

Third Quarter ReportApril to June 2018



KAORAS KITAI SKATAI KITAI KIUA KIUTA A bountiful ocean will sustain us

Summary

This briefing for iwi provides an overview of Te Ohu Kaimoana's work against the 2017/18 Annual Plan and covers the period 1 April 2018 to 30 June 2018.

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Karakia

Poua ki runga

Poua ki raro

Poua ki tāmoremore nui no papa

Poua ki tāmoremore nui no rangi

E rongo he aio

Tēnā tawhito pou ka tū

E kore e uea

E kore e unuhia

E kore e hinga

E kore e wharara

Tēnei te pou ka tū, e hai!



Executive summary

This is Te Ohu Kaimoana's third quarterly (Q3) report to iwi against the 2017/18 Annual Plan and covers the period 1 April 2018 to 30 June 2018.

The key strategies and work streams identified for the year are:

- Maintaining and growing positive relationships with iwi and key stakeholders;
- 2. Reorganising Te Ohu Kaimoana's capacity for the future;
- 4. Developing and responding to initiatives to protect and enhance Māori fisheries rights; and
- 6. Completing statutory duties.



We welcome your feedback on the structure and content of our reporting.

For the third quarter of the 2017/18 year, Te Ohu Kaimoana delivered its services over budget of the 2017/18 annual plan at a cost of \$1,386,119 against a budget of \$1,317,312 – a \$68,807 negative variance.



Protecting and enhancing Māori fisheries rights

We've made some great steps forward to strengthen our relationships and develop some proactive and innovate initiatives over our third quarter. We've combined with Moana NZ and iwi to form a working group to address concerns regarding the sustainability of tarakihi stock. Collectively we've already developed a management strategy that has been provided to Fisheries New Zealand (FNZ) in advance of the current sustainability round.

The aim of the strategy is to provide an overview of the issues that have arisen from the latest stock assessment and provide a response that ensures the sustainability of the stock, and the needs of those who are sustained by it. Important progress has been made towards resolving the longstanding contentious issue of 28N Rights with the Crown agreeing to enter discussions focused on settling this matter. At the same time a working party has also been established to consider the strategic use of 'ACE shelving' as a strategic fisheries management tool.

We've also facilitated the formation of a Tuna Working Group for the Rangitaiki River catchment. This group comprises of Ngāti Whare, Ngāti Manawa, Ngāi Tūhoe and Ngāti Awa. Over this quarter the working group has agreed upon and produced a draft harvest strategy framework which feeds into iwi led work protecting and improving the habitat and passage of tuna. The framework includes a five-year rāhui on all fishing within the Rangitaiki River catchment.



Responses to Government and growing relationships

We've been engaged in discussions with FNZ as they work towards developing a proposal for cabinet to improve New Zealand's fisheries management system. In those discussions we've offered advice as to how we can build on progress made under the Quota Management System (QMS) and improve on the integrity of the Total Allowable Catch (TAC).

A key focus of this work has been the Government's consideration of the use of cameras within the fishing sector. Te Ohu Kaimoana has noted that a range of policy issues including Deemed Values and Discarding Policy should be addressed as part of any discussion on the introduction of cameras.

High level discussions also recommenced with Government on a range of policy initiatives as set out in Te Ohu Kaimoana's briefing to the incoming Government. In May 2018, Te Ohu Kaimoana Chair

Jamie Tuuta, Chief Executive Dion Tuuta and Wai Māori Chair Ken Mair, met with Hon Kelvin Davis, Hon David Parker, Hon Nanaia Mahuta and Hon Eugenie Sage. The purpose of this meeting was to establish a relationship between Te Ohu Kaimoana and key Ministers across the Crown-Maori Relations, Environment and Conservation portfolios and identify areas of commonality.

Finally, Acting Prime Minister Hon Winston Peters has come out in the media expressing his belief that resolution to the current Kermadec/Rangitahuahua impasse can be achieved by the end of the year.

Te Ohu Kaimoana is open to the progression of these talks.

Our focus for the final quarter

Our current focus are the submissions to FNZ for the October 2018 Sustainability Round. In consultation with iwi, our policy team is providing its recommendations on catch limits and other management settings for over 30 different fish stocks. This is the largest amount of fish stocks that have been reviewed in over a decade.

