

Submission to the Department of Transport and Planning

Consultation Paper: Protecting Privacy in the Register of Land

Submitted by: Australian Property Institute (API)

Attention: Ms Susheila Vijendran, Registrar of Titles and Executive Director, Land Registry Services, Land Services Victoria

Lodged via: Engage Victoria

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About the API

The Australian Property Institute (API) is the leading professional body for property professionals in Australia, representing professional Valuers and other specialist property professionals. API certified Valuers provide independent, property-researched valuation services across Victoria and rely on open, accurate and transparent land registry information to undertake valuations, valuation reviews and related professional services.

The API welcomes the opportunity to provide feedback on the Consultation Paper. The Consultation Paper lists the API as a key stakeholder and names land valuation as a typical use of the name search function, alongside the interests of conveyancers, lawyers and financial institutions.

Why the Register matters to valuation

API sets the professional standards that govern valuation practice in Australia, including the API Rules of Professional Conduct, and confers the valuation certifications the market relies on: Certified Practising Valuer (CPV), CPV (Residential) and Residential Property Valuer (RPV). API adopts the valuation concepts in International Valuation Standards (IVS 2025) as part of its standards.

Valuers rely on the Register as a primary source when they identify and verify the interest to be valued. Under IVS 2025, a valuer must assemble sufficient investigations and evidence to support the valuation (IVS 400 Real Property Interests, para 40.03) and must consider the evidence required to verify the real property interest and any related interests (IVS 400, para 40.08(a)). Identifying the interest to be valued is a scope of work requirement (IVS 101 Scope of Work). The registered proprietor and the title particulars are core inputs, so any restriction on searching the Register bears directly on valuation.



General Position

The API's position may be summarised as follows:

1. The Register of land is, and must remain, a public register. Open access underpins the efficient and transparent functioning of the Victorian property market, and the balance between individual privacy and the public interest in an open and transparent property market is the most important consideration in this consultation;
2. the name search function should be retained. It is required for legitimate professional uses, including valuation, conveyancing, debt recovery, financing, law enforcement, litigation and estate administration. Existing safeguards, being confidentiality deeds, lawful-purpose restrictions, recording/monitoring/audit of the identity of parties completing searches, are important and must continue to be actively enforced;
3. the API supports suppression of a registered proprietor's name and address on application, but only where the application is subject to a formal request process and a threshold criterion (e.g., personal safety), supported by evidence and assessed by a responsible officer. The API does not support automatic suppression without criteria; and
4. access controls and monitoring (e.g., user login, fees and search monitoring through Secure Electronic Registries Victoria) should be used to maintain transparency over who searches the Register, what is searched and how often.

The API also notes that the proposed options do not alter the way information is held in the Register itself, and it supports that position; the title record does not need to be changed.

Responses to Consultation Questions

Option 1 – Do Nothing

1. *Do you think 'do nothing' is an appropriate option? If yes, why? If no, why not and what alternative should be considered?*

No. The API agrees with DTP that 'do nothing' is not an appropriate option.

While the Register must remain open and publicly searchable, the current framework provides no mechanism for individuals with a demonstrated need (e.g., personal safety) to limit access to their personal information.

The alternative the API supports is a modified Option 3: suppression of information on application, subject to a formal request process, a threshold criterion and supporting evidence, as set out in the responses to Option 3 below.

Option 2 – Remove the Name Search Function

1. Do you use the name search function? If yes, for what purpose?

Yes. API Members use the name search function in a range of professional scenarios, including:

- identifying land held by a registered proprietor for valuation and property research purposes;
- identifying a deceased person's assets for estate administration and related valuation instructions; and
- supporting litigation, family law, compensation and statutory valuation work where a complete picture of a party's landholdings is required.

2. Could another property identifier be used instead?

Not reliably.

Where the street address, land description (lot/plan reference) or Volume/Folio reference is known, those identifiers are appropriate and available. However, in the scenarios described above the person's name is often the only identifier available, and no alternative identifier would allow the search to be undertaken as effectively.

3. Should the name search function be removed? If yes, why? If no, why not?

No.

The name search function should not be removed. The API supports DTP's recommendation against Option 2. Removal would create significant inefficiencies for legitimate users, including Valuers, conveyancers, lawyers and financial institutions, and would significantly reduce transparency in the Victorian property market.

The retention of the name search function must be accompanied by clear terms and conditions of access and the existing safeguards; being confidentiality deeds; lawful-purpose restrictions; the ability to review and audit the identity of the parties undertaking all searches; must remain and continue and be enforced. The API considers these safeguards critical and important to the integrity of the name search function. Consideration should also be given to strengthening access controls on name searches (e.g., user login, fees and ongoing monitoring) to maintain transparency over the use of the function.

Option 3 – Suppression of Information on Application

1. What information should be suppressed?

Where a specified threshold criterion is met the registered proprietor's name and address should be suppressed in the output of the search functions. The suppression of details should be applied to both the name index and the street address index.

Suppression should be confined to applicants who satisfy the criterion. The API recognises that any suppression creates some inefficiency for legitimate users, but a criteria-based scheme limits this impact to cases where suppression is justified.

2. How long should a suppression remain in place – indefinitely or for a set period? If a set period, how long should that be?

Indefinitely, once in place.

A suppression should remain in effect until it is removed on application, or the applicant ceases to be a registered proprietor of the land.

3. Should a suppression automatically expire after a set period?

No.

Automatic expiry would expose the very persons or entities the scheme is designed to protect and would impose an unnecessary administrative burden of re-application.

4. Should a registered proprietor be able to re-apply for suppression if a suppression expires after a set period?

Not applicable, consistent with the API's position that a suppression should not automatically expire.

5. Should a suppression only be removed on application?

Yes, with conditions.

The registered proprietor, or a person with legal authority, must be able to request removal of a suppression. In addition, where the land is transferred and the suppressed person is no longer a registered proprietor on the title, the suppression in respect of that suppression application must be removed.

Closing

The API does not consider that Options 1 and 2 as proposed are appropriate.

The API supports Option 3 in principle but does not support the proposal as drafted. Granting every application for suppression, without a criterion to be met, is too wide and would lead to abuse and misuse of the suppression option, including by persons seeking to conceal assets. If every request is accepted, there is the risk that over time an increasing proportion of names and addresses would be suppressed, progressively undermining the integrity and the transparency of the Register.

The API's position is that suppression should be available only on formal application by a Subscriber to an Electronic Lodgement Network (ELN), where the applicant satisfies a threshold criterion (e.g., personal safety of the register proprietor or another related person), supported by evidence such as a statutory declaration, police report or court order, with the application assessed and determined by a responsible officer.

The proposed exception/exclusion for law enforcements and other appropriate government agencies is supported.

Consistent with that carve-out, the API asks that registered valuers (CPV, CPV (Residential) and RPV) acting for a proper professional purpose retain verified access to the name search, subject to the same confidentiality deed, lawful-purpose limitation and audit that apply to name searches. Land valuation is named in the Consultation Paper as a typical use of the name search function. A verified valuer pathway would preserve that use without weakening privacy protection for the general public.

The API welcomes the opportunity to discuss this submission with DTP and Land Registry Services. Queries in relation to this submission should be directed to Harriet Warr at hwarr@api.org.au.

Yours sincerely

John Winter



Chief Executive Officer
Australian Property Institute