

## 7. Persons who are “related” for the purposes of this Part

- (1) For the purposes of sections 6(1)(c), 14(a) and 17BA(3), persons are “related” if they are —
- (a) joint owners of property;
  - (b) individuals who are in partnership with each other;
  - (c) participants in the same joint venture;
  - (d) spouses, or de facto partners, of each other or between whom the relationship is that of parent and child;
  - (e) related corporations;
  - (f) a trustee and another trustee if there is any beneficiary common to the trusts of which they are trustees, whether the beneficiary has a vested share or is contingently entitled or may benefit from a discretionary trust;
  - (g) an individual and a corporation, if the individual is a majority shareholder, director or secretary of the corporation or a related corporation;
  - (h) an individual and a trustee, if the individual is a beneficiary under the trust of which the trustee is a trustee, whether the beneficiary has a vested share or is contingently entitled or may benefit from a discretionary trust;
  - (i) a corporation and a trustee, if —
    - (i) the corporation, or a majority shareholder, director or secretary of the corporation, is a beneficiary of the trust of which the trustee is a trustee; or
    - (ii) a related corporation to the corporation is a beneficiary of the trust of which the trustee is a trustee,whether (in either case) the beneficiary has a vested share or is contingently entitled or may benefit from a discretionary trust.
- (2) For the purposes of subsection (1) —
- (a) an illegitimate person shall be treated as the legitimate child of that person’s parents;
  - (b) it is irrelevant whether a relationship is of the whole or half-blood, or whether it is a natural relationship or a relationship established by a written law; and
  - (c) a majority shareholder in relation to a corporation is a person who would have a substantial holding in the corporation under the definition of “substantial holding” in section 9 of the Corporations Act even if the reference in that definition to 5% were a reference to 50%.

*[Section 7 inserted by No. 12 of 2004 s. 15.]*