We will be launching our inaugural client satisfaction survey in the fourth quarter. The basis of this survey is born out of a perception study we had commissioned in November 2017 by BRG Communications. The kaupapa of our survey is to establish a baseline measurement of our performance from Mandated Iwi Organisations (MIO), Asset Holding Companies (AHC) and against our own internal values and expectations at Te Ohu Kaimoana.

The ultimate aim is to use the findings of this survey to help direct and improve our services to the best use of our stakeholders.

Financial performance against plan

The following table summarises each area of work identified in the 2017/18 annual plan. The table compares actual to budgeted expenses for quarter as well as the year to date.

Table one

Summary of Annual Plan FY 2018 Goals and Objectives	Quarter three			Year to date		
Areas	Actual	Budget	Variance	Actual	Budget	Variance
Fisheries Allocation	70,602	111,975	41,373	216,550	335,925	119,375
Fisheries Policy	110,992	132,846	21,854	215,888	398,538	182,652
Aquaculture Allocation	118,679	106,023	(12,656)	332,594	318,114	(14,480)
Aquaculture Policy	30,755	29,967	(788)	68,892	89,901	20,919
Māori Fisheries Act Review	18,820	20,502	1,682	27,019	61,506	34,487
Governance Services	119,895	129,413	9,518	320,993	347,972	26,979
Management Services/ Relationships	286,804	255,406	(31,398)	770,396	772,606	2,210
HR & Infrastructure costs	629,573	531,180	(98,393)	1,655,027	1,655,774	747
TOTAL	1,386,119	1,317,312	(68,807)	3,607,448	3,980,336	372,888

Comments on YTD variances

- Fisheries allocation mediation continues with a number of iwi, however some work streams have been put on hold until next financial year. We are expecting to distribute only a small amount of assets to iwi this year.
- Fisheries policy fisheries policy team have been busy in quarter three details on the work is explained later in this report.

Operational performance against annual plan

The following summarise what Te Ohu Kaimoana worked on during Q3 in each of the highlighted areas.

Fisheries



Allocation

Objective 1: Assist Iwi gain/retain MIO status and transfer population-based assets where relevant by 30 September 2018:

We had been working with Te Rūnanga o Ngāti Tama on ratification of a mandated iwi organisation for Ngāti Tama (Taranaki) within this financial year. However, Te Rūnanga o Ngāti Tama has advised that they wish to put this process on hold until the new year. We will resume discussions with them in 2019.

Objective 2: To allocate and transfer remaining settlement assets:

We have continued to assist iwi in Wellington and the Manawatū to each develop a process for resolving their coastline disputes. This work is ongoing.

Objective 3: Facilitate agreements using statutory processes under the Act (s 181 and 182) where required:

In Q2 we received an application to determine a coastline dispute in accordance with s181. We declined to determine the dispute and through Q3 we commenced work with the iwi to facilitate resolution of the dispute ahead of referring the dispute to the Māori Land Court for determination. This work is ongoing.

Objective 4: Make ACE available to iwi who have not received their settlement assets:

During Q3 we completed the April ACE Round process for 2018. Where agreements for the division of ACE exist, the relevant ACE was transferred to iwi in accordance with those agreements. Disputed ACE was sold on the open market through a tendering process, with all generated revenue now held on trust.

Objective 4: Make ACE available to iwi who have not received their settlement assets:

During Q3 we completed the April ACE Round process for 2018. Where agreements for the division of ACE exist, the relevant ACE was transferred to iwi in accordance with those agreements. Disputed ACE was sold on the open market through a tendering process, with all generated revenue now held on trust.

Objective 5: Allocate and transfer funds on trust:

An ongoing piece of work is the continuous review of funds held on trust and the status of disputes. It was not possible to facilitate agreements between iwi during Q3.

Objective 6: MIO and Te Ohu Kaimoana compliance with the requirements of the Māori Fisheries Act:

We continue to be engaged with two MIOs for which issues of compliance with the requirements of the Maori Fisheries Act 2004 have arisen. We are involved in different processes with each iwi to resolve these compliance issues.

