In New South Wales (NSW), transitioning from an unincorporated association to an incorporated association involves registering under the Associations Incorporation Act 2009. This process grants your group a distinct legal identity, enabling it to own property, enter contracts, and limit members' personal liability.

**Steps to Incorporate Your Association in NSW**

1. **Choose a Name**
   * Ensure your desired name isn't already in use or too similar to existing entities. [Search Here](https://connectonline.asic.gov.au/RegistrySearch/faces/landing/SearchRegisters.jspx)
   * Optionally, reserve the name for three months by submitting [Form A1](https://www.nsw.gov.au/business-and-economy/incorporated-associations/incorporated-associations-forms-and-fees/form-a1-application-for-reservation-of-name) and paying the prescribed fee.
2. **Develop a Constitution**
   * You can either:
     + Adopt the Model Constitution provided by Rugby Australia ([contact Michael Flude](mailto:michael.flude@rugby.com.au)).
     + Draft your own constitution, ensuring it complies with the Act's requirements.
3. **Appoint a Public Officer**
   * Nominate an individual over 18 years old, residing in NSW, to serve as the association's [public officer](mailto:https://content.nfplaw.org.au/wp-content/uploads/2025/03/Running-an-IA-in-NSW.pdf?utm_source=chatgpt.com). (To nominate, click [HERE](https://associations.fairtrading.nsw.gov.au/forms/a9))
4. **Authorize the Application**
   * If you're transitioning from an unincorporated group, pass a special resolution authorizing the incorporation.
   * Attach a copy of this resolution to your application.
5. **Complete and Submit Form A2**
   * Fill out [Form A2](https://www.nsw.gov.au/business-and-economy/incorporated-associations/incorporated-associations-forms-and-fees/form-a2-application-for-registration-of-an-incorporated-association): Application for Registration of an Incorporated Association.
   * Include:
     + The proposed name and official address (not a P.O. Box).
     + Details of the public officer.
     + A copy of the constitution or a statement adopting the Model Constitution.
     + A statement of the association's objectives and principal activities.
     + The prescribed application fee.
6. **Submit the Application**
   * Lodge the completed Form A2 and accompanying documents with NSW Fair Trading either by [email](http://registrylodgements@customerservice.nsw.gov.au), by post (Fair Trading, P.O Box 22, Bathurst NSW 2795) or in person at any NSW Service centre (to speak to them, call 13 77 88)

**Post-Incorporation Considerations**

* **Legal Status**: Your association will become a legal entity, capable of owning property, entering contracts, and being sued or suing in its own name. For information on this, click [HERE](https://www.nsw.gov.au/business-and-economy/incorporated-associations/about-incorporated-associations)
* **Compliance Obligations**: You'll be required to:
  + Maintain accurate records and registers.
  + Hold annual general meetings.
  + Submit annual financial summaries to NSW Fair Trading.
  + Notify NSW Fair Trading of any changes to the association's details.
* **Taxation and Funding**: Consider [applying for an Australian Business Number (ABN)](https://www.abr.gov.au/business-super-funds-charities/applying-abn) and exploring eligibility for tax concessions or grants.
* **GST:** If your club has revenue over $150,000 per annum, you must [register for GST](https://www.ato.gov.au/businesses-and-organisations/gst-excise-and-indirect-taxes/gst/registering-for-gst)

For detailed guidance and access to necessary forms, visit the [NSW Fair Trading website.](https://www.nsw.gov.au/business-and-economy/incorporated-associations/starting-an-incorporated-association) If you need assistance with specific aspects of the process, feel free to contact Michael Flude from [Rugby Australia](mailto:michael.flude@rugby.com.au).