



Australian Government

Department of Finance

Mr Alan Raine
Committee Secretary
Senate Economics Legislation Committee
Parliament House
CANBERRA ACT 2600

Dear Mr Raine

Correction of evidence

I am writing to correct responses provided by officers of the Department of Finance (Finance) to questions asked during the Senate Economics Legislation Committee *Inquiry into the Digital ID Bill 2023 & Digital ID (Transitional and Consequential Provisions) Bill 2023* hearing of Friday, 9 February 2024.

Firstly, Senator Shoebridge asked me about clause 74(2) of the Digital ID Bill 2023 (the Bill) and whether it placed an obligation on some participating entities, if they require a digital ID for the provision of one service, to provide access to another service without digital ID. I responded that it did.

I would like to correct that subclause 74(2) provides a limited exception to the requirement in subclause 74(1) that the creation and use of a digital ID is voluntary to access services provided by entities operating within the Australian Government Digital ID System. More specifically:

- subclause 74(1) provides that a participating relying party must not, as a condition of providing a service or access to a service, require an individual to create or use a digital ID; and
- subclause 74(2) provides an exception to subclause 74(1) only insofar as it relates to the provision of a service that facilitates access to another service and where the participating relying party offers an alternative way for individuals to access the same other service that does not require the use of a digital ID through the Australian Government Digital ID System.

The intent and effect of subclause 74(2) is more fully described in Finance's response to Question on Notice number 3 which was provided to the Committee on 19 February 2024.

Secondly, in response to a question from Senator Canavan regarding subclause 74(2) of the Bill, Mr John Shepherd, First Assistant Secretary, Data and Digital Policy Division advised that some matters relating to this subclause might be able to be covered in rules.

I would like to clarify that there is no rule-making power that could narrow the operation of subclause 74(2). Similarly, there is no rule-making power that could narrow the operation of subclause 74(1) as Finance clarified in response to Question on Notice number 3.

Yours sincerely



Duncan Anderson
Acting Assistant Secretary
Governance and Resource Management Group

21 February 2024