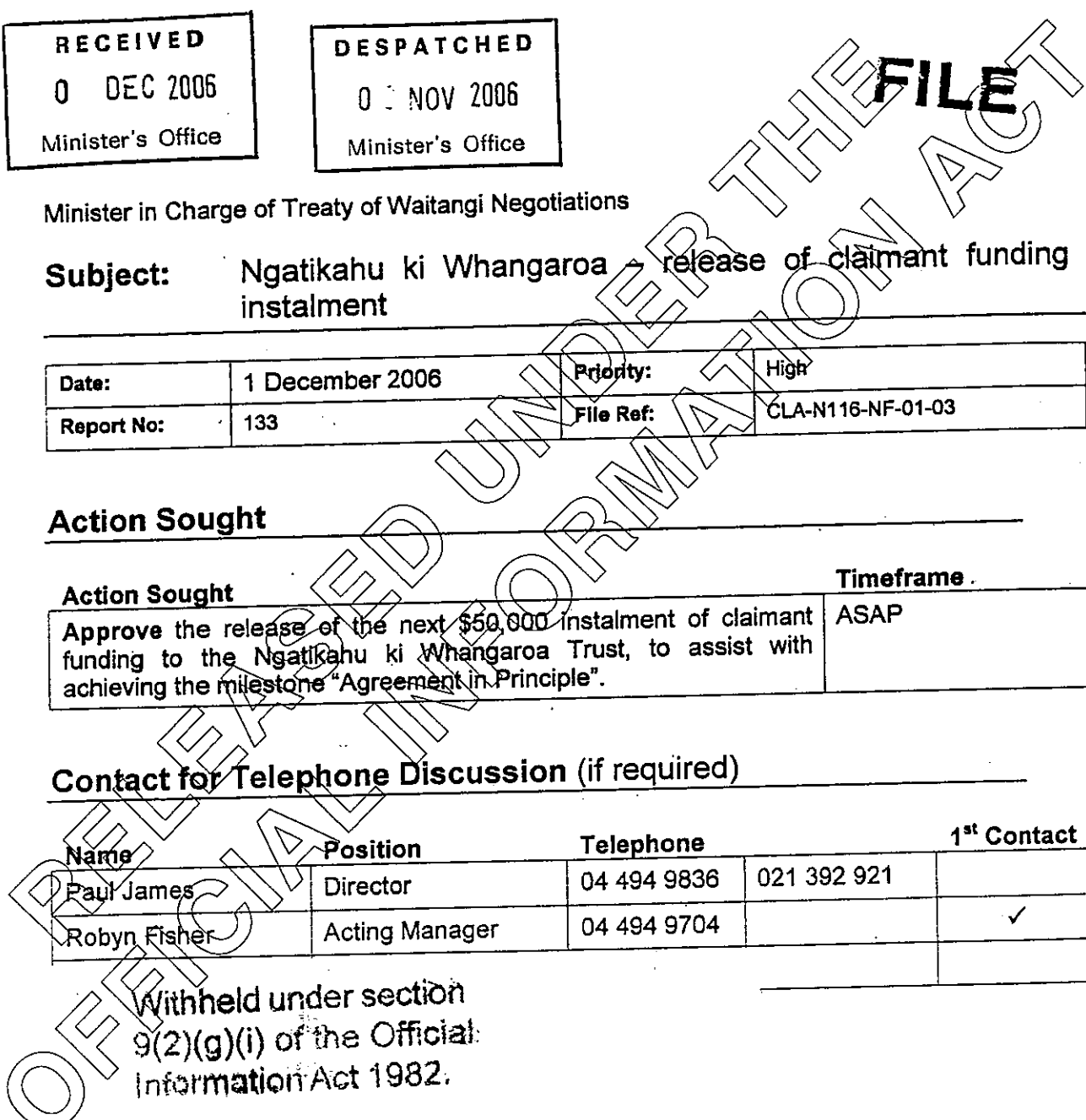
Action Sought

Action Sought	Timeframe
Approve the release of the next \$50,000 instalment of claimant funding to the Ngatikahu ki Whangaroa Trust, to assist with achieving the milestone "Agreement in Principle".	ASAP

Contact for Telephone Discussion (if required)

Name	Position	Telephone	1 st Contact
Paul James	Director	04 494 9836	021 392 921
Robyn Fisher	Acting Manager	04 494 9704	✓

Withheld under section 9(2)(g)(i) of the Official Information Act 1982.



Ngatikahu ki Whangaroa – release of claimant funding instalment

Purpose

1. This report seeks your approval of the release of the next \$50,000 instalment of claimant funding to the mandated Ngatikahu ki Whangaroa (NKKW) Trust, to assist with achieving the milestone "Signed Agreement in Principle".

Background

Cabinet decisions on claimant funding

2. In April 1999, Cabinet delegated authority to the Minister in Charge of Treaty of Waitangi Negotiations to approve the release of claimant funding in instalments once an overall funding limit has been approved [CAB (99) M11/20 refers].
3. On 3 April 2006, Cabinet approved modifications to the Crown's claimant funding policy [CAB Min (06) 11/17 refers]. Cabinet agreed to replace the original claimant funding matrix with two separate matrices for Crown Forestry Rental Trust (CFRT) funded groups and non-CFRT funded groups, in order to provide additional funding to groups that are not eligible for funding from CFRT.

