

# MACA APPLICANT FUNDING: POLICY AND GUIDELINES

## Part 3: Funding for groups in the High Court application pathway

This document sets out the Crown's funding policy for applications made under the Marine and Coastal Area (Takutai Moana) Act 2011 and provides a set of guidelines on the availability and use of applicant funding. This consists of 4 parts:

**Part 1:** Overarching funding policy

**Part 2:** Funding for groups in the Crown engagement application pathway

**Part 3:** Funding for groups in the High Court application pathway (this part)

**Part 4:** Funding for appeals and provision of evidence on other applications by applicants and other customary interest groups

## Introduction

This guide is for High Court applicants and explains how to access applicant funding for actual and legitimate costs of bringing an application.

### WHEN WILL FUNDING BE AVAILABLE?

In the High Court application pathway, funding becomes available once your application has been publicly notified and an application for funding has been sent to the Takutai Moana Rōpū at Te Arawhiti.

### WHAT CAN FUNDING BE USED FOR?

Funding can only be used for actual and reasonable costs of completing the milestones and tasks of the application process in the High Court.

### WHAT CAN'T FUNDING BE USED FOR?

Funding cannot be used to fund actions or costs outside of the application tasks and milestones, such as:

- applications or submissions to the Waitangi Tribunal or any other court or forum;
- legal advice or activities that do not progress the application under the Marine and Coastal Area (Takutai Moana) Act 2011 (the Act);
- seeking and receiving advice from the Ministry of Justice on the application process;

- Resource Management Act 1991 related work and costs, including responding to resource consent applications where applicants' views are sought under section 62(3) of the Act;
- telephone, internet and general household or office costs;
- historical research previously undertaken for other purposes; or
- costs that have been funded under the Crown engagement application pathway.

### DETERMINING YOUR FUNDING LIMITS

The first step in obtaining applicant funding is for a complexity assessment to be completed. This will establish how much funding will be available to you to complete key tasks and milestones in the application process.

You may provide the Ministry of Justice with your own complexity assessment by completing the form provided as **Appendix 1**. You may also provide other information that will assist in completing the assessment.

The above information must be sent by email to: [macafunding@tearawhiti.govt.nz](mailto:macafunding@tearawhiti.govt.nz), or, by post to: Takutai Moana Funding Rōpū, Te Arawhiti, Justice Centre, SX 10111, Wellington.

Te Arawhiti will use this information to complete the complexity assessment and then will advise you of your funding limits.

If the complexity factors of your application change, or if you wish to transfer your application to the Crown engagement

pathway, the funding limits can be reassessed considering these changes. Refer to the section on **Reassessment of funding** below.

The funding limits for the key tasks and milestones are set out in **Appendix 2**.

### **WHAT HAPPENS WHEN YOU REACH A FUNDING LIMIT FOR A TASK OR MILESTONE?**

Funding is provided as a contribution towards the actual and reasonable cost of achieving specific tasks and milestones. Applicants will therefore receive funding up to the funding limit for each task and milestone.

Once a limit has been reached, applicants will need to meet any further costs from their own resources.

Applicants will not receive any unspent funding and cannot transfer unspent money assigned to one task or milestone to another.

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## **Budgeting for your application**

As the Crown is only contributing to the cost of your application and as these contributions are capped, it is important that you create a budget for your application.

This will allow you to make appropriate decisions on what costs you should incur and what project manager, researcher and lawyers' fees are appropriate to complete the tasks and milestones required.

Failure to budget adequately may leave you with unexpected costs that you will have to pay yourself.

**Appendix 2** sets out how the funding is apportioned to milestones and tasks that need to be achieved. A template budget is also available on Te Arawhiti's website. This should assist you in creating your budget.

Please send your completed budget to [macafunding@tearawhiti.govt.nz](mailto:macafunding@tearawhiti.govt.nz) along with your first request for reimbursement.

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## **Information needed for first request**

Te Arawhiti requires the following information to process your first request:

1. a completed budget;
2. a letter from the applicant seeking reimbursement of costs (see **Appendix 4** for a sample letter);
3. a bank deposit slip or bank statement header showing the name and number of the bank account;
4. a completed Summary of Costs form (see **Appendix 5**) that must include:
  - a. an indication of the milestone, task and expenditure type against which the group is applying for costs; and
  - b. copies of invoices or receipts that prove the costs being requested against each task or milestone; and
5. supporting materials to evidence that the work for which funding is requested has been completed (e.g. minutes from hui, project plans or research outputs).

There is a minimum and maximum value for any single request for reimbursement; these are \$3,000 and \$50,000 respectively.

Applications for reimbursement that do not provide sufficient information or are for actions or costs that cannot be funded will be returned to you with an explanation and instructions on how to correct your request.

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## **Who receives the funding?**

Applicant funding will only be paid into the verified account of the applicant or applicant group or the verified account of a person or group authorised by the applicant.

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## **Making further requests**

Reimbursements are made when sufficient information has been provided for each milestone.

If you are making a second or subsequent request for reimbursement you will need to provide the information listed below.

1. a completed Summary of Costs form (see **Appendix 5** for a blank form) that includes:
  - a. an indication of the milestone, task and expenditure type against which the group is applying for costs; and
  - b. copies of invoices or receipts that prove the costs being requested against each task; and
2. supporting materials to evidence that the work to be funded has been completed (e.g. minutes from hui, project plans or research outputs).

There is a minimum and maximum value for any individual request, these are \$3,000 and \$50,000 respectively.

Applications for reimbursement that do not provide sufficient information or are for actions or costs that cannot be funded will be returned to you with an explanation and instructions on how to correct your request.

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## Where to send your request and supporting information

All required and supporting information must be sent to Te Arawhiti by email to: [macafunding@tearawhiti.govt.nz](mailto:macafunding@tearawhiti.govt.nz) or by post to: Takutai Moana Rōpū, Te Arawhiti, Justice Centre SX 10111, Wellington.

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## Reassessment of funding

A reassessment of funding can occur at the request of the named applicant, or if Te Arawhiti believes that the complexity of an application may have changed.

A reassessment can be triggered if there are any changes to the following:

- The number of **overlapping applications**;
- The **area** within originating application;
- The **number of PCRs** sought;
- The size or nature of the **applicant group**; or
- When an application is **transferred** to Crown engagement.

A reassessment can be triggered at any point during the High Court process if the complexity of an application has changed.

## REASSESSMENT PROCESS

If you are considering a reassessment of funding, you will need to follow the steps listed below.

1. Complete a complexity self-assessment (**Appendix 1**).
2. If the complexity assessment suggests there may be a change in funding level, send through to the Ministry of Justice the completed complexity self-assessment form; a copy of the revised High Court application; and any relevant supporting documentation.
3. Te Arawhiti will use all information provided to complete the complexity assessment and will advise you in writing of any changes to the funding limits.

Additional evidence will be required if an amended application represents an applicant group already funded under another application. This must be evidence to affirm the appointment of the named applicant for that applicant group, such as:

- Supporting documentation that supports the named applicant in their representation of the applicant group;
- Records of hui held, or voting undertaken, that affirms appointment of named applicant on behalf of the applicant group;
- Past examples of the applicant, with the authority of the applicant group, representing the applicant group in other matters; and
- Any other supporting documentation or evidence.

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This document was updated in February 2019