



OFFICE OF TREATY SETTLEMENTS

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Te Tari Whakatau Take e pa ana ki te Tiriti o Waitangi

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DESPATCHED
27 MAR 2008
Minister's Office

RECEIVED
11 MAR 2008
IN THE OFFICE OF
HON DR MICHAEL CULLEN

Minister in Charge of Treaty of Waitangi Negotiations
Minister of Māori Affairs
Associate Ministers of Treaty of Waitangi Negotiations

Subject: Ngatikahu ki Whangaroa – release of claimant funding

Date:	10 March 2008	Priority:	Medium
Report No:	316	File Ref:	CLA-N040-NF-01-03

Action Sought

Minister	Action Sought	Deadline
Treaty Negotiations Minister (Hon Dr Michael Cullen)	Agree to release the next instalment of \$50,000 claimant funding to the Ngatikahu ki Whangaroa Trust	By 14 March 2008
Associate Treaty Negotiations Minister (Hon Mita Ririnui)	Note the contents of this report	n/a
Associate Treaty Negotiations Minister (Hon Shane Jones)	Note the contents of this report	n/a

Contact for Telephone Discussion (if required)

Name	Position	Telephone	1 st Contact
Paul James	Director	04 494 9826 / 021 392 921	✓
Peter Galvin	Deputy Director	04 494 9843 / 027 200 5435	
Justine Smith	Manager	04 494 9868 / 027 230 5876	

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Ngātikahu ki Whangaroa – release of claimant funding

Purpose

1. This report seeks your approval for the release of the next \$50,000 instalment of claimant funding to the Ngatikahu ki Whangaroa Trust (the Trust), to assist with achieving the "Initialled Deed of Settlement" milestone.

Executive Summary

2. The Trust has requested an instalment of claimant funding of \$50,000. The last claimant funding instalment released to the Trust was in August 2007.
3. We are satisfied that the previous claimant funding instalment of \$50,000 has been spent on reasonable negotiations costs.
4. Good progress has been made in negotiations as evidenced by the signing of an Agreement in Principle with the Trust on 22 December 2007 in Kerikeri. The release of this funding will also ensure the Trust is resourced to participate in the current mediation/facilitation process.


Recommendations

5. It is recommended that you:

1. agree to release the next instalment of \$50,000 claimant funding to the Ngatikahu ki Whangaroa Trust, associated with the milestone "Initialled Deed of Settlement"

YES / ~~NO~~


Justine Smith
Manager – Policy/Negotiations, Office of Treaty Settlements

NOTED / APPROVED / NOT APPROVED

Hon Dr Michael Cullen Minister in Charge of Treaty Negotiations
Date: 11 / 3 / 2008

Background

6. On 8 November 2006, you and the Minister of Finance jointly approved a claimant funding upper limit increase of \$358,000 for Ngatikahu ki Whangaroa 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, \$323,000 has been released to the Ngatikahu ki Whangaroa Trust (the Trust), which means that there is now **\$385,000** in claimant funding available for the remainder of the Ngatikahu ki Whangaroa negotiations.
7. The last instalment of funding of \$50,000 was released in August 2007 to assist the Trust to reach an Agreement in Principle in advance of its due date. \$10,000 was released from the "Negotiations to Agreement in Principle" milestone, and \$40,000 was released in advance from the "Negotiations to Deed of Settlement" milestone.

Ngatikahu ki Whangaroa Trust claimant funding request

8. The Trust has requested a further instalment of claimant funding. The Trust has provided officials with an itemised spreadsheet specifying what the last instalment of claimant funding has been spent on. We are satisfied, based on this information, that the previous claimant funding instalment of \$50,000 has been spent on reasonable negotiations costs associated with signing the Agreement in Principle. Good progress has been made in negotiations as evidenced by the recent Agreement in Principle signing. However progress this year has been hampered by the need to divert resources to aid in the resolution of ongoing protest focused on Stony Creek Station. We consider that the Trust is prepared to engage positively to find a way through those issues so that the settlement can be progressed.
9. We therefore recommend that you approve the release of the next instalment of \$50,000 funding to the Trust associated with the milestone "Initialled Deed of Settlement". The table in Appendix A outlines the allocation of the Ngatikahu ki Whangaroa claimant funding against milestones in the negotiations process, demonstrates how funding has been spent to date, and shows the amount now proposed for release.
10.

Withheld under section 9(2)(j) of the Official Information Act 1982.	Withheld under section 9(2)(j) of the Official Information Act 1982.
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11. Should you approve the \$50,000 advance payment, there will be \$200,000 remaining funding to assist the Ngatikahu ki Whangaroa Trust to reach the "Initialled Deed of Settlement" milestone and **\$335,000** for the remainder of the negotiations. The release of the instalment will be charged against Vote Treaty Negotiations: Non-Departmental Multi-Year Appropriation for the Settlement of Historical Treaty of Waitangi Claims for the 2007/2008 period.

Appendix A:

Ngātikahu 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)		-
		Site Visit	25,000 (March 2006)		-
		Identification of cultural interests	25,000 (April 2006)		-
		Signed Agreement in Principle	65,000 (April 2006) 10,000 (August 2007)		-
Initialed Deed of Settlement	290,000	<i>Report on AIP fui with whānau and hapū*</i>	40,000 (August 2007) <i>Released in advance</i>		-
		<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	335,000

* Examples of proposed sub-milestones – to be reviewed and agreed with Ngātikahu ki Whangaroa as soon as possible