



# First Nations Digital Inclusion Advisory Group – Submission to the Digital ID Expert Panel

## Introduction

The First Nations Digital Inclusion Advisory Group (Advisory Group) and Digital Inclusion Expert Panel welcome the opportunity to provide a submission on the proposed introduction of Digital ID.

The Advisory Group supports the need for a secure and convenient form of identification and recognises the potential benefits, particularly with reducing the burden for all Australians when accessing government services.

However, a Digital ID must be implemented with careful consideration for the most disadvantaged groups in Australia. The Advisory Group notes that while those groups, including First Nations Australians, could gain considerable benefit if a Digital ID is implemented in a way which responds to their specific needs, they are also at higher risk of harm and exclusion if implemented poorly.

For this reason, the Advisory Group has provided the following key issues for consideration by the Department of Finance's Digital ID Expert Panel.

## Digital ID must benefit First Nations people and work with non-Eurocentric models of a person's identity

The Advisory Group is concerned that Digital ID will simply add another layer of complexity to basic identification for First Nations people who are already one of the most digitally excluded demographics in Australia. Even beyond Digital ID, the process of proving one's identity can be complex and does not consider the historical, cultural and linguistic barriers First Nations people face.

For example, the identification process is highly bureaucratic (particularly for First Nations people without identity documents, such as the 200,000 First Nations people without birth certificates), inflexible and struggles to deal with basic cultural norms that are not limited to First Nations people, such as a person having different names depending on their relationships or community, difficulty in understanding the process due to language barriers, and failure to allow for community identification as a form of legitimate identification.

## Ensure Closing the Gap Target 17 is reflected in the design and implementation

Closing the Gap Target 17 commits the parties, including the Australian Government, to ensuring that Aboriginal and Torres Strait Islander people have equal levels of digital inclusion by 2026. Digital inclusion is a pre-condition for the successful implementation of a Digital ID. As such, it is critical that Target 17 is included in the design and implementation of a Digital ID system (whether voluntary or not) so that First Nations peoples are able to access and enjoy the benefits of that system. Including Target 17 in the terms of reference of the Digital ID Expert Panel may assist in lending focus to this matter.





Specifically, the design of the Digital ID must consider First Nations people not having: access to reliable internet and power; a smart device that works and has credit/data; and the skills or support to use the application when needed. On 30 November 2023, funding for the Digital ID (\$145.5 million over 4 years from 2023–24) was announced which did not include funding for basic digital inclusion measures or face to face support apart from “communications to improve individual and business awareness and understanding of Digital ID”.

At a practical level, for example, we hear of significant delays in accessing telephone support by government agencies, with the result that people run out of credit on their phones. This further exacerbates existing affordability and access issues.

Digital inclusion is a complex problem and targeted funding should be considered to support awareness and education for First Nations people and other digitally excluded Australians. The human facing element of the Digital ID must always be considered a priority to avoid a techno-optimism ideology, that is, the idea there is a technological solution for every complex problem. This ideology was what led to the development of the COVID Safe app which did not meet the needs of the community or health sector.

### Must uphold and strengthen First Nations people’s basic human rights

A Digital ID must provide and not take away from First Nations people’s basic human rights, whether it be access to employment, health care, education and social services. This also means that no First Nations people, or Australians in general, are to be left behind and that privacy, security and other human rights are ensured and protected.

With connectivity increasingly essential to enabling full participation in our economy and society, it is critical that digital inclusion challenges not be exacerbated further by the implementation of a Digital ID system that does not specifically engage with the issues faced by First Nations people in getting online, particularly in remote areas.

Government agencies, in particular, need to provide a responsive customer facing service in lieu of people not having a Digital ID or the capacity to be digitally connected.

### Be genuinely voluntary and ensure First Nations people can continue to use traditional or alternative methods

Although it has been emphasised the Digital ID will be voluntary, lessons from myGov show there is a risk that traditional or alternative means will slowly get phased out under the assumption that everyone will use online service delivery.

This can also happen with Digital IDs where a transition to a digital by default model can result in First Nations people being indirectly forced into using it. Lessons from the COVIDSafe app show that government should use a “digital also” instead of a “digital first” approach.

The use of traditional/alternative methods also ensure there is always a safety net for all Australians and the ability to simply talk to someone who can assist them directly. This also ensures sufficient resilience if the Digital ID or even the internet in general is rendered offline as the recent November 2023 nationwide internet outages have shown.

The MyGov audit of 2023 is a good example of some lessons that can be learned and issues faced by First Nations people.





The audit recommended we should:

- ensure people can easily use or switch to another channel (telephone or shopfront) if myGov doesn't work for them
- build a new capability for people to securely and safely nominate someone else they trust to help them or act on their behalf, with the ability to have different arrangements for different services
- increase support to improve the digital literacy of all Australians.

### Must not be used for mass surveillance or law enforcement purposes without strong safe guards and transparency

The Digital ID must not be used as a form of mass surveillance or general law enforcement without a warrant, subpoena or court order. Although the Advisory Group understands Digital IDs can assist law enforcement officers in investigating crimes, it should only be used when necessary as without such safeguards it can easily be misused to track and monitor people.

This is particularly true where First Nations people may already face increased discrimination and police scrutiny with higher youth detention and incarceration rates; and also widen Closing the Gap Target 10: *By 2031, reduce the rate of Aboriginal and Torres Strait Islander adults held in incarceration by at least 15%* and Target 11: *By 2031, reduce the rate of Aboriginal and Torres Strait Islander young people in detention by at least 30%*.

Strong safeguards will ensure confidence in the Digital ID system of First Nations people and the general Australian population. As part of this, it is also important to consider how to provide rapid and easily accessible support where harm or misuse occurs such as domestic violence, elder abuse or fraud.

### Consultations must be genuine

The Advisory Group notes the Government will undertake wide ranging consultation to ensure many views are considered prior to implementation.

The Advisory Group welcomes such an action but cautions against such consultations being perceived as a “box ticking exercise” or “heard but not actioned” where First Nations concerns are acknowledged but no response or follow up action has been undertaken to address these concerns.

Consultations should always be an opportunity to work together with all Australians and ensure the design process allows everyone to play a part. The Advisory Group strongly recommends any concerns or recommendations raised by First Nations people and other demographics in Australia who are highly likely to be digitally excluded should be addressed through appropriate channels.

Concerns raised should also not be viewed as a road block for implementation but an opportunity for genuine co-design and put people at the centre of the process. Implementation should include making sure First Nations people are supported to create their own Digital ID, through funding for on-the-ground and telephone support, for example, and Digital ID practitioners going into community to assist people directly.

