

Submission

on the

2023 Digital ID Bill and Rules

Website: <https://www.digitalidentity.gov.au/have-your-say/2023-digital-id-bill-and-rules-submissions>

by

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Table of Contents

1. Terms of reference	1
2. Digital ID Bill 2023	1
2.1. <i>What is the purpose of the Digital ID Bill 2023?</i>	1
2.2. <i>A re-hashed Australia Card?</i>	2
2.3. <i>Can the government be trusted to securely manage our data?</i>	3
2.4. <i>A threat to freedom</i>	3
3. Conclusion.....	5
4. Endnotes	6

1. Terms of reference

The scope of the inquiry into the 2023 Digital ID Bill and Rules is detailed as follows:

The Australian Government is committed to providing individuals with a secure, convenient, voluntary and inclusive way to verify their ID online.

The Government is developing legislation for an economy-wide Digital ID system. This system involves: a voluntary accreditation scheme of Digital ID service providers operating across the digital economy; and an Australian Government Digital ID System that is currently based around government services and will be expanded over time to include private sector organisations that choose to participate.

The legislation will provide strong regulation for accredited Digital ID providers to make sure they keep your personal information private and secure, if you choose to create and reuse a Digital ID to access services.

For a quick summary of the Digital ID legislation, you can read our factsheet.

We are seeking feedback on the proposed legislation, which includes a Digital ID Bill and some supporting Rules.¹

FamilyVoice Australia is a national Christian advocacy group – promoting family, freedom, and faith values for the benefit of all Australians. Our vision is to see strong families at the heart of a healthy society: where marriage is honoured, human life is respected, families flourish, Australia’s Christian heritage is valued, and fundamental freedoms are enjoyed.

Submissions are due by **Tuesday, 10 October 2023**.

2. Digital ID Bill 2023

2.1. What is the purpose of the Digital ID Bill 2023?

The *Digital ID Bill 2023* has been described as having four purposes.²

Create an accreditation scheme for Digital ID service providers	The Australian Government will strengthen its existing accreditation framework for providers of Digital ID services by introducing a voluntary Accreditation Scheme. The Accreditation Scheme will be underpinned by rigorous technical standards and with robust enforcement mechanisms. Accreditation demonstrates that Digital ID providers meet high standards for privacy, cyber security, user experience and more.
Provide more choice of trusted providers to be used to access more services	Legislation will allow the Commonwealth to partner with states and territories as well as partner with private sector companies to create a better digital experience for Australians. This

	will facilitate more choice of providers for creating a Digital ID and where it can be used.
Enshrine additional privacy safeguards	These privacy safeguards are in addition to those already enshrined in the Privacy Act, to protect individuals who choose to create and use a Digital ID. These include prohibiting tracking of an individual’s online behaviour and extra protections around sensitive data.
Establish an independent Digital ID Regulator	The Australian Competition and Consumer Commission (ACCC) will be the initial independent regulator to oversee the Digital ID Accreditation Scheme and operation of the Australian Government Digital ID system. The ACCC would also manage and regulate a ‘trustmark’ for accredited Digital ID providers. The Information Commissioner will be the privacy regulator for accredited Digital ID services. A Digital ID Data Standards Chair will develop technical and data standards.

2.2. A re-hashed Australia Card?

The *Digital ID Bill* is effectively a re-hashing of the unpopular Australia Card. In 1986, FamilyVoice Australia, then known as Festival of Light, reported in a resource paper that:

The Hawke Labor government proposes to introduce a nationwide identity card system to be called “the Australia Card”. Every man, woman and child in Australia would be given a number, and important details about them would be stored on an enormous centralised computer. Each person would receive their Australia Card with their number at birth, and would be required to produce the card when making bank deposits and withdrawals and at other specified times.³

We reported that Justice Micheal Kirby strongly criticised the ID Card proposal and said that:

If there is an identity card, people in authority will want to put it to use. Those of you who have visited Europe where people must always carry such cards, will have noticed the very real difference between the relationship of authority to the individual and that which has hitherto existed in the English speaking countries. What is at stake is not just catching a few tax avoiders. It is not even the efficiency of policing. It is not the defence of innocent and law abiding citizens from law breakers. What is at stake is nothing less than the nature of our society and the power and authority of the state in relation to the individual.⁴

Our research paper went on to state that:

Justice Kirby warned that once an ID card system is established, the risk exists that the data base will be enhanced and that more and more officials will seek access to it in the name of efficiency.⁵

2.3. Can the government be trusted to securely manage our data?

There are serious doubts about whether the government can be trusted to securely manage our data. Writing in *The Conversation*, journalist Signe Dean noted that:

In releasing the draft bill, the government has highlighted a voluntary national digital identity – the MyGovID – which is already being used by more than 6 million Australians and 1.3 million businesses.

