

75J. Interpretation in this Part

- (1) In this Part, unless the contrary intention appears —
 - “**body corporate**” does not include a corporation sole;
 - “**dormant**”, in relation to a body corporate, has the meaning given by section 75JAA;
 - “**foreign person**” means —
 - (a) an individual who does not ordinarily reside in Australia;
 - (b) a corporation or a foreign company —
 - (i) at least 80% of the issued share capital of which is owned by individuals who do not ordinarily reside in Australia or by foreign companies; and
 - (ii) in respect of which individuals who do not ordinarily reside in Australia or foreign companies are in a position to cast or control the casting of at least 80% of the maximum number of votes that might be cast at a general meeting of the corporation or foreign company (excluding any power to vote by any person by virtue of the provisions of any debentures or a trust deed securing the issue of such debentures);
 - “**Part IIIBA statement**” means a statement lodged to which section 76AG(5) or 76AN(4) applies;
 - “**section 31B or 31C statement**” means a statement lodged under section 31B or 31C;
 - “**shares**” includes stock.
- (2) In this Part, unless the contrary intention appears —
 - (a) 2 bodies corporate are associated if —
 - (i) one of them beneficially owns (directly or indirectly) at least 90% of the issued share capital of, and has voting control over, the other; or
 - (ii) a third body corporate beneficially owns (directly or indirectly) at least 90% of the issued share capital of each body corporate and has voting control over each body corporate;
 - (b) a body corporate (“**A**”) has voting control over another body corporate (“**B**”) if A is in a position to cast or control the casting of at least 90% of the maximum number of votes that might be cast at a general meeting of B (excluding any power to vote by any person by virtue of the provisions of any debentures or a trust deed securing the issue of such debentures);
 - (c) if the claw-back applies —
 - (i) in the case of an instrument, section 75JE applies; or
 - (ii) in the case of a Part IIIBA statement, section 75JF applies.
- (3) In this Part, other than section 75JA, unless the contrary intention appears —

“issued share capital” means issued share capital that carries the right to unlimited participation in the distribution of income and capital of a body corporate.

- (4) In this Part, other than section 75JA, a statement lodged and deemed to be an instrument under section 31B or sections 31C and 31D is deemed to be an instrument executed on the day on which the transaction or transfer to which the statement relates occurred.

[Section 75J inserted by No. 48 of 1996 s. 42; amended by No. 51 of 1997 s. 5; No. 29 of 2000 s. 5; No. 60 of 2000 s. 20(6); No. 10 of 2001 s. 170; No. 36 of 2001 s. 19.]