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07 AUG 2007
Minister's Office

DESPATCHED
08 AUG 2007
Minister's Office

Minister in Charge of Treaty of Waitangi Negotiations

Subject: Ngatikahu ki Whangaroa – update on negotiations and release of claimant funding

Date:	6 August 2007	Priority:	High
Report No:	2007/2008 - 41	File Ref:	CLA-N116-NF-01-03

Action Sought

Action Sought	Timeframe
Note that the Crown and Ngatikahu ki Whangaroa Trust are meeting on Thursday 9 August 2007 to reach agreement on the final elements of the redress package.	
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	✓
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	Analyst	04 494 9902	

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

Ngatikahu ki Whangaroa – update on negotiations and release of claimant funding

Purpose

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

Background

2.

3.

4.

5.

Update on negotiations

6.

Not relevant
to request

Not relevant
to request

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

7.

8.

Not relevant
to request

9.

Release of next instalment of funding

10. 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. The increase brings the total upper limit of claimant funding to **\$708,000**. To date, \$273,000 has been released to the NKKW Trust, which means that there is now \$435,000 in claimant funding available for the remainder of the NKKW negotiations.
11. As indicated above NKKW anticipated that they would have achieved an Agreement in Principle in November 2006 which would have enabled them to apply for another instalment of \$50,000. NKKW have requested the release of the next \$50,000 instalment of claimant funding to assist them to complete the Agreement in Principle phase, more specifically so they can retain the use of premises in Whangaroa.
12. The last instalment of funding of \$50,000 was released 7 months ago in December 2006 to enable the NKKW Trust to meet the "Signed Agreement in Principle" milestone. 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.
13. 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 \$50,000 (released in December 2006) has been spent on reasonable negotiations costs.

14. The NKKW Trust has borne the cost of reaching agreement with Kaitangata representatives on the final components of the redress package. Officials consider that if an advance of \$50,000 is not paid it will affect the Crown's relationship with the NKKW Trust and may jeopardise their willingness to complete Agreement in Principle negotiations.
15. We therefore recommend that you approve the early release of the next instalment of \$50,000 funding to the NKKW Trust associated with the milestone "Signed Agreement in Principle". The table in Attachment 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.
16. Should you approve the \$50,000 advance payment, \$10,000 is available for the "Negotiations to Agreement in Principle" milestone, and \$40,000 will be an advance from the "Negotiations to Deed of Settlement" milestone. There will be \$250,000 remaining funding to assist the NKKW Trust to reach the "Signed Deed of Settlement" milestone.

Recommendations

17. It is recommended that you:

Update on negotiations

1.

**Not relevant
to request**

Claimant funding

2. **note** that a total of \$273,000 has been released to the NKKW Trust to date
3. **note** that the NKKW Trust has requested the early release of the next instalment of claimant funding to assist them to reach a signed Agreement in Principle and to retain the use of premises in Whangaroa;
4. **note** that officials are satisfied that NKKW Trust has demonstrated that it has spent the previous claimant funding instalment of \$50,000 (released in December 2006) on reasonable negotiations costs;
5. **note** that officials consider that if an advance of \$50,000 is not paid that it will affect the Crown's relationship with the NKKW Trust and may jeopardise their willingness to complete Agreement in Principle negotiations;
6. **approve** the early release of the next instalment of \$50,000 claimant funding to the NKKW Trust, associated with the milestone "Signed Agreement in Principle" and in advance of the milestone "Signed Deed of Settlement".

M Fisher

Robyn Fisher
Acting Manager, Policy/Negotiations
For Director

[Signature]

NOTED / SEEN

Hon. Mark Burton

ATTACHMENT 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>		-
		Signed Agreement in Principle	50,000 (December 2006) <i>Released in advance</i>	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		273,000	50,000	435,000

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