



Māori Land Court application guides

How to constitute an ahu whenua trust or whenua tōpū 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.

Ahu whenua trusts and whenua tōpū trusts are two trust types that can be formed to manage one or more Māori land blocks. Trustees are empowered to make decisions on behalf of (and with responsibilities to) all the land's owners.

- An ahu whenua trust holds and manages the land on behalf of all the registered owners.
- A whenua tōpū trust holds and manages the land for the use of hapū or iwi.

Constituting an ahu whenua or whenua tōpū trust

The process for constituting an ahu whenua or whenua tōpū trust is similar. Both trust types are land management trusts involving one or more Māori freehold land blocks (and in some cases, general land owned by Māori).

Why establish a trust?

A trust provides owners, shareholders, and beneficiaries with stronger ability to use, develop, manage, and administer their whenua collectively. Trusts are commonly used to support economic development, papakāinga, community purposes, or settlement-related outcomes.

Option one – application to constitute an ahu whenua trust (Form 37)

An ahu whenua trust is the most common Māori land trust.

It is designed to promote the use and administration of the land in the interests of the owners and is often used for commercial and/or papakāinga development.

This application may be made by any of the owner or by the Registrar of the Court.

Supporting documents required:

- Form B1 completed by each elected trustee
- draft trust order
- notice, minutes and attendance list of a meeting of owners

- a statement setting out:
 - how the owners were informed of the application
 - the opportunity given to the owners to consider the matter
 - the outcome of the consideration of the matter by the owners
- an indication of whether it is intended to include any Māori community purposes as an object of the trust
- written consents by shareholders/beneficiaries to constitute the trust (if applicable)

Option two – application to constitute a whenua tōpū trust (General form 1)

A whenua tōpū trust is an iwi- or hapū-based trust. It's focused on facilitating the use and administration of the land for the benefit of an iwi or hapū.

Under section 210 of Te Ture Whenua Māori Act 1993, trust assets must be held for Māori community purposes.

This application may be made on behalf of any of the owners or by the Registrar of the Court.

These trusts are also used to receive land as part of a Treaty settlement with the Crown.

Supporting documents required:

- Form B1 completed by each elected trustee
- draft trust order
- notice, minutes and attendance list of a meeting of owners
- an indication of what Māori community purposes per section 218 of the Act will not become an object of the trust
- written consents by shareholders/beneficiaries to constitute the trust (if applicable)

Before filing your application

The following steps must be completed before lodging an application for an ahu whenua or whenua tōpū trust.

1. Hold a whānau hui

Call a hui with the owners of the block(s) to be included in the trust. This may be held in person or online.

Giving notice of the hui

Hui notices must give at least 14 days' notice of the meeting and include the agenda.

Notice can be given by:

- placing a public notice in a newspaper in the district nearest the whenua
- writing a letter or sending an email to as many landowners as possible
- broadcasting on Māori and local radio stations and posting to community notice boards
- posting on social media used by your whānau.

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 to the documents.

What the Court considers

A trust will generally be constituted if the Court is satisfied that:

- owners had sufficient notice and a genuine opportunity to discuss and consider the proposal, and
- there is no meritorious objection among the owners, considering the significance of the matter.

A meritorious objection is an objection that is serious, genuine, and has good reason behind it (not just someone disagreeing or not liking the idea).

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 an ahu whenua or whenua tōpū 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.

[Name of block]

A meeting of owners is called for the above-named block:

Date: _____

Time: _____

Place: _____

Agenda

(a) Constitute a _____ Trust

(b) Confirm the trust order

(c) Election of trustees

Contact: [Name of person, email address and phone number]

No	Agenda Item	Time allotted
1	Constitute an ahu whenua or whenua tōpū trust (also decide who will be the beneficiaries of the trust if constituting a whenua tōpū trust)	
2	Review and confirm the terms of the trust order	
3	Election of trustees (including going over their trustee consent forms with the hui)	
4	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. *Constitute an ahu whenua or whenua tōpū trust*

[Discussion notes and resolution]

Moved by:

Seconded by:

Move the resolution: Āe/Kāo

2. *Terms of trust order*

[Discussion notes and resolution]

Moved by:

Seconded by:

Move the resolution: Āe/Kāo

3. *Election of Trustees*

[Discussion notes and resolution]

Moved by:

Seconded by:

Move the resolution: Āe/Kāo

7. *Final resolution*

That an application be filed with the Māori Land Court to constitute the [name of ahu whenua or whenua tōpū trust], appoint [list the full names of the elected trustees] as trustees and approve the draft trust order.

Moved by:

Seconded by:

Move the resolution: Āe/Kāo

Karakia whakamutunga:

Meeting close:
