

Vote Treaty Negotiations

APPROPRIATION MINISTER(S): Minister for Treaty of Waitangi Negotiations (M74)

APPROPRIATION ADMINISTRATOR: Ministry of Justice

RESPONSIBLE MINISTER FOR MINISTRY OF JUSTICE: Minister of Justice

Details of Appropriations and Capital Injections

Annual Appropriations and Forecast Permanent Appropriations

Titles and Scopes of Appropriations by Appropriation Type	2019/20		
	Estimates Budget \$000	Supplementary Estimates Budget \$000	Total Budget \$000
Departmental Output Expenses			
Treaty Negotiations and Marine and Coastal Area Customary Interests (M74) This appropriation is limited to departmental expenses incurred in settling historical Treaty of Waitangi claims, determining customary interests in marine and coastal areas, and implementing such settlements of claims and determinations of interests.	-	16,507	16,507
Total Departmental Output Expenses	-	16,507	16,507
Non-Departmental Other Expenses			
Claimant Funding (M74) This appropriation is limited to payment of claimant funding related to the settlement of historical Treaty of Waitangi claims.	8,102	5,000	13,102
Contribution to Parihaka community engagement with the Crown support package (M74) This appropriation is limited to providing financial support to the Parihaka community to engage in the development and implementation of the Crown support package.	-	78	78
Contribution toward Determining Customary Interests in the Marine and Coastal Area (M74) This appropriation is limited to providing financial assistance for the investigation of applicant groups' customary rights under the Marine and Coastal Area (Takutai Moana) Act 2011.	10,450	(7,901)	2,549
Crown Contribution to Facilitate the Transfer of Landcorp Assets to Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua (M74) This appropriation is limited to part payment by the Crown for Landcorp assets being transferred to Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua.	2,425	-	2,425
Financial Assistance Toward Determining Customary Interests in the Marine and Coastal Area (M74) This appropriation is limited to providing financial assistance to applicant groups to investigate their customary interests in the marine and coastal area.	-	8,680	8,680
Specific Redress Arrangements (M74) This appropriation is limited to Crown contributions to support the delivery of redress arrangements in specific circumstances as determined by the Minister for Treaty of Waitangi Negotiations.	-	15,000	15,000
Total Non-Departmental Other Expenses	20,977	20,857	41,834

	2019/20		
	Estimates Budget \$000	Supplementary Estimates Budget \$000	Total Budget \$000
Titles and Scopes of Appropriations by Appropriation Type			
Multi-Category Expenses and Capital Expenditure			
Treaty Negotiations and Marine and Coastal Area (Takutai Moana) Act MCA (M74)	37,128	(14,381)	22,747
The single overarching purpose of this appropriation is to support the Crown in the negotiation, administration and implementation of historic Treaty of Waitangi settlement claims and the Marine and Coastal Area (Takutai Moana) Act 2011.			
Departmental Output Expenses			
<i>Policy Advice - Treaty Negotiations and Marine and Coastal Area (Takutai Moana) Act</i>	1,136	(328)	808
This category is limited to the provision of advice to support decision-making by Ministers on government policy matters relating to Treaty Negotiations and the Marine and Coastal Area (Takutai Moana) Act 2011.			
<i>Representation - Waitangi Tribunal and Courts</i>	3,099	(858)	2,241
This category is limited to Crown representation in the Waitangi Tribunal and in the Courts on matters concerning Treaty claims, and associated research into historical Treaty grievances to support representation.			
<i>Treaty Negotiations and Marine and Coastal Area (Takutai Moana) Act</i>	32,893	(13,195)	19,698
This category is limited to the negotiation and implementation of historical Treaty claims, and the administration and implementation of the Marine and Coastal Area (Takutai Moana) Act 2011.			
Total Multi-Category Expenses and Capital Expenditure	37,128	(14,381)	22,747
Total Annual Appropriations and Forecast Permanent Appropriations	58,105	22,983	81,088