Fisheries



Policy

Objective 1: Develop and respond to initiatives to protect and enhance Māori fisheries rights:

We responded to Fisheries New Zealand's (FNZ) proposed amendments to the regulations to support the introduction of electronic and position reporting (note that the potential for cameras is now being considered separately). Our response highlighted that, while we are supportive of the proposal to improve the timeliness and accuracy of reporting, we consider that FNZ's planned implementation process is neither realistic nor sensible. Our response recommended that FNZ take further advice on regulatory change management and that a joint working group (comprised of Te Ohu Kaimoana and SREs) be established with the mandate to finalise the implementation plans for digital monitoring and agree the associated policy issues. A copy of our response can be found here.

We have worked with iwi and Moana NZ to form a Working Group to address sustainability concerns arising from a recent assessment of the east coast tarakihi stock (now considered to form a single stock that is currently managed across four QMAs). The working group has developed a management strategy that complements an industry position. Our industry partners provided a copy of the strategy to FNZ in advance of the sustainability round commencing in late June. As a consequence, it now forms a part of the consultation process that is being carried out by FNZ. The overall aim of the strategy is to provide a management response that adequately addresses the fundamental issues and complexities that have arisen from the latest stock assessment, while ensuring the sustainability of both the stock and the fishers who rely on it.

One of the key features of the management response for tarakihi includes the shelving of ACE to allow the fishery to rebuild over the short term. This approach is preferred by the Tarakihi Settlement Working Group over a TACC reduction at this time. It deals with the short term challenges to ensuring sustainability and enables a more comprehensive research programme to be implemented. It also mitigates against the impact

of 28N rights and reallocation to the recreational sector when the stock has rebuilt, and the TAC is increased. However, FNZ continue to oppose the use of shelving as a valid response to a sustainability concern. This matter goes to the heart of the judicial proceedings we are involved in relation to the previous Minister's decisions for both PAU 4 and PAU7. FNZ has now agreed to form a joint working group to consider whether the Minister should be able to take into account shelving initiatives when there is a sustainability risk to the stock.

While east coast tarakihi is of particular concern to iwi and Te Ohu Kaimoana, it is one of approximately 30 stock complexes being reviewed as part of the 2018 sustainability round. As the third quarter came to an end, staff were gearing up to respond to the consultative phase in response to an Initial Position Paper prepared by FNZ. This represents a substantive piece of work.

We have facilitated the formation of a Tuna Working Group for the Rangitaiki River catchment. During Q3 Ngāti Whare, Ngāti Manawa, Ngāi Tūhoe and Ngāti Awa agreed on a draft harvest strategy framework. The harvest strategy feeds into the work that is being led by iwi to ensure the habitat and passage of tuna up and down the river is improved. The strategy includes a five-year rāhui on all fishing (commercial, recreational and customary) within the Rangitaiki River catchment.

To protect and enhance iwi settlement interests, Te Ohu Kaimoana staff continue to participate in a range of industry and government forums and processes operated by: Seafood New Zealand; Deepwater Group (DWG); National Rock Lobster Management Group (NRLMG); Fisheries Inshore New Zealand (FINZ); the Hawkes Bay joint committee; FNZ forums for Highly Migratory Species (HMS); science working groups; Sustainable Seas (led by MBIE); and, the Commercial Fisheries Forum (CFF) - where all seafood Sector Representative Entities (SREs) meet to enhance collaboration across the commercial sector.

Fisheries



Policy - continued

During Q3, Te Ohu Kaimoana met with the Primary Production Select Committee to discuss progress with building on the Treaty Settlement for fisheries. Our written response is <u>available here</u>. It sets out a dual aspiration of iwi working together to improve economic returns, and working collaboratively to improve the management of our fisheries. In terms of the latter, we emphasised the importance of Fisheries Plans as a key tool for iwi and other users of fisheries resources. As part of this we noted our support for a draft PAU 4 fisheries plan.

In mid June staff from Te Ohu Kaimoana travelled to the Chatham Islands to improve our understanding of the draft PAU 4 fisheries plan, and to ensure it had the integrity required to be effective. We attended the PAU 4 AGM, the Chatham Island Community Forum where the plan was both tabled an evaluated, and met with iwi. The deep insights gained from this trip meant we will be well positioned to respond to the consultation on the plan during July.

Also during Q3, the Pāua 2 Industry Association proposed that the PAU 2 quota management area be subdivided into six parts. We met with Moana NZ to discuss the issues associated with this proposal and communicated with all 27 iwi who have interests in Settlement Quota in this fishery. We are advising affected iwi on the opportunities and risks that the proposed subdivision presents. A planned vote on this proposal was deferred until September 2018 to allow further korero between iwi on the proposal.

