

6



OFFICE OF TREATY SETTLEMENTS

*Te Tari Whakatau Take e pā ana ki te Tiriti o Waitangi*

INTERNAL MEMORANDUM

**File Number:** CLA-N116-NF-01-03  
**To/Ki a:** Withheld under section 9(2)(a) of the Official Information Act 1982.  
**From/Nā:** Maureen Hickey  
**Date/Te Rā:** 24 February 2012  
**Subject/Kaupapa:** Ngātikahu ki Whangaroa Claimant Funding Request

Tēnā koe

Could you please arrange payments to Ngātikahu ki Whangaroa Trust Board of \$50,000.

I attach:

- a memo signed by Secretary for Justice authorising the release of claimant funding;
- system generated bank deposit slips to confirm bank account numbers; and
- a yellow OTS cover sheet.

Thank you

Maureen Hickey  
Negotiation & Settlements Manager  
DDI: 04 4949 832  
Email: Maureen.Hickey@justice.govt.nz

RELEASED UNDER THE OFFICIAL INFORMATION ACT



## OFFICE OF TREATY SETTLEMENTS

*Te Tari Whakatau Take e pā ana ki te Tiriti o Waitangi*

---

### INTERNAL MEMORANDUM

---

**File Number:** CLA-N116-NF-01-03  
**To/Ki a:** Peter Galvin  
**From/Nā:** Maureen Hickey  
**Cc:** Andrew McConnell  
**Date/Te Rā:** 21 February 2012  
**Subject/Kaupapa:** Ngātikahu ki Whangaroa claimant funding for Legislation and Governance milestone

---

#### Purpose

1. This memorandum seeks your approval to the release of \$50,000 of claimant funding to Ngātikahu ki Whangaroa from their claimant funding allocation. The proposed release would allow Ngātikahu ki Whangaroa to progress their legislation and governance milestone.
2. Cabinet authorised the Secretary for Justice to release claimant funding within the amounts set aside for each milestone from the overall claimant funding amount [TOW Min (09) 6/4 and CAB Min (09) 20/2 refer].

#### Background

3. In June 2009, Cabinet approved further modifications to the claimant funding policy [CAB Min (09) 20/2 refers]. The Minister for Treaty of Waitangi Negotiations and the Minister of Finance subsequently agreed that Ngātikahu ki Whangaroa would receive an allocation of \$1,009,000 of claimant funding as a contribution to expenses incurred in negotiating their deed of mandate, terms of negotiation, agreement in principle, deed of settlement, ratification, legislation and governance workstreams.
4. The proposed release is within your delegated financial authority as Deputy Secretary Treaty and Director of the Office of Treaty Settlements. The proposed release is appropriated through the non-departmental other expense appropriation: Claimant Funding. There is sufficient funding for the proposed release.

### Claimant funding request

- Ngātikahu ki Whangaroa have requested the release of \$50,000 of claimant funding. Officials are satisfied that the information they have provided shows they have incurred \$50,000 of legitimate negotiation costs against the previous release of \$50,000.

### Progress in negotiations

- Ngātikahu ki Whangaroa signed an agreement in principle milestone with the Crown on 22 December 2007. Ngātikahu ki Whangaroa are currently consulting with their claimant community on developing their Post Settlement Governance Entity. We are aiming to confirm their Post Settlement Governance Entity arrangements with them by December 2012.

### Remaining claimant funding

- If you approve the claimant funding request, \$34,000 will remain available to Ngātikahu ki Whangaroa for the legislation and governance milestone.
- A total of \$506,000 of claimant funding will remain to enable Ngātikahu ki Whangaroa to complete the settlement process.



NGATIKAHU KI WHANGAROA CLAIMANT FUNDING					
	A	B	C	D	E=A-(B+C+D)
Milestones for claimant funding	Funding allocation at June 2009 (\$)	Prior releases against this allocation (\$) (excluding C)	Most recent release: Oct 2010 (\$)	Proposed release at Feb 2012 (\$)	Balance remaining after proposed release (\$)
Recognised Deed of Mandate	52,000	52,000	-	-	-
Terms of Negotiation	16,000	16,000	-	-	-
Formal Negotiations to Agreement in Principle	215,000	215,000	-	-	-
Formal negotiations to Deed of Settlement	498,000	120,000	50,000	-	328,000
Ratification	144,000	-	-	-	144,000
Legislation and Governance	84,000	-	-	50,000	34,000
<b>TOTAL</b>	<b>1,009,000</b>	<b>403,000</b>	<b>50,000</b>	<b>50,000</b>	<b>506,000</b>

**Recommendations**

9. It is recommended that you:

1. **note** officials are satisfied the previous claimant funding instalment has been spent on legitimate negotiation costs;
2. **note** the proposed release is within your financial delegation, and there is adequate funding under the non-departmental other expenses appropriation: Claimant Funding in 2011/12;
3. **approve** the release of \$50,000 of claimant funding to Ngātikahu ki Whangaroa from their legislation and governance claimant funding milestone; YES / NO
4. **note** that if you approve this recommendation, Ngātikahu ki Whangaroa will have \$34,000 from their legislation and governance claimant funding milestone unspent; and
5. **note** that if you approve this recommendation, Ngātikahu ki Whangaroa will have \$506,000 of claimant funding remaining to complete the settlement process.

