Trusts Bill 2025

Statement of Compatibility

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019* (HR Act), I, Deb Frecklington, Attorney-General and Minister for Justice and Minister for Integrity, make this statement of compatibility with respect to the Trusts Bill 2025 (the Bill).

In my opinion, the Bill is compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

In Queensland, like many other common law jurisdictions, the law of trusts is predominantly found in the case law. Legislation, such as the *Trusts Act 1973* (the Act), does not codify the law in this area, but supplements it, in order to facilitate the efficient administration of trusts by conferring powers on trustees which might otherwise be lacking under the trust instrument, and ensure that the court has appropriately wide powers to supervise the administration of trusts.

The Act commenced in 1973, and, aside from changes made by the *Trusts (Investments) Amendment Act 1999*, has not been significantly amended since.

The Bill is drafted broadly in accordance with the recommendations of the Queensland Law Reform Commission (QLRC) in its *A Review of the Trusts Act 1973 (Qld) - Interim Report WP No 71* (2013) and *A review of the Trusts Act 1973 Final Report No 71 (December 2013)* (together, the Reports). The Bill is also broadly consistent with the Trusts Bill 2024 (lapsed Bill), which lapsed when the 57th Parliament was dissolved.

The primary objective of the Bill is to modernise and simplify the trusts legislation for Queensland, and remove obsolete provisions or those that are no longer appropriate or that confer powers which are no longer needed in modern trusts legislation.

The Bill introduces a number of new or substantially changed provisions to streamline the legislation, meet modern needs and address existing gaps in the Act. These include conferring general powers (including investment and delegation) and minimum core duties (including maintaining trust records and accounts and providing these to beneficiaries) on trustees in administering a trust; increasing the capital of the trust which may be applied by the trustee for maintenance, education or advancement (maintenance) of a beneficiary; and conferring additional statutory powers on courts.

In the interests of minimising costs to trusts and related parties, the Bill also provides jurisdiction to the District Court, within its monetary jurisdiction, to exercise the same powers that are conferred on the Supreme Court, and enables trustees of certain charitable trusts to apply to the Attorney-General for the approval of *cy pres* schemes, in lieu of making an application to the Supreme Court.

Human Rights Issues

Human rights relevant to the Bill (Part 2, Division 2 and 3 *Human Rights Act 2019*)

Human rights engaged by the Bill are:

- property rights (section 24 of the HR Act);
- the right to a fair hearing (section 31 of the HR Act).

The Bill promotes and upholds the right to a fair hearing by providing that any variation of rights in relation to trusts, property or other interests is determined by a court, which is generally consistent with current practice under the Act.

If human rights may be subject to limitation if the Bill is enacted – consideration of whether the limitations are reasonable and demonstrably justifiable (section 13 *Human Rights Act 2019*)

Property Rights (section 24 of the HR Act)

(a) <u>the nature of the right</u>

All persons have the right to own property alone and in association with others and to not be arbitrarily deprived of their property. The ability to own and protect property historically underpins many of the structures that are essential to maintaining a free and democratic society based on human dignity, equality and freedom.

The right includes the protection from the arbitrary deprivation of property. Deprivation in this sense has been held to include the substantial restriction on a person's use and enjoyment of their property. Property generally includes all real and personal property interests recognised under general law (including but not limited to interests in land, contractual rights and shares) and may include some statutory rights (especially if the right includes traditional aspects of property rights, such as to use, transfer, dispose or exclude). The right does not provide a right to compensation.

Various provisions of the Bill place limitations on property rights.

(i) Provisions dealing with appointment and removal of trustees

Part 2 and part 3, divisions 2 and 3 of the Bill set out certain persons who cannot be appointed as trustees and, if already appointed, can be removed as trustees. Clauses 47 and 56 of the Bill set out when, how and what type of, a custodian trustee may be appointed to or removed from the trust.

These provisions restrict who may be the trustee or custodian trustee of a trust and therefore who may have legal title to the trust property and administer the trust. These clauses provide protection to the persons interested in the trust property by limiting a person's ability to be appointed as a trustee, or allowing them to be removed, when there are suitability concerns or it is in the interests of, or the general wish of, the beneficiaries of the trust. The provisions restrict the rights of a (proposed) trustee to be appointed, or remain appointed, as trustee, but protect the interests of the beneficiaries of the trust in having the trust property properly administered by a suitable trustee or, in the case of a charitable trust, in accordance with the purpose of the trust.

