

IMPORTANT TAKUTAI MOANA FUNDING ASSISTANCE SCHEME UPDATE

Unprecedented demand on financial assistance scheme

The Takutai Moana Financial Assistance Scheme (the Scheme) provides a financial contribution towards the costs of progressing an application, either through the Crown engagement pathway or courts.

In the last year, we have seen an unexpected and unprecedented demand on the Scheme. The pressure on the Scheme is mainly due to the higher number of High Court hearings compared to the previous ten years and the increased complexity of each hearing.

Cabinet decisions regarding the appropriation for the Scheme

To meet the higher than expected demands on the Scheme Cabinet approved an additional \$17.3 million for the 2023/2024 financial year which will contribute to fundable activities and court costs up to 30 June 2024.

Additional funding for the 2024/2025 financial year was not approved, meaning the appropriation for the Scheme in 2024/25 is \$12.023 million. This is the total amount Te Arawhiti can distribute to all applicants seeking funding from the Scheme during this period in both the High Court and Crown engagement pathways. Cabinet will not approve additional funding beyond this.

Work is ongoing on ways to manage the Scheme within the appropriation in 2024/25 and future years. We expect to advise applicants of changes to the Scheme for 2024/25 in June 2024 and our current intention is to consult with applicants regarding changes to the Scheme for future years in July 2024.

Impact on High Court hearings scheduled for 2024/2025

Te Arawhiti cannot currently commit to funding any High Court hearings for the 24/25 financial year. Te Arawhiti is undertaking urgent work on changes to the scheme for the 24/25 financial year which will clarify what we can and cannot fund across both the High Court and Crown engagement pathways. Once decisions are made we will provide applicants a further update at the end of June 2024.

The affected hearings are:

- Whangarei Area 2
- South Taranaki
- Ruapuke Island
- Central Bay of Plenty
- Tokomaru Bay stage two
- Wairarapa 1(a) wāhi tapu
- Kāpiti-Manawatu cont. of Stage 1(a)
- Wairarapa 1(b) wāhi tapu

Te Arawhiti (through Crown Law) has advised the High Court and applicant counsel in High Court hearings that it cannot commit to funding the scheduled High Court hearings. The High Court has confirmed that whether or not scheduled hearings proceed will be up to the applicants involved in those hearings and the Judge appointed to hear the case.

Until further decisions have been made regarding changes to the scheme for 2024/25, we are not able to commit to funding any of the scheduled hearings. Therefore, if the hearings listed



above proceed, Te Arawhiti cannot guarantee payment of costs incurred for those hearings from the scheme.

Impact on activity funding

Ensuring the Scheme is managed within the appropriation in 2024/25 and future years is likely to also impact on activity funding for applicants in both pathways. As explained above, Te Arawhiti is completing urgent work on changes to the scheme, including activity funding, for 2024/2025 and we will provide applicants an update on decisions in late June.

If you intend to seek funding for activity costs for 2024/25 please contact us by 30 June 2024 at takutaimoana@tearawhiti.govt.nz. This will assist us to forecast costs and determine allocation of activity funding in 2024/25.

