



Māori Land Court application guides

How to constitute a whānau trust

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Ka nui rawa atu te mihi ki ngā ringa rehe, ō mātou hoamahi nō Te Puni Kōkiri, nā rātou i waihanga, i tākoha mai i ēnei kupu ārahi, hei painga, hei taonga mō te marea.

We extend a debt of gratitude to our colleagues at Te Puni Kōkiri for generously sharing their work in developing the guidance for landowners that forms the basis of this guide.

Constituting a whānau trust

A whānau trust combines some or all the Māori land interests of an owner or owners into a single trust, to be held on behalf of their whānau. Trustees act on behalf of the whānau to manage the land interests and make decisions about the whenua. The beneficiaries are all the descendants of the tūpuna (ancestors) named in the trust order. The tupuna can be the owner of the land interests who chooses to place them in the trust, or another person from whom they descend.

There are two application types you can file under section 214 of Te Ture Whenua Māori Act 1993 and rule 12.3 of the Māori Land Court Rules 2011 to form a whānau trust. These are:

- Form 36 – application to constitute a whānau trust (non-succession)
- Form 23 – application to form whānau trust (to be used with an application for succession)

Types of whānau trust application forms

Option One – Form 36 Application to constitute a whānau trust (non-succession)

Use this form if:

- the shareholders are alive
- they want their own interests vested into a whānau trust for the benefit of the descendants of a named person or group, such as descendants of a particular tupuna

Option Two – Form 23 Application to form whānau trust (with succession application)

This form is used when Māori land interests are transferred from someone who has passed away into a whānau trust.

Use this form if:

- the interests come from a deceased person
- you are lodging a succession application at the same time

What you need to include in your application

The following supporting documents are needed for both application forms:

- Form B1 – consent to be appointed as trustee (one to be completed by each elected trustee)
- written consents from anyone who wants their interests vested in the trust (if required)
- draft trust order (a template can be obtained from the Māori Land Court or the Māori Land Court website)
- minutes of a whānau hui (if a hui has taken place to discuss the formation of the whānau trust)

What to do before you apply

To form a whānau trust, it helps to complete these steps first:

1. Hold a whānau hui

Meet with your whānau (in person or online) to discuss:

- why you want to form the trust
- who the trustees will be
- what land interests will be vested

2. Record hui minutes

Take clear notes of the decisions made during the hui.

Templates for an agenda, minutes, and consent are included at the end of the guide.

3. Complete documents together

At the hui, it is useful to complete:

- Form B1 – consent to be appointed as trustee forms
- written consents for vesting interests
- draft trust order

This ensures everyone understands and agrees with the documents.

How to submit your application

You can submit your application several ways:

Online – Pātaka Whenua

Visit Pātaka Whenua through the Māori Land Court website, www.maorilandcourt.govt.nz

You can apply as:

- a registered user – where you can create, save, submit applications, pay fees, and track progress
- a guest user – where you submit your applications without creating an account

In person

- bring your documents to your nearest Māori Land Court office

Email or post

- email or post your application to your nearest district office
- find district office contact details on the [Contact us](#) page of the Māori Land Court website

Application fees

- The fee to apply to constitute a whānau trust is \$70.
- If paying the fee would cause financial hardship, you can ask for the fee to be remitted or reduced.
- Information about fee remittals and how to request one is available on the Māori Land Court website.

Where to get help

If you need more information or help gathering documents, you can try:

Māori Land Court

Information Services kaimahi in the district offices can answer your questions. You can contact them by:

- email
- telephone
- making an enquiry through Pātaka Whenua
- visiting your nearest district office

The district offices details can be found on the [Contact us](#) page on the Māori Land Court website.

Other helpful sources

- searching Pātaka Whenua
- contacting the other landowners
- contacting Te Puni Kōkiri
- visiting your local council website

Notes



No	Agenda Item	Time allotted
1	Name of the whānau trust	
2	Name the common tupuna/tūpuna of the whānau trust	
3	Decide who will be the beneficiaries of the whānau trust (who will benefit from the whānau trust)	
4	Review the terms of the trust order	
5	Do we need to include any dwellings (or assets) which are currently sitting on Māori land under the interests being vested into the whānau trust?	
6	Trustee election (including going over their trustee consent form with the hui)	
7	Final resolution (to file the application with the Māori Land Court)	



Venue:	Chairperson:	
Date & time:	Minute taker:	
Present:		
Apologies:		
Karakia Timatanga:		
Mihi:		
Agenda items		
1. Name of the whānau trust		
[Discussion notes and resolution]		
<i>Moved by:</i>	<i>Seconded by:</i>	<i>Move the resolution: Āe/Kāo</i>
2. Tupuna of the whānau trust		
[Discussion notes and resolution]		
<i>Moved by:</i>	<i>Seconded by:</i>	<i>Move the resolution: Āe/Kāo</i>
3. Beneficiaries of the whānau trust		
[Discussion notes and resolution]		
<i>Moved by:</i>	<i>Seconded by:</i>	<i>Move the resolution: Āe/Kāo</i>
4. Terms of the trust order		
[Discussion notes and resolution]		
<i>Moved by:</i>	<i>Seconded by:</i>	<i>Move the resolution: Āe/Kāo</i>
5. Ownership of dwellings/assets (if any)		
[Discussion notes and resolution]		
<i>Moved by:</i>	<i>Seconded by:</i>	<i>Move the resolution: Āe/Kāo</i>
6. Election of trustees		
[Discussion notes and resolution]		
<i>Moved by:</i>	<i>Seconded by:</i>	<i>Move the resolution: Āe/Kāo</i>
7. Final resolution		
That an application be filed with the Māori Land Court to constitute the [name of whānau trust], appoint [list the full names of the elected trustees] as trustees and approve the draft trust order.		
<i>Moved by:</i>	<i>Seconded by:</i>	<i>Move the resolution: Āe/Kāo</i>
Karakia whakamutunga:	Meeting close:	