



Crown Forestry Rental Trust Claimant Guide

August 2016

Check the Trust's website www.cfrt.org.nz for the latest version of this Claimant Guide.

Please note that this document replaces all previous Trust information and publications concerning Eligibility and Capability requirements for Approved Client status and Trust funding policies.

Contacting the Trust

If you have any queries concerning any part of this Claimant Guide, please contact the Trust at contact@cfrt.org.nz or 0800 2378 2378 (0800 CFRT CFRT).

The Trust strongly recommends that you contact its staff if you are considering becoming an Approved Client or considering making a funding request. Trust staff can provide templates, advice and assistance that can save you a lot of time.

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1.0 Who can receive assistance from Crown Forestry Rental Trust?

Crown Forestry Rental Trust (“the Trust”) was established to assist Māori claimants in the preparation, presentation and negotiation of Treaty of Waitangi claims which involve or could involve, Crown Forest Licensed Land. More information on Crown Forestry Rental Trust can be found at the Trust’s website: www.cfrrt.org.nz.

Crown Forest Licensed Land (“CFLL”) is Crown forest land that is subject to a license with forestry companies, who pay annual rental fees. The Trust receives the rental proceeds from the forestry licenses and invests them, using the interest earned to provide funding assistance to eligible Māori claimants (“Approved Clients”).

Once ownership of a CFLL has been negotiated as part of a Treaty settlement or determined by the Waitangi Tribunal, the Trust transfers the accumulated rentals of that CFLL to the confirmed beneficiaries. The Trust’s investment base will continue to decrease after each CFLL settlement.

A map showing current Crown Forest Licensed Land can be found on page 19 of this Claimant Guide.

Only the Trust’s Approved Clients can request funding support from the Trust, so the Trust has established clear criteria, called “Eligibility and Capability Criteria” which applicant groups must meet to become an Approved Client of the Trust.

This Claimant Guide will show you how to:

- Apply to become an Approved Client of Crown Forestry Rental Trust; and
- Apply for funding from Crown Forestry Rental Trust.

2.0 Becoming an Approved Client of Crown Forestry Rental Trust

The Trustees grant Approved Client status to eligible applicant groups to participate in settlement processes for the resolution of their historical Treaty of Waitangi claims. Those settlement processes are:

- Waitangi Tribunal District Inquiries;
- Settlement Negotiations with the Crown; and
- Remedies Hearings to seek binding recommendations for the resumption of Crown Forest Licensed Land.

The Trust does not provide funding support to Approved Clients to participate in any other settlement related process. Applicant groups can only become Approved Clients to participate in one settlement process at any one time. Approved Client status is not transferable across settlement processes (for example, across different Waitangi Tribunal district inquiries, or to participate in more than one settlement negotiation). If Approved Clients move from one settlement process to another, they must make fresh applications for Approved Client status with the Trust.

The Trust has different “Eligibility and Capability Criteria” for each settlement process, and applicant groups must meet all eligibility and capability criteria for the settlement process that they are participating in, to become Approved Clients. Only Trustees make decisions on whether applicant groups satisfy Eligibility and Capability Criteria and become Approved Clients of the Trust.

2.1 Becoming an Approved Client for a Waitangi Tribunal District Inquiry Process

To become an Approved Client of the Trust for a Waitangi Tribunal District Inquiry, an applicant group will have to complete the Trust’s “Eligibility and Capability Application Form” for that process. A link to the application form can be found on the Trust’s website: www.cfrt.org.nz. The Trust strongly encourages applicant groups to contact Trust staff for advice before submitting their completed “Eligibility and Capability Application Form”. Trust staff are experienced in providing assistance and information to groups regarding the Trust’s Eligibility and Capability Criteria.

An applicant who wants to become an Approved Client for a Waitangi Tribunal District Inquiry has to meet all of the “Eligibility and Capability Criteria” for that process.

Eligibility and Capability Criteria to become an Approved Client for the Waitangi Tribunal District Inquiry process:

- 1) *Registered CPLL Wai Claim*
- 2) *Engaged in a Waitangi Tribunal District Inquiry*
- 3) *Cluster of Wai Claims OR Single CPLL Wai claim*
- 4) *Demonstrate Governance, Management and Financial Capability*

2.1.1 Eligibility Criteria for the Waitangi Tribunal District Inquiry Process

1) Registered CPLL Wai Claim

An applicant group must have a Wai claim registered with the Waitangi Tribunal, which involves or could involve, Crown Forest Licensed Land.

