

Veterans’ Entitlements (Means Test Treatment of Private Companies—Excluded Companies) Declaration 2025

The Repatriation Commission makes the following instrument.

Dated 19 February 2025

The Seal of the

Repatriation Commission

was affixed to this instrument

in the presence of:

|  |  |
| --- | --- |
| Alison Frame | Mark Brewer |
|  | AM CSC and Bar |
| President | Deputy President |
| Gwen Cherne | Kahlil Fegan |
|  | DSC AM |
| Commissioner | Commissioner |

**Part 1 Preliminary**

1 Name

This instrument is the *Veterans’ Entitlements (Means Test Treatment of Private Companies—Excluded Companies) Declaration 2025*.

2 Commencement

This instrument commences on the day after the day it is registered.

3 Authority

This instrument is made under subsection 52ZZA(5) of the *Veterans’ Entitlements Act 1986*.

3A Repeal

Schedule 11 to the *Veterans’ Affairs (Legislative Instrument Re-making Exercise) Instrument 2014* is repealed.

4 Purpose

This Declaration specifies a class of companies that are excluded companies for section 52ZZA of the Act.

5 Definitions

 In this instrument:

***Act*** means the *Veterans’ Entitlements Act 1986*.

***community purpose*** means a purpose that is intended to benefit primarily the members of a particular community or group.

***government body*** means the following kinds of body:

(a) a department or agency of the Commonwealth;

(b) a department or agency of a State or Territory;

(c) a municipal corporation or other local government body;

(d) a body corporate in which the Commonwealth, a State or a Territory body holds a controlling interest.

***income*** meansincome within the ordinary meaning of that expression.

***indigenous-held land*** has the same meaning as in section 4B of the*Aboriginal and Torres Strait Islander Act 2005.*

**Part 2 Specified class of companies**

**6 Companies with community purpose are excluded companies**

 (1) Each company that meets the requirements in subsection (2) is an excluded company for section 52ZZA of the Act.

 (2) The company must have the sole dominant purpose of:

 (a) receiving, managing or distributing property transferred directly to it, or through an interposed entity, by a government body for a community purpose; or

 (b) holding, managing or disposing of indigenous-held land, for a community purpose; or

 (c) receiving, managing or distributing income that:

 (i) has been generated from indigenous-held land; and

 (ii) is applied for a community purpose.