Due to competing work programme commitments, we have not made any further progress on the development of a case study of models for a collective Māori approach to commercial fisheries management. We will resume work on this in FY 2018/19.

Objective 2: Management of customary fishers:

We are considering how to best approach the development of a Customary Fisheries Strategy, and particularly how to balance MIOs customary and commercial interests. The development of a Customary Fisheries Strategy will involve extensive consultation with iwi — initial consultation will commence in Q4, with the majority of consultation scheduled to take place in 2019.

Our review of the IkaNet system is ongoing. We have considered several options for upgrading the system so that it is better able to achieve its stated aim of enhancing the capability of kaitiaki and iwi to manage their fisheries resources and exercise their customary non-commercial fishing rights.

"While east coast tarakihi is of particular concern to iwi and Te Ohu Kaimoana, it is one of approximately 30 stock complexes being reviewed as part of the 2018 sustainability round."

Fisheries



Policy - continued

Objective 3: Protect Māori fishing rights from access threats:

We have had a series of engagements with Fisheries New Zealand (FNZ) as they develop proposals for improving New Zealand's fisheries management system for the consideration of Cabinet. Our advice has included ideas on how we could build on the progress made under the Quota Management System (QMS), and additional steps that should be taken to improve the integrity of the TAC so that it can be more effective in controlling total catch, particularly in shared fisheries. We are somewhat disappointed that the focus of MPI continues to be on the management of the TACC, and is being overly influenced by lobbying, rather than through policy analysis underpinned by evidence as required to ensure that problems/opportunities are correctly identified.

In addition to MPI, other elements of our fisheries management system are under scrutiny. One of the key themes being promoted concerns a concept known as Ecosystem-Based Management (EBM), which is closely linked to the development of Marine Protected Area networks (MPAs). We have commissioned two projects to help us understand the relevance of these concepts to Aotearoa. The first involves improving our understanding of the whakapapa lwi have to Tangaroa and the role Tangaroa has to play in providing sustenance for humanity. The second involves an international review of both the establishment and success of EBM/MPAs worldwide. Preliminary reports on both projects will be discussed with the Te Ohu Kaimoana Board in July. As an interim step the policy position we are promoting is one of disengaging from the idea of applying EBM pending clarification of what it means in practice. As an interim approach we continue to emphasise the utility of the Fisheries Act 1996 in providing for sustainable utilisation of fisheries resources.

The Chairs (of both Te Ohu Kaimoana and Wai Maori), Chief Executive and Managers met with Hon Kelvin Davis and the Environment Ministers (including Associates), as a follow up to the letter sent by the Chairs soon after the new Government was formed.

Following that meeting we have re-engaged with government officials about Rangitahuahua (the Kermadecs) in an attempt to resolve the impasse that surrounds the establishment of an Ocean Sanctuary over this area. This work is ongoing.

DOC has commissioned a review on the Campbell Island/Moutere Ihupuku Marine Reserve, that is considering whether the remaining 61% of the territorial sea surrounding Moutere Ihupuku should be included within the Marine Reserve. We have provided feedback on the review materials released so far, and will engage further on this matter during Q4 when the draft recommendations of the reviewer are released.

We contributed to the review of the Hector's and Māui dolphin Threat Management Plan.

Te Ohu Kaimoana also responded to the Environment Select Committee on the threat posed by plastics to marine life. Our written response is <u>available here</u>.

We responded to an application by oil and gas company OMV for a marine discharge consent in the EEZ off the Taranaki coast. We understand that this application is part of a more substantial set of applications that will be lodged in the coming months. A copy of our response can be found here.

Aquaculture



Allocation

Objective 1: Facilitate allocation agreements for precommencement assets; and,

Objective 3: Facilitate new space agreements and agreement on allocation of those assets:

Throughout May and June, Marlborough iwi aquaculture organisations approved and signed an Allocation Agreement to allocate the Marlborough aquaculture settlement assets. On Friday 22 June we were able to allocate and transfer the Marlborough aquaculture assets (totalling \$30,233,681.72) to all nine Marlborough iwi.

