§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.