



# OFFICE OF TREATY SETTLEMENTS

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

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**FILE**

**DESPATCHED**  
14 OCT 2004  
Minister's Office

**RECEIVED**  
14 OCT 2004  
Minister's Office

Minister in Charge of Treaty of Waitangi Negotiations

**Subject:** Ngāti Kahu ki Whangaroa – release of claimant funding instalment

<b>Date:</b>	13 October 2004	<b>Priority:</b>	High
<b>Report No:</b>	115	<b>File Ref:</b>	CLA-N116-NF-01-03

### Action Sought

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Approve the release of a \$50,000 instalment of claimant funding to the Ngāti Kahu ki Whangaroa Trust Board, to assist with costs associated with reaching the milestone "Negotiations to Deed of Settlement"

#### Timeframe

By 15 October 2004

### Contact for Telephone Discussion (if required)

Name	Position	Telephone	1 <sup>st</sup> Contact
Andrew Hampton	Director	04 494 9826	0274 832 291
Heather Baggott	Manager	04 494 9861	027 277 4214

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

## Ngāti Kahu ki Whangaroa – release of claimant funding instalment

### Purpose

1. This report seeks your approval to release \$50,000 of claimant funding to the Ngāti Kahu ki Whangaroa Trust Board ("the Trust Board"), to assist with costs associated with reaching the milestone "Negotiations to Deed of Settlement".

### Background

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. In September 2001, you and the Minister of Māori Affairs recognised the Trust Board's mandate to negotiate a comprehensive settlement of the historical Treaty claims of Ngāti Kahu ki Whangaroa ("NKKW"), subject to four conditions. On 13 October 2004 you and the Minister of Māori Affairs wrote to the Trust Board advising that the Crown recognises that the Trust Board has satisfied all four mandate conditions.
4. You have just approved the final draft of the Terms of Negotiation between the Trust Board and the Crown and signed the Terms. The Terms will shortly be counter-signed by Pita Pangari (Chairperson of the Trust Board).

### NKKW claimant funding decisions

5. In July 1997, Cabinet approved the funding of \$30,000 as a contribution to NKKW's 'pre-mandating' costs [CAB (97) M 25/16 refers], which was released to the Trust Board in August 1998. In June 2000, a further \$3,655 was released to Pita Pangari to reimburse expenses he incurred during pre-mandate discussions in May and June 1999. Then in March 2001, another \$4,012 was released to the Trust Board to assist with mandate hui-ā-iwi. In total, \$37,667 of 'pre-mandate' funding was released on the condition that it would be deducted from the total NKKW claimant funding amount, which had yet to be determined.
6. In September 2001, you and the Minister of Finance approved an upper limit of total claimant funding for the NKKW historical claims of \$350,000 (inclusive of the \$37,667 'pre-mandate' funding already released).
7. In September 2001, you and the Minister of Finance agreed to the early release of \$14,333 associated with the "Recognised Deed of Mandate" milestone, in order to assist the Trust Board in fulfilling its mandate conditions.
8. In December 2002, you agreed to the early release of \$16,000 funding associated with the "Terms of Negotiation" milestone, in order to assist the Trust Board in fulfilling the remaining mandate conditions.

## Release of next tranche of funding

9. The Trust Board has requested the release of the next tranche of claimant funding.
10. The table below outlines the allocation of the 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.

**Table 1: NKKW claimant funding**

Milestone	Allocated (\$)	Previously released (\$) (Date released)	Proposed for release (\$)	Remaining (\$)
Recognised Deed of Mandate	52,000	30,000 (July 1998)		
		3,655 (June 2000)		
		4,012 (March 2001)		
		14,333 (September 2001)		
Terms of Negotiation	16,000	16,000 (February 2003)	-	-
Negotiations to Deed of Settlement	238,000		50,000	188,000
Ratification	44,000		-	44,000
<b>Total</b>	<b>350,000</b>	<b>68,000</b>	<b>50,000</b>	<b>232,000</b>

11. In assessing the Trust Board's request for a further tranche 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.
12. The Trust Board has provided officials with a statement of accounts relating to costs associated with fulfilling the remaining mandate conditions and negotiating the Terms of Negotiation. Officials are satisfied, based on the statement of accounts, that the \$16,000 released in February 2003 has been spent on reasonable negotiations costs.
13. The Trust Board has made good progress since the release of the last tranche of funding in February 2003, having satisfied its remaining mandate conditions, and agreed Terms of Negotiation. The NKKW negotiators have indicated that they would like to meet monthly during the next phase of negotiations – the identification of interests.
14. Officials therefore propose that you approve the release of \$50,000 to the Trust Board, to assist with costs associated with reaching the "Negotiations to Deed of Settlement" milestone.
15. The remaining \$188,000 associated with the "Negotiations to Deed of Settlement" milestone will be released, in tranches of up to \$50,000, upon the achievement of specified sub-milestones within "Negotiations to Deed of Settlement", which will be discussed and agreed by officials and the Trust Board at a future meeting.

**Recommendations**

16. It is recommended that you:

1. **note** that the Trust Board has requested the release of the next tranche of claimant funding allocated to the NKKW negotiations;
2. **note** that officials are satisfied that the last tranche of funding (\$16,000 released in February 2003) has been spent on reasonable costs associated with satisfying the remaining mandate conditions and with negotiating the Terms of Negotiation;
3. **note** that the Trust Board has recently made good progress, having satisfied its remaining mandate conditions and agreed Terms of Negotiation;
4. **approve** the release of \$50,000 to the Trust Board to assist with costs associated with reaching the "Negotiations to Deed of Settlement" milestone. YES/NO

*H: [Signature]*

Heather Baggott  
Manager, Policy/Negotiations  
for Director

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OFFICIAL INFORMATION ACT

APPROVED *[Signature]*  
SEEN  
BY CONCL  
14: 10: 04