

Takutai moana financial assistance scheme

Activities list for activity-based and court workstreams

Activity based-workstreams

This table contains a non-exhaustive list of activities that are covered by the takutai moana financial assistance scheme. It can be used to help you prepare budgets and make requests for funding. If your proposed activity or cost does not appear on this list, please [contact the Funding Team](#) before you commit to or incur any cost. This activity list must be read alongside the ['Reasonable costs' guidance](#).

Administration The following describes a range of funded administrative activities and costs associated with progressing your takutai moana application	Who This column provides guidance on who would normally carry out this activity
Communicating with the applicant group about application progress (e.g. reporting on progress of project plan/activities under project plan)	Project manager/coordinator
Managing travel, accommodation and venue bookings as needed for application related meetings/court hearings etc	Administrator
Preparing project plans and budgets	Project manager/coordinator
Organising meetings with Te Arawhiti (including venue/travel costs)	Administrator
Appointing, contracting and managing historians, researchers etc. including ongoing meetings, phone calls etc	Project manager/coordinator
Time to plan for formal hui	Project manager/coordinator
General legal advice needed to progress application	Lawyer
Meetings/discussions with Te Arawhiti about funding, other than initial meeting about how the group can be funded	Multiple
Finance administration (eg claiming funding from Te Arawhiti (only if billed by a third party for the service))	Project manager/coordinator



Relationships	Who
Internal and external relationships are critical to progressing an application and the scheme covers the costs incurred to maintain these. The 'Reasonable costs' guidance should be followed when planning relationships activity or claiming any costs in this workstream.	This column provides guidance on who would normally carry out this activity
Actual costs of formal hui (venue, catering, travel, accommodation etc)	
Professional facilitator costs if needed	Professional facilitator
Time for experts to attend hui, including project manager (e.g. historian, researcher, lawyer)	Multiple
Actual costs for experts to attend hui (travel, accommodation etc) in	
Actual costs associated with advertising hui	

Research	Who
Research is a critical part of an application and to being able to meet the PCR tests under the Takutai Moana Act (ie proving the applicant group has customary interests in the application area that have been exercised since 1840, without substantial interruption and in accordance with tikanga. This includes information about contemporary use and occupation). Costs associated with this research can be reimbursed.	This column provides guidance on who would normally carry out this activity
Reviewing Crown research reports (only relevant to Crown Engagement pathway)	Historian/researcher
Supporting/assisting researcher/historian by reviewing documents	Project manager/coordinator
Historical research – time to undertake research (e.g. site visits (including actual costs of site visits))	Historian/researcher
Historical research – time to write, produce and print final reports	Historian/researcher
Actual costs of producing final reports (e.g. printing, binding)	
Other costs associated with research (e.g. travel, accommodation etc)	
Traditional evidence gathering – time and associated costs	Researcher
Undertaking research interviews	Researcher/lawyer/legal executive
Reviewing third-party evidence	Lawyer
Translation costs – te reo Māori to English only	Translator
Producing maps	Cartographer



The following activities/costs are not covered by the Activity Workstream of the scheme:

- Receiving general legal advice – time spent in meetings with legal counsel discussing application
- Capital costs (e.g. computers, printers, binders, office furniture)
- General office costs (overheads) (e.g. power, phone, broadband, equipment leasing, office consumables, including costs incurred at home or administration fees)
- Monitoring and responding to RMA consent applications in the application area
- Applicant attendance or travel/accommodation costs for hui – see [‘Reasonable costs’ guidance](#) for details of costs that are covered for hui
- Attending site visits – time for applicant group members to accompany expert – only the expert is funded
- Applicant receiving training on Kōrero Takutai to support map production
- Translation costs – English to te reo Māori
- Travel, accommodation, attendance at general takutai moana information hui (e.g. an engagement or funding information roadshow)
- Lawyer or applicant time to comment on Te Arawhiti policy changes (e.g. engagement strategy/funding scheme)