An allocation agreement between all Northland iwi is not possible. We have continued discussions with Northland iwi aquaculture organisations about the use of Schedule 1 of the Maori Commercial Aquaculture Claims Settlement Act 2004 to achieve allocation for those iwi that wish to claim a portion of the assets we hold on their behalf. This work is positive and ongoing.

We continued to engage with Wellington region iwi about the assets currently held on their behalf. This work is ongoing.

An amendment to the Maori Commercial Aquaculture Claims Settlement Act 2004 is necessary to enable allocation of the pre-commencement aquaculture settlement assets we hold on behalf of Bay of Plenty iwi. We continue to work with Bay of Plenty iwi to achieve an agreed allocation methodology so that the assets may be allocated immediately upon enactment of our proposed amendments to the Act. This work is ongoing.

The Bay of Plenty regional council has received coastal permit (resource consent) applications for a large mussel farm development off the Ōpōtiki coast. As this is the first aquaculture development in the Bay of Plenty to be applied for since January 2011, it has triggered a two-year timeframe within which the Crown needs to enter into a New Space Regional Aquaculture Agreement with Bay of Plenty iwi. We have facilitated a preliminary discussion between Bay of Plenty iwi and the Crown, and will continue to work with both parties to achieve a Regional Agreement ahead of the statutory deadline of November 2019.

The Minister of Fisheries has agreed in principle to proceed to ratify the Canterbury Regional Agreement with joint Ministers (Attorney-General, Finance, Maori Development and Conservation). Following ratification, the Regional Agreement will be signed by the Crown, Te Ohu Kaimoana and iwi.

The Waikato Regional Council has received coastal permit applications for mussel spat catching off the western coast of Waikato (which is treated as a different region to the eastern coast of Waikato under the Maori Commercial Aquaculture Claims Settlement Act 2004). We have participated in a preliminary discussion between Waikato west iwi and the Crown and will continue to work with both parties to achieve a Regional Agreement before the end of 2019.

Fisheries New Zealand officials have continued their search to identify suitable settlement space in the Southland region. We will continue to assist Ngāi Tahu and the Crown where appropriate.

Objective 2: Assist iwi to agree representative space in each of the Tasman region Aquaculture Management Areas (AMA) subzones with the applicants for those subzones and reach allocation agreements between all iwi of the region by 31 December 2017:

We have continued to assist Tasman iwi with the establishment of jointly owned companies to hold and manage the settlement space in the Tasman and Golden Bay AMAs as part of the allocation of these assets. On their behalf, we have also worked with the AMA applicants to progress the resource consent applications for each of the subzones. As the joint companies are now established, our focus for Q4 is to complete the allocation process and facilitate the handover of information to the directors of the joint companies.

Aquaculture



Allocation - continued

Objective 4: Assist iwi and the Crown to agree the value and form of additional new space settlement assets where applicable:

The Minister of Fisheries (Hon Stuart Nash) has requested feedback from Marlborough iwi on the Review Panel's recommendations before he makes any decision. That includes whether iwi can support the use of his powers under s360 of RMA to alter the Marlborough Resource Management Plan to allow the relocation of particular salmon farms. If that does occur, it will create an additional settlement obligation for salmon farm space. Iwi understand that if needed the Minister could also use those powers to assist iwi to satisfactorily receive the subsequent settlement assets. The Minister has encouraged both Marlborough iwi and New Zealand King Salmon representatives to meet with one another to explore whether a common approach can be agreed. Marlborough iwi and Te Ohu Kaimoana's attention recently has been in progressing allocation of both the Marlborough and Tasman settlements. With both of those now substantially completed, the Iwi Salmon Working Group is now beginning its engagement with NZ King Salmon.

In order to assist with the expected discussions, NZ King Salmon sponsored staff from Te Ohu Kaimoana and iwi representatives to attend an international conference in Norway during June on best practice for salmon farming. As part of the trip, attendees also gained practical experience from viewing a functional Norwegian salmon farm.

In late 2017, the Northland regional council received two applications for spat-catching off 90-mile beach. If the applications are consented, this will create significant additional settlement obligations for Northland iwi. Mussel spat was not included in the 2014 New Space settlement forecasts, so we have begun working with MPI on a process to forecast and value the Crown's settlement obligations. We are also working with Northland iwi to decide the form of assets they would like to take in satisfaction of the Crown's obligations.

