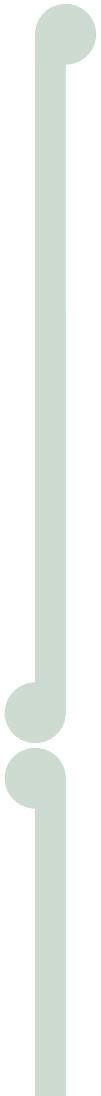




Te Puni Kōkiri
MINISTRY OF MĀORI DEVELOPMENT

Transferring ownership through gifting or whānau trusts

Setting up a whānau trust or gifting your shares in whenua Māori is another way to sort out what will happen to the land when you're no longer here.



Whānau trusts

A whānau trust combines shares in whenua Māori from a group of owners, or an individual, into one “holding” or trust.

This means that the whānau trust becomes the owner of the whenua, rather than any individual who vested their shares in it. Whānau instead become “beneficiaries” of the trust, and can nominate one or more trustees to make decisions about the whenua on their behalf.

Setting up a whānau trust can help stop further fragmentation of ownership of the whenua over time.

Trustee roles and duties

Setting up a whānau trust

When you set up a whānau trust, you and your whānau give your shares in the whenua to the trust. This is known as “vesting” your shares. You can choose to vest all your shares in whenua Māori to the trust, or only vest shares in certain blocks.



WHĀNAU TRUST

You define the uri, or descendants.

When whānau come together to vest shares in a whānau trust, you define the uri, or descendants, who will become beneficiaries of the trust. For example, if you and your siblings were to set up a whānau trust, you could define the uri of that trust as being everyone who is a descendant of your common parent.

If you decide to set up a whānau trust, you’ll need to make an application to Māori Land Court. They need to make sure that whānau have been consulted about forming a trust, and have agreed to it, before the trust can formally be established.

Gifting shares in Māori land

You can pass on your whenua to whānau while you're still alive by transferring it to them as a gift.

Gifting your shares to whānau is another way to sort out what will happen to your whenua in the future. If you decide to gift your whenua, make sure you understand what it means for your whānau, and let them know about your plans.



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Talking with whānau about gifting your whenua can help you work out what's best for both – it can confirm what will enable them both to thrive into the future.

If you do decide to gift your whenua, you'll need to apply to Māori Land Court for a “vesting order” – a formal order that transfers your interests in Māori land to someone else. You may also need to attend a hearing at the court to confirm your request.