The Trust’s “Eligibility and Capability Application Form” requires an applicant group to clearly identify its registered CPLL Wai claim/s. Note that a Wai claim can only be in one Approved Client group at any one time. If a Wai claim is already signed-up with another Approved Client grouping, another group cannot rely upon it in support of their own application to become an Approved Client.

2) Engaged in a Waitangi Tribunal District Inquiry process

An applicant group must be engaged in a Waitangi Tribunal District Inquiry process and satisfy one of the following indicators of engagement:

- Participating in discussions about the District Inquiry Research programme;
- Participating in the District Inquiry Research programme;

- Participating in Judicial Conferences and the Interlocutory phase for the District Inquiry;
- Preparing submissions or memoranda in relation to the Waitangi Tribunal District Inquiry;
- Participating in the Waitangi Tribunal District Inquiry;
- Preparing for the presentation of Wai claims and CFLL Wai claims to the Waitangi Tribunal District Inquiry;
- Tribunal Directions confirming that the Wai claims and CFLL Wai claims are consolidated or aggregated in the Waitangi Tribunal District Inquiry.

An applicant group must confirm engagement in an active Waitangi Tribunal District Inquiry and will not meet Eligibility criteria if:

- the Waitangi Tribunal has not confirmed that it intends to hold a district inquiry in an applicant group's region; or
- the Waitangi Tribunal has completed its district inquiry in the applicant group's region; or
- on the basis of engagement in a Waitangi Tribunal Kaupapa Inquiry; or
- on the basis of involvement in an urgency application before the Waitangi Tribunal (aside from a Remedies Hearings regarding CFLLs, see section 2.3 below).

3) Cluster of Wai claims OR Single CFLL Wai claim

The Trust must utilise its funding and resources efficiently and it requires applicant groups to demonstrate that they represent a significant proportion of potential claimants in a Waitangi Tribunal Inquiry District. It is a more efficient use of the Trust's limited and finite resources for groups of claimants to cluster together so that there is no duplication of work and costs.

An applicant group must:

- a) Either** represent a cluster of Wai claims including at least one CFLL Wai claim, be supported by named Wai claimants and whose claims are not represented by any other Approved Client;
- b) Or** the applicant group must represent a CFLL Wai claim made on behalf of, and supported by, a significant proportion of all potential claimants in a Waitangi Tribunal District Inquiry.

Definition of a Cluster of Wai claims

A cluster, as referred to in a) above, is a grouping of Wai claims which may have a combination of the following features:

- be a natural grouping;
- have a customary authority structure;
- have common or similar issues;
- have shared whakapapa;
- have a shared geography.

Definition of a single CFLL Wai claim

A single registered CFLL Wai claim, as referred to in b) above, is one that represents and is supported by a significant proportion of claimants in a Waitangi Tribunal District Inquiry. The Trust will not fund individual or whanau Wai claims.

Supporting Documentation to Demonstrate Eligibility

Applicant groups should submit supporting documentation along with their completed “Eligibility and Capability Application Form” that demonstrates that they meet Eligibility criteria. Examples of supporting documentation include:

- Copies of the CFLL Wai claim/s and other Wai claims that make up the applicant group;
- A map showing the applicant group’s area of interest (if the group shares a takiwā), or a description of boundaries, if this is not set out in the relevant Wai claims;
- Submissions from the applicant group (or its constituent Wai claimants) to the Waitangi Tribunal’s District Inquiry, which have been entered onto a Record of Documents;
- Signed statements from named claimants which confirm that the applicant group represents their Wai claim;
- Hui minutes and attendance records, census figures, iwi registration data or other information that demonstrates support from a significant proportion of claimants in a district.

As noted above, an applicant group must meet both “Eligibility and Capability Criteria” to become an Approved Client for a Waitangi Tribunal District Inquiry.

2.1.2 Capability Criteria for the Waitangi Tribunal District Inquiry Process

1) Demonstrating Governance, Management and Financial Capability

An applicant group must demonstrate the governance, management and financial capability to manage the work required to prepare and present its claims before the Waitangi Tribunal, and to receive and appropriately manage Trust funding.

