

## 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;
  - “**licence**” has the meaning given to that term in section 76B;
  - “**section 31B or 31C statement**” means a dutiable statement lodged under section 31B or 31C;
  - “**shares**” includes stock;
  - “**vehicle**” has the meaning given to that term in section 76B.
- (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; No. 66 of 2003 s. 48.]*

This provision has a retrospective amendment effective from 18 May 2005 see the *Revenue Laws Amendment Act 2005*. The effect of this retrospective amendment has not been included in this document. To see the provision as amended by the retrospective amendment see the document as at 30 Aug 2005.