



Department of Environment,
Land, Water & Planning

Land Use Victoria
Level 10/2 Lonsdale Street
MELBOURNE 3000
GPO Box 527
MELBOURNE VIC 3001
Telephone: (03) 9194 0601
DX 250639
www.delwp.vic.gov.au

PARTICIPATION RULES WAIVER

Victoria

Section 27 *Electronic Conveyancing National Law (Victoria)*

Title

This instrument is Victorian Participation Rules Waiver PR3/2019 – verification of identity (ImmiCards).

Enabling Provisions

Under sections 23 and 25 of the Electronic Conveyancing National Law (Victoria) (the National Law) the Registrar of Titles (Registrar) has determined and published Version 5 of the Participation Rules which came into effect on and from 25 February 2019 (Participation Rules). Capitalised terms used in this instrument and not defined have the meaning given to those terms in the National Law or the Participation Rules.

Section 27 of the National Law permits the Registrar to waive compliance with all or any provisions of the Participation Rules if the Registrar is satisfied that granting the waiver is reasonable in all the circumstances.

Affected Participation Rules

Participation Rule 6.5.2(a) (Affected Participation Rule).

Explanatory Statement

Participation Rule 6.5.1 sets out the requirements for Subscribers to undertake verification of identity. Under the Affected Participation Rule the Subscriber, or a mortgagee represented by the Subscriber, can apply the Verification of Identity Standard for the purpose of complying with Participation Rule 6.5.1.

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

Privacy Statement

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The Verification of Identity Standard includes an Australian Evidence of Immigration Status ImmiCard and an Australian Migration Status ImmiCard under the Categories of identification Documents. However, the Verification of Identity 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 Verification of Identity Standard.

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

Waiver

Subject to the Conditions, the Registrar grants Subscribers a partial waiver of their obligations to comply with the Affected Participation Rule.

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 Verification of Identity Standard, the Documents must be current and verified using VEVO.

Commencement

This partial waiver commenced on the 25 February 2019.

Period during which this waiver applies

This partial waiver operates to 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: 19 / 6 / 2019

Signed by: 

Ian Ireson
Registrar of Titles