

# Changes to org.au eligibility for not-for-profit, hobby groups and sporting clubs

The org.au namespace serves Australia's large and important not-for-profit and charity sectors so it is key that the community can have trust and confidence in org.au.

auDA's role is to administer the rules for who can register an org.au domain name.

A new set of rules for .au domain names is coming into effect on 12 April 2021.

These new rules streamline and build on our existing rules and contain some key changes to help build and maintain trust in the .au domain.

In 2018, the ACNC reported charities earned \$155.4 billion in revenue of which 34 per cent was from delivering goods or services.

With the community increasingly engaging with the sector online, we are changing the rules to increase certainty that the holder of a org.au domain can be properly identified and verified as an eligible not-for-profit or charity.

## Changes to who can register org.au names

The new rules specify an expanded set of 11 categories of not-for-profit entities that are eligible for an org.au domain name, including incorporated associations, public companies limited by guarantee, non-distributing co-operatives, indigenous corporations, registered organizations (such as trade unions), charitable trusts, non-trading cooperatives, public or private ancillary funds, unincorporated



associations registered with ACNC, political parties, and Government statutory agencies.

One of the changes relates to sporting or special interest clubs that are structured as **unincorporated associations**. They may no longer be eligible to register or renew their names in org.au, unless they are charities registered with the Australian Charities and Not for Profit Commission (ACNC).

The reason for this change is that an unincorporated association cannot enter into a licence agreement as they do not have a legal 'identity'. That means under the existing rules, org.au domain name licences registered to unincorporated associations need to be held by individuals instead.

As unincorporated associations are often informal groups, this can lead to less certainty around who is using an org.au domain name.

Unincorporated associations registered with the ACNC are an exception as these are charities and organisations with a charitable purpose that have ongoing reporting obligations to the ACNC, making it easier to verify who is operating the org.au name.

It is important to note that most unincorporated associations will not be eligible to register with the ACNC. However, registrants of org.au names using an unincorporated association as the basis for their eligibility may be still eligible for their org.au name if they meet the definition of a not-for-profit a different way.

### **Who will be eligible under the new rules?**

To be eligible for a org.au name you need to be a not-for-profit entity. Under the new rules there are 11 categories of organisations that meet the definition of a not for profit:

1. an Incorporated Association under State or Territory legislation;
2. a Company limited by guarantee under the Corporations Act 2001(Cth)



3. a Non-distributing co-operative registered under State or Territory legislation;
4. an Indigenous Corporation registered under the Corporations (Aboriginal and Torres Strait Islander) Act 2006(Cth) and which appears on the Register of Aboriginal and Torres Strait Islander Corporations;
5. a Registered Organisation that is:
  - (a) an association of employers;
  - (b) an association of employees (union); or
  - (c) an enterprise association;registered under the Fair Work (Registered Organisations) Act 2009(Cth) and which appears on the Register of Organisations;
6. a Charitable trust endorsed by the Australian Taxation Office as a Deductible Gift Recipient;
7. a Non-trading cooperative under State or Territory legislation;
8. a Public or Private Ancillary Fund endorsed by the Australian Taxation Office as a Deductible Gift Recipient;
9. an unincorporated association that appears on the Register of Charities established under the Australian Charities and Not for Profit Commission Act 2012(Cth);
10. a Political Party registered under the *Commonwealth Electoral Act 1918 (Cth)* or State or Territory Electoral Act and which appears on the Register of Political Parties or as otherwise named; or
11. Government, being either the Crown or a Commonwealth, State or Territory statutory agency.

### **What should I do if I'm affected by this change?**

Firstly, this change only affects org.au registrants using their unincorporated association as the basis for their eligibility for an org.au name.



There are a number of courses of action you can take depending on your circumstances. You will need to assess which is the best option for your situation.



### **Check if you meet another category of not-for-profit entity**

You should first check whether you meet any of the other categories of a not-for-profit entity in the licensing rules.

If your organisation does meet another eligibility category, you can get your registrar to update your registrant details with this information.

Based on the enquiries we've received on this topic this is the most common solution.

If you're unsure about what kind of entity your organisation is, a good place to start is by searching for your organisation on the [Australian Securities and Investment Commission \(ASIC\) Registers](#) or [Australian Business Register \(ABR\)](#).

### **Register in the asn.au namespace**

Unincorporated associations are eligible to register in the asn.au namespace. You may consider registering a name that is the same or similar to your org.au name in the asn.au namespace, subject to its availability.

### **Change your organisation's legal structure**

You can consider changing the legal structure for your organisation to meet the definition of a not-for-profit entity, such as by becoming an incorporated association in your state or territory, or becoming a company limited by guarantee.

We can't offer advice on what legal structure is best for your situation, however organisations like [Justice Connect](#) offer free advice and resources on these matters.

### **Transfer your domain to a related not-for-profit incorporated organisation**

You can transfer your domain name licence to a related organisation that is either an incorporated association, a public company limited by guarantee, or a Government statutory body. For example a local sporting club, may wish to transfer their name to a state-based peak sporting body, or a local community



group looking after a local park may wish to transfer their name to an appropriate local Government entity.

### **When this change takes effect**

The change to the org.au eligibility rules takes effect on 12 April 2021. All org.au domain name licences created, transferred or renewed on or after this date will be subject to the new licensing rules.

If your domain name licence expires after 12 April 2021, the rules in place at the time you registered, or last renewed your domain name will apply until the end of the current licence period. If that name is renewed, the new licensing rules will apply.

For any other questions related to your domain name licence, contact your registrar.

You can read more about our new licensing rules on our [website](#) and [the .au blog](#).