



TAX, STRUCTURE & COMPLIANCE

Registrable Australian Bodies: The National Presence Most Associations Never Formalised

Your incorporation comes from one state's law. Carrying on business interstate generally requires a separate ASIC registration

An incorporated association is created under one state or territory's law. To carry on business in another state or territory, it generally needs to register with ASIC as a registrable Australian body. A national association running conferences, chapters, or services across every state, while incorporated in only one, may be carrying a compliance gap most boards have never thought to check.

Which rules apply to your association?

The law depends on how your association is set up. A **company limited by guarantee** follows the Corporations Act 2001 (Cth) and its constitution. An **incorporated association** follows its state or territory associations Act and its rules. A **registered charity** also follows the ACNC Act and the ACNC Governance Standards, and some Corporations Act rules are replaced for charities that are companies. Check your own governing documents, and get advice before decisions with legal consequences.

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2. [An Honest, Practical Observation Worth Including](#)
3. [The Dual-Regulator Obligation This Creates For Charities](#)

The Legal Boundary Most National Associations Overlook

State and territory incorporated association legislation is exactly that, state and territory legislation. An association incorporated under one state's Act remains a legal person elsewhere in Australia, but to carry on business outside its home jurisdiction it generally needs to register with ASIC as a registrable Australian body under the Corporations Act. Registration gives it an Australian Registered Body Number and allows it to operate across every state and territory while keeping its original association structure and its state-based incorporation as the underlying legal entity. Whether your interstate activity amounts to "carrying on business" (for example, an interstate office, staff, regular services or ongoing trading) is a question of fact. If you are unsure, seek advice before deciding registration is not needed.

An Honest, Practical Observation Worth Including

Many associations operating nationally have never considered this registration at all. Whether or not the requirement has been enforced against your association, it applies if you carry on business interstate. An association that has never registered as a registrable Australian body, despite operating well beyond its home state for years, carries a compliance gap, and closing it is a straightforward process considerably less complicated than discovering the gap during a dispute or regulatory inquiry. A requirement nobody has raised with you is not the same as a requirement that does not apply.

The Dual-Regulator Obligation This Creates For Charities

A registered charity that is also a registrable Australian body deals with two separate regulators. Name changes must be notified to both ASIC and the ACNC. The charity must have a physical registered office address, which it notifies to the ACNC through the Charity Portal, and ASIC must be told if the charity

stops operating outside its home state. An association managing this dual obligation needs a clear internal process for keeping both regulators updated, rather than assuming updating one automatically informs the other.

- Confirm whether your association carries on business outside its home state or territory of incorporation, and if so, whether it has registered as a registrable Australian body with ASIC.
- Treat this registration as a compliance requirement worth addressing proactively, and seek advice where it is unclear whether your interstate activity amounts to carrying on business.
- If your association is a registered charity, build a clear internal process for notifying the right regulator of each change, including name changes to both ASIC and the ACNC.
- Confirm the registered office address requirement is met and notified to the correct regulator.
- Revisit this question specifically whenever your association's operations expand into a further state or territory for the first time.

Operating nationally under a single state or territory incorporation without this registration is a common, quietly persistent gap across the sector, precisely because it so rarely produces a visible consequence. Closing it is a modest administrative step that removes a real exposure most associations have never had reason to examine. This is one of the practical governance topics built into our Board Director course, alongside the papers, tools and frameworks that turn the principle into your board's actual practice.

[Explore the course](#)

Annie Gibbins

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BOARDROOM ACTION WORKSHEET

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Turn the resource into evidence, a decision and an accountable next step. Keep the completed record in your association's approved board records system.

1 What is the issue or decision?

State the governance question in one clear sentence.

2 What evidence do we already have?

Record the facts, source documents and stakeholder evidence available now.

3 What evidence is still needed?

Identify the legal, regulatory, financial, member or operational information still required.

4 What is the agreed next action?

Capture the owner, timeframe and how the matter will return to the board.

Action owner	Review date	Board decision or resolution

General education, not legal, financial, tax, clinical or governance advice. Confirm specifics at the relevant primary source or with your own qualified adviser. Nexus Leadership is operated by Lipstick Consulting Pty Ltd · ABN 15 619 120 482.

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