Multi-Year Appropriations

Type, Title, Scope and Period of Appropriations	Appropriations, Adjustments and Use	\$000
Non-Departmental Other Expenses		
Historical Treaty of Waitangi Settlements 2019 - 2023 (M74)	Original Appropriation	1,400,000
This appropriation is limited to the settlement of historical Treaty of Waitangi claims, including redress through the transfer of assets (cash and property) from the Crown to the claimant groups, and any simple interest payable on settlements between the date specified in the Deed of Settlement and the settlement date.		Estimated Actual for 2019/20
Commcences: 30 June 2019		350,000
Expires: 30 June 2023		
Historical Treaty of Waitangi Settlements 2020 - 2024 (M74)	Original Appropriation	1,400,000
This appropriation is limited to the settlement of historical Treaty of Waitangi claims, including redress through the transfer of assets (cash and property) from the Crown to the claimant groups, and any simple interest payable on settlements between the date specified in the Deed of Settlement and the settlement date.		Estimated Actual for 2019/20
Commcences: 30 June 2020		-
Expires: 30 June 2024		

Total Annual Appropriations and Forecast Permanent Appropriations and Multi-Year Appropriations

	2019/20		
	Estimates Budget \$000	Supplementary Estimates Budget \$000	Total Budget \$000
Total Annual Appropriations and Forecast Permanent Appropriations	58,105	22,983	81,088
Total Forecast MYA Non-Departmental Other Expenses	350,000	-	350,000
Total Annual Appropriations and Forecast Permanent Appropriations and Multi-Year Appropriations	408,105	22,983	431,088

Supporting Information

Part 1 - Vote as a Whole

1.2 - Trends in the Vote

Summary of Financial Activity

	2019/20				
	Estimates \$000	Supplementary Estimates			Total \$000
		Departmental Transactions \$000	Non- Departmental Transactions \$000	Total Transactions \$000	
Appropriations					
Output Expenses	-	16,507	-	16,507	16,507
Benefits or Related Expenses	-	N/A	-	-	-
Borrowing Expenses	-	-	-	-	-
Other Expenses	370,977	-	20,857	20,857	391,834
Capital Expenditure	-	-	-	-	-
Intelligence and Security Department Expenses and Capital Expenditure	-	-	N/A	-	-
Multi-Category Expenses and Capital Expenditure (MCA)					
<i>Output Expenses</i>	37,128	(14,381)	-	(14,381)	22,747
<i>Other Expenses</i>	-	-	-	-	-
<i>Capital Expenditure</i>	-	N/A	-	-	-
Total Appropriations	408,105	2,126	20,857	22,983	431,088
Crown Revenue and Capital Receipts					
Tax Revenue	-	N/A	-	-	-
Non-Tax Revenue	708	N/A	-	-	708
Capital Receipts	-	N/A	-	-	-
Total Crown Revenue and Capital Receipts	708	N/A	-	-	708

1.4 - Reconciliation of Changes in Appropriation Structure

From 1 March 2020 the following changes to the appropriation structure have been made.

- Establishing a new appropriation to broaden the scope of the Contribution toward Determining Customary Interests in the Marine and Coastal Area appropriation. The previous scope limited payments solely to those under the Marine and Coastal Area (Takutai Moana) Act 2011.
- Simplifying the departmental multi-category appropriation into a single appropriation in line with initial step of modernising the public finance system. The reference to the Marine and Coastal Area (Takutai Moana) Act 2011 has been removed to reflect a broader legislative mandate.

