

75J. Interpretation in Part IIIBAAA

- (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; or
 - (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);
 - “**section 31B or 31C statement**” means a dutiable statement prepared 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.

[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; No. 2 of 2003 s. 75.]