(ii) Provisions dealing with vesting of the trust property in a trustee

Part 3, divisions 5 to 7 of the Bill sets out when and how trust property vests in a trustee and clause 48 of the Bill sets out when trust property vests in a custodian trustee. This determines when and in whom the title to trust property may vest ensuring that it reflects requirements such as registration to give legal title (for example, indefeasible title created on registration on the relevant Land Titles register across Australia). These limitations are justified for certainty about when and in whom property is vested.

(iii) Disclaimer of trusts contained in a will

Part 3, division 8 of the Bill prevents a person, who has been appointed as both executor and trustee of a will and who has renounced their right to apply for a grant of representation, or who has failed after being properly cited or summoned to apply for a grant of representation, from acting as trustee of the trust of the will. This limitation on a person's ability to act as executor and trustee of the will, promotes certainty as to who may administer the estate, ensuring the efficient administration of a deceased estate which protects the property interests of the beneficiaries of the estate.

(iv) Custodian trustees' and managing trustees' liability

Part 4 deals with custodian trustees including providing for protection of the custodian trustee from liability when they act in accordance with the direction of the managing trustees. In such cases, liability rests with the managing trustees. This is an appropriate balance of the rights between the custodian trustee, who is acting under the direction of the managing trustees, and the accountability of the managing trustees in providing directions, while still providing protection for the property interests of the beneficiaries of the trust.

(v) Apportionment of expenditure between income and capital

Clause 86 of the Bill sets out how expenditure from the trust property is to be apportioned between income and capital. These limitations balance the competing property interests of the income and capital beneficiaries of the trust property.

(vi) Appropriation of trust property

Part 7, division 3 of the Bill deals with appropriation of specific trust property by the trustee to a beneficiary of the trust in satisfaction or partial satisfaction of their interest in the trust, subject to the consent of the beneficiary, who will receive the appropriation of the specific trust property. This allows the trustee to make an appropriation of trust property to a beneficiary who has consented, after giving notice to all interested parties. This notice gives other beneficiaries an opportunity to have the court alter the proposed appropriation. This restriction on the rights of the trustee to appropriate specific trust property protects the interests of the competing beneficiaries to the specific trust property by allowing a court determination, where required, to vary the trustee's proposed appropriation.

(vii) Application of income by trustee-mortgagee in possession

Part 7, division 6 of the Bill sets out how income and capital received from mortgaged land, after the trustee becomes the mortgagee in possession of the land, is to be applied towards priority outgoings and between the mortgagor and the mortgagee. These limitations on the treatment of income and capital, and application towards priority outgoings, balance the competing property rights of the mortgagee and mortgagor.

(viii) Application of insurance money

Clause 115 of the Bill sets out how money received under an insurance policy over trust property is to be applied and whether it is to be treated as income, capital or used by the trustee to reinstate or repair the trust property. This limitation on the treatment of the proceeds of an insurance claim balances the competing property rights of the income and capital beneficiaries of the trust.

(ix) Valuations

Clause 117 of the Bill allows a trustee to fix the value of the trust property or property the trustee is authorised to buy or acquire. This valuation is binding on all persons beneficially interested in the trust property where the valuation is otherwise in accordance with the trustee's duties under part 5, divisions 2 and 3. If the trustee is not personally qualified to ascertain the value of the property then the trustee must consult a properly qualified person about the value of the property but is not bound to accept a valuation made by the person. The trustee's valuation determines the value of the trust property which binds the beneficiaries, but this is balanced by the trustee's obligation to administer the trust, including valuing the trust property, in accordance with the trustee's duties.

(x) Conversion of property

Clause 122 of the Bill allows conversion of trust property (or property which is later determined to be subject to a trust) from land to personal property or vice versa. This places restrictions on how this converted property is held and protects the interests of the parties beneficially entitled to the converted property under the trust.

