



OPERATING REQUIREMENTS WAIVER

SOUTH AUSTRALIA

Section 27 *Electronic Conveyancing National Law (South Australia) Act 2013*

Title

This instrument is South Australian Operating Requirements Waiver OR 3/2019 –verification of identity (ImmiCards).

Enabling Provisions

1. Under sections 22 and 25 of the *Electronic Conveyancing National Law (South Australia) Act 2013* (the National Law) the Registrar-General (Registrar) has determined and published Version 5 of the Operating Requirements which came into effect on and from 25 February 2019 (Operating Requirements). Capitalised terms used in this instrument and not defined have the meaning given to those terms in the National Law or the Operating Requirements.
2. Section 27 of the National Law permits the Registrar to waive compliance with all or any provisions of the Operating Requirements if the Registrar is satisfied that granting the waiver is reasonable in all the circumstances.

Affected Operating Requirements

Operating Requirement 14.1(b)(i) (Affected Operating Requirement).

Explanatory Statement

The Affected Operating Requirement states that an ELNO must only register a Subscriber if the ELNO has verified the identity of the applicant, or the Person(s) representing the applicant, to become a Subscriber in accordance with the Subscriber Identity Verification Standard.

The Subscriber Identity Verification Standard sets out the Categories of identification Documents that must be produced by the Person Being Identified to verify their identity.

The Subscriber Identity Verification Standard includes an Australian Evidence of Immigration Status ImmiCard and an Australian Migration Status ImmiCard under the Categories of identification Documents. However, the Subscriber Identity Verification Standard does not include a Permanent Resident Evidence ImmiCard or a Residence Determination ImmiCard under the Categories of identification Documents.

Since 1 July 2017 the Permanent Resident Evidence ImmiCard and Residence Determination ImmiCard are no longer issued by the Department of Home Affairs. However these cards can continue to be accepted until their expiry, if verified using the Visa Entitlement Verification Online system (VEVO).



The Registrar is of the view that until the Permanent Resident Evidence ImmiCards and Residence Determination ImmiCards expire these documents should be able to be used under Category 1, 2 and 4 of the Subscriber Identity Verification Standard.

Accordingly, the Registrar has determined that it would be reasonable in the circumstances to grant a partial waiver modifying the obligations of ELNOs under the Affected Operating Requirement.

Waiver

Subject to the Conditions, the Registrar grants ELNOs a partial waiver of their obligations to comply with the Affected Operating Requirement.

Conditions

The partial waiver is granted on the condition that:

- (a) If a Permanent Resident Evidence ImmiCard or a Residence Determination ImmiCard is used under Category 1, 2 or 4 of the Subscriber Identity Verification Standard, the Documents must be current and verified using VEVO.

Commencement

This partial waiver commenced on 25 February 2019.

Period during which this waiver applies

This partial waiver operates until the earlier of:

- (a) 1 July 2020 (when all of the Permanent Resident Evidence ImmiCards or Residence Determination ImmiCards issued expire); or
- (b) the revocation of this waiver by the Registrar.

Dated: 21 June 2019

Signed by:

A handwritten signature in black ink that reads 'Jenny Cottnam'.

Jenny Cottnam
Registrar-General