MyGovID is a government-issued authenticator app which verifies your identity using one of three factors: something you know (such as a password), something you are (such as a biometric scan), or something you have (such as a verified phone number, where you can receive one-time codes). Adding additional factors makes verification more secure.

In 2020, security researchers warned the public against using MyGovID due to security flaws in its design. It's unclear if these have been addressed. The Australian Tax Office declined to fix the issue when raised.

Governments in Australia also have a poor track record of securing our information.

According to Webber Insurance, 14 of the 44 recorded data breaches between January to June this year were reported by government authorities. These included the Department of Home Affairs, and the Northern Territory, Tasmania, ACT and NSW governments.

This is on top of data breaches involving the Australian Tax Office, National Disability Insurance Scheme and MyGov, as reported by the ABC last year.

More worryingly, the privacy act has a loophole which allows some state and government authorities to remain exempt from compulsory data breach reporting. As such, we don't know just how many government data breaches have occurred.⁶

Dean also warned that “the proposed scheme would still only be as secure as your phone.”⁷

Just as honey is irresistible to bears, these data lures are irresistible to hackers. Failure to secure the data would make it a one-stop-shop for identity theft and extortion.⁸

South Australian Senator Alex Antic stated that:

It will be hacked because it always is.⁹

It is extremely concerning that so much valuable sensitive information could be gleaned from a highly centralised database by people with sinister agendas.

2.4. A threat to freedom

Information is power, as Geoffrey Walker, then a professor of law at the University of Queensland, pointed out when opposing the Australia Card:

One of the fundamental contrasts between free democratic societies and totalitarian systems is that the totalitarian government relies on secrecy for the regime, but high surveillance and disclosure for all other groups, whereas in the civic culture of liberal democracy the position is approximately the reverse.

Democratic society sets great store by openness as a means of controlling government, and on privacy for the group, the family and the individual as an environment in which the individual can relax, experiment and develop his or her creative potential. The secret ballot, of course, is a protection for privacy in the cultivation of political opinions.

The reason for this contrast in the place of privacy between democratic and totalitarian states lies in the simple fact that information is power. Breaking into a person's intimate secrets gives the ability to manipulate or dominate that person. Penetrating his 'ultimate secrets'— those hopes, fears and dreams that are beyond sharing with anyone else — leaves him exposed to ridicule and shame and places him completely under the control of those who know his secrets.

The unrestricted ability to place a person under surveillance gives the observer great power to manipulate and control the subject, and even to humiliate, ruin and destroy him, without any lawful sanction and without any intervention of judicial or other impartial proceedings.¹⁰

Likewise, South Australian Senator Alex Antic has warned that the *Digital ID Bill* is a grave threat to our freedom:

The past two years have seen the trust many Australians' have in their institutions brought to an all-time low through a period of relentless incursions into their lives and liberty. In many instances, these intrusions were cruel and unnecessary, and failed to address the concerns of Australians who valued the fast-evaporating tenet of freedom of choice.

In March 2020, 'two weeks to slow the spread' quickly turned into two years of Covid paralysis in which we were told to accept QR codes, density limits, border restrictions and a loss of medical autonomy as the 'new normal'.

After initially being sold as 'voluntary' the Covid vaccines quickly became a prerequisite for work in many professions across the country, a move that cost livelihoods, devastated families, and undermined trust in governments and the medical establishment.

Australians became cautious of a failure to safeguard us from these draconian measures. We were told to comply and Covid would be over quickly, but the goal-posts continued to shift.

Now with the dust settling, Australians will soon be told to trust their institutions once again with the introduction of the so-called 'Trusted Digital Identity Bill'.

The concept of a 'digital identity' is more complex than it would first appear, but essentially describes a centralised, government-managed identity verification system which draws from a range of information collected by government services, social media, and corporate economic data.

In short, what is being proposed is a Bill which has the potential to be misused in ways that could fundamentally change the structure of Australian society by giving government extraordinary access to private and personal information.

The Bill seeks to consolidate all the information that a government could possibly attain about private citizens into one database. It strives to place government at the centre of all our online transactions providing an opportunity to collect vast amounts of data about people.

As initially drafted, the Bill contains assurances that this new 'digital identity system' will be voluntary and safe but, after what Australians have been through over the past two years, one can understand a healthy dose of cynicism about such overtures. Why would anyone trust any institution with a complete profile of their being including such information as racial or ethnic origin, political opinions, religious beliefs or affiliations and sexual orientation (to name but a few).

In truth what is being proposed may well represent the foundation of a virtual social credit system with government collecting unprecedented amounts of personal information in exchange for access to online services.