An applicant group will be assessed using the following Capability criteria:

- Appropriate governance structures, functions and policies that demonstrate accountability;
- Appropriate management structures, functions and policies that demonstrate reporting;
- Appropriate financial management and systems to receive and manage Trust funding;
- Processes that enable regular communications of progress;
- Processes that enable the appointment, removal and succession of governance representatives;
- Processes that provide for recording of meetings, decisions, dispute resolution; and
- Processes that provide for risk management; in particular an annual independent audit of financial management and systems.

Supporting Documentation to Demonstrate Capability

Applicant groups should submit supporting documentation along with their completed “Eligibility and Capability Application Form” that demonstrates that they meet Capability criteria. Examples of supporting documentation include:

Governance and Management Capability

- Constitution or Rules of entity;
- Legal Status Certificate (if a legal entity);
- Delegations Policy and Role Descriptions (including Organisational Chart);
- Policy and Procedure Manual including: Health & Safety Policy; Dispute Resolution Policy; Human Resources Policy; Risk Management Policy;
- Strategic/ Annual Plan;
- Communications Strategy / Plan;
- Project/ Business Plan;
- Annual Reports; and
- Any other relevant documentation.

Financial Capability

- Financial Management Policies including a system to receive and manage Trust funding;
- Annual Budget;
- Financial Reports including recent Budget and Expenditure statements;
- Audit Report;
- Independent Audited Accounts; and
- Any other relevant documentation.

Trust staff can always advise an applicant group regarding useful documentation to support an application for Approved Client status.

Trustees decide whether or not an applicant group has demonstrated sufficient capability to receive and manage Trust funding.

2.2 Becoming an Approved Client for Settlement Negotiations Process

To become an Approved Client of Crown Forestry Rental Trust for Settlement Negotiations, an applicant group must complete the Trust’s “Eligibility and Capability Application Form” for that process. A link to the application form can be found on the Trust’s website: www.cfrt.org.nz. The Trust strongly encourages applicant groups to contact Trust staff for advice before submitting their completed “Eligibility and Capability Application Form”. Trust staff are experienced in providing assistance and information to groups regarding the Trust’s Eligibility and Capability Criteria.

An applicant who wants to become an Approved Client for Settlement Negotiations has to meet all of the “Eligibility and Capability Criteria” for that process.

Eligibility and Capability Criteria to become an Approved Client for Settlement Negotiations process:

- 1) *Registered CFLL Wai Claim*
- 2) *Mandate Representation*
- 3) *Engaged in Settlement Negotiations Process*
- 4) *Demonstrate Governance, Management and Financial Capability*

2.2.1 Eligibility Criteria for the Settlement Negotiations Process

1) Registered CFLL Wai Claim

An applicant group must have a Wai claim registered with the Waitangi Tribunal, which involves or could involve, Crown Forest Licensed Land.

The Trust’s “Eligibility and Capability Application Form” requires an applicant group to clearly identify its registered CFLL Wai claim/s. Note that a Wai claim can only be in one Approved Client group at any one time. If a Wai claim is already signed-up with another Approved Client grouping, another group cannot rely upon it in support of their own application to become an Approved Client.

2) Mandate Representation

An applicant group must:

- a) **Either** have a Crown-recognised mandate to negotiate a settlement of its historical claims;
- b) **Or** represent a Large Natural Group which has a comprehensive, realistic and achievable plan to develop a Mandate Strategy which is supported by the Office of Treaty Settlements (OTS) and has been confirmed by the Crown.

3) Engaged in Settlement Negotiations process

An applicant group must:

- a) **Either** be ready to engage in settlement negotiations and the Crown acknowledges its readiness to engage with the applicant group;
- b) **Or** the applicant group must be actively engaged in settlement negotiations with the Crown and satisfy at least one of the following indicators:
 - i. The applicant group and OTS have an agreed work plan for the current settlement negotiation phase;
 - ii. The applicant group can demonstrate regular negotiations meetings with OTS and progress towards achieving a settlement.

2.2.2 Capability Criteria for the Settlement Negotiations Process

1) Demonstrating Governance, Management and Financial Capability

An applicant group must demonstrate the governance, management and financial capability to manage the work required to prepare and negotiate a settlement of its Wai claims with the Crown, and to receive and appropriately manage Trust funding.

