

IN THE WAITANGI TRIBUNAL

**KEI MUA I TE ROOPU WHAKAMANA
I TE TIRITI O WAITANGI**

**WAI 2764
WAI 2660**

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF the Marine and Coastal Area (Takutai
Moana) Act 2011 Inquiry

AND

IN THE MATTER OF a claim by the Ngātiwai Trust Board on
behalf of Ngātiwai whānau, marae and
hapū

**INDEX OF DOCUMENTS REFERRED TO IN
BRIEF OF EVIDENCE OF TANIA McPHERSON**

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Date	Document	Page Numbers
14 October 2013	Email from Office of Treaty Settlements (OTS) – information on funding model (<i>only odd numbered pages were provided by OTS</i>)	TM-01 - TM-05
23 December 2015	Letter from OTS - information on the Marine and Coastal Area (Takutai Moana) Act 2011 (the “MACA”)	TM-06 – TM-023
30 March 2016	Letter from OTS - further information on the MACA	TM-024 – TM-025
7 October 2016	Letter from OTS – further information on the MACA	TM-026
27 February 2017	Email from OTS with funding guidelines, funding information, MACA application forms attached	TM-027 – TM-043
4 March 2017	Notes from 4 March 2017 Ngātiwai Trust Board (NTB) Hui-ā-lwi held at Otetao Marae, Whangaruru (MACA discussion at pages 2-4)	TM-044 – TM-050
3 March 2017	Email from OTS advising OTS views on participation in Waitangi Tribunal MACA Urgency Inquiry; High Court or Crown Engagement pathways; (copies of Crown approach to decision to enter Terms of Engagement under section 95(3) of the MACA” and the “MACA Process for Crown Recognition of Customary Interests” diagram attached to email).	TM-051 – TM-055
6 April 2017	Letter from Hon Chris Finlayson, Minister for Treaty of Waitangi Negotiations (“MFTWN”) acknowledging receipt of NTB Application for Direct Engagement	TM-056
16 March 2017	Email from OTS advising of closing date of 3 April 2017 for applications, and providing application templates	TM-057 – TM-070
31 March 2017	Copy of NTB MACA application to the High Court (CIV-2017-485-283)	TM-071 – TM-094
31 March 2017	Copy of NTB application for direct engagement with the Crown under the MACA (MAC-01-01-131)	TM-095 - TM-099
13 April 2017	Email from OTS advising requirements for public notices	TM-0100 - TM-0101

19 April 2017	Email from Mylie George on behalf of Ngātiwai applicants requesting assistance with payment for public notices	TM-0102 - TM-0104
26 April 2017	Copies of the NTB's public notices published in the New Zealand Herald and the Northern Advocate on 26 April 2017	TM-0105
30 April 2017	NZME Statement for NTB MACA public notice in Northern Advocate on 26 April 2017 - \$517.96	TM-0106 - TM 0109
24 May 2017	NZME Statement for NTB MACA public notice in New Zealand Herald on 26 April 2017 - \$889.43	TM-0110 - TM-0112
9 May 2017	Email from OTS with attachment entitled "Guidelines for Funding – Groups opposing an application in the High Court"	TM-0113 - TM-0120
18 May 2017	Email from OTS with preliminary list of MACA applications in the Ngātiwai rohe	TM-0121 - TM-0123
9 June 2017	Further email from OTS with preliminary list of MACA applications in the Ngātiwai rohe	TM-0124 - TM-0125
5 May 2017 to 18 May 2017	Examples of email correspondence between High Court (Wellington Registry) and NTB to identify overlapping claims in the Ngātiwai rohe	TM-0126 - TM-0144
31 May 2017	Invoice 3827, Oceanlaw New Zealand Limited	TM-0145 - TM0146
31 July 2017	Invoice 3890, Oceanlaw New Zealand Limited	TM-0147 - TM0148
31 March 2018	Invoice 4104, Oceanlaw New Zealand Limited	TM-0149 - TM-0150
18 August 2017	NTB request to OTS for reimbursement for MACA High Court Application for Pre-notification and Notification milestones (\$56,599.48) plus public notice advertisement costs of \$3255.43 for Ngātiwai members	TM-0151 - TM-0158
29 August 2017	Email from OTS to NTB requesting the need to split funding request into distinct milestones; and that the funding for members filing fees and public notices must be processed separately	TM-0159 - TM0161
7 September 2017	Letter from NTB to OTS submitting NTB's Self-Assessment of Complexity Form	TM-0162 - TM-0163