There are proposed carve-outs for essential service providers (defined as emergency services, carriage services, welfare services and the supply of electricity, gas, and water) from requiring

the use of this system. However, what is to prevent the government changing its policy due to a perceived 'emergency', in years to come?

The Covid experience shows quite clearly how an 'emergency' can be weaponised against fairness and due process. It is not difficult to envisage how such a system could be abused or gradually morph into something even more dangerous if this digital identity profile becomes required for every important online transaction.

It would be a simple task to keep tabs on groups of people or even deny services to them based on, for example, vaccination status or political beliefs. The most authoritarian regimes in history could not have dreamed of having access to such vast amounts of information about their citizens.

The rationale for this new framework is proposed on the grounds of convenience and safety, with the Bill stating its intention as 'to provide individuals with a simple and convenient method for verifying their identity in online transactions with government and businesses'. It sounds a lot like code for liberty being sacrificed at the altar of convenience. It does not however seem convenient, necessary, or helpful for Australian citizens who desire less government intrusion in their lives.

Why, after everything that Australians have been through over the past two years, should they believe that this data will not be used against them, or that it will remain voluntary?¹¹

In Canada, protesters against the government's authoritarian COVID-19 requirements were cancelled, with the government and banks working hand in hand:

The Canadian Bankers Association said its members will "diligently implement" measures laid out by Prime Minister Justin Trudeau to impose 30-day suspensions of bank accounts associated with the [trucker] protest.

Banks and insurance companies will have to perform their own due diligence on finding key sources of funding for the protests, officials said. The Canadian government continues to work with banks to identify accounts and execute the emergency order.¹²

The experience of truckers in Canada gives an insight into how a Digital ID could be misused by governments. A Digital ID would further centralise control and make it simpler for the government of the day to cancel dissenters.

3. Conclusion

There are serious doubts about whether the government can be trusted to maintain our data. Creating a big honey pot of information which is very likely to be hacked undermines the very reason for such a system: to guard against the misuse of identities.

A Digital ID system is a very real threat to our freedom as it would further centralise control and power. Despite assurances that it will be voluntary, it will only be so until it is not. As Senator Antic has pointed out, after initially being sold as 'voluntary' the Covid vaccines quickly became a prerequisite for work in many professions across the country. It is not unrealistic to view the *Digital ID Bill* as a first step which in time could turn into a social credit system which cancels people who do not toe the line.

4. Endnotes

¹ <https://www.digitalidentity.gov.au/have-your-say/2023-digital-id-bill-and-rules-submissions>

² <https://www.digitalidentity.gov.au/have-your-say/2023-digital-id-bill-and-rules-submissions>

³ Alasdair Livingston & Roslyn Phillips, “State control by stealth: The Australia ID Card”, Resource paper November 1986

⁴ Alasdair Livingston & Roslyn Phillips, “State control by stealth: The Australia ID Card”, Resource paper November 1986

⁵ Alasdair Livingston & Roslyn Phillips, “State control by stealth: The Australia ID Card”, Resource paper November 1986

⁶ Erica Mealy, “A national digital ID scheme is being proposed. An expert weighs the pros and (many more) cons”, The Conversation, 27 September 2023, <https://theconversation.com/a-national-digital-id-scheme-is-being-proposed-an-expert-weighs-the-pros-and-many-more-cons-214144>

⁷ Erica Mealy, “A national digital ID scheme is being proposed. An expert weighs the pros and (many more) cons”, The Conversation, 27 September 2023, <https://theconversation.com/a-national-digital-id-scheme-is-being-proposed-an-expert-weighs-the-pros-and-many-more-cons-214144>

⁸ Erica Mealy, “A national digital ID scheme is being proposed. An expert weighs the pros and (many more) cons”, The Conversation, 27 September 2023, <https://theconversation.com/a-national-digital-id-scheme-is-being-proposed-an-expert-weighs-the-pros-and-many-more-cons-214144>

⁹ Senator Alex Antic interview with Alan Jones, “New bill introduces a China-style digital identity system: Senator Alex Antic”, ADH TV, 20 July 2022, <https://www.youtube.com/watch?v=jXfVeygdYLO>

¹⁰ Alasdair Livingston & Roslyn Phillips, “State control by stealth: The Australia ID Card”, Resource paper November 1986

¹¹ Alex Antic, “Australian notes”, *The Spectator Australia*, 25 June 2022, <https://www.spectator.com.au/2022/06/australian-notes-318/>

¹² Steve Gelsi, “Canadian banks restrict funds to trucker protest groups”, Market Watch, 17 February 2022, <https://www.marketwatch.com/story/canadian-banks-restrict-funds-to-trucker-protest-groups-11645115277>