

APPLICATION TO CONSTITUTE AN AHU WHENUA TRUST

Te Ture Whenua Māori Act 1993
Section 215

For more information visit www.maorilandcourt.govt.nz

WHAT IS THIS FORM FOR?

Use this form to create an Ahu Whenua Trust (a land trust) by vesting one or more land blocks in trustees to manage, as set out in a trust deed/order on behalf of the beneficial owner(s).

HOW TO FILE AND COMPLETE THIS APPLICATION FORM

- (i) This form must be accompanied with the appropriate application fee and can be filed with the Registrar in any office of the Court;
- (ii) Please ensure that all information required on the form is completed;
- (iii) Please read the notes at the end of this form;
- (iv) Where tick boxes ☒ are provided please ensure you tick all those boxes that apply to your application, unless you are required to select one box, then only select the box that applies;
- (v) If there is insufficient room on the form to provide all the required information you should continue your application on a separate sheet of paper;
- (vi) Additional information – in addition to completing this form, if the application requires you to provide further information you must include all documents, information or evidence you wish the Court to consider; and
- (vii) Comply with the requirements set out in the Checklist at the end of this form.

Office use:

Application: ACCEPTED / REFUSED

Dated:

Signed:

Name:

Designation:

The Māori Land Court of New Zealand

(Please select the name of the Māori Land Court District in which some or all of the lands or the subject matter of the application is located)

Please select one District	<input type="checkbox"/> Taitokerau	<input type="checkbox"/> Waikato Maniapoto	<input type="checkbox"/> Waiariki
<input type="checkbox"/> Tairāwhiti	<input type="checkbox"/> Tākitimu	<input type="checkbox"/> Aotea	<input type="checkbox"/> Te Waipounamu

BLOCK:

(State name and block number of land)

APPLICATION:

I / We
.....(full name),

make application to constitute an Ahu Whenua Trust over the Māori land blocks listed above.

UPON THE FOLLOWING GROUNDS

Details in support of application

1. Name of trust: [specify]

2. Date(s) and place(s) of meetings of owners: [specify]

3. Minutes of the meeting(s) are enclosed?

☐

YES

☐

NO

4. Notice of the meeting(s) was given to the owners as follows: [specify].

5. A copy of any notice placed in a newspaper is enclosed?

☐

YES

☐

NO

6. The proposed trustees named in the schedule of trustees were elected at a meeting of owners held at

[place]on[date].

7. A curriculum vitae (CV) and consent for each proposed trustee is enclosed?

☐

YES

☐

NO

8. We produce our own draft order; OR

☐

YES

☐

NO

We wish to use the Court's standard trust order.

☐

YES

☐

NO

9. Section 218 of Te Ture Whenua Māori Act 1993 contains a list of Māori community purposes to which income may be applied if provision is made in the trust order. Do you want discretionary power included in your trust order to allow income to be applied to Māori community purposes?

☐

YES

☐

NO

10. A list of persons who voted against or objected to the formation of a trust are attached

☐

YES

☐

NO

(If no please state why)

.....

.....

PREFERRED PLACE OF HEARING:

SIGNATURE OF APPLICANT(S)

Dated: / /

Dated: / /

Dated: / /

CONTACT DETAILS

Contact Address:

.....

.....

(Address to which documents or correspondence in connection with the application can be posted or delivered)

Phone Number(s):

Home:

Work:

Mobile:

Fax:

Email Address:

NOTE: Where fax or email addresses are given these may be used as a means of notice and service.

Fee: \$ 68.00

CHECKLIST OF DOCUMENTS REQUIRED:

- ☐ Notice of meeting given to owners (*eg written notification, public advertisement etc*)
- ☐ Minutes of meeting agreeing to constitute the Ahu Whenua Trust (*where applicable*)
- ☐ List of owners present at the meeting(s)
- ☐ Signed trustee and owner consents
- ☐ CV for each proposed trustee
- ☐ Draft Trust Order

Notes

- 1 The Act requires the owners to have had sufficient notice of the application and the opportunity to discuss and consider it. The applicant should be prepared to establish this at the hearing.
- 2 The rules require that proper notice must be given of the time, date, and place of the hearing to persons who voted against the formation of a trust or objected to it (see paragraph 10 under Details in support of application). The applicant should produce evidence of that notice at the hearing.
- 3 The CV for proposed trustees need not be comprehensive. A brief statement as to the candidate's strengths, qualifications, and experience showing his or her suitability for the position should be sufficient.

SCHEDULE OF TRUSTEES

The following person(s) was/were elected as trustees and consent to their appointment. *(Signed consent can be supplied on a separate sheet if necessary - however please state the name and contact details of the trustee on this form)*

Name:	
Address:	
Email:	Dated: / /

Name:	
Address:	
Email:	Dated: / /

Name:	
Address:	
Email:	Dated: / /

Name:	
Address:	
Email:	Dated: / /

Name:	
Address:	
Email:	Dated: / /

MĀORI LAND COURT CONTACT DETAILS

This application must be lodged with the Registrar in the District in which some or all of the land is located.

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TAIRĀWHITI Ngā Wai e Rua Building Cnr Lowe Str & Reads Quay GISBORNE DX Box PX10106 GISBORNE PH: (06) 869 0370 Fax: (06) 869 0371 mlctairawhiti@justice.govt.nz	TĀKITIMU Hastings District Court 106 Eastbourne Street West HASTINGS DX Box MX10024 HASTINGS PH: (06) 974 7630 Fax: (06) 974 7631 mlctakitimu@justice.govt.nz	AOTEA Ingestre Chambers 74 Ingestre Street WHANGANUI DX Box PX10207 WHANGANUI PH: (06) 349 0770 Fax: (06) 349 0771 mlcaotea@justice.govt.nz	TE WAIPOUNAMU Level 1 20 Lichfield Street CHRISTCHURCH DX Box WX11124 CHRISTCHURCH PH: (03) 962 4900 Fax: (03) 962 4901 mlctewaipounamu@justice.govt.nz