

Senate Economics Legislation Committee
Inquiry into Digital ID Bill 2023 and the Digital ID (Transitional and
Consequential Provisions) Bill 2023

Response to Question on Notice
Hearing of 9 February 2024

Topic: Bill impact on efficient checking of healthcare practitioners' registrations

Senator Dean Smith:

*"On notice, can you elaborate on those two points: how the bill impedes fraud prevention and the **efficient checking of health practitioners' registration**? If you can provide some additional information on notice in regard to that, that would be helpful"*

Equifax response

Australians are able to have confidence in the person providing their health care by searching a publicly available register maintained by the Australian Health Practitioner Regulation Agency <https://www.ahpra.gov.au/Registration/Registers-of-Practitioners.aspx>

This Register lists health care practitioners and important information associated with that person, such as a valid registration and any limitations on how they practise, including reprimands and cautions.

Health care workplaces - hospitals and medical clinics both Government and private - rely on accredited third parties such as Equifax to provide notifications to them of any change to a health practitioner's registration. Equifax does these washes in accord with the terms and conditions set out in a contract we hold with the AHPRA.

This process is simple and transparent and a critical part of maintaining integrity and confidence in health care practitioners.

However, this would change under the Digital ID Bill.

Under Section 11 (d) "information or an opinion about the individual's membership of a professional or trade association" is a Restricted Attribute, putting the information on par with a person's criminal history.

This is detailed in Section 18 (2) (f), detailing a range of hurdles for an entity that collects or discloses a Restricted Attribute:

- (i) the entity's risk assessment plan as it relates to the restricted attribute;*
- (ii) the entity's privacy impact assessment as it relates to the restricted attribute;*
- (iii) the effectiveness of the entity's protective security (including security governance, information security, personnel security and physical security), privacy arrangements and fraud control arrangements;*
- (iv) if the entity is not a participating relying party—the arrangements in place between the entity and relying parties for the protection of the restricted attribute from further disclosure*

We note it is difficult to envisage that under the Australian Government Digital Identity System Government (AGDIS) agencies, like AHPRA or state run health facilities, would not be expected to become accredited and bound to provide and receive information as required by the Bill. Indeed, Phase one and two of Digital ID is entirely focused on Commonwealth and State participation in Digital ID.

Regardless, collection and disclosure would face further complexity under Section 65 *Matters to which the Digital ID Regulator must have regard before authorising disclosure etc. of restricted attributes.*

This section sets out how an entity collects or discloses information not only within AGDIS *but also to entities outside the system.* (Section 65 (1) (b))

This makes it inevitable that the existing processes for continuous checking of health-care practitioners registration - publicly available information - will be significantly more difficult and more complex under the Digital ID Bill.

The public interest in continuing the current process, unimpeded, is paramount and as such we recommend deleting membership of a professional association as a restricted attribute.

AHPRA Registry holds information on the following health care practitioners

- *Aboriginal and Torres Strait Islander Health Practice*
- *Chinese Medicine*
- *Chiropractic*
- *Dental practice*
- *Medical practice (doctors)*
- *Medical radiation practice*
- *Nursing*
- *Midwifery*
- *Occupational therapy*

- *Optometry*
- *Osteopathy*
- *Paramedicine*
- *Pharmacy*
- *Physiotherapy*
- *Podiatry*
- *Psychology*