Estimates	2019/20 (Estimates) \$000	Supplementary Estimates (Changes during the year)	Amount Moved \$000	New Structure	2019/20 (Restated) \$000
Non-Departmental Other Expenses					
Contribution toward Determining Customary Interests in the Marine and Coastal Area	11,229	Transfer to Financial Assistance Toward Determining Customary Interests in the Marine and Coastal Area	(8,680)	Contribution toward Determining Customary Interests in the Marine and Coastal Area	2,549
		Transfer from Contribution toward Determining Customary Interest in the Marine and Coastal Area	8,680	Financial Assistance Toward Determining Customary Interests in the Marine and Coastal Area	8,680
Departmental Output Expenses					
Treaty Negotiations and Marine and Coastal Area (Takutai Moana) Act MCA	39,254	Transfer to Treaty Negotiations and Marine and Coastal Area Customary Interests	(16,507)	Treaty Negotiations and Marine and Coastal Area (Takutai Moana) Act MCA	22,747
		Transfer from Treaty Negotiations and Marine and Coastal Area (Takutai Moana) Act MCA	16,507	Treaty Negotiations and Marine and Coastal Area Customary Interests	16,507
Total Changes in Appropriations	50,483		-		50,483

Explanations of the reasons for changing the appropriation structure are noted in the details of each appropriation in Parts 2-4.

Part 2 - Details of Departmental Appropriations

2.1 - Departmental Output Expenses

Treaty Negotiations and Marine and Coastal Area Customary Interests (M74)

Scope of Appropriation

This appropriation is limited to departmental expenses incurred in settling historical Treaty of Waitangi claims, determining customary interests in marine and coastal areas, and implementing such settlements of claims and determinations of interests.

Expenses and Revenue

	2019/20		
	Estimates \$000	Supplementary Estimates \$000	Total \$000
Total Appropriation	-	16,507	16,507
Revenue from the Crown	-	16,507	16,507
Revenue from Others	-	-	-

What is Intended to be Achieved with this Appropriation

This appropriation is intended to achieve supporting the Crown in the negotiation, administration and implementation of historical Treaty of Waitangi settlement claims and Marine and Coastal Area customary interests.

How Performance will be Assessed and End of Year Reporting Requirements

	2019/20		
	Estimates Standard	Supplementary Estimates Standard	Total Standard
Assessment of Performance			
The satisfaction of the Minister for Treaty of Waitangi Negotiations with progress towards negotiation milestones	New measure	At least 8/10	At least 8/10
The satisfaction of the Minister for Treaty of Waitangi Negotiations with ministerial services, as per the common satisfaction survey	New measure	At least 8.5/10	At least 8.5/10
<i>Quality of policy advice</i>			
The satisfaction of the Minister for Treaty of Waitangi Negotiations with the policy advice service, as per the common satisfaction survey	New measure	At least 3.5/5	At least 3.5/5
An average score for policy advice papers that are assessed (see Note 1)	New measure	3.5/5	3.5/5
Percentage of policy advice papers that are assessed score 3 or higher out of 5 (see Note 1)	New measure	80%	80%
Percentage of policy advice papers that are assessed score 4 or higher out of 5 (see Note 1)	New measure	40%	40%
Percentage of policy advice papers that are assessed score 2.5 or less out of 5 (see Note 1)	New measure	<20%	<20%

Assessment of Performance	2019/20		
	Estimates Standard	Supplementary Estimates Standard	Total Standard
<i>Representation - Waitangi Tribunal and Courts</i>			
The Crown is represented at 100% of current Waitangi Tribunal District inquiries	New measure	100%	100%
Number of High Court cases at which the Crown is represented	New measure	2	2
<i>Treaty Negotiations and the Marine and Coastal Area</i>			
Percentage of settlement date obligations met	New measure	100%	100%
Deeds of Mandate signed (see Note 2)	New measure	3	3
Agreements in Principle signed (see Notes 2 and 3)	New measure	1	1
Deeds of Settlement initialled (see Notes 2 and 4)	New measure	2	2
Number of applications in formal engagement processes with the Crown regarding customary interests in the takutai moana	New measure	4	4
The Crown is represented at 100% of current High Court hearings in relation to takutai moana cases	New measure	100%	100%

Note 1 - This indicator provides a standardised score for technical quality reviews of policy advice, which are undertaken by a third party assessor. The review may include an assessment of clarity, accuracy, analytical rigour, fitness for purpose, and relevance.

