

Takutai Moana Financial Assistance Scheme

Court Workstream: Reasonable cost guidance and activities

From 1 July 2025

Purpose

The Takutai Moana Financial Assistance Scheme (the Scheme) contributes to the costs incurred by applicants seeking recognition of customary interests under the Takutai Moana Act 2011 or Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 (the Act). The purpose of this document is to provide a Reasonable Cost Guidance for the Court Workstream.

Contact Takutai Moana Funding Team

To ensure the ongoing financial sustainability of the Scheme, Te Tari Whakatau may be required to reconsider and update the policy outlined in the guidance. Notifications of changes to the policy will be made in advance of their coming into effect.

FundingTakutai@whakatau.govt.nz or call 0800 866 222, option 1

Funding Workstreams

This guidance is for Court Workstream costs. In addition to Activity Workstream funding, applicants may be eligible for Court Workstream and/or Collaboration Workstream funding. Court Workstream funding is for additional work required to directly prepare for and participate in a court proceeding related to your Takutai Moana case.

Activity Workstream

Activity funding supports applicants to progress their application through either the High Court or Crown Engagement pathway. Legal costs are expected across all Activity Workstream sub-workstreams. See the [Activity Workstream Guidelines](#) for more information.

Collaboration Workstream

Collaboration funding supports joint efforts between multiple applicants where costs cannot be reasonably or equitably split. Refer to the [Collaboration Workstream Guidelines](#) for further detail.

Court Workstream Funding for 2025/26 Financial Year

Court Workstream funding will be prioritised for applicants who have a High Court hearing that is scheduled in the 2025/26 financial year (1 July 2025 to 30 June 2026).

Maximum Funding Allocations (per applicant group):

The maximum Court Workstream funding available per applicant group for scheduled hearings in the 2025/26 financial year is as follows:

- Substantive hearings: \$140,000 (+GST)
- Wāhi tapu hearings: \$25,000 (+GST)
- Appeal hearings: \$30,000 (+GST)

- General case management conferences (CMCs) not linked to a scheduled hearing: \$5,000 (+GST)

Note: CMCs that are directly related to a scheduled hearing must be funded within that hearing's allocation.

Court Workstream costs that exceed the maximum funding thresholds are not eligible for reimbursement. Hearings not scheduled within the 2025/26 financial year are not funded under the Court Workstream for this financial year.

Applicants with hearings scheduled in 2025/26 or 2026/27 may still be eligible for Activity Workstream funding for non-Court-related work. Refer to the Activity Workstream Guidance for information on time-sensitive mahi or Crown Engagement pathway funding.

Court Workstream costs incurred that exceed the maximum funding available are not eligible for reimbursement.

How to Access Court Workstream Funding for 2025/26 Financial Year

All Court Workstream costs must be agreed in writing by Te Tari Whakataua *before* they are incurred or submitted for reimbursement.

To access and be reimbursed for eligible costs, applicants must follow the process below:

1. Submit a Budgeted Workplan

Applicants must prepare and submit a Budgeted Workplan for the 2025/26 financial year. This must cover planned work to be undertaken between 1 July 2025 and 30 June 2026.

Note: Costs incurred outside of an approved Budgeted Workplan will **not** be funded.

2. Submit a Reimbursement Request

Once the Budgeted Workplan has been approved, applicants may request reimbursement by submitting:

- A completed [Court Funding Request Form](#), and
- Supporting documentation, which must include:
 - Invoices, itemised timesheets, and receipts for disbursements.
 - Itemised timesheets for roles such as legal counsel, project administrators, and project managers. These must include:
 - Date of mahi completed
 - Description of work performed
 - Hours worked
 - Hourly rate, reflective of the role performed

Note: It is not standard practice for historians or researchers to maintain detailed hourly timesheets, as their work is usually milestone-based. For these roles, a detailed invoice showing the hourly rate and number of hours worked is acceptable in place of timesheets.

An example of an itemised timesheet is available [here](#).

Failure to provide adequately detailed timesheets may result in a **decline of payment**. The Funding team must be able to clearly assess what work was undertaken before reimbursement can be approved.