An applicant group will be assessed using the following Capability criteria:

- Appropriate governance structures, functions and policies that demonstrate accountability;
- Appropriate management structures, functions and policies that demonstrate reporting;
- Appropriate financial management and systems to receive and manage Trust funding;
- Processes that enable regular communications of progress;
- Processes that enable the appointment, removal and succession of governance representatives;
- Processes that provide for recording of meetings, decisions, dispute resolution; and
- Processes that provide for risk management; in particular an annual independent audit of financial management and systems.

Supporting Documentation to Demonstrate Capability

Applicant groups should submit supporting documentation along with their completed “Eligibility and Capability Application Form” that demonstrates that they meet Capability criteria. Examples of supporting documentation include:

Governance and Management Capability

- Constitution or Rules of entity;
- Legal Status Certificate (if a legal entity);
- Delegations Policy and Role Descriptions (including Organisational Chart);
- Policy and Procedure Manual including: Health & Safety Policy; Dispute Resolution Policy; Human Resources Policy; Risk Management Policy;
- Strategic/ Annual Plan;
- Communications Strategy / Plan;
- Project / Business Plan;
- Annual Reports; and
- Any other relevant documentation.

Financial Capability

- Financial Management Policies including a system to receive and manage Trust funding;
- Annual Budget;
- Financial Reports including recent Budget and Expenditure statements;
- Audit Report;
- Independent Audited Accounts; and
- Any other relevant documentation.

Trust staff can always advise an applicant group regarding useful documentation to support an application for Approved Client status.

Trustees decide whether or not an applicant group has demonstrated sufficient capability to receive and manage Trust funding.

2.2.3 Pre-Mandate Eligibility and Capability Criteria

An applicant group that does not yet have a confirmed mandate strategy with the Crown can apply to become an Approved Client (known as “Pre-Mandate Approved Client Status”). In these instances, the Approved Client status is limited to the purpose of the pre-mandate phase (which is the period between being recognised by OTS as a Large Natural Group and having a mandate plan supported by OTS, to the date when the Mandate Strategy is confirmed by the Crown). The Eligibility Criteria for Settlement Negotiations will apply.

An applicant group must demonstrate sufficient governance, management and financial capabilities to manage the work required to prepare and negotiate a settlement of its Wai claims with the Crown, and to receive and appropriately manage Trust funding.

An applicant group must have:

- Financial Management Policies (including a system to receive and manage Trust funding); and
- A Delegations Policy and Role Descriptions (may include Organisational Chart).

An applicant group’s capability will be assessed using the following Assessment criteria:

- Appropriate governance structures, functions and policies that demonstrate accountability.
- Appropriate management structures, functions and policies that demonstrate reporting.
- Appropriate financial management and systems to receive and manage Trust funding.

Additional reference

Approved Clients engaged in the settlement negotiations process are encouraged to read the Trust’s publication ‘*Aratohu mō ngā rōpū Kaitono*, the Guide for Claimants Negotiating Treaty Settlements’ which gives more detail on the settlement negotiations process.

‘*Aratohu mō ngā rōpū Kaitono*, the Guide for Claimants Negotiating Treaty Settlements’ can also be found on the Trust’s [website](#).

2.3 Becoming an Approved Client for a Remedies Hearings Process

Eligible applicant groups who are seeking a binding recommendation from the Waitangi Tribunal for the resumption of Crown Forest Licensed Land may apply to become an Approved Client for the purpose of a Remedies Hearing.

To become an Approved Client of Crown Forestry Rental Trust for a Remedies Hearing, an applicant group must complete the Trust's "Eligibility and Capability Application Form" for that process. A link to the application form can be found on the Trust's website: www.cfrt.org.nz. The Trust strongly encourages applicant groups to contact Trust staff for advice before submitting their completed "Eligibility and Capability Application Form". Trust staff are experienced in providing assistance and information to groups regarding the Trust's Eligibility and Capability Criteria.

An applicant who wants to become an Approved Client for Remedies Hearings has to meet all of the "Eligibility and Capability Criteria" for that process.

Eligibility and Capability Criteria to become an Approved Client for Remedies Hearings process:

- 1) *Registered CFLL Wai Claim*
- 2) *Seeking a binding recommendation from the Waitangi Tribunal for the resumption of a CFLL*
- 3) *Waitangi Tribunal confirmation that application for urgent Remedies Hearing has been granted*
- 4) *Demonstrate Governance, Management and Financial Capability*

2.3.1 Eligibility Criteria for the Remedies Hearings Process

1) Registered CFLL Wai Claim

An applicant group must have a Wai claim registered with the Waitangi Tribunal, which involves or could involve, Crown Forest Licensed Land.