Recognition Once an application has been determined, either by the High Court or by the Minister, there are a number of steps to recognise that determination. The following tasks relating to recognition of PCR or CMT are covered by the scheme. Note: once PCR/CMT has been determined and formalised, there is no further funding available. Activities relating to exercising the rights conferred by the determination are not funded.	Who This column provides guidance on who would normally carry out this activity
Establishing an entity to hold PCR/CMT if needed	Project manager/coordinator
Finalising the recognition agreement	Project manager/coordinator
Legal advice and activity relating to recognition processes (e.g. reading judgments, communicating with applicant group etc)	Lawyer
Communicating outcome of court processes to applicant group	Lawyer
Drafting recognition order	Lawyer
The following activities/costs relating to recognition are not covered by the scheme: Activities undertaken in relation to exercising rights and obligations of a CMT group or PCR/PCA group, for example: <ul style="list-style-type: none"> • Working with regional/district/city councils • Preparing planning documents • Exercising RMA permission right • Exercising conservation permission right • Responding to coastal policy statements 	



Court workstream

The Court workstream includes the direct legal costs incurred to prepare for and attend court hearings. This table includes a non-exhaustive list of activities usually undertaken in this phase of activity. If your proposed activity or cost does not appear on this list, please [contact the Funding Team](#) before you commit to or incur any cost. This activity list must be read alongside the ['Reasonable costs' guidelines](#).

The following activity/cost is not covered by Court workstream of the scheme:

- Office costs – we would expect these to be covered by an hourly rate
- Security for costs
- Costs for applicant group members to observe hearings

<p>Court preparation</p> <p>Many of the tasks below are common to all hearing types. If they are specific to a hearing type, this is noted in brackets.</p> <p>Hearing types include:</p> <ul style="list-style-type: none"> • Case-management conferences • Interlocutory hearings • High Court hearing • Appeal hearing 	<p>Who</p> <p>All tasks are legal tasks unless otherwise specified</p>
<p>Client relationship</p>	
<ul style="list-style-type: none"> • Taking instructions from client • Reporting to client • Coordinating applicant group and expert witnesses 	
<p>Evidence and witnesses</p>	
<ul style="list-style-type: none"> • Reviewing and considering other parties' submissions/evidence • Preparing and filing evidence • Locating expert witnesses • Liaising, obtaining and reviewing expert-witness reports • Cost (time) for expert witnesses to be briefed by lawyer (e.g. historian) • Preparing affidavits or written or oral statements of evidence • Briefing witnesses • Submitting additional evidence after hearing 	



Documents

- Preparing documents – lists of issues, authorities and documents for 'common bundle' (affidavits, statements of evidence) (time + actual costs)
- Preparing any other relevant documents (time + actual costs)
- Preparing and filing notices
- Responding to notices

Miscellaneous

- Legal research – checking background facts/enactments/relevant cases
- Liaising with the court/other parties' lawyers/Crown lawyers
- Preparing questions for court
- Preparing submissions, including drafting and filing written submissions
- Court-directed site visits – time and actual costs incurred if not funded by the Ministry of Justice (see also 'Reasonable costs' guidelines for hui)
- Preparing for the pūkenga process including selecting pūkenga

Court administration

- Drafting memoranda for CMC
- Seeking leave to appeal, including drafting and filing notice of appeal
- Drawing up and submitting an Order for sealing
- Considering court minutes/directions
- Adjusted filed pleading in response to other amendments to pleading
- Preparing and filing interlocutory application (e.g. stays/strike-outs/amendments to applications)
- Beginning interlocutory orally or through memoranda
- Preparing and filing notice to appear as an interested party
- Preparing and filing third-party notice if appearing as a cross applicant



Court appearances Court appearances includes appearances for: <ul style="list-style-type: none"> • case-management conferences • pūkenga processes – when court directs out-of-court processes to support preparation of a pūkenga report (note that costs for the pūkenga would normally be covered by the Court). • interlocutory hearings • substantive case hearings (part or whole) • third-party hearings • appeal hearings Each of these will be funded as an individual event. The scheme covers costs for legal representation and active participants in the hearing (e.g., witnesses). Eligible costs include:	Who This column provides guidance on who would normally carry out this activity
Expert witness participation in hearing (hourly rate)	Expert witness
Participation in hearing (hourly rate)	Lawyer
Travel, Accommodation and meals for those participating	
Court fees (filing, scheduling and hearing fees)	
Costs associated with court-directed site visits	Project Manager/Lawyer

