



Wi Pere

Wi Pere Trust

Wi Pere Trust - Guide to Succession of Shares in Whenua Māori



Introduction

The succession of shares process can sometimes feel complex or overwhelming, particularly at a time when whānau may also be dealing with the loss of a loved one. The purpose of this guide is not to overwhelm you with legal terminology or technical requirements, but rather to help you gain a clear understanding of what succession is, why it is important, and the steps involved in transferring shares in Whenua Māori and Wi Pere Trust interests.

Succession is an important process that ensures the interests of a deceased shareholder are passed on to the next generation. It enables whānau to maintain their connection with their whenua, exercise their rights as owners, and continue the legacy left by their tīpuna for future generations. The Māori Land Court recognises the unique relationship between Māori and whenua, and succession plays an important role in protecting that connection.

Where possible, we recommend discussing succession matters with your wider whānau. Having these conversations early can help ensure everyone has a shared understanding of the wishes of the deceased and the future stewardship of their whenua interests. For some whānau, succession may also provide an opportunity to consider options such as establishing a Whānau Trust to help protect and collectively manage interests for future generations.

Most importantly, please remember that you are not expected to navigate this process alone. The Māori Land Court and the BDO Gisborne Māori Business team are available to provide guidance and support throughout the journey. If you are unsure about any part of the process, we encourage you to ask questions and seek assistance.

Ko te whenua ko au, ko au te whenua
I am the land, and the land is me

This guide has been prepared as a practical starting point for shareholders and whānau. It outlines the information, documents, and forms commonly required by the Māori Land Court, while also providing an overview of what to expect throughout the application process. We encourage whānau to take their time, gather information together, and seek support where needed.

1. Applicant Details

Key information to provide on the application:

- Full name
- Address
- Phone / Email contact details
- Relationship to the deceased (e.g. child, grandchild, administrator of estate)

2. Deceased Person's Details

Key information to provide about the deceased:

- Their full legal name
- Any aliases/names used in ownership records
- Their date of birth
- Their date of death
- Their place of death
- Their Iwi / Hapū affiliations (if known)

Supporting Documents Required:

- Death Certificate (original or certified copy)
- Will and/or Probate / Letters of Administration if applicable (certified copies)

3. Whakapapa Information

Please provide detailed information in relation to your whānau whakapapa. This is required so that the Māori Land Court can confirm all rightful successors.

Please list parents, siblings (of full and half nature), children (including adopted and whāngai), and spouse or partner.

4. Land Interests / Shares

Please list any known land blocks or incorporations where the deceased held shares. Kindly note that the Māori Land Court staff will be able to provide a more detailed summary of all holdings registered in the name of the deceased within their records and systems.

5. Types of Succession Applications

Please note that we would encourage whānau to apply for succession of all Whenua Māori interests when first applying. By providing as much detailed information at the outset, will then enable the Māori Land Court to do a thorough search through all of their records at the start of the application process.



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Dependent on your whānau situation, please check below which of the following forms will suit your circumstances:

- ☐ **Form 21 - Succession with a Will or Probate** (Please complete if probate/administration has been granted) <https://www.xn--morilandcourt-wqb.govt.nz/assets/Documents/Forms/MLC-Form-21-Application-for-succession2F.pdf>
- ☐ **Form 22 - Succession without a Will (Intestate) or no formal administration** <https://www.xn--morilandcourt-wqb.govt.nz/assets/Documents/Forms/MLC-Form-22-Application-for-succession2F.pdf>
- ☐ **Form 23 - To establish a Whānau Trust as part of the Succession process** (Please note that this is optional - it is recommended to discuss with your whānau regarding this). <https://www.xn--morilandcourt-wqb.govt.nz/assets/Documents/Forms/MLC-Form-23-Application-Whanau-Trust.pdf>

6. Required Consents/Declarations

Please include relevant information relating to any applicable consents and declarations such as whāngai, adoption agreements (if succession is being sought).

7. Document Checklist (The supporting documentation to include with your application)

- ☐ Application Fee (currently \$70.00)
- ☐ Completion of Forms 21, 22 or 23 (as referred to above)
- ☐ Death Certificate (original or certified)
- ☐ Will / Probate / Letters of Administration (if applicable)
- ☐ Whānau whakapapa list
- ☐ Adoption or whāngai documentation (if relevant)
- ☐ Certified copies of documents if originals not supplied (Justice of the Peace, Lawyer or Court official).

8. Ways to submit applications

Whānau are able to submit their applications through the following ways:

- **Online** - Using Pātaka Whenua (Māori Land Court Portal) <https://customer.service.maorilandcourt.govt.nz/>
- **In person or post** - To your nearest Māori Land Court office <https://www.maorilandcourt.govt.nz/en/contact-us/our-offices>

9. Māori Land Court Hearing Process - What Happens Next?

The Māori Land Court reviews your application and then schedules a hearing. You will receive notification in due course, with the hearing date and court location.

