

Takutai Moana Financial Assistance Scheme Consultation Frequently Asked Questions

Last updated: 17 January 2025

The following questions have been received through the consultation process (13 December 2024 – 21 February 2025). Below are our responses.

Settings changes

- 1. How does Te Arawhiti plan to address the cost-pressure applicants are under? I.e., they need front-foot extensive costs before being reimbursed.**

Te Arawhiti is proposing the introduction of milestone-based funding, which will provide applicants with funding in advance of incurring costs. This funding will align with the payment schedule outlined in your agreed workplan. The proposed change aims to alleviate some of the financial burden applicants face upfront and provide greater certainty as they progress their applications.

- 2. How does Te Arawhiti plan to address the time-pressure applicants are under due to aging kaumātua who hold critical tikanga knowledge?**

Te Arawhiti acknowledges the challenge and sensitivity involved with the collection of evidence / research and accessing the funding to progress this. We recognise the importance of ensuring the proposed changes are workable and effective, and we welcome the insights and guidance of applicant groups to help us get this right.

- 3. How does Te Arawhiti plan to address the need for a policy framework that ensures independence between decision-making about funding and decision-making about engagement and determinations, as well as alignment with other allocation frameworks?**

While we will take this into consideration in the design of our allocation approval process, Te Arawhiti considers that its current model maintains independence, expertise, and alignment between policy and operations.

- 4. Is Te Arawhiti considering how the allocation criteria for deciding which applications receive funding each financial year aligns with international obligations, such as the Committee on the Elimination of Racial Discrimination (CERD)?**

To assist us in taking this into consideration in the design of our allocation approval process, we would be grateful if applicants could explain what these obligations require in this specific context.

- 5. Do the proposed settings changes incorporate any flexibility for discretion in the rates of lawyers and specialists, such as aligning with pre-existing agreements?**

Te Arawhiti recognises the importance of providing applicants with proper notification about changes to the Scheme's financial settings, including those related to rates for lawyers and specialists.

- 6. Has the Crown considered any of the findings and recommendations of the Royal Commission into Abuse in State Care with regards to the Crown's conduct as a model litigant and appropriate levels of compensation (drawing parallels with MACA as a grievance)?**

The report and findings are not relevant in this context. Further, while the Attorney-General is a party to MACA cases, instructed by Te Arawhiti, our role as a funder is separate to our role as a model litigant.

- 7. Do Crown Engagement applications and High Court applications receive the same funding?**

Applicants have access to the same amount of total activity funding to progress their application, regardless of pathway. Applicants participating in the High Court have access to additional funding to cover preparation for, and attendance at, High Court hearings.

- 8. I put a budget up in July 2024, but it has not been approved yet. Does this mean I cannot access funding during this financial year (i.e. July 2024 to June 2025)?**

In our [pānui issued on 5 July 2024](#), we set out Cabinet's criteria for groups being prioritised for funding in 2024/2025, based upon the status of their application. Due to the limitations on funding available for the 2024/2025 financial year (\$12.023 million), minimal or no funding is available for groups outside the criteria.

9. If my application is intending to participate in a High Court hearing, but no hearing date is set, does this mean funding is not available to me yet?

As outlined in our pānui issued on 5 July 2024, Cabinet's criteria for prioritising funding in the 2024/2025 financial year focuses on applicant groups with scheduled High Court hearings or those close to seeking determination. Due to the limited funding available for 2024/2025 (\$12.023 million), minimal or no funding is available for groups that fall outside these criteria. If your application does not yet have a scheduled hearing date, funding may not currently be available. However, we encourage you to stay in touch with our team for updates as your application progresses and moves closer to meeting the funding criteria.

10. What is Te Arawhiti's plan to address the issues raised through the consultation process? Is there a Cabinet paper to go up outlining the concerns?

After the consultation period has ended, Te Arawhiti will report to the Minister of Finance and the Minister for Treaty of Waitangi Negotiations, who have delegated authority for final decisions regarding changes to the Takutai Moana Financial Assistance Scheme. This report will incorporate feedback received through the consultation process.

Reimbursements:

11. Why have I not received communications regarding deductions applied to the payment of my reimbursement request? Who can I contact about this?

Our reimbursement process includes communicating details of any deductions made to the requestor at the timing of payment. We apologise for any missed communications on deductions.

Queries regarding deductions can be made to our funding team email fundingtakutai@tearawhiti.govt.nz, or call us on 0800 866 222 (and press 1 for funding enquiries).

12. Is there a system in place to flag reimbursements to prioritise them due to urgency of timing, e.g., costs relating to Whakatōhea hearing participation?

While we do not have a formal triage process to prioritise reimbursement requests based on urgency, the team is mindful of the financial pressures applicant groups face. Reimbursement requests are currently processed within 45 working days, and Te Arawhiti is working hard to improve these timeframes. Where delays may add to the financial burden on applicant groups, we aim to prioritise these requests as quickly as possible.

Other queries

- 13. There are overlapping applications in my area that do not meet the criteria of having been there since 1840, but we are required to commit resources to engage with them. Why haven't these applications been screened to remove them from the process?**

We are working through applications to confirm which applications appear not to meet the relevant statutory tests. This is an in-depth process and for fairness reasons, given the purposes of the Act and noting that the Courts have shown some willingness to allow Court-pathway applicants to amend their applications, we need to ensure we act robustly and lawfully.

- 14. If the Scheme's appropriation funded actual and reasonable costs for pursuing applications in hearings, how large would it need to be to cover that?**

This figure would differ from year to year, but we estimate it currently sits between \$35 to \$50 million per year, with an average of \$45 million. We note that the decision to fund at this level would require a parliamentary decision to increase the appropriation. Te Arawhiti cannot fund applicants above the total amount set by Parliament, which is \$12.023 million per year.