The Trust's "Eligibility and Capability Application Form" requires an applicant group to clearly identify its registered CFLL Wai claim/s. Note that a Wai claim can only be in one Approved Client group at any one time. If a Wai claim is already signed-up with another Approved Client grouping, another group cannot rely upon it in support of their own application to become an Approved Client.

2) Seeking a binding recommendation from the Waitangi Tribunal for the resumption of a CFLL

An applicant group must be seeking a binding recommendation from the Waitangi Tribunal for the resumption of Crown Forest Licensed Land. It is desirable for the applicant group to submit a copy of their application for resumption of CFLLs in support of their completed "Eligibility and Capability Application Form".

3) Waitangi Tribunal confirmation that application for urgent Remedies Hearing has been granted

An applicant group must have confirmation from the Waitangi Tribunal that the applicant group's application for an urgent Remedies Hearing has been granted. It is desirable for an applicant group to submit a copy of the Waitangi Tribunal's Direction confirming that the urgent Remedies Hearing is granted and preferably, confirming the hearing date and scope of the hearing.

2.3.2 Capability Criteria for the Remedies Hearings Process

1) Demonstrating Governance, Management and Financial Capability

An applicant group must demonstrate sufficient governance, management and financial capabilities to manage the work required to prepare and present its claims in an urgent Remedies Hearing before the Waitangi Tribunal, and to receive and appropriately manage Trust funding.

An applicant group must have:

- Financial Management Policies (including a system to receive and manage Trust funding); and
- A Delegations Policy and Role Descriptions (which may include an Organisational Chart).

An applicant group's capability will be assessed using the following Assessment criteria:

- Appropriate governance structures, functions and policies that demonstrate accountability.
- Appropriate management structures, functions and policies that demonstrate reporting.
- Appropriate financial management and systems to receive and manage Trust funding.

Trust staff can always advise an applicant group regarding useful documentation to support an application for Approved Client status.

Trustees decide whether or not an applicant group has demonstrated sufficient capability to receive and manage Trust funding.

2.4 What happens when an Approved Client application is received?

When an applicant group submits a complete application for Approved Client status to participate in any settlement process, Trust management will formally acknowledge receipt of that application by letter and confirm the meeting date at which Trustees will consider the Approved Client application.

Trust management's role in the process is to assess the application against the relevant "Eligibility and Capability Criteria" and advise Trustees as to whether the application has met all of the required criteria for the specific settlement process. However, only Trustees can approve or decline Approved Client status.

Following the Trustees' meeting, Trust management will write to the applicant group to confirm the decision of Trustees regarding the Approved Client application.

2.5 Reassessment of Approved Client Status

An Approved Client must reapply to retain Approved Client status every two years or earlier if necessary, and provide evidence to demonstrate that it has maintained its Eligibility and Capability. Only Trustees can reconfirm, or decline to reconfirm, an Approved Client status.

Approved Clients must maintain their Eligibility and Capability at all times, and any material change affecting an Approved Client's ability to meet these criteria can trigger the reassessment of an Approved Client status. Trustees can suspend, reinstate or rescind Approved Client status if necessary.

3.0 Key elements of Trust Funding Policies

Once Trustees have accepted an application for Approved Client status, the Approved Client is eligible to apply for Trust funding to support their participation in a settlement process.

Approved Clients should be aware of the following key elements of the Trust's Funding Policies:

Purpose of Trust funding:

- 1) The purpose of Trust funding contributions is to assist Approved Clients in the preparation, presentation and negotiation of Wai claims which involve or could involve Crown Forest Licensed Land.
- 2) The Trust only provides funding contributions to, or for the benefit of, Approved Clients.
- 3) The Trust will fund an Approved Client in **either** a Waitangi Tribunal District Inquiry **or** Settlement Negotiations but not both processes at the same time. The Wai claims included in the mandate of an Approved Client for settlement negotiations will not be funded to participate in the Waitangi Tribunal District Inquiry process.
- 4) Trust funding can only be applied to the purpose and specific fundable activities for which Trustees approve funding.

