

Veterans’ Entitlements (Means Test Treatment of Private Trusts–Excluded Trusts) Declaration 2025

The Repatriation Commission makes the following instrument.

Dated 19 June 2025

The Seal of the

Repatriation Commission

was affixed to this instrument

at the direction of:

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

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# **Part 1—Preliminary**

## 1 Name

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

## 2 Commencement

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

## 3 Authority

This instrument is made under subsection 52ZZB(4) of the *Veterans' Entitlements Act 1986*(the Act).

## 4 Repeals

The *Veterans’ Entitlements (Means Test Treatment of Private Trusts–Excluded Trusts) Declaration 2015* is repealed.

## 5 Purpose

The purpose of this instrument is to specify classes of trusts that are excluded trusts for section 52ZZB of the Act.

## 6 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:

1. a department or agency of the Commonwealth;
2. a department or agency of a State or Territory;
3. a municipal corporation or other local government body;
4. 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.*

***reference time***means 7.30 pm in the Australian Capital Territory on 9 May 2000.

Part 2—Excluded trusts

## 7 Community trusts are excluded trusts

(1) For section 52ZZB of the Act, each trust that is a community trust under subsection (2) is an excluded trust.

(2) A community trust is a trust that has the sole or 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.

8 Fixed trusts created before reference time are excluded trusts

(1) For section 52ZZB of the Act, each fixed trust created before the reference time is an excluded trust.

(2) However, a trust referred to in subsection (1) is not an excluded trust, if after the reference time:

(a) the trust has been varied under the trust deed; or

(b) there has been a transfer of property (other than income generated by the trust) to the trust.