Maureen Hickey  
Negotiation and Settlements Manager

ENDORSED / NOT ENDORSED	NOTED / <u>APPROVED</u> / NOT APPROVED
 Andrew McConnell Deputy Director	 Peter Galvin Deputy Secretary Treaty and Director Office of Treaty Settlements
Date: / / 2012	Date: 23 / 2 / 2012

*I'm assuming this is the implementation of the strategy to establish a PSGE that includes the interests of the disaffected group as a way of breaking the impasse?*



BNZ  
Newmarket Store  
Telephone 0800 800 468  
Facsimile 09 520 6597



Non Profit Org A/C

THE CHAIRPERSON, NGATIKAHU KI WHANGAROA TRUST, MR RICHARD HAWK, P O BOX 3451, AUCKLAND 1001, 1140

ACCOUNT NAME

NGATIKAHU KI WHANGAROA TRUST

ACCOUNT NUMBER

STATEMENT NO. 105

FOR THE PERIOD  
26 MAY TO 25 JUNE 2010

Not relevant  
to request

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT

OFFICE OF TREATY SETTLEMENTS: COVER SHEET

<input type="checkbox"/> Cabinet Submission	<input type="checkbox"/> Ministerial Letter	Other Type: .....
<input type="checkbox"/> Report to Minister (s)	<input type="checkbox"/> OIA Request	Date Due: .....
<input type="checkbox"/> Parliamentary Question	<input type="checkbox"/> OTS Letter	

SUBJECT: NRKW Claimant Funding for 2010-2011

ADDRESSEE: Peter Galvin Dep Sec. + Director OTS

FILE NO(s): UA-1116-NF-01-03 **Withheld under section 9(2)(a) of the Official Information Act 1982.**

AUTHOR: **Withheld under section 9(2)(a) of the Official Information Act 1982.**

QUALITY ASSURANCE PROCESS:	A REMINDER
<input type="checkbox"/> Director (sign) .....  <input type="checkbox"/> Deputy Director (sign) ..... <input type="checkbox"/> Manager, Strategy & Resourcing (sign) ..... <input type="checkbox"/> Manager, Strategic Policy (sign) ..... <input type="checkbox"/> Other relevant OTS Manager (if required) ..... <input type="checkbox"/> Deputy Secretary/Secretary for Justice (if required) ..... <input type="checkbox"/> Other MOJ (list) ..... <u>21/5/2017</u> <input type="checkbox"/> Legal advice (circle/state): CLO OLG OTHER ..... <input checked="" type="checkbox"/> Other agencies consulted (circle/list): TSY DOC TPK DPMC ..... <input type="checkbox"/> QA Panel: YES / NO (date) ..... <input type="checkbox"/> Peer Review: YES / NO (initial) ..... <input type="checkbox"/> Proof Read: YES / NO (initial) ..... <input checked="" type="checkbox"/> Manager (approval signature): 	<p>The Ministry of Justice quality criteria for policy advice:</p> <ul style="list-style-type: none"> <li>o includes a clear statement of purpose</li> <li>o is accurate and uses sound information</li> <li>o presents a clear, concise and logical argument, with assumptions made explicit and supported by facts</li> <li>o draws on professional knowledge and appropriate methodologies</li> <li>o examines comparative material</li> <li>o presents options</li> <li>o uses a clear conceptual and well-articulated framework</li> <li>o considers resource, legal and human rights implications and implementation issues/practicability</li> <li>o considers evaluation</li> <li>o considers issues for Maori and Pacific peoples</li> <li>o considers risks, costs and benefits</li> </ul>

<b>DESPATCH CHECK:</b> Date finalised: ..... List persons/Depts copied to:	<input type="checkbox"/> Copy for file(s) (with this sheet) <input type="checkbox"/> Copy to Manager (with this sheet) <input type="checkbox"/> Copy report/Cab paper to Director and Deputy Director <input type="checkbox"/> Envelope (correct size) <input type="checkbox"/> Attachments:	[Source: Ministry of Justice Statement of Intent 2007/08]
--	--	---

COMMENTS:

