

Vote Treaty Negotiations

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

DEPARTMENT ADMINISTERING THE VOTE: Ministry of Justice (A23)

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	2020/21		
	Estimates Budget \$000	Supplementary Estimates Budget \$000	Total Budget \$000
Departmental Output Expenses			
Treaty Negotiations and Marine and Coastal Area Customary Interests (M74) (A23) 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.	39,086	143	39,229
Total Departmental Output Expenses	39,086	143	39,229
Non-Departmental Output Expenses			
Operations of the Ngāpuhi Sovereign Fund Entity (M74) (A23) This appropriation is limited to the administration and management of the Ngāpuhi Sovereign Fund entity.	-	1,000	1,000
Total Non-Departmental Output Expenses	-	1,000	1,000
Non-Departmental Other Expenses			
Claimant Funding (M74) (A23) This appropriation is limited to payment of claimant funding related to the settlement of historical Treaty of Waitangi claims.	8,102	-	8,102
Contribution to Parihaka community engagement with the Crown support package (M74) (A23) This appropriation is limited to providing financial support to the Parihaka community to engage in the development and implementation of the Crown support package.	-	15	15
Crown Contribution to Facilitate the Transfer of Landcorp Assets to Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua (M74) (A23) This appropriation is limited to part payment by the Crown for Landcorp assets being transferred to Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua.	-	2,389	2,389
Financial Assistance Toward Determining Customary Interests in the Marine and Coastal Area (M74) (A23) This appropriation is limited to providing financial assistance to applicant groups to investigate their customary interests in the marine and coastal area.	10,450	(762)	9,688
Specific Redress Arrangements (M74) (A23) 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.	-	20,000	20,000
Total Non-Departmental Other Expenses	18,552	21,642	40,194
Non-Departmental Capital Expenditure			
Capital Investment in the Ngāpuhi Sovereign Fund Entity (M74) (A23) This appropriation is limited to the Crown's capital investment in the Ngāpuhi Sovereign Fund entity.	-	150,000	150,000
Total Non-Departmental Capital Expenditure	-	150,000	150,000
Total Annual Appropriations and Forecast Permanent Appropriations	57,638	172,785	230,423

Multi-Year Appropriations

Type, Title, Scope and Period of Appropriations	Appropriations, Adjustments and Use	\$000
Non-Departmental Other Expenses		
Historical Treaty of Waitangi Settlements 2020 - 2024 (M74) (A23) 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. Commences: 30 June 2020 Expires: 30 June 2024	Original Appropriation	1,400,000
	Estimated Actual for 2020/21	350,000
Historical Treaty of Waitangi Settlements 2021 - 2025 (M74) (A23) 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. Commences: 30 June 2021 Expires: 30 June 2025	Original Appropriation	1,400,000
	Estimated Actual for 2020/21	-

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

	2020/21		
	Estimates Budget \$000	Supplementary Estimates Budget \$000	Total Budget \$000
Total Annual Appropriations and Forecast Permanent Appropriations	57,638	172,785	230,423
Total Forecast MYA Non-Departmental Other Expenses	350,000	-	350,000
Total Annual Appropriations and Forecast Permanent Appropriations and Multi-Year Appropriations	407,638	172,785	580,423

Supporting Information

Part 1 - Vote as a Whole

1.2 - Trends in the Vote

Summary of Financial Activity

	2020/21				
	Estimates \$000	Supplementary Estimates			Total \$000
		Departmental Transactions \$000	Non- Departmental Transactions \$000	Total Transactions \$000	
Appropriations					
Output Expenses	39,086	143	1,000	1,143	40,229
Benefits or Related Expenses	-	N/A	-	-	-
Borrowing Expenses	-	-	-	-	-
Other Expenses	368,552	-	21,642	21,642	390,194
Capital Expenditure	-	-	150,000	150,000	150,000
Intelligence and Security Department Expenses and Capital Expenditure	-	-	N/A	-	-
Multi-Category Expenses and Capital Expenditure (MCA)					
<i>Output Expenses</i>	-	-	-	-	-
<i>Other Expenses</i>	-	-	-	-	-
<i>Capital Expenditure</i>	-	N/A	-	-	-
Total Appropriations	407,638	143	172,642	172,785	580,423
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

Part 2 - Details of Departmental Appropriations

2.1 - Departmental Output Expenses

Treaty Negotiations and Marine and Coastal Area Customary Interests (M74) (A23)

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

	2020/21		
	Estimates \$000	Supplementary Estimates \$000	Total \$000
Total Appropriation	39,086	143	39,229
Revenue from the Crown	38,705	138	38,843
Revenue from Others	381	5	386

How Performance will be Assessed and End of Year Reporting Requirements

	2020/21		
	Estimates Standard	Supplementary Estimates Standard	Total Standard
<i>Assessment of Performance</i>			
<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 (see Note 1)	At least 3.5/5	Measure removed	Measure removed
An average score for policy advice papers that are assessed (see Note 1)	3.5/5	Measure removed	Measure removed
Percentage of policy advice papers that are assessed score 3 or higher out of 5 (see Note 1)	80%	Measure removed	Measure removed
Percentage of policy advice papers that are assessed score 4 or higher out of 5 (see Note 1)	40%	Measure removed	Measure removed
Percentage of policy advice papers that are assessed score 2.5 or less out of 5 (see Note 1)	<20%	Measure removed	Measure removed
<i>Representation - Waitangi Tribunal and Courts</i>			
The Crown is represented at 100% of current Waitangi Tribunal District Inquiries	100%	Measure removed	Measure removed
The Crown is represented at 100% of Tribunal Inquiries and Court cases where Te Arawhiti is the instructing agency	New measure	100%	100%
Number of High Court cases at which the Crown is represented is at least	5	Measure removed	Measure removed

Assessment of Performance	2020/21		
	Estimates Standard	Supplementary Estimates Standard	Total Standard
<i>Treaty Negotiations and the Marine and Coastal Area</i>			
Deeds of Mandate signed	1	Measure removed	Measure removed
Deeds of Mandate recognised (see Note 2)	New measure	1	1
Deeds of Settlement initialled	4	1	5

Note 1 - Measure removed because this is not a policy appropriation.

Note 2 - This does not include mandates that are in the process of being refreshed or renewed.

Reasons for Change in Appropriation

This appropriation increased by \$143,000 to \$39.229 million for 2020/21 due to:

- an expense transfer of \$750,000 from 2019/20 to 2020/21 for negotiation expenditure
- an expense transfer of \$600,000 from 2019/20 to 2020/21 to support the Marine and Coastal Area historical research work programme
- an expense transfer of \$100,000 from 2019/20 to 2020/21 to support the review of the financial assistance scheme for the applicants, and
- a fiscally neutral adjustment of \$5,000 for employees seconded to other government agencies.

This was partially offset by:

- a fiscally neutral adjustment of \$1.240 million to reflect the allocation of Ministry overheads in 2020/21, and
- a decrease of \$72,000 in capital charge costs from 1 July 2020, as the rate reduced from 6% to 5%.

Part 3 - Details of Non-Departmental Appropriations

3.1 - Non-Departmental Output Expenses

Operations of the Ngāpuhi Sovereign Fund Entity (M74) (A23)

Scope of Appropriation

This appropriation is limited to the administration and management of the Ngāpuhi Sovereign Fund entity.

Expenses

	2020/21		
	Estimates \$000	Supplementary Estimates \$000	Total \$000
Total Appropriation	-	1,000	1,000

What is Intended to be Achieved with this Appropriation

This appropriation is intended to achieve the efficient and effective administration and management of Tupu Tonu: Ngāpuhi Investment Fund Limited.

How Performance will be Assessed and End of Year Reporting Requirements

An exemption was granted under s15D(2)(b)(iii) of the Public Finance Act 1989, as the amount of this annual appropriation for a non-departmental output expense is less than \$5 million.

Reasons for Change in Appropriation

This is a new appropriation of \$1 million for 2020/21 for the administration and management of Ngāpuhi Investment Fund Limited.

3.4 - Non-Departmental Other Expenses

Contribution to Parihaka community engagement with the Crown support package (M74) (A23)

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

	2020/21		
	Estimates \$000	Supplementary Estimates \$000	Total \$000
Total Appropriation	-	15	15

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 Public Finance Act 1989 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 increased by \$15,000 for 2020/21 due to an expense transfer from 2019/20 to 2020/21 to provide financial support to the Parihaka community.

Crown Contribution to Facilitate the Transfer of Landcorp Assets to Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua (M74) (A23)

Scope of Appropriation

This appropriation is limited to part payment by the Crown for Landcorp assets being transferred to Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua.

Expenses

	2020/21		Total \$000
	Estimates \$000	Supplementary Estimates \$000	
Total Appropriation	-	2,389	2,389

What is Intended to be Achieved with this Appropriation

This appropriation is intended to achieve part payment by the Crown for Landcorp assets being transferred to Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua.

End of Year Performance Reporting

An exemption was granted under s15D(2)(b)(iii) of the Public Finance Act 1989 because the amount of this annual appropriation for a non-departmental other expense is less than \$5 million.

Reasons for Change in Appropriation

This appropriation increased by \$2.389 million for 2020/21 due to an expense transfer from 2019/20 to 2020/21 to facilitate the settlement and the provision of the Landcorp remedies.

Financial Assistance Toward Determining Customary Interests in the Marine and Coastal Area (M74) (A23)

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.

Reasons for Change in Appropriation

This appropriation decreased by \$762,000 to \$9.688 million for 2020/21 due to:

- an expense transfer of \$2.262 million from 2020/21 to 2021/22 to the Treaty Negotiations and Marine and Coastal Area Customary Interests appropriation to implement the strategy for engagement with applicants.

This was partially offset by:

- an expense transfer of \$1.500 million from 2019/20 to 2020/21 to reflect the timing of claims from the applicants for financial assistance.

Specific Redress Arrangements (M74) (A23)

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

	2020/21		
	Estimates \$000	Supplementary Estimates \$000	Total \$000
Total Appropriation	-	20,000	20,000

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 appropriation increased by \$20 million for 2020/21 due to:

- an expense transfer of \$15 million from 2019/20 to 2020/21 to reflect the revised timing of specific redress arrangements, and
- an increase of \$5 million for 2020/21 for specific redress arrangements.

3.5 - Non-Departmental Capital Expenditure

Capital Investment in the Ngāpuhi Sovereign Fund Entity (M74) (A23)

Scope of Appropriation

This appropriation is limited to the Crown's capital investment in the Ngāpuhi Sovereign Fund entity.

Capital Expenditure

	2020/21		
	Estimates \$000	Supplementary Estimates \$000	Total \$000
Total Appropriation	-	150,000	150,000

What is Intended to be Achieved with this Appropriation

This appropriation is intended to achieve the funding of the Ngāpuhi Investment Fund Limited (NIFL).

How Performance will be Assessed and End of Year Reporting Requirements

	2020/21		
	Estimates Standard	Supplementary Estimates Standard	Total Standard
Assessment of Performance			
A subscription agreement is agreed between Ngāpuhi Investment Fund Limited and the Crown.	New measure	Achieved	Achieved

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 Annual Report.

Reasons for Change in Appropriation

This is a new appropriation of \$150 million for 2020/21 for capital investment in Ngāpuhi Investment Fund Limited.