Approved Clients:

- 1) Approved Client status does not guarantee approval of an Approved Client funding request.
- 2) Only the Trust's Approved Clients can apply for Trust funding contributions.
- 3) Trust fundable activities, benchmarks and research and mapping funding caps are only disclosed to Approved Clients.
- 4) An Approved Client must submit a comprehensive business plan to support a funding request.
- 5) Trust funding is a contribution to an Approved Client's costs and may not cover all budgeted costs to settlement.

What is not funded?

- 1) Trust funding is not retrospective. Trust funding cannot be used for activities undertaken and expenses incurred prior to the Trustees' decision to approve funding.
- 2) Trust funding is not transferable across different settlement processes and must be used for the specific purpose for which funding was approved by Trustees.
- 3) The Trust does not fund fixed asset purchases.
- 4) The Trust does not fund litigation.
- 5) The Trust does not fund costs related to Urgent hearings in the Waitangi Tribunal (except for urgent Remedies Hearings for the resumption of a CFLL).
- 6) The Trust does not fund any costs associated with a Waitangi Tribunal Kaupapa Inquiry.

Trustees' role:

- 1) Only Trustees can approve or decline Approved Client status.
- 2) Trustees set benchmarks to define the maximum funding contributions available for Approved Clients. Benchmarks apply to all Trust fundable activities for Waitangi Tribunal and Settlement Negotiations processes.
- 3) The Trust Benchmarks are subject to regular review by Trustees to ensure that there are sufficient funds to provide a reasonable level of funding to all eligible claimants. Accordingly, the Trust Benchmarks may change from time to time.
- 4) Trustees are open to receiving Approved Client funding requests for Operations, Hearings Hosting, Specialist Advice, Research and Mapping activities to support Approved Client participation in Waitangi Tribunal District Inquiries, Settlement Negotiations, or Remedies Hearings involving resumption of CFLLs.
- 5) Only Trustees can consider, approve, defer or decline funding requests.

Only an Approved Client can submit a funding request.

3.1 How do Approved Clients make Funding Requests?

Trustees meet monthly to consider Approved Client funding requests. There are strict deadlines for the submission of Approved Client funding requests so that they can be assessed by Trust management and considered at the next available Trustee meeting.

Trust staff can advise Approved Clients of the annual schedule of funding request deadlines and Trustee meetings to ensure that Approved Clients submit complete and timely funding requests for Trustee consideration. Trustees will not consider draft or incomplete funding requests.

A complete Approved Client funding request includes:

- 1) A letter from the Approved Client submitting the funding request;
- 2) A completed funding application form;
- 3) A business plan setting out the rationale for the funding request;
- 4) A complete and detailed budget.

Trust staff can provide Approved Clients with templates for these.

Trust staff will provide Approved Clients with funding application forms, and templates for business plans and budgets. Trust Benchmarks are disclosed to Approved Clients to assist Approved Clients to complete their funding requests.

Trust staff are available to assist Approved Clients with advice and explanation regarding the application of Trust Benchmarks, funding request requirements and costings for budgets.

The Trust encourages Approved Clients to submit draft funding requests to Trust staff for feedback prior to the funding request deadline so that Approved Clients submit robust and complete funding applications to Trustees on time.

Trust staff cannot complete a funding request on behalf of Approved Clients and cannot decide the outcome of a funding request.

3.2 Waitangi Tribunal District Inquiry Process Funding Policy

The Trust makes funding contributions to, or on behalf of, Approved Clients for both the preparation and presentation phase of a Waitangi Tribunal District Inquiry.

To receive Trust funding for a Waitangi Tribunal District Inquiry, Approved Clients must meet the Trust's Eligibility and Capability criteria for a Waitangi Tribunal District Inquiry (set out at 2.1.1-2.1.2 above) and the following criteria:

3.2.1 Funding Criteria for Operations Funding

The following criteria are applicable for funding contributions to Approved Clients for Operations funding:

1. An Approved Client must be engaged in a Waitangi Tribunal District Inquiry process;
2. Funding contributes to the resolution of the Approved Client's claims; and
3. Funding is relevant to an Approved Client's participation in a Waitangi Tribunal District Inquiry.

3.2.2 Funding Criteria for Hearing Week Costs

In addition to satisfying criteria 1-3 above, the following criterion applies to funding requests for Hearing Week costs:

1. The Waitangi Tribunal must confirm a timetable for the full District Inquiry hearing weeks. Approved Clients will submit a funding request for the confirmed timetable of District Inquiry hearing weeks.