Note 2 - The Ministry does not have full control over the achievement of these measures as it is partially reliant on claimant groups undertaking the work required by them to achieve a mandate to negotiate, broadly agree to the Crown's offer and move steadily towards the conclusion of negotiations.

Note 3 - An Agreement in Principle is agreed between the Crown and a claimant group. The document describes the broad outline of a settlement package and is signed by the claimant group and the Minister for Treaty of Waitangi Negotiations.

Note 4 - A Deed of Settlement is the complete, detailed and formal settlement agreement between the Crown and the claimant group.

End of Year Performance Reporting

Performance information for this appropriation will be reported by the Ministry of Justice in its Annual Report.

Reasons for Change in Appropriation

This is a new appropriation of \$16.507 million for 2019/20 to simplify the appropriation structure in line with changes to modernise the public finance system and to reflect a broader legislative mandate.

Part 3 - Details of Non-Departmental Appropriations

3.4 - Non-Departmental Other Expenses

Claimant Funding (M74)

Scope of Appropriation

This appropriation is limited to payment of claimant funding related to the settlement of historical Treaty of Waitangi claims.

Reasons for Change in Appropriation

This appropriation increased by \$5 million to \$13.102 million for 2019/20 due to an expense transfer of unused claimant funding from 2018/19.

Contribution to Parihaka community engagement with the Crown support package (M74)

Scope of Appropriation

This appropriation is limited to providing financial support to the Parihaka community to engage in the development and implementation of the Crown support package.

Expenses

	2019/20		
	Estimates \$000	Supplementary Estimates \$000	Total \$000
Total Appropriation	-	78	78

What is Intended to be Achieved with this Appropriation

This appropriation is intended to achieve assistance to the Parihaka community to engage with the Crown in the development of a support package and reconciliation process.

How Performance will be Assessed and End of Year Reporting Requirements

An exemption was granted under s15D(2)(b)(ii) of the PFA as additional information is unlikely to be informative because this appropriation is solely for payments to the Parihaka community.

Reasons for Change in Appropriation

This appropriation has increased by \$78,000 for 2019/20 due to an expense transfer from 2018/19 to provide financial support to the Parihaka community.

Contribution toward Determining Customary Interests in the Marine and Coastal Area (M74)

Scope of Appropriation

This appropriation is limited to providing financial assistance for the investigation of applicant groups' customary rights under the Marine and Coastal Area (Takutai Moana) Act 2011.

Reasons for Change in Appropriation

This appropriation has decreased by \$7.901 million to \$2.549 million for 2019/20 due to a fiscally neutral adjustment of \$8.680 million to the Financial Assistance Toward Determining Customary Interests in the Marine and Coastal Area appropriation to broaden the scope of the appropriation.

This was partially offset by an expense transfer of \$779,000 from 2018/19 to 2019/20 to support additional demand for contributions toward determining customary interests.

Financial Assistance Toward Determining Customary Interests in the Marine and Coastal Area (M74)

Scope of Appropriation

This appropriation is limited to providing financial assistance to applicant groups to investigate their customary interests in the marine and coastal area.

Expenses

	2019/20		
	Estimates \$000	Supplementary Estimates \$000	Total \$000
Total Appropriation	-	8,680	8,680

What is Intended to be Achieved with this Appropriation

This appropriation is intended to achieve supporting an efficient process for providing financial assistance for the investigation of applicant groups' customary rights in the Marine and Coastal Area.

How Performance will be Assessed and End of Year Reporting Requirements

	2019/20		
	Estimates Standard	Supplementary Estimates Standard	Total Standard
Assessment of Performance			
Percentage of funding payments made to groups within 10 days of approval of claim	New measure	95%	95%

End of Year Performance Reporting

Performance information for this appropriation will be reported by the Minister for Treaty of Waitangi Negotiations in a report appended to the Ministry of Justice's Annual Report.