NKKW claimant funding decisions

4. In September 2001, the previous Minister in Charge of Treaty of Waitangi Negotiations and the Minister of Finance approved an upper limit of total claimant funding for the NKKW negotiations of \$350,000. Of this amount, \$223,000 has been released to NKKW to date, in association with agreed negotiation milestones.
5. On 8 November 2006, you and the Minister of Finance jointly approved a claimant funding upper limit increase of \$358,000 for NKKW negotiations, based on a reassessment of eligibility under the modified claimant funding policy approved by Cabinet in April 2006 (see paragraph 3 above). The increase brings the total upper limit of claimant funding to \$708,000. To date, \$223,000 has been released to the NKKW Trust, which means that there is now \$485,000 in claimant funding available for the remainder of the NKKW negotiations.

Release of next instalment of funding

6. The NKKW Trust has requested the release of the next instalment of claimant funding to assist them to reach an Agreement in Principle. The last instalment of funding released was \$80,000 in April 2006, which was released early to enable the NKKW Trust to engage in the fast-tracked negotiations process.
7. In assessing the NKKW Trust's request for a further instalment of claimant funding, officials have considered whether the funding provided to date has been spent on reasonable negotiations costs, and whether progress has been made in negotiations.
8. The NKKW Trust has provided officials with an itemised spreadsheet specifying what the last instalment of claimant funding has been spent on. Officials are

satisfied, based on this information, that the previous claimant funding instalment of \$80,000 (released in April 2006) has been spent on reasonable negotiations costs.

9. Since then, the NKKW Trust has continued to make good progress towards signing an Agreement in Principle, and have agreed all aspects of the settlement package, subject to a final decision by Ministers on the NKKW counter-offer regarding cultural redress over the Ranfurly Bay Scenic Reserve. The Agreement in Principle signing ceremony, which was scheduled for 4 November 2006, was postponed pending a decision by senior Ministers on cultural redress over the Ranfurly Bay Scenic Reserve. At a recent negotiations meeting, the NKKW Trust's negotiators expressed concern and a degree of frustration over the postponement, particularly because they and the local community had already begun preparations for the ceremony. Officials consider that the NKKW Trust has demonstrated excellent progress in negotiations since the last instalment of funding was released, and the present delay is not attributable to the NKKW Trust.
10. We therefore recommend that you approve the release of the next instalment of \$50,000 funding to the NKKW Trust, associated with the milestone "Signed Agreement in Principle". The table in Appendix 1 outlines the allocation of the recently increased NKKW claimant funding against milestones in the negotiations process, demonstrates how funding has been spent to date, and shows the amount now proposed for release.
11. Should you approve the release of this \$50,000 instalment, there will be \$10,000 remaining funding to assist the NKKW Trust to reach the "Signed Agreement in Principle" milestone.

Recommendations

12. It is recommended that you:
 1. note that, in September 2001, the previous Minister in Charge of Treaty of Waitangi Negotiations and the Minister of Finance approved an upper limit of total claimant funding for the NKKW negotiations of \$350,000;
 2. note that, on 8 November 2006, you and the Minister of Finance approved a claimant funding upper limit increase of \$358,000 for the NKKW negotiations, based on a reassessment of eligibility under the modified claimant funding policy approved by Cabinet in April 2006 [CAB Min (06) 11/17 refers];
 3. note that a total of \$223,000 has been released to the NKKW Trust to date;
 4. note that the NKKW Trust has requested the release of the next instalment of claimant funding to assist them to reach a signed Agreement in Principle;
 5. note that officials are satisfied that NKKW Trust has demonstrated that it has spent the previous claimant funding instalment of \$80,000 (released in April 2006) on reasonable negotiations costs;
 6. note that the NKKW Trust has made good progress towards signing an Agreement in Principle, and have agreed all aspects of the settlement

package pending a decision by Ministers on cultural redress over the Ranfurly Bay Scenic Reserve;

7. **approve** the release of the next instalment of \$50,000 claimant YES / ~~NO~~ funding to the NKKW Trust, associated with the milestone "Signed Agreement in Principle".

M Fisher

Robyn Fisher
Acting Manager, Policy/Negotiations
For Director

Mark Burton
NOTED / SEEN

Hon. Mark Burton

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Appendix 1: Ngatikahu ki Whangaroa claimant funding (under modified policy)

Milestone	Available (\$)	Sub-milestones	Previously released (date) (\$)	Proposed for release (\$)	Remaining (\$)
Recognised Deed of Mandate	52,000	N/A	30,000 (July 1998) 3,655 (June 2000) 4,012 (March 2001) 14,333 (Sept 2001)		
Terms of Negotiation	16,000	N/A	16,000 (February 2003)		-
Agreement in Principle	215,000	N/A	50,000 (October 2004) <i>Released in advance</i>		-
		Site Visit	25,000 (March 2006)		-
		Identification of cultural interests	25,000 (April 2006) <i>Released in advance</i>		-
		Signed Agreement in Principle	55,000 (April 2006) <i>Released in advance</i>	50,000	10,000
Initialed Deed of Settlement	290,000	<i>Report on AIP hui with whānau and hapū*</i>			40,000
		<i>Agreed Crown Acknowledgements*</i>			50,000
		<i>Mandate maintenance report*</i>			50,000
		<i>NKKW first comments on draft Deed of Settlement*</i>			50,000
		<i>Report on governance proposals*</i>			50,000
		<i>Initialed Deed of Settlement*</i>			50,000
Ratification	85,000	<i>Ratification booklet produced*</i>			35,000
		<i>Ratified and signed Deed of Settlement*</i>			50,000
Legislation and Governance	50,000	<i>Governance entity established*</i>			25,000
		<i>Settlement legislation introduced*</i>			25,000
TOTAL	708,000		223,000	50,000	435,000

* Examples of proposed sub-milestones – to be agreed with NKKW immediately after the Agreement of Principle is signed.