

LI 2023/1 -



ABRS
Australian Business
Registry Services

Corporations (Eligible Officer Exclusion – non-individuals and resigned directors) Determination 2023

I, Chris Jordan, Commissioner of Taxation, in my capacity as the Registrar make the following legislative instrument.

Dated 24 January 2023

Chris Jordan
Registrar

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1 Name

This instrument is the *Corporations (Eligible Officer Exclusion – non-individuals and resigned directors) Determination 2023*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 December 2022	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under subsection 1272B(3) of the *Corporations Act 2001*.

4 Classes of persons who are not eligible officers

- (1) For the purposes of subsection 1272B(3) of the *Corporations Act 2001*, the classes of persons specified in subsections (2) and (3) are not eligible officers.
- (2) A person who:
- (a) was:
 - (i) an eligible officer, within the meaning of the *Corporations Act 2001*, immediately before 4 April 2021; or
 - (ii) not an eligible officer immediately before 4 April 2021, but became an eligible officer between 4 April 2021 and 31 October 2021; and
 - (b) does not hold any role as an appointed director or alternate director acting in that capacity (regardless of the name given to that position) of a company, a body corporate that is a registered Australian body, a registered foreign company, or an Aboriginal and Torres Strait Islander corporation after 30 November 2022; and
 - (c) does not have a director identification number.

- (3) A person who:
 - (a) would otherwise be an eligible officer within the meaning of the *Corporations Act 2001*; and
 - (b) is not an individual.

5 Class of persons who are not eligible officers for the period 4 April 2021 to 30 November 2022

- (1) For the purposes of subsection 1272B(3) of the *Corporations Act 2001*, the class of persons specified in subsection (2) are not eligible officers for the period 4 April 2021 to 30 November 2022.
- (2) A person who:
 - (a) was:
 - (i) an eligible officer, within the meaning of the *Corporations Act 2001*, immediately before 4 April 2021; or
 - (ii) not an eligible officer immediately before 4 April 2021, but became an eligible officer between 4 April 2021 and 31 October 2021; and
 - (b) stopped holding any role as an appointed director or alternate director acting in that capacity (regardless of the name given to that position) of a company, a body corporate that is a registered Australian body, a registered foreign company, or an Aboriginal and Torres Strait Islander corporation prior to 1 December 2022; and
 - (c) does not have a director identification number.