Reasons for Change in Appropriation

This is a new appropriation of \$8.680 million for 2019/20 to reflect a broader legislative scope from 1 March 2020. This was funded by a fiscally neutral adjustment from the Contribution Toward Determining Customary Interest in the Marine and Coastal Area appropriation.

Specific Redress Arrangements (M74)*Scope of Appropriation*

This appropriation is limited to Crown contributions to support the delivery of redress arrangements in specific circumstances as determined by the Minister for Treaty of Waitangi Negotiations.

Expenses

	2019/20		
	Estimates \$000	Supplementary Estimates \$000	Total \$000
Total Appropriation	-	15,000	15,000

What is Intended to be Achieved with this Appropriation

This appropriation is intended to achieve efficient provision of Crown contributions to redress arrangements.

How Performance will be Assessed and End of Year Reporting Requirements

An exemption was granted under s15D(2)(b)(ii) of the Public Finance Act 1989, as additional performance information is unlikely to be informative because this appropriation is solely for contributory payments.

Reasons for Change in Appropriation

This is a new appropriation of \$15 million for 2019/20 to support redress arrangements determined by the Minister for Treaty of Waitangi Negotiations.

Part 4 - Details of Multi-Category Expenses and Capital Expenditure

4 - Multi-Category Expenses and Capital Expenditure

Treaty Negotiations and Marine and Coastal Area (Takutai Moana) Act (M74)

Overarching Purpose Statement

The single overarching purpose of this appropriation is to support the Crown in the negotiation, administration and implementation of historic Treaty of Waitangi settlement claims and the Marine and Coastal Area (Takutai Moana) Act 2011.

Scope of Appropriation

Departmental Output Expenses

Policy Advice - Treaty Negotiations and Marine and Coastal Area (Takutai Moana) Act

This category is limited to the provision of advice to support decision-making by Ministers on government policy matters relating to Treaty Negotiations and the Marine and Coastal Area (Takutai Moana) Act 2011.

Representation - Waitangi Tribunal and Courts

This category is limited to Crown representation in the Waitangi Tribunal and in the Courts on matters concerning Treaty claims, and associated research into historical Treaty grievances to support representation.

Treaty Negotiations and Marine and Coastal Area (Takutai Moana) Act

This category is limited to the negotiation and implementation of historical Treaty claims, and the administration and implementation of the Marine and Coastal Area (Takutai Moana) Act 2011.

Expenses, Revenue and Capital Expenditure

	2019/20		
	Estimates \$000	Supplementary Estimates \$000	Total \$000
Total Appropriation	37,128	(14,381)	22,747
Departmental Output Expenses			
Policy Advice - Treaty Negotiations and Marine and Coastal Area (Takutai Moana) Act	1,136	(328)	808
Representation - Waitangi Tribunal and Courts	3,099	(858)	2,241
Treaty Negotiations and Marine and Coastal Area (Takutai Moana) Act	32,893	(13,195)	19,698

	2019/20		
	Estimates \$000	Supplementary Estimates \$000	Total \$000
Funding for Departmental Output Expenses			
Revenue from the Crown	36,569	(14,487)	22,082
Policy Advice - Treaty Negotiations and Marine and Coastal Area (Takutai Moana) Act	1,116	(328)	788
Representation - Waitangi Tribunal and Courts	3,094	(858)	2,236
Treaty Negotiations and Marine and Coastal Area (Takutai Moana) Act	32,359	(13,301)	19,058
Revenue from Others	559	106	665
Policy Advice - Treaty Negotiations and Marine and Coastal Area (Takutai Moana) Act	20	-	20
Representation - Waitangi Tribunal and Courts	5	-	5
Treaty Negotiations and Marine and Coastal Area (Takutai Moana) Act	534	106	640

How Performance will be Assessed for this Appropriation

	2019/20		
	Estimates Standard	Supplementary Estimates Standard	Total Standard
Assessment of Performance			
How performance will be assessed for the MCA as a whole			
The satisfaction of the Minister for Treaty of Waitangi Negotiations with progress towards negotiation milestones	At least 8.5/10	At least 8/10	At least 8/10