Court Workstream Costs – Fair and Reasonable Expenditure

All expenditure claimed must be eligible, progress a Takutai Moana application; and be considered fair and reasonable. Court Workstream tasks that help to progress an application might include (refer to tables below):

- Table 1: Legal counsel preparation and participation in an approved hearing, and post-hearing court-related work
- Table 2: A non-exhaustive list of Court Workstream tasks that are covered by the Scheme
- Table 3: Travel time (traveling to court proceedings)
- Table 4: Disbursements (traveling to court proceedings)
- Expert witnesses and/or witnesses time to appear in Court (including historians, researchers, applicants, etc. acting in a witness capacity), see the Activity Workstream guidelines for rates

Hourly rates:

The Scheme provides reimbursement for time and attendance at the hourly rates outlined in the following tables. It is expected work carried out is charged at the appropriate level and/or rate for the task, not necessarily by the highest rate associated with the normal role or title of the person doing the work.

Rates in this guidance are based on a combination of current Legal Aid rates* (FC3 and FC2), consideration of market rates and government expenditure policies for matters such as travel and accommodation. *Current as of 1 July 2025

Activities or rates not listed in this guidance:

Rates or hours that fall outside of these guidelines require pre-approval from the Funding Team as part of the Budgeted Workplan before expenses are committed (e.g. contract for services signed with a third party).

Expert Witness

Being those required to appear in court to provide evidence and/or be examined, such as historians, mapping experts, and iwi members sharing tikanga evidence.

The Scheme's Court Workstream provides reimbursement at an hourly rate of up to \$150 (excluding GST) for the time expert witnesses require to prepare and provide evidence at the hearing.

This can be claimed via an invoice/koha and requires supporting timesheets to reflect the costs.

Legal Counsel

For both preparation for and participation in an approved hearing, and post-hearing court-related work.

The level of legal counsel engaged must be appropriate for the work undertaken. In limited circumstances, the services of a King's Counsel (KC) may be appropriate. If you need the services of a KC, you must engage with the Funding Team **before** you commit to or incur any cost.

The following tables give an overview of the roles and types of eligible tasks that legal counsel might undertake in preparation for and attendance at a hearing.

Table 1: Legal Counsel Roles and Hourly Rates	
Job Level	Hourly rate (excl GST)
Senior Associate/ Senior Solicitor/ Barrister/ Director (a person with at least 9 complete years of litigation experience)	<ul style="list-style-type: none"> • High Court or general legal work- \$167.00 • Court of Appeal and Supreme Court - \$178.00
Solicitor/Associate (a person with 4 and up to 9 years of litigation experience)	<ul style="list-style-type: none"> • High Court or general legal work - \$150.00 • Court of Appeal and Supreme Court - \$161.00
Junior (including law clerk, paralegal)	<ul style="list-style-type: none"> • High Court or general legal work- \$134.00 • Court of Appeal and Supreme Court - \$146.00
Admin Personnel (providing administrative services and support to Counsel in preparation for and during a hearing)	<ul style="list-style-type: none"> • High Court or general legal work- \$75.00 • Court of Appeal and Supreme Court - \$75.00

Table 2: Court Workstream eligible tasks

Many of the tasks below are common to all hearing types. If they are specific to a hearing type, this is noted in brackets.

Preparing for or participating in a hearing

- Taking instructions from client about the hearing or in reference
- Reporting to client on pre-hearing and hearing developments
- Coordinating applicant group and expert witnesses in the hearing
- Briefing expert witnesses (e.g. historian)
- Preparing affidavits or written or oral statements of evidence
- Filing evidence
- Preparing submissions, including drafting and filing written submissions
- Legal research – checking background facts/enactments/relevant cases

Documents

- Preparing documents – lists of issues, authorities and documents for 'common bundle' (affidavits, statements of evidence) (time + actual costs)
- Preparing any other relevant documents (time + actual costs)
- Preparing and filing notices
- Responding to notices
- Reviewing and considering other parties' submissions/evidence

Miscellaneous

- Liaising with the court/other parties' lawyers/Crown lawyers in relation to the scheduled hearing
- Preparing questions for court
- Court-directed site visits – time and actual costs incurred if not funded by the Ministry of Justice (see also reasonable costs guidelines for hui)
- Preparing for the pūkenga process, including selecting pūkenga

Court administration

- Drafting memoranda pertaining to court hearing
- Seeking leave to appeal, including drafting and filing notice of appeal
- Drawing up and submitting an Order for sealing
- Considering court minutes/directions
- Adjust filed pleading in response to other amendments to pleading
- Preparing and filing interlocutory application (e.g. stays/strikeouts/amendments to applications)

