

MACA APPLICANT FUNDING: POLICY AND GUIDELINES

Part 1: Overarching funding policy

This document sets out the Crown's funding policy for applications made under the Marine and Costal 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 (this part)

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

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

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

The applicant funding policy

The Crown makes a contribution to the costs of iwi, hapū or whānau groups who are engaged with the Crown and/or who applied to the High Court under the Marine and Costal Area (Takutai Moana) Act 2011 (the Act).

The purpose of this funding is to assist with the costs of bringing an application, including the gathering of evidence, the preparation of submissions, obtaining legal advice and project management support.

Applicant funding is not intended to cover all the expenses incurred by an applicant during the application process but to contribute to key tasks and milestones in the application process.

FUNDING FOR APPLICATION PATHWAYS

The Act allows groups to pursue applications through two pathways, either through the High Court or through engagement with the Crown.

As there is a difference in the tasks and milestones required under each pathway there is a different funding regime for each. Funding details for groups in the Crown engagement application pathway can be found in Part 2 of this guidance and funding details for groups in the High Court application pathway can be found in Part 3 of this guidance.

If you have lodged an application both with the Crown and in the High Court, you must decide which pathway you will take and make an application for funding under that pathway.

HOW MUCH FUNDING IS AVAILABLE?

There are upper limits, or maximums, on what the Crown will contribute towards applicant costs. Once these limits have been reached, applicants will need to meet any further costs from their own resources.

Information about these limits is provided in Parts 2 and 3 of this guidance.

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

WHEN WILL FUNDING BE AVAILABLE?

Funding becomes available at different times in the Crown engagement and High Court application pathways.

CROWN ENGAGEMENT APPLICATION PATHWAY

In the Crown engagement application pathway, funding becomes available once the Minister has agreed to engage on the application, terms of engagement have been signed and an application for funding has been made.

Section 95(3) of the Act gives the Minister full discretion to engage or not to engage on an application. Funding under this pathway is not available for applicants who the Minister declines to engage with. If an applicant who the Minister declines to engage with also has an application in the High Court, they may change to the High Court pathway and access funding under that pathway. See part 3 of this guidance for information on funding in the High Court application pathway.

HIGH COURT APPLICATION PATHWAY

In the High Court application pathway, funding becomes available once your application has been publicly notified and an application for funding has been made.

GENERAL

In general, groups may apply for reimbursement of costs as they proceed through and complete each task or milestone in the process. Applicants will, therefore, need to seek reimbursement from the Crown on the completion and invoicing of specific tasks.

Further information on when funding is available and how to apply for it, is provided in Parts 2 and 3 of this guidance.

TRANSFERRING BETWEEN THE APPLICATION PATHWAYS

If you have an application in both Crown engagement and High Court pathways, you may transfer between the pathways. If you are considering transferring, please contact the Takutai Moana Rōpū to discuss the funding implications.

If you transfer, you will need to make an application for funding under the new pathway. As many of the tasks are the same under both pathways (e.g. evidence gathering) funding will not be provided for tasks already funded.

The Crown will only provide funding for one application pathway at a time.

TRANSFERS TO CROWN ENGAGEMENT PATHWAY

High Court applicants can transfer to the Crown engagement pathway once the Minister has agreed to engage on the application, terms of engagement have been

signed, and an application for funding has been made and submitted.

High Court applicants seeking funding in the Crown engagement pathway must adjourn their High Court application before they are able to be funded in the Crown engagement pathway.

TRANSFERS TO HIGH COURT PATHWAY

Funded Crown engagement applicants that are seeking to transfer to the High Court must contact the Takutai Moana Rōpū to discuss their application. In general, groups must provide written notification they wish to withdraw from Crown engagement. This must be by way of written notification to the Minister.

Crown engagement applicants seeking to transfer can access funding for their High Court application if they have an application in the High Court that has been publicly notified.

Should groups decide to transfer back into Crown engagement, the Minister must first be notified in writing. The Minister will then consider whether to re-engage with the group. There is no guarantee that re-engagement will occur.

REASSESSING AN APPLICATION

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 the High Court or vice-versa

Any change in funding will apply from the milestone in which the application was transferred.

This document was updated in February 2019