Objective 5: Amendments to the Maori Commercial Aquaculture Claims Settlement Act 2004:

We presented out proposals to the Minister of Fisheries. We expect to engage significantly with Fisheries New Zealand and the wider Ministry for Primary Industries about the proposal during Q4 and into FY 2018/19.

Objective 6: Provide input into review of the Minister's New Space plan:

The Minister commenced a review of the New Space plan in late December 2017. We continue to work with Fisheries New Zealand to determine the scope of the review. This will be a significant piece of work over the coming year.

Policy

Objective 1: Protect the interests of iwi in aquaculture by collaborating with iwi, the aquaculture industry and government to identify and address any threats to aquaculture:

Te Ohu Kaimoana continues to participate as a director, and support Harry Mikaere as an iwi director, on Aquaculture New Zealand.

We continue to work with Fisheries New Zealand on the development of a National Environmental Standard (NES) for Marine Aquaculture. The proposed NES is largely developed and our engagement at this point is focused on ensuring that iwi views on how existing marine farms impact on tangata whenua values are able to be ascertained in a non-burdensome way.

We are proposing that regional councils (supported by Fisheries New Zealand and Aquaculture New Zealand) work proactively with iwi to map out the impacts of existing marine farms in their region on tangata whenua values, rather than iwi having to respond to applications for replacement consents on a case-by-case basis.

Māori Fisheries Act 2004 review implementation



We are engaged with MPI officials about the proposal to amend the Maori Fisheries Act 2004.

Our engagement to date has focused on ensuring officials have sufficient background information about the proposal, however we expect to begin working much more closely with them once the drafting process commences.

Governance services



Moana NZ, Te Wai Maori and Te Putea Whakatupu provide updates on their performance to Te Ohu Kaimoana directors at each Board meeting.

Te Ohu are in the process of recruiting two alternate directors for the Te Ohu Board.

We are still on track to achieve our target of 4.5% plus CPI of 1.7%, however there have been huge swings from quarter to quarter. The portfolio produced negative returns in the January to March quarter and positive returns for April to June quarter, cementing our expectations that returns are likely to be more volatile this year.

Management services and relationships



Reviewing office policy documents continues at a steady pace.

Staff have begun work on producing annual plan and budget for 2019. We envisage that this will be available for comment to iwi at the end of September.

This year, the Māori Fisheries Conference and Hui-a-Tau was held on the 28th and 29th of March. We also held a fisheries and aquaculture workshop on the 27th of March, the day before the conference to consult with MIOs and AHCs on key aquaculture and fisheries issues we were currently working on. We conducted a survey to gauge satisfaction with the event and aid in planning next year's conference.

We received 30 responses to the 15-question survey – a 10% return rate (higher than some iwi elections!). Of the 30 delegates who completed the survey, 13 also attended the Hui-a-Tau and seven attended the workshop. 23 had attended previous conferences and more than 50% of the 30 said that would attend the conference again.

Reasons for attending the conference ranged from strengthening relationships and networks, being attracted by the conference theme to wanting to keep up to date on issues facing the fishing industry.

HR and infrastructure



The fit out of our new offices at 158 The Terrace, Wellington is nearly complete although we are still waiting to reach a final settlement with our insurance company.

Comings and Goings

On 9 July we were joined by two new staff members: Jose Bucoy and Bede Dwyer.

Jose has taken up the position of Finance Assistant.

José has completed his studies at Victoria University where he gained his degree majoring in accounting and commercial law. He originates from the Philippines and moved with his family to New Zealand when he was 13 years old.

Bede has taken up the position of Tai Kōrero / Senior Communications Advisor. Bede comes from Te Tumu Paeroa and has held previous roles at the Earthquake Commission and NZ Fire Service.

Horiana Irwin-Easthope (Ngāti Porou, Ngāti Kahungunu, Rakaipaaka; BA in Māori Resource Management, LLB, LL.M) has recently been appointed to the role of Kūrae Ture - General Counsel, on a part time basis. Horiana will also be practicing on her own account (trading as Whāia Legal) and will remain as a consultant to Kahui Legal on specific matters. Horiana has previously provided advice to Te Ohu Kaimoana through her role at Kahui Legal.





Te Ohu Kaimoana