Table 3: Travel time – traveling to court proceedings	
Roles eligible to claim travel time in Court workstream	Hourly rate (excl GST)
Legal counsel Expert witnesses and/or witnesses	Maximum of \$63 per hour (excluding GST)
Ineligible travel time costs: <ul style="list-style-type: none"> Travel to a usual place of work Travel where the return travel time is less than one hour, or the return distance is less than 50km Walking time 	

Table 4: Disbursements	
Travel expenses	
The Scheme covers travel-related disbursement costs out of the Court Workstream for: <ul style="list-style-type: none"> Expert witnesses and other witnesses (including applicants who are appearing as a witness) for days where they participate in court as a witness, with an extra day either side to allow sufficient time to travel and prepare Legal counsel to travel to court proceedings 	
Eligible travel disbursements	How to claim
<ul style="list-style-type: none"> Rental and petrol costs of vehicle appropriate for the required travel Parking costs where travel to a venue other than a normal place of work is needed Taxis/rideshares where needed Public transport as needed Flights as needed Mileage at standard IRD rates for travel by private vehicle 	<p>How to claim travel expenses: For all travel expenses (excluding mileage), an itemized receipt is required to support the request (please note an eftpos receipt is not sufficient).</p> <p>How to claim mileage: Mileage can be included in invoiced expenses, but must be clearly recorded as mileage and include the following details: departing and arrival locations, who was traveling, reason for travel and number of kilometers claimed</p>
Ineligible travel expenses: <ul style="list-style-type: none"> Fines or penalties received while driving either a private or a hire vehicle Any insurance excess payable in the event of an insurance claim Overseas flights GST on mileage Priority seating, re-booking of flights and carbon offset fees 	
Other circumstances related to travel expenses: <ul style="list-style-type: none"> Travel-related costs for a support person for any of the active participants in a hearing, if required. This must be agreed with the Funding team <i>before</i> committing to or incurring any costs. For international travel that may be required in exceptional circumstances, approval is required from Te Tari Whakatau before committing to or incurring any costs. 	
Accommodation and kai	
Eligible accommodation and kai disbursements	How to claim
<ul style="list-style-type: none"> Overnight travel required: a maximum amount of \$275.75 (excluding GST)/ \$317.39 (including GST) per person per day is available to reimburse accommodation and kai costs. Overnight travel <i>not</i> required: a maximum amount of \$100.00 (excluding GST) / \$115.00 (including GST) per day is available to reimburse meal costs. 	<p>How to claim these expenses:</p> <p>For all accommodation and kai costs:</p> <ul style="list-style-type: none"> Sufficient and/or itemised receipts are required (please note an eftpos receipt is not sufficient). <p>Where a receipt relates to more than one expense (e.g. a supermarket shop, accommodation or meal for two eligible individuals), appropriate detail must be provided for clarity such</p>

	<p>as:</p> <ul style="list-style-type: none"> • How many people - including their name and role. • The amount claimed (if less than the total receipt), and/or the days it covers in the case of multiple meals.
<ul style="list-style-type: none"> • Staying with family or friends: if 'informal' accommodation is used, the Financial Assistance Scheme covers koha of up to \$50 per night per witness towards kai/accommodation costs. 	<p>How to claim these expenses: Please provide the details of:</p> <ul style="list-style-type: none"> • Who the koha is going to • Who is staying • Dates and location of stay <p>Use of pre-paid cards is permitted, with a receipt provided as proof. The koha (and related transaction fees if applicable) can be claimed as a disbursement and must be within the accommodation and kai guidelines as above.</p>
<p>Ineligible accommodation and kai costs:</p> <ul style="list-style-type: none"> • Alcohol, minibar or room service costs • Any other non-accommodation or kai costs (room service, gym or spa service, valet parking, etc.) 	
<p>Miscellaneous</p>	
<p>Eligible expenses</p>	<p>How to claim</p>
<p>Koha – the Scheme covers koha that you may give in the process of progressing your Takutai Moana application, such as for witness' giving evidence.</p>	<p>How to claim koha: Any koha must be within the Scheme's guidelines. Details of koha should include:</p> <ul style="list-style-type: none"> • The recipient's name and reason for the koha • Receipt if applicable
<p>Printing of documents – up to \$0.10 per page excluding GST/ \$0.12 including GST.</p>	<p>How to claim printing expenses: Sufficient receipt is required for printing. If done in house, the number of pages printed is required.</p>