3.2.3 Funding Criteria for Research and Mapping for a Waitangi Tribunal District Inquiry

In addition to satisfying criteria 1-3 in section 3.2.1, the following criteria applies to funding requests for Research and Mapping:

1. For Overview research and mapping funding, the Waitangi Tribunal must confirm that the requested Overview research and mapping is required for the District Inquiry;
2. Any Client Specific research and/or mapping funding will only be for the constituent Wai claims represented by an Approved Client.

The Trust makes contributions to Approved Client's costs under three key funding types for Waitangi Tribunal District Inquiries:

Operations Funding:

- Human Resources and Administration (project manager, claims manager or claims administrator, office costs, accounting, audit and human resources travel costs); Hui costs (including governance, claimant and research hui).

Hearing Week Costs:

- Judicial Conferences (venue hire, catering, equipment hire); Approved Client Hearings Attendance (travel to judicial conferences and hearings); Hearings Hosting (venue hire, catering, equipment hire, security, marae accommodation, hearings coordinator, hearings presentation support); Site Visits (transport, pōwhiri, site visit booklet, catering); Tangata Whenua Witness preparation and presentation costs.

Research and Mapping:

- Research (Scoping reports, Gap-filling reports, Full historical reports, Oral and Traditional History reports, Quality Assurance, Expert Witness preparation and presentation costs, and Expert Advice to Claimant Counsel); Mapping (Mapping Scoping project, District Overview map book, Imagery and Datasets, Mapping for research reports, Approved Client Mapping project, and Gap-filling mapping) and printing costs.

The Trust provides Trust Benchmarks to Approved Clients which set out the Trust's fundable activities in more detail, and Trust staff can explain what is included under each activity and category heading. Trust staff can also provide advice as to what activities will likely be required for different phases of a Waitangi Tribunal District Inquiry.

3.3 Settlement Negotiations Funding Policy

The Trust makes funding contributions to, or on behalf of, Approved Clients from the pre-Mandate phase to Deed of Settlement Ratification phase of Settlement Negotiations.

To receive Trust funding for Settlement Negotiations, Approved Clients must meet the Trust's Eligibility and Capability criteria for Settlement Negotiations (set out at 2.2.1-2.2.2 above) and the following criteria:

Funding Criteria for Settlement Negotiations:

1. An Approved Client must be engaged and in active settlement negotiations with the Crown;
2. Funding contributes to the progression of the negotiations and to the settlement of Treaty claims that involve or could involve Crown Forest Licensed Land.

3.3.1 Pre-Mandate Funding Policy

The Trust may provide a funding contribution to Approved Clients for pre-mandating activities who meet the Trust's funding criteria. Those criteria are:

1. An applicant group must become an Approved Client of the Trust for the purpose of developing a confirmed mandate strategy with the Crown. The Approved Client Status will be limited to the purpose of this phase.
2. An applicant group must meet the Trust's Eligibility Criteria and sufficient Capability Criteria to receive and appropriately manage Trust funding. The applicant group must have:
 - a) Financial Management Policies (including a system to receive and manage Trust funding); and
 - b) A Delegations Policy and Role Descriptions (may include Organisational Chart).
3. Approved Clients seeking funding for Pre-Mandate activities must not be receiving any Trust funding for participation in any Waitangi Tribunal District Inquiry.
4. Funding requests for pre-mandate activities may only be considered once the Crown confirms that there is sufficient information to recognise a claimant group as a Large Natural Group (as defined by the Crown) for the purpose of developing a mandate strategy.

3.3.2 Pre-Mandate Fundable Activities

The Trust has limited funding available to assist Approved Clients in the pre-mandate phase of settlement negotiations for the following Operations fundable activities: office costs, pānui, beneficiary register, hui, project manager, governance board, and travel and accommodation costs.

3.3.3 Settlement Negotiations Benchmarks and Fundable Activities

Trustees are open to receiving Approved Client funding requests for Operations, Specialist Advice and Research and Mapping to support Settlement Negotiations.

Trust funding contributions for Operations, Specialist Advice and Research and Mapping are subject to benchmark funding levels, based on needs assessment. Approved Clients must provide a comprehensive business plan to support their funding request.

The Trust makes contributions to Approved Client's costs under three key funding types for Settlement Negotiations:

Operations Funding:

- Office overheads (office costs, staff salaries, auditor, accountant); Communications (pānui, advertising, website, beneficiary register, hui); Human Resources (Project Manager, Negotiators, Governance Board); Travel and accommodation.