(xi) Application of trust capital for maintenance

Part 8, division 3 of the Bill allows a trustee to pay or apply an amount out of capital of the trust property to which a beneficiary is or would be entitled for the beneficiary's maintenance, education or advancement. The Bill increases the maximum amount of capital permitted to be applied by the trustee (when compared with the Act), subject to a court ordering otherwise. However, the trustee's right to apply capital out of the trust property is restricted if another person's prior life interest or other interest, whether vested or contingent, would be prejudiced by the application of capital, unless the person prejudiced has capacity for financial matters relating to application of capital and consents in writing to the distribution, or the court orders the distribution to be made.

Therefore, this restriction on the distribution of capital for maintenance to a beneficiary is balanced by the ability of the person prejudiced to either consent to the distribution or make an application to court. This is an appropriate balancing of the interests of the beneficiary in need of maintenance against the interests of the other beneficiaries of the capital of the trust property.

(xii) Barring of claims by court order

Part 9, division 2 of the Bill allows a trustee to give notice to a claimant or potential claimant requiring them to commence a proceeding, or to prosecute their claim against the trustee (as trustee of the trust). After the required notice period has elapsed, a trustee may apply to the court for an order barring the claim (including for all purposes).

This limitation on third parties' rights to make a claim against the trustee of the trust is appropriately balanced by the claimant's right to issue proceedings and prosecute the proceeding with appropriate diligence and also to be heard by the court before their claim is barred. The provisions enable trustees to finalise potential claims that are not being prosecuted in order to efficiently administer the trust without undue delay which enables beneficiaries to receive trust distributions in a timely fashion.

(xiii) Wrongful distribution

Part 9, division 3 of the Bill allows the court to order that the trustee who made a wrongful distribution of trust property, and the recipient of that trust property, remedy the wrongful distribution in favour of the claimant, being the person who has suffered loss because of the wrongful distribution. The order is subject to the court's consideration of whether the recipient has received the distribution in good faith and has so changed their position in reliance on the propriety of the distribution that it would be inequitable to enforce the remedy.

The restriction on the claimant's right to seek a remedy against a recipient reflects the equitable principles of trusts law to ensure that the remedy is just in all of the circumstances and balances the competing interests of the (wrongful) recipient and the claimant.

(xiv) Liability for breach of trust or improper investment

A trustee is generally personally liable to compensate the trust (and accordingly, the beneficiaries of the trust) for any loss suffered by the trust as a result of the trustee's breach of trust. Clauses 155 and 156 of the Bill place restrictions on this personal liability that limit the rights of persons beneficially interested in the trust property to make a claim against a trustee.

Under clause 155, the court may relieve the trustee, wholly or in part, from personal liability if satisfied that the trustee acted honestly and reasonably and should fairly be excused for the breach of trust and for omitting to obtain the court's directions in the matter relating to the trustee's breach of trust. This balances the competing interests of the trustee to be excused where the circumstances warrant it with the beneficiaries' rights to be compensated for the breach of trust.

Under clause 156, the court may order that a beneficiary is liable to indemnify the trustee for the trustee's breach of the trust, out of the beneficiary's interest in the trust property, if the breach was committed at the instigation or request or with the written consent of the beneficiary. This balances the competing interests of other beneficiaries of the trust to receive a remedy for the breach of trust and the trustee to be excused if the circumstances warrant, and to hold the beneficiary accountable for their conduct.

Similarly, part 6, division 4 of the Bill limits the liability of a trustee to compensate the trust (and accordingly, the beneficiaries of the trust) for any loss suffered by the trust as a result of an improper loan on security of property. The trustee's liability is limited to the difference between the loan amount the court finds would not have been a breach of trust under clause 79 and the actual loan amount made by the trustee, plus interest. This balances the competing interests of the trustee to only be liable for the loss suffered as a result of the breach of trust with the entitlement of the beneficiaries of the trust to be compensated for the breach.

(xv) Remuneration of trustees

Part 10 of the Bill enables a trustee to apply for an order authorising the trustee to charge, and be paid out of the trust property for, the trustee's professional charges in relation to the trust. The court may make an order the court considers appropriate if the circumstances justify the charge. This part also allows an interested party to apply to the court to reduce any commission or professional charges charged, or proposed to be charged, and paid out of the trust property by the trustee, if the amount is excessive.

