

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
ATTORNEY-GENERAL'S DEPARTMENT

**Program 1.2**

**Question No. 25**

**Senator Fielding asked the following question at the hearing on 25 May 2011:**

**Senator FIELDING:** I will ask another question: is the federal government working with the attorneys-general to address the issue of people changing their name by deed poll with their criminal history disappearing? Some are claiming that it is the privacy laws at a state and federal level. I am interested to know what discussions have taken place around the table.

**Mr Wilkins:** I will need to take that on notice. It might be useful if we try to examine which bit of the SCAG process you are actually referring to. I have talked to you about what I think is the issue around identity, but there may be some other process that we need to identify that you are referring to. I am not ruling that out, but I am just a little unclear about what we are referring to here.

**Senator FIELDING:** Then the department is not working on the issue relating to the change-in-name loophole and the concerns that, at a federal level, the privacy laws are stopping state departments from passing on information to authorities when people change their name by deed poll?

**Mr Wilkins:** We are looking at this issue of change of name as part of a national identity.

**Senator FIELDING:** Where is that at?

**Mr Rice:** On the question about timing of the National Identity Security Strategy revision, we have that under consideration at the present time. We are negotiating with Commonwealth departments and also with state and territory governments around the form and focus of the strategy. One of the issues that will get picked up in that is the change-of-name issue.

**Senator FIELDING:** Is there some indicative time frame or is it open-ended?

**Mr Rice:** We are hoping to have the work completed by the end of the calendar year and substantially completed by the end of the third quarter of this year.

**Senator FIELDING:** Who exactly is working on that? Is there a working group?

**Mr Rice:** Yes: my branch, through the auspices of the National Identity Security Coordination Group which has representation from the Commonwealth and states and territories.

**Senator FIELDING:** Is there a project plan that you have got drafted up for that working group?

**Mr Rice:** We certainly do.

**Senator FIELDING:** Is that something that you could table for the committee?

**Mr Rice:** I think so.

**The answer to the honourable senator's question is as follows:**

A copy of the project plan for the National Identity Security Strategy is attached.

The National Identity Security Strategy project plan has been developed to guide the work of the Attorney-General's Department. Key timings and deliverables have been briefed to stakeholders.

**Project Name**                      **Develop a revised National Identity Security Strategy**

**Authorities**                      **Owner:                      Andrew Rice**  
**Assistant Secretary, Identity Security Branch (AGD)**

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**1 Overview**

**1.1 Plan description**

Bring forward a renewed National Identity Security Strategy (NISS 2) and accompanying Intergovernmental Agreement (IGA) encompassing key areas as follows:

1. Strengthened verification of identity credentials, including an enhanced Document Verification Service (DVS), a national system that can verify the accuracy of information on proof of identity documents.
2. Greater use of biometrics to significantly improve identity security with more accuracy and less resources.
3. Developing capabilities to enrol people for access to tailored government services and information online.
4. Implementation of the recommendations of the Australian National Audit Office (ANAO) following its performance audit of the Department’s arrangements for the NISS in 2010 that:

- (a) the Department, in consultation with the National Identity Security Coordination Group (NISCG), formalise specific responsibilities of key agencies (Governance),
- (b) to more closely align deliverables, the Department, in consultation with NISCG, assess the current objectives and appropriateness of the elements of the NISS (accountability); and
- (c) the Department adopt a structured planning approach for all elements of the NISS, against which progress and achievement can be measured and reported (administration).

## **1.2 Plan prerequisites**

- Identity Security Branch resources will be required for the project to continue.
- Agreement across Government on proposals and desirability of States and Territories.

## **1.3 External dependencies**

Successful completion of this project depends on the support of a range of Commonwealth agencies and the States and Territories - either as issuers or users of information presented as proof of identity information, for service delivery reform and for law enforcement purposes.

Although by no means an exhaustive list these agencies at the Commonwealth include: Human Services, Foreign Affairs and Trade, Defence (incl. Veterans' Affairs), Australian Electoral Commission, Immigration and Citizenship, Prime Minister and Cabinet, Australian Customs and Border Protection Service, Australian Federal Police, Austrac and CrimTrac and Prime Minister and Cabinet (privacy, national security).

At the State and Territory level, examples of key stakeholders include: State and Territory Governments, the Council of Australasian Registrars for Births, Deaths and Marriages, Austroads and the Office of the Privacy Commissioner.

## **1.4 Planning assumptions**

- Australian Government and COAG agreement needed to give effect to revised measures to enhance Australian identity security at both the Commonwealth and State and Territory level.
- Agreement will be reached between the Commonwealth and State and Territory governments on the Intergovernmental Agreements which is to underpin the revised NISS.
- NISS 2 will reaffirm all six elements of the current NISS.

## **1.5 Constraints**

- Reliance on Whole of Government and State and Territory government and increasingly the private sector to deliver key elements of the revised Strategy.
- Financial resources to deliver key implementation elements of the revised Strategy.

## **1.6 Exclusions**

- Operational aspects of the Strategy, except to the extent that direct tasking falls on the Department as detailed in the Implementation Plan that will sit under the Strategy.

**1.7 Resources (a) required (b) available**

- (a) Required – AGD project team to develop and seek endorsement of Strategy and Implementation Plan
- (b) Available – resources to be provided by Attorney-General’s Department

**1.8 Costs**

- Within Departmental Budget funding.

## 2 Project Plan

### 2.1 Product Breakdown Structure

A broad structure of the new NISS 2 was developed in January 2011 divided into two key parts:

- the Strategy, and
- the Implementation Plan.

### 2.2 Schedule

Work to date has included scoping, analysis, development of initial proposals and key agency consultations.

Item	Date
Circulate survey to stakeholders, including ID Crime Implementation Team to inform NISS review	Jan - Feb 2011
Internal drafting of NISS 2, Branch comments and comments from other select areas of AGD invited	Feb-March 2011
CwltH agencies comment on NISS 2 (such as DFAT, PM&C, DIAC, DHS, AFP, Customs)	June-July 2011
National Identity Security Coordination Group (NISCG) provided with copies of draft NISS 2/IGA	July -August 2011
Development of the "implementation plan" under the IGA to include the recommendations from the 2010 ANAO Audit Report (e.g. outcomes, timelines)	August-October 2011
NISCG endorsement of NISS 2/IGA outlining key objectives and strategic principles	November 2011
NISS 2/IGA endorsed by COAG	December 2011

## 3 Risk Management

Risk Rating	What are the risks?	What will you do to manage the risk?
High	Failure to have revised NISS and Implementation Plan (inc. IGA) endorsed	Communication Strategies, including formal and informal consultations across all levels as necessary, including Ministerial
Medium	Delays in progressing outcomes or finalising final output	Targeted consultations Agency letters at SES and/or Secretary level
Medium	Lack of or discontinued support from key agencies	Engage with stakeholders (e.g. seek their input as to what measures may assist them or what outcomes they can lead on and/or contribute to) Targeted consultations as necessary and agency letters at SES and/or Secretary level
Low	Failure to identify relevant stakeholders	Evaluate stakeholders through Meetings and Working Groups
Low	In house skills not available to develop output	Engage with a cross section of people in developing final output