Specialist Advice:

- Legal; Strategic; Strategic Communications; Taxation Structuring; Valuations (commercial, rural and residential); Forestry Advice; Property Ranking; Economic Advice; Ancillary advice; Forest Valuation (per CFLL).

Research and Mapping:

- Research (Scoping report; Historical report; Sites of Significance research; Historical Account; Historical Advice; Quality Assurance); Mapping (Mapping scoping report; Imagery and Datasets; Crown Asset Audit; Sites of Significance mapping; Mapping to Support Negotiations; Mapping for Research projects) and printing costs.

3.3.4 Specialist Advice Funding Policy

Trustees may provide funding contributions for defined categories of Specialist Advice that can assist an Approved Client's settlement negotiations with the Crown. In addition to the two Funding Criteria for Settlement Negotiations set out at 3.3 above, the following criterion applies:

1. The Approved Client must hold an Operations funding contract or be in the process of requesting Operations funding from the Trust.

Approved Clients must provide a comprehensive business plan to support their request for Specialist Advice funding, and will be required to undertake a selection and/or tender process to identify their Specialist Advisors for the Agreement in Principle (or equivalent) phase of negotiations.

3.4 Remedies Hearings Funding Policy

The Trust may provide a funding contribution to Approved Clients who are seeking a binding recommendation from the Waitangi Tribunal for the resumption of Crown Forest Licensed land, and who meet the Trust's funding criteria.

To receive Trust funding for Remedies Hearings, Approved Clients must meet the Trust's Eligibility and Capability criteria for Remedies Hearings (set out at 2.3.1-2.3.2 above) and the following criteria:

Funding Criteria:

1. Existing Approved Clients must be seeking a binding recommendation from the Waitangi Tribunal in respect of a CFLL and submit a separate funding request specifically for Remedies Hearings funding. Funding approved for Waitangi Tribunal or Settlement Negotiation purposes cannot be used for Remedies Hearings purposes.
2. Eligible claimant groups that are seeking a binding recommendation from the Waitangi Tribunal in respect of a CFLL must submit an application to become an Approved Client for the purposes of Remedies Hearings funding. In such cases the following capability assessment standards will apply:
 - a) Given the shortened nature of Remedies Hearings, and the limited amount of funding that the Trust might provide to Approved Clients in these circumstances, the assessment of financial management will be the primary test of an Approved Client's capability to appropriately manage Trust funding;
 - b) At a minimum the Applicant Group needs to provide evidential documentation of Financial Management System Processes and copies of relevant Policy and Procedure Manuals as part of the Capability Criteria.
 - c) An Applicant Group's capability will be assessed using the financial management and systems Assessment Criteria.
3. Funding requests for Remedies Hearings will only be considered once the Waitangi Tribunal has granted the application for an urgent remedies hearing (and preferably confirmed a Hearing date and set the scope of the Hearing).

4. Funding approved for Remedies Hearings purposes must not be used for the purposes of Waitangi Tribunal district inquiries or Settlement Negotiations.

3.4.1 Remedies Hearings Fundable Activities

Trustees have set maximum funding contributions and benchmarks for Approved Clients participating in a Waitangi Tribunal Remedies Hearing. Trust funding contributions cover the preparation, presentation and negotiation phase of a Remedies Hearing and include: Expert Witness costs (including travel and accommodation); Legal advice; Approved Client Travel costs; Venue costs (including venue hire, catering, equipment hire and audio-visual equipment); Negotiations costs (negotiator fees, travel costs, legal advice).

4.0 Trust Contracts - how funding is managed

Trust funding is contracted directly with Approved Clients for Operations and Specialist Advice funding types, or with service providers on behalf of Approved Clients. Research and mapping projects are contracted directly with service providers on behalf of Approved Clients.

Approved Clients who hold Trust contracts for Operations and Specialist Advice funding types need to meet all the contractual reporting requirements of those contracts. Trust staff actively manage compliance requirements of Trust contracts to ensure the purpose of the contract is being met. Approved Client reporting requirements include preparation of milestone reports, and monthly financial reports and reconciliations. The Trust checks an Approved Client's ability to receive, manage and report on Trust funding contracts as part of its 'Capability' assessment (see sections 2.1.2, 2.2.2 and 2.3.2 above).

5.0 Status of Crown Forest Licensed Land map



