

THE OPEN REGISTER BOOK UNDER THE REAL PROPERTY ACT 1886 (SA) AND YOUR PERSONAL INFORMATION

Protecting your privacy and personal information is important to us. Land Services SA acknowledges that some of your personal information (such as your name, property address and address for notices), are accessible on the Register Book maintained in accordance with section 65 of the *Real Property Act 1886* (SA) (the **Real Property Act**). The following provides a high-level summary of our legal obligations to maintain the Register Book.

Further information about Land Services SA's approach to privacy can be found here: <https://www.landservices.com.au/privacy>

1. What is the Register Book?

The Torrens Title system, established in South Australia and governed by the Real Property Act, is a system where title to land is established through registration. This means that interests in land are created by registration of an instrument with Land Services SA. The Torrens Title system operates on the principle of an open and accessible public Register Book which ensures that property transactions are conducted with transparency, security and certainty. The transparency provided by this open Register Book is one of the key benefits of the Torrens Title system ensuring all interested parties can view accurate and timely information about legal rights in land.

Land Services SA is delegated by the State of South Australia to manage the Land Titles Register Book in accordance with Section 65 of the Real Property Act. Section 65 of the Real Property Act prescribes that the Land Titles Register Book must be publicly available for inspection and search. This means Land Services SA has a statutory obligation to make certain information available on the Register Book.

The Register Book refers to a comprehensive, publicly accessible record that documents the ownership and any legal interests or encumbrances tied to a property. This includes the names and addresses of registered proprietors, as well as details of property transfers, mortgages, or encumbrances. As a public record, it is freely accessible to anyone who wishes to search for information about a particular property. This could include a potential buyer, a lender, a bank or insurer or just someone interested in a specific property.

2. Development of the Register Book

Initially, access required physical attendance to inspect the hard-copy Certificate of Title maintained by the State. With advancements in technology, the Register Book has transitioned to electronic records, allowing access via the SAILIS platform (www.sailis.com.au), where users can purchase extracts of current property details.

3. Why is an open Register Book important?

Key reasons why an open Register Book is important include:

- **(Certainty of ownership):** A key feature of the Torrens Title system is that ownership, once recorded in the Register Book, is legally recognised. This creates a high level of certainty in property transactions. Buyers, sellers, and financial institutions can rely on the register to confirm the true owner of the land. In addition, this certainty extends to ensuring that once a transaction is completed and the property is transferred to a new owner, the new title is generally recognised by law without dispute. This reduces ownership disputes, enhancing efficiency and security for all parties involved.

For example, if you are purchasing a property, you can search the Register Book to confirm that the person selling the property is indeed the legal owner. This verification process helps prevent fraudulent claims and ensures that the sale can proceed smoothly.

- **(Transparency in property transactions):** An open Register Book ensures transparency by allowing anyone to easily access detailed property information throughout the transaction process. It allows anyone — whether they are prospective buyers, real estate agents, investors, or legal professionals — to obtain key information about a property's title and legal status. This transparency fosters trust in the system, as it provides an easily accessible record of ownership, any encumbrances (such as mortgages or easements), and historical changes to the property.

For example, if you are a real estate agent or a buyer considering making an offer in respect to a property, you can use the Register Book to check whether there are any legal claims, such as a pending mortgage or easement, that could impact the use or value of the property. Knowing this information upfront can prevent costly mistakes.

4. **Can I have my name or personal information removed from the Register Book?**

By law, there is no mechanism to fully suppress personal information from the Register Book, unlike processes such as making a phone number silent or being considered a 'silent elector' on the Electoral Roll. However, if someone is concerned for their safety (or that of another person), section 65 of the Real Property Act also provides for the suppression of the names of members of the public whose safety may be at risk (and who satisfy certain criteria) from the search function of the Register Book. More information regarding name search suppression and how to apply can be found here: <https://www.landservices.com.au/buyers-sellers-and-owners/name-search-suppression>.

Even on successful application to have your name suppressed from search, it will still be possible for your name to be accessed using alternative search criteria (e.g. Certificate of Title reference or LTO dealing reference). In some limited reasons, people may be granted access to the suppressed information if they can demonstrate a legitimate business need for access to suppressed information. For example, an executor of the estate of a person whose details are suppressed, can apply for access.