26 September 2017	Email from OTS with a letter approving funding for \$316,750 - the upper limit for funding complexity for NTB's High Court MACA application, plus: appendix 1 complexity indicators, and appendix 2 funding schedule for high court applicants	TM-0164 - TM-0168
27 September 2017	Email from NTB to OTS submitting Pre-Notification milestone costs totalling \$24,296.63	TM-0169 - TM-0170
27 September 2017	Email from NTB to OTS submitting Notification milestone costs totalling \$24,040.27	TM-0171 - TM-0172
27 September 2017	Email from NTB to OTS submitting Pre-Hearing and Evidence Gathering milestone costs totalling \$22,295.89 (actual cost \$32,680.48)	TM-0173 - TM0174
21 November 2017 to 22 November	Emails between OTS and NTB seeking advice as to whether MACA payments had been made	TM-0175 - TM-0179
1 February 2018	Email from OTS to NTB advising under the OIA the amount of MACA funding received by NTB was to be released	TM-0180 - TM-0183
11 May 2016 to 16 May 2018	Emails from OTS to NTB regarding 22 May 2018 MACA Funding Forum	TM-0184 - TM-0187
22 May 2018	OTS Powerpoint presentation – MACA Funding Policy presented at 22 May 2018	TM-0188 - TM-0193
26 June 2018	Marine and Coastal Area (Takutai Moana) – Funding Information for Applicants - MACA Applicant Funding: Policy and Guidelines (Part 1: Overarching Funding Policy) - Appendix One: Self Complexity Assessment - Appendix Two: Crown Engagement Funding Limits, Milestones and Tasks - Appendix Three: Example Reimbursement Letter - Appendix Four: Summary of Costs Form - MACA Applicant Funding: Policy and Guidelines (Part 3:Funding for Groups in the High Court application pathway) - Appendix One: Self Complexity Assessment - Appendix Two: Crown Engagement Funding Limits, Milestones and Tasks - Appendix Three: Example Reimbursement Letter - Appendix Four: Summary of Costs Form	TM-0194 - TM-0215

	<ul style="list-style-type: none"> - MACA Applicant Funding: Policy and Guidelines (Part 4:Funding for appeals and provision of evidence on other applications by applicants and other customary interest groups - Examples of time sheeting and itemised invoices (24 May 2018) - 	
13 August 2018	Draft NTB MACA High Court application cost template showing approximately \$10,000 already overspent	TM-0215A
12 September 2018	Email exchange between OTS and NTB with OTS advice that no funding is provided for MACA related resource consent applications	TM-0216 - TM-0217
26 June 2018	Invoice 1580 Ngatiwai Trust Board (Oceans Resort Hotel) 2 nights' accommodation at \$80 per night = \$160.00 (cost shared with other client so \$80.00)	TM-0218
30 June 2018	Invoice 4228 Oceanlaw New Zealand Legal Fees \$1030.52 – MACA case management conference preparation	TM-0219 - TM0220
11 July 2018	Cover letter and Invoice 9627 dated 30 June 2018 Kahui Legal \$954.79 legal fees - MACA case management conference preparation and attendance	TM-0221 - TM0222
31 August 2018	Invoice 9789 Kahui Legal \$141.67 for rental car	TM-0223
18 July 2018	CIV-2017-485-000218 Minute (no. 5) of Collins J [First Case Management Conferences]	TM-0224 - TM-0279
24 July 2018	CIV-2017-485-000398 Memorandum of Counsel in Relation to Test Case Proposal from Phoenix Law on behalf of Louisa Te Matekino Collier (First Applicant) and Others	TM-0280 - TM-0296
31 July 2018	CIV-2017-485-000398 Minute of Collins J [Test Case Proposal]	TM-0297 - TM-0298
10 August 2018	Memorandum of Counsel from Oceans Law New Zealand on behalf of NTB opposing Test Case Proposal	TM-0299 - TM-0301
31 July 2018 to 31 August 2018	<p>Invoices from Oceanlaw New Zealand to Board for preparation of Memorandum of Counsel opposing test case proposal \$1178.58</p> <ul style="list-style-type: none"> - Invoice 4247 dated 31 July 2018 for \$444.19 - Invoice 4248 dated 31 August 2018 for \$734.39 	TM-0302 - TM-0305

3 December 2018	CIV-2017-485-000398 Minute (No 4) of Collins J [Re Test Case Proposal]	TM-0306 - TM-0307
3 May 2011	Marine and Coastal Area (Takutai Moana) Act 2011: Determining Applications. Foreshore and Seabed Unit, Ministry of Justice briefing to Minister for Treaty of Waitangi Negotiation, at Crown Discovery CLO.002.0096	TM-0308 - TM-0314
7 March 2016	Revised Funding Model for Marine and Coastal Area (Takutai Moana) Act 2011 briefing from Foreshore and Seabed Unit, Ministry of Justice to Minister for Treaty of Waitangi Negotiations at page CLO.02.0416 Crown Discovery	TM-0315 - TM-0353
11 May 2016	Submissions Received from Māori groups on the Proposed Revised Funding Model for Applications under the Marine and Coastal (Takutai Moana) Act 2011” Briefing Paper from OTS to Minister for Treaty of Waitangi Negotiations and Minister of Finance dated 11 May 2016 at page CLO.002.485 of Crown Discovery	TM-0354 - TM- 0372