



GOVERNANCE RISK & OPERATIONS

Members Register Access: Not a Privacy Breach. A Deliberately Balanced Exception

The inspection right is real, and so are the protections built around it. Most associations only apply half

Members of an incorporated association generally have a right under their state or territory Act to inspect the register of members, but the conditions (fees, notice, any statutory declaration) differ by jurisdiction and by the rules. For a company limited by guarantee, the Corporations Act allows anyone to inspect the register. This sits in apparent tension with the privacy discipline discussed throughout this series, and understanding how the two are reconciled matters more than most boards realise.

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.

In this resource

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2. [The Protective Mechanisms Worth Using Actively](#)
3. [A Practical Step Worth Adopting At Onboarding](#)

Why This Is Not A Privacy Breach, Despite How It Looks

The Australian Privacy Principles permit disclosure of personal information where required or authorised under law, and the law governing your register (your state or territory Act, or the Corporations Act for a company limited by guarantee) provides that authority for the members register. Check also whether your association is covered by the Privacy Act at all, since organisations with an annual turnover of \$3 million or less are generally exempt unless an exception applies. An association complying with a member's legitimate inspection request is not violating the privacy discipline this series has established elsewhere. It is following a specific, legislated exception built directly into that framework. This distinction matters, since a board unfamiliar with it may either refuse a lawful inspection request out of misplaced privacy caution, or conversely fail to apply the protective mechanisms this same legislation also provides.

The Protective Mechanisms Worth Using Actively

The inspection right is not unlimited. In some jurisdictions, such as Victoria, a member can apply to have access to their personal information on the register restricted. Elsewhere there may be no formal mechanism, so check your Act and rules, and limit the register to the details the law requires. An inspecting member is also restricted in how they can use information obtained from the register, limited by law to permitted purposes, for example purposes directly related to the association's affairs under WA law, or the restrictions in section 177 of the Corporations Act for a company limited by guarantee, and not repurposed as a personal mailing list or used for an unrelated commercial or personal purpose. Misusing register information obtained through a legitimate inspection is itself a breach the association can and should actively address. A member inspecting the register lawfully gains legitimate access to information.

What they are entitled to do with that information afterward is restricted, and an association that has never communicated or enforced this restriction has left half of its own legal protection sitting unused.

A Practical Step Worth Adopting At Onboarding

The most effective time to manage this tension is before a concern ever arises, at the point a new member joins. Advising prospective members clearly that their register details may be inspected by other members (or, for a company limited by guarantee, by anyone), and offering the option of providing an email address or postal box rather than a home address specifically for the register, gives members control over their own exposure without undermining the association's legal obligation to maintain and provide access to the register itself.

- Understand precisely that complying with a members register inspection request is a specific, legislated exception to general privacy obligations, not a breach of them, and nominate who handles requests, confirms the requester is entitled to inspect and records what was provided.
- Where your Act or rules provide a way to restrict access to a member's personal information, as in Victoria, make sure members know about it and can use it.
- Actively communicate and enforce the restriction on how inspecting members may use register information, treating misuse as a breach rather than an unenforceable technicality.
- Offer new members the option of providing an email address or postal box for the register at the point of joining, giving them control over their exposure from the outset.
- Distinguish clearly between the members register inspection right, which is strong, though subject to conditions that vary by jurisdiction, and other association documents, which carry grounds for refusal where disclosure would be confidential or prejudicial.

The tension between member transparency and personal privacy is not actually a contradiction in Australian association law. It is a deliberately balanced framework, and an association that understands both halves, the inspection right and the protective mechanisms surrounding it, serves its members considerably better than one that only sees the obligation and misses the protection. 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

Founder and CEO, Nexus Leadership

BOARDROOM ACTION WORKSHEET

Members Register Access: Not a Privacy Breach. A Deliberately Balanced Exception

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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