At the hearing:

- A Māori Land Court officer will confirm your application details. The Judge will ask questions to confirm whakapapa and successors.

After the hearing:

- You will receive a copy of the Court Minutes from your hearing. A Vesting Order is then issued, confirming the new owners and their shares.
- Please forward a copy of the vesting order for BDO Gisborne to table at the next Wi Pere Trust Board meeting.



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Once approved at the Trust Board meeting via the meeting minutes, the BDO Gisborne Māori Business team will action and enter your details into the share register. You will then receive correspondence confirming your shareholder ID number, along with a request for the following information:

- Postal address & email address details (if not already received)
- IRD number
- Verification of bank account details
- Verification of photo ID - driver's license, passport etc.

Special Note regarding Wi Pere Trust Interests only (Source: Māori Land Court Succession Sheet)

A beneficiary in the Wi Pere Trust who has left a will may dispose of their interests only to a person who is one or more of the following:

- Children and remoter issues (that is, grandchildren, great grandchildren) of the beneficiary
- Any person who would be entitled to succeed to the interest if the beneficiary died without leaving a will
- Any other person related by blood to Wi Pere
- Trustees of any person referred to above.

Where the beneficiary died without leaving a will, succession will be the same as for the Māori land. In either case, however, any adopted child (or that child's children or grandchildren), isn't entitled to succeed to any interest in the Wi Pere Trust greater than a life interest, unless they're also related by blood to Wi Pere. (The provisions of the Māori Purposes Act (Wi Pere Trust) 1991, override the provisions of the Adoption Act 1955).

Likewise, a spouse, or civil union, or de facto partner, of a beneficiary may also be granted a life interest but nothing greater than that unless they are related by blood to Wi Pere.

Contact Us:

If you have any further queries on the content above, then please don't hesitate to contact our BDO Gisborne Māori Business team as follows:

- **Email** - mbu@bdo.co.nz
- **Telephone** - (06) 869 1400
- **Office** - 1 Peel Street, Gisborne 4010

10. Glossary of Terms

Administrator - A person appointed by the High Court to manage and administer the estate of a deceased person. This may occur where there is no will, or where someone other than the executor is appointed to administer the estate.

Beneficiary - A person who is entitled to receive a benefit, share, or interest from an estate or trust.

Certified Copy - A copy of an original document that has been verified as a true copy by an authorised person such as a Justice of the Peace, lawyer, notary public, or court official.

Executor - A person named in a will who is responsible for carrying out the wishes of the deceased and managing the administration of the estate.

Grant of Probate - A legal document issued by the High Court confirming that a will is valid and giving an executor the authority to administer the estate.

Letters of Administration - Authority granted by the High Court to administer an estate when a person dies without leaving a valid will.

Māori Incorporation - A legal structure established under Te Ture Whenua Māori Act 1993 to manage and administer Māori land and related assets on behalf of shareholders.

Pātaka Whenua - The online Māori Land Court portal that allows users to submit applications, access information, and manage matters relating to Māori land interests.

Probate - The legal process through which the High Court confirms a will and authorises the executor to administer the deceased person's estate.

Succession - The legal process of transferring the ownership interests of a deceased person to those who are entitled to inherit them. In the context of Whenua Māori, succession is administered through the Māori Land Court.

Successor - A person who is entitled to receive a share or interest from a deceased owner's estate.

Te Kooti Whenua Māori | Māori Land Court - The specialist court responsible for matters relating to Māori land and interests in Māori land, operating under Te Ture Whenua Māori Act 1993.

Vesting Order - A legal order issued by the Māori Land Court confirming who has succeeded to the deceased person's interests and the proportions in which those interests are held.

Whakapapa - Genealogy or family lineage that connects an individual to their ancestors, whānau, hapū, and iwi. Whakapapa information is an important part of the succession process.

Whānau Trust - A trust established under Te Ture Whenua Māori Act 1993 that allows whānau to collectively hold and manage Māori land interests descended from a common tīpuna. A Whānau Trust can be established at the same time as a succession application.

Whāngai - The customary Māori practice whereby a child is raised by someone other than their birth parents according to tikanga Māori. The Māori Land Court may consider whāngai relationships when determining succession matters.

Whenua Māori - Māori land that is governed under Te Ture Whenua Māori Act 1993 and held for the benefit of present and future generations.

Please Note: Every whānau situation is unique. This glossary is intended to help explain commonly used terms, but does not replace guidance from the Māori Land Court or independent legal advice where required. For assistance, please contact the BDO Gisborne Māori Business team or your nearest Māori Land Court office.