



EXPOSURE DRAFT

## Digital ID Amendment (Redress Framework) Rules 2026

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I, Katy Gallagher, Minister for Finance, make the following rules.

Dated

Katy Gallagher **DRAFT ONLY—NOT FOR SIGNATURE**  
Minister for Finance

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## Contents

1 Name.....	1
2 Commencement .....	1
3 Authority.....	1
4 Schedules .....	1
<b>Schedule 1—Amendments</b>	<b>2</b>
<i>Digital ID Rules 2024</i>	2

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## 1 Name

This instrument is the *Digital ID Amendment (Redress Framework) Rules 2026*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this instrument	1 July 2026.	1 July 2026

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under section 168 of the *Digital ID Act 2024*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### *Digital ID Rules 2024*

#### **1 Subrule 3.4(1) (at the end of the table)**

Add:

- |   |   |  |
|---|---|--|
| 4 | ASP or ISP that is a participating entity | If the entity is given a direction under subrule 4A.3A(2), the entity must comply with that direction. |
|---|---|--|

#### **2 Subrule 4A.2(3)**

After “Subrule (2) does not apply”, insert “in respect of an individual affected by the incident”.

#### **3 Paragraph 4A.2(3)(b)**

Omit “material effect”, substitute “significant impact”.

#### **4 Subrule 4A.2(3) (note 1)**

Omit “Note 1”, substitute “Note”.

#### **5 Subrule 4A.2(3) (note 2)**

Repeal the note.

#### **6 At the end of rule 4A.2**

Add:

- (4) In determining whether it is satisfied of a matter mentioned in subrule (3), the entity must not have regard to whether notifying the individual might:
  - (a) result in embarrassment or reputational damage to the entity; or
  - (b) attract media attention; or
  - (c) increase the entity’s administrative costs or administrative burden; or
  - (d) be related to compliance or enforcement action being taken, or that might be taken, by the Digital ID Regulator or the Information Commissioner against the entity.
- (5) If the entity is satisfied of a matter mentioned in subrule (3) in respect of an individual, the entity must:
  - (a) record in writing the reasons for its satisfaction; and
  - (b) keep the record for 3 years from the day the record was created.

Note: This applies in addition to the other record keeping requirements in Chapter 6 of these rules and Part 7.5 of Chapter 7 of the Accreditation Rules.

#### **7 Rule 4A.4**

Repeal the rule, substitute:

### 4A.3A System Administrator may give directions

- (1) This rule applies if the System Administrator receives a referral from an entity under rule 4A.3 and the entity is a participating entity.
- (2) The System Administrator may give a written direction to the entity requiring the entity to do, within the period (if any) specified in the direction, either or both of the following:
  - (a) provide the individual with an explanation of the circumstances giving rise to the technical issue;
  - (b) issue an apology to the individual.

Note: Compliance with this direction is a condition on the entity's approval to participate in the Australian Government Digital ID System: see item 4 of the table in subrule 3.4(1).

- (3) If the entity is directed to issue an apology to the individual, nothing in this rule prevents the entity stating that the apology does not constitute an express or implied admission of fault or liability by the entity in connection with the technical issue.

### 4A.4 System Administrator may recommend a resolution

If the System Administrator receives a referral from an entity under rule 4A.3, the System Administrator may, in writing, do either or both the following:

- (a) recommend a course of action to the entity to resolve the technical issue;
- (b) recommend the entity pay an amount to the individual.

## 8 After Chapter 6

Insert:

# Chapter 6A—Review of decisions

## 6A.1 Reviewable decisions

- (1) This rule is made for the purposes of subsection 137(2) of the Act.
- (2) A decision referred to in column 1 of an item of the following table is a *reviewable decision*. An entity referred to in column 2 of the item is the *affected entity* for the decision.

Reviewable decisions		
Item	Column 1 <i>Reviewable decision</i>	Column 2 <i>Affected entity</i>
1	A decision by the System Administrator to give a direction to an entity under subrule 4A.3A(2)	The entity subject to the direction

## 9 At the end of Chapter 7

Add:

**7.2 Application of amendments made by the *Digital ID Amendment (Redress Framework) Rules 2026***

- (1) Rule 4A.2, as amended by the *Digital ID Amendment (Redress Framework) Rules 2026* (the **amending rules**), applies in relation to incidents that occur, or are reasonably suspected of having occurred, on or after the day this rule commences.
- (2) Rule 4A.3A, as inserted by the amending rules, applies in relation to referrals made on or after the day this rule commences.
- (3) Rule 4A.4, as amended by the amending rules, applies in relation to referrals made on or after the day this rule commences.

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