This may place restrictions on the trustee's ability to charge commission or professional charges, and the beneficiaries' ability to receive the full benefit of the trust property as it may become subject to a charge for the trustee's remuneration. However, the provisions in this part balance these competing interests by allowing for a court's determination.

(xvi) Disqualification or removal of trustee

Under clause 168 of the Bill, the court may, if a trustee is removed or replaced by the court (e.g., because they are unfit to act as a trustee of a trust), also disqualify that person from being appointed as a trustee and remove them as trustee of any other trust. This may limit a former trustee's right to act as trustee of other trusts, which recognises the serious nature of the fiduciary duties which must be discharged by a trustee and protects the interests of beneficiaries of a trust.

(xvii) Vesting orders

Part 11 of the Bill enables the court to make orders relating to trust property, for property to be held on trust or to give directions to the trustee about the trust property. The provisions place restraints on property rights of people who had interests in the property prior to the orders or directions being made by the court, but appropriately protect the interests of beneficiaries of trust property and the person in whom the property vests under the court order after consideration of the relevant issues by the court.

(xviii) Order that a cy pres scheme apply to a charitable trust

Part 12, division 3 of the Bill enables the court, or the Attorney-General if the trust property does not exceed the District Court's monetary limit, to order or determine that property of a charitable trust may be applied *cy pres*. However, the circumstances in which charitable trust property may be applied *cy pres* are limited under the common law and by the circumstances under clause 199(1)(a) to (e) of the Bill.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the various limitations on certain persons' property rights in the Bill is to prioritise the property rights of other parties to better reflect modern community standards and ensure that trusts are able to be efficiently administered in a cost-effective fashion.

As set out above, a number of provisions in the Bill will limit or restrict how a person may deal with property interests in certain circumstances. The provisions of the Bill will continue the application of well-known and settled trusts law provisions with modern drafting to clarify particular areas of uncertainty, and to balance the rights and interests of trustees and those who are beneficially interested in trusts in a way that provides certainty.

The potential limitations in the Bill relating to the appointment and removal of trustees, vesting of trust property, disclaimer of the trust of the will, apportionment of expenditure between income and capital, application of income by a trustee-mortgagee in possession, application of insurance money, valuations, conversion of property, barring of claims by the court, wrongful distribution, liability for breach of trust or improper investment and vesting orders effectively restate the existing provisions of the Act with minor clarifications. These provisions are intended to provide certainty and continue long-established and well-settled trusts law principles. The limitations imposed by the Bill in these areas are consistent with a free and democratic society based on human dignity, equality and freedom because the limitations are: consistent with existing legal requirements, or represent minor or incremental amendments to existing requirements; and have been designed to provide certainty while balancing competing rights of interested persons, including trustees, persons beneficially interested in the trust property and claimants against the trust property, affected by the relevant provisions.

The potential limitations relating to a custodian trustee's and managing trustees' liability, appointment and removal of trustees including disqualification of a trustee, trustee remuneration and the *cy pres* scheme provisions, build upon existing legal requirements, but include new provisions and changed obligations that are balanced, fair, provide certainty and enable trusts to be administered in a more cost-effective fashion.

The custodian trustee and managing trustees provisions (part 4 of the Bill) provide certainty about the liability of the custodian trustee and managing trustees for the trust while appropriately balancing the rights of these trustees. Under clauses 51 and 52 of the Bill, the custodian trustee is protected from personal liability, when acting in accordance with the managing trustees' direction, while the managing trustees remain liable for any act or omission of their own or of the custodian trustee pursuant to their direction. The custodian trustee is also given further protection and a right to make an application to court for directions in relation to the trust under clause 53. This provides judicial oversight of the role of the trustee and protects the interests of the beneficiaries of the trust.

Parts 2 and 3 of the Bill, in many respects, adopt the current provisions of the Act in relation to appointment and removal of trustees. However, the changes in the Bill provide certainty and clarity about who may be appointed as trustee, who may be removed as trustee and who may appoint a new trustee.

