

ASSOCIATIONS INCORPORATION ACT 1984 (NSW)

§7 Eligibility for incorporation

- (1) Subject to this Act, an association formed or carried on for any lawful object and consisting of not less than 5 members is eligible to be incorporated under this Act.
- (2) Notwithstanding subsection (1), an association is not eligible to be incorporated under this Act if the association:
 - (a) is carried on for the object of trading or securing pecuniary gain for its members,
 - (b) has a capital divided into shares or stock held by members of the association,
 - (c) holds property in which the members of the association have a disposable interest, whether directly or in the form of shares or stock in the capital of the association, or otherwise,
 - (d) is an industrial organisation within the meaning of the *Industrial Relations Act 1996* that is a State organisation incorporated under that Act,
 - (e) is registered as a co-operative under the *Co-operatives Act 1992*, a society under the *Friendly Societies Act 1989*, a building society or credit union under the *Financial Institutions (NSW) Code* or a co-operative housing society under the *Co-operative Housing and Starr-Bowkett Societies Act 1998*, or
 - (f) is a company within the meaning of the *Corporations Act 2001* of the Commonwealth, other than a company limited by guarantee within the meaning of that Act, or
 - (g) is an association which is, or is included in a class of associations which is, prescribed for the purposes of this subsection.
- (3) The incorporation of an association under this Act is valid notwithstanding that the association was not eligible to be so incorporated.