

# Senate Select Committee on Financial Technology and Regulatory Technology

## ANSWERS TO QUESTIONS ON NOTICE

### Digital Transformation Agency

**Topic:** *'Rules as Code'* and digital legislation

**Question reference number:** 1

**Type of question:** Written

**Date set by the committee for the return of answer:** 29 March 2021

**Question(s):**

QUT Law and LaTrobe LawTech have put forward a proposal for a Commonwealth government innovation hub for the coding of legal rules and a regulatory sandbox to enable the implementation and assessment of results from trial projects, potentially located within DTA. It was emphasised that a coordinated Commonwealth response is required in order to develop Rules as Code initiatives and the encoding of Commonwealth legislation.

- What is DTA's current role in relation to digital legislation and Rules as Code projects? What work has DTA, and the Commonwealth more broadly, already undertaken in relation to Rules as Code initiatives?
- How could such a proposal for an innovation hub be implemented?

**Answer(s):**

Between 2018 and 2019 the Digital Transformation Agency (DTA) hosted and co-facilitated with Services Australia, roundtable discussions for the Digital Legislation Working Group. The Working Group identified high level opportunity areas across the journey from *policy to delivery*, to work towards digital first legislation. The roundtables were attended by CSIRO's Data61, Office of Parliamentary Council, Department of the Prime Minister and Cabinet, Department of Social Services, the Treasury and the Australian Taxation Office. The Working Group is no longer operational, and no further work has been undertaken by the DTA.

Implementation of such an initiative would be a matter for Australian Government consideration.

# Senate Select Committee on Financial Technology and Regulatory Technology

## ANSWERS TO QUESTIONS ON NOTICE

### Digital Transformation Agency

**Topic:** Digital ID interoperability

**Question reference number:** 2

**Type of question:** Written

**Date set by the committee for the return of answer:** 29 March 2021

**Question(s):**

DTA's submission notes that work is being undertaken to progress *'interoperability across trust frameworks internationally to optimise the potential for mutual recognition of Digital Identities other jurisdictions'*.

- Can you please provide more detail about how interoperability and mutual recognition across jurisdictions can work in this area? Which jurisdictions in particular is Australia seeking to work with in this space?

**Answer(s):**

The Australian Government is working towards a consistent approach for digital identity across Australia and recognises the Trusted Digital Identity Framework (TDIF) as the overarching policy. The TDIF has been developed to be interoperable domestically and at the international level.

The Digital Transformation Agency (DTA) is working across the Australian Government and with similar agencies around the world to identify future opportunities for digital identity interoperability and mutual recognition with other countries. The DTA has established digital identity mutual recognition arrangements with the governments of New Zealand and Singapore and continues engagements to explore the potential of similar approaches with other countries.

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## ANSWERS TO QUESTIONS ON NOTICE

### Digital Transformation Agency

**Topic:** Access to government registers for private Digital ID and verification services

**Question reference number:** 3

**Type of question:** Written

**Date set by the committee for the return of answer:** 29 March 2021

**Question(s):**

FinTech Australia has argued that private companies should be able to have direct access to public registers, for example the Australian Electoral Commission roll and ASIC registers, to be able to drive digital identity and verification services (see Submission 19.3, pp. 69-70).

- What is DTA's view on this proposal?
- Will the legislative framework being developed by DTA deal with this issue of access to public registers in the context of Digital ID and KYC checks?

**Answer(s):**

Data policy is a matter for the Department of the Prime Minister and Cabinet.

The proposed Digital Identity legislation will ensure all participants within the system meet the same high standards as currently required of Commonwealth participants.

The proposed purpose of the legislation will be to:

- enable the Commonwealth, states and territories governments, and the private sector to use the system to access (and rely on) identity and attribute verification services provided through the system
- formalise the appointment, and the scope of powers of, an Oversight Authority or authorities for the system to ensure it is run efficiently and is trusted
- provide strong privacy and consumer safeguards specific to the system, to support and encourage trust.

Changes to government data policies are outside the scope of the proposed legislation.