Clause 13 of the Bill prevents a child, a person who has been disqualified from acting as a trustee, an individual who is an insolvent under administration as defined under the *Acts Interpretation Act 1954*, or a 'Chapter 5 body corporate' as defined under section 9 of the *Corporations Act 2001* (Cth), from being appointed as a trustee. This provides certainty as to who can be appointed as a trustee.

Clause 20 of the Bill modernises who can be removed as a trustee by clarifying the application of the provision to include any person who becomes an insolvent under administration and those who have been disqualified from managing corporations.

Clause 22 of the Bill mirrors the power of a personal representative of a deceased last continuing trustee to appoint a new trustee (which is provided for in clause 21 of the Bill), to allow an attorney or administrator of the last continuing trustee with incapacity to administer the trust to appoint a new trustee in particular circumstances.

Clause 23 of the Bill permits a last continuing trustee who is an an insolvent under administration to appoint a replacement for themself as trustee. This enables the trust to be administered efficiently and cost effectively without the time and costs associated with making a court application to obtain an order appointing a new trustee.

Clause 168 of the Bill is a new provision which allows the court to not only remove or replace a trustee but also to disqualify a person from acting as a trustee and remove them as trustee of any other trust where they are unfit to act in this fiduciary role.

These provisions provide certainty about who can be appointed, replaced or removed as a trustee, acknowledge the important fiduciary role of a trustee and provide protection of the interests of the beneficiaries of the trust in the trust property.

Part 10 of the Bill clarifies the court's inherent jurisdiction to oversee the administration of trusts by granting the court the power to order that a trustee be paid remuneration for administering a trust, and also allows a court to review and reduce any excessive amounts for commission and professional charges charged or proposed to be charged by a trustee to the trust. This appropriately balances the rights of the trustee to receive commission for their work in administering the trust, while also preserving and protecting the rights of those beneficially interested in the trust so that these charges are not excessive.

Part 12, division 3, subdivision 3 of the Bill allows the Attorney-General to approve that trust property of a charitable trust be applied *cy pres* if the trust property is within the District Court's monetary limit. This new power requires the Attorney-General to undertake a quasi-judicial process including requiring notice of the proposed *cy pres* scheme to be given to interested parties and also giving them an opportunity to be heard on the scheme, and for their positions to be considered by the Attorney-General. There is also a right of appeal to the Supreme Court from any decision of the Attorney-General. This appropriately balances the rights of parties with an interest in the trust property to have the trust administered as cost-effectively as possible, while also preserving the rights of all interested parties to be notified of, and be able to participate in, a fair hearing of a *cy pres* application.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The limitations in the Bill described above achieve the purpose by providing certainty as to property rights, enabling efficient administration of trusts and reflecting an appropriate balance between the various competing property rights.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill.

The purpose of the Bill cannot be achieved with provisions that are less restrictive on an individual's property rights.

The Bill provides additional safeguards to that of the Act. At clause 90, the Bill adopts the protections under the common law, which were not part of the Act, so that a person who is to receive the benefit of an appropriation of trust property must consent to the proposed appropriation. This rebalancing of the interests of the trustee and the beneficiary ensures a trustee cannot appropriate specific trust property in favour of a beneficiary who does not want that specific trust property.

The Bill also balances the competing property rights of trustees, beneficiaries and other claimants with an interest in the trust property. As set out above, where property rights are limited or restricted for one party then, in most cases, a property right is provided to benefit another party so as to balance the competing interests of the parties.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The Bill adopts an appropriate balancing of competing property rights, which is consistent with human rights. The Bill places limitations on certain property rights and also offers additional protections and property rights for parties with competing interests in the trust property so as to achieve an appropriate balance. The benefits gained by fulfilling the purpose of the Bill outweigh any limitations imposed on the human rights identified.

Right to a fair hearing (section 31 of the HR Act)

(a) the nature of the right

The right to a fair hearing affirms the right of all individuals to procedural fairness when coming before a court or tribunal. It applies to both criminal and civil proceedings and guarantees that such matters must be heard and decided by a competent, impartial and independent court or tribunal.

What constitutes a 'fair' hearing will depend on the facts of the case and will require the weighing of a number of factors including the rights of the applicant and the rights of any person who may be affected by the order sought by the applicant.