What is Intended to be Achieved with each Category and How Performance will be Assessed

	2019/20		
	Estimates Standard	Supplementary Estimates Standard	Total Standard
Assessment of Performance			
Departmental Output Expenses			
Policy Advice - Treaty Negotiations and Marine and Coastal Area (Takutai Moana) Act			
<i>Quality of policy advice</i>			
Technical quality of policy advice papers assessed by a survey with a methodological robustness of 90%	To be confirmed	Measure removed	Measure removed
The satisfaction of the Minister for Treaty of Waitangi Negotiations with the policy advice service, as per the common satisfaction survey	To be confirmed	At least 3.5/5	At least 3.5/5
An average score for policy advice papers that are assessed (see Note 1)	New measure	3.5/5	3.5/5
Percentage of policy advice papers that are assessed score 3 or higher out of 5 (see Note 1)	New measure	80%	80%
Percentage of policy advice papers that are assessed score 4 or higher out of 5 (see Note 1)	New measure	40%	40%
Percentage of policy advice papers that are assessed score 2.5 or less out of 5 (see Note 1)	New measure	<20%	<20%

	2019/20		
	Estimates Standard	Supplementary Estimates Standard	Total Standard
Assessment of Performance			
Representation - Waitangi Tribunal and Courts			
The Crown is represented at 100% of current District enquiries	100%	Measure removed	Measure removed
The Crown is represented at 100% of current Waitangi Tribunal District inquiries	New measure	100%	100%
Number of High Court cases at which the Crown is represented	5	(2)	3
Treaty Negotiations and Marine and Coastal Area (Takutai Moana) Act			
Engagement decisions made under section 95(3) of the Marine and Coastal Area (Takutai Moana) Act	10	Measure removed	Measure removed
Number of applications in formal engagement processes with the Crown regarding customary interests in the takutai moana	New measure	1	1
The Crown is represented at 100% of current High Court hearings in relation to takutai moana cases	New measure	100%	100%
Deeds of Mandate signed (see Note 2)	New measure	1	1
Agreements in Principle signed (see Notes 2 and 3)	6	(5)	1
Deeds of Settlement initialled (see Notes 2 and 4)	6	(3)	3

Note 1 - This indicator provides a standardised score for technical quality reviews of policy advice, which are undertaken by a third party assessor. The review may include an assessment of clarity, accuracy, analytical rigour, fitness for purpose, and relevance.

Note 2 - The Ministry does not have full control over the achievement of these measures as it is partially reliant on claimant groups undertaking the work required by them to achieve a mandate to negotiate, broadly agree to the Crown's offer and move steadily towards the conclusion of negotiations.

Note 3 - An Agreement in Principle is agreed between the Crown and a claimant group. The document describes the broad outline of a settlement package and is signed by the claimant group and the Minister for Treaty of Waitangi Negotiations.

Note 4 - A Deed of Settlement is the complete, detailed and formal settlement agreement between the Crown and the claimant group.

Reasons for Change in Appropriation

This appropriation has decreased by \$14.381 million to \$22.747 million for 2019/20 due to a fiscally neutral adjustment of \$16.507 million to the Treaty Negotiations and Marine and Coastal Area Customary Interests appropriation to simplify the appropriation structure in line with the initial step of modernising the public finance system and to reflect a broader legislative mandate from 1 March 2020.

This was partially offset by:

- an expense transfer of \$961,000 from 2018/19 to 2019/20 for negotiation costs
- a fiscally neutral adjustment of \$625,000 to reflect the allocation of Ministry overheads in 2019/20
- an expense transfer of \$400,000 from 2018/19 to 2019/20 to support historical research work programme for the marine and coastal area
- a fiscally neutral adjustment of \$106,000 for employees seconded to other government agencies, and
- a fiscally neutral adjustment of \$34,000 from the Vote Courts, District Court Part-time or Acting Judges' Salaries and Allowance appropriation to address increased ICT security costs.