This generally requires that any party who may be affected by the orders sought is given an opportunity to be heard and to put their position forward.

The Bill limits the right to a fair hearing because:

- it does not require all beneficiaries to be a party to a matter involving the trustee obtaining orders from a court in relation to the trust, but at the same time preserves a beneficiary's right to contest a trustee's right to indemnity from the trust property by order of the court under clause 141 of the Bill if that beneficiary was not a party to those proceedings which resulted in the court order. This preserves the rights of the beneficiary to a fair hearing before the court if they were not previously heard in the proceedings which resulted in the orders being made;
- the court has the power to decide a proceeding in the absence of the trustee, a party or another interested person under clauses 190 and 191 of the Bill. However, this order does not bind the trustee in any other capacity, and the court may choose to appoint a person to represent the interests of the party or other interested person to give them an opportunity to be heard. This gives an interested party a right to be heard and an opportunity to be heard where possible, which provides protections for interested parties;
- the Attorney-General, rather than the court, may consider and approve a *cy pres* scheme if a trustee makes application to the Attorney-General. However, this decision is appealable to the Supreme Court pursuant to part 12, division 3, subdivision 3 of the Bill, which preserves a right to a fair hearing before the court if required.

(b) <u>the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom</u>

The purpose of the limitations in clauses 141, 190 and 191 of the Bill which allow the court to make orders in the absence of a person affected by the order in some cases is to enhance the rights of the party making the application, and those who would benefit from the application.

(c) <u>the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose</u>

Any limitations imposed by the Bill help achieve the purpose of simplifying and modernising Queensland's trusts law by balancing the competing rights of people consistently with a free and democratic society.

These limitations allow a determination to be made as soon as possible, as cost effectively as possible, while putting safeguards in place to protect the rights of a person impacted by the determination who is not a party to the matter, and to ensure that, as far as possible, procedural fairness is given to all potentially interested persons before a determination is made that may impact on their rights.

(d) <u>whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill.</u>

The objective of the Bill cannot be achieved with provisions that are less restrictive on an individual's right to a fair hearing.

The limitations on the rights to a fair hearing of a person affected by a proposed order are also mitigated by additional protections or rights put in place for the person affected by the order who is not heard by the court.

Under clause 141 of the Bill, if the beneficiary is not a party to the application, the beneficiary's right to contest a claim of the trustee to be entitled to indemnify themselves out of trust property is not affected by an order made by the court so the beneficiary may re-contest the same issue later, if they wish. Similarly, under clause 190, a judgment given against the person as trustee does not affect any interest the person may have in the matter in question in the proceeding in another capacity.

Under clause 191, the court may appoint a person to represent the interests of a party or any other interested person to give them an opportunity to be heard before determining the issues, which provides that their interests are appropriately represented.

The limitation in part 12, division 3, subdivision 3 of the Bill requires the Attorney-General to act in a quasi-judicial capacity, when an application is made to the Attorney-General by the trustee of a trust, including by giving notice to relevant parties and also considering any submissions provided by any relevant parties before making a decision. However, any interested party has a right to appeal a determination of the Attorney-General by making an appeal to the Supreme Court thereby giving all interested parties the right to a fair (re)hearing before the Supreme Court.

The Bill balances the rights of a person to timely and cost-effective justice as against another person who may be impacted by the proceedings, and the rights of the person who is impacted by the proceedings to be given a fair hearing.

(e) <u>the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation</u>

The Bill adopts an appropriate balancing of competing rights, which is consistent with human rights. The Bill, while placing limitations on a right to a fair hearing in very limited circumstances, offers additional protections or further rights to persons who may not have been given the opportunity to be heard at first instance, and ensures that the opportunity for procedural fairness is given to any person who may have an interest in the outcome of the determination.

Conclusion

In my opinion, the Trusts Bill 2025 is compatible with human rights under the *Human Rights Act 2019* because it limits human rights only to the extent that is reasonably and demonstrably justifiable in accordance with section 13 of that Act.

DEB FRECKLINGTON MP
Attorney-General and Minister for Justice
Minister for Integrity