

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: For info - [REDACTED]
[SEC=OFFICIAL]
Date: Tuesday, 19 October 2021 2:54:51 PM
Attachments: [image001.png](#)
[REDACTED]

OFFICIAL

Hi [REDACTED]

We write to provide you a copy of the [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] We are providing you a copy of [REDACTED] for your information only, and would of course be happy to discuss further if you see any issues of concern.

We note that we are working closely with Home Affairs and the AGD on the [REDACTED]
[REDACTED].

For your awareness, we note that the DTA is expecting comments from Home Affairs and the AGD by **Friday, 22 October 2021**, so if you do identify any redline issues, please let us know before that date.

Thank you for your engagement to date with the [REDACTED].

Please do not hesitate to contact me if you wish to discuss.

Kind Regards

[REDACTED]
Senior Lawyer II myGov and Digital Identity Branch
Digital Transformation Agency
Phone: [REDACTED]
Email: [REDACTED]@dtg.gov.au
Sydney Office: Centennial Plaza, 280 Elizabeth Street Surry Hills, Sydney, NSW 2010



OFFICIAL

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From: [Redacted]
To: [Redacted]
Cc: [Redacted]
Subject: FW: SUBJECT: Trusted Identity Bill and Potential Age Limit [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] [SEC=OFFICIAL Sensitive]
Date: Thursday, 30 September 2021 7:04:20 PM
Attachments: [210916 FINAL ADVC - Trusted Digital Identity Bill possible age discrimin... pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

OFFICIAL:Sensitive

Hello Legal Team!

I'm just going through my backlog of emails and realising that this upcoming DTA meeting (next Thursday 7 October 2-3pm) is on a very specific legal issue. Welcome your thoughts, including whether you would like to participate in this meeting.

Thanks!

[Redacted]

[Redacted]
Manager, Strategy and Policy

[Redacted]
[esafety.gov.au](#)



1624322583849



eSafety acknowledges the Traditional Custodians of country throughout Australia and their continuing connection to land, waters and community. We pay our respects to Aboriginal and Torres Strait Islander cultures, and to Elders past, present and emerging.

OFFICIAL:Sensitive

From: Safety by Design [Redacted]@eSafety.gov.au>
Sent: Wednesday, 29 September 2021 12:53 PM
To: [Redacted]@eSafety.gov.au>; [Redacted]@eSafety.gov.au>
Cc: Julie Inman Grant [Redacted]@eSafety.gov.au>; [Redacted]@eSafety.gov.au>; [Redacted]@eSafety.gov.au>
Subject: FW: SUBJECT: Trusted Identity Bill and Potential Age Limit [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] [SEC=OFFICIAL:Sensitive]

OFFICIAL:Sensitive

Hi all

Sharing on additional email 1 of 2 that came through this morning.

Thanks

[Redacted]

OFFICIAL:Sensitive

From: [Redacted]@dta.gov.au>
Sent: Wednesday, 29 September 2021 9:47 AM
To: [Redacted]@humanrights.gov.au>; [Redacted]@eSafety.gov.au>; Safety by Design

[REDACTED]@eSafety.gov.au>
Cc: [REDACTED]@dta.gov.au>; [REDACTED]@dta.gov.au>; [REDACTED]@dta.gov.au>
Subject: SUBJECT: Trusted Identity Bill and Potential Age Limit [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Official: Sensitive Legal - Privilege

Good morning

The DTA will release an Exposure Draft on the Digital Identity Bill tomorrow for Public Consultation. The Public Consultation period is expected to be from 30 September to 27 October 2021 with a view to being able to [REDACTED]. I will arrange for you to be sent the Exposure Draft.

[REDACTED]

[REDACTED]

We would value a meeting with you both to discuss this aspect of the Bill. I will send out a meeting request for a meeting next Thursday 7 October 2-3pm. Please let me know if this is not a suitable time.

[REDACTED]

[REDACTED]
Digital Identity Legislation Engagement Lead
DI Branch | Digital Identity and myGov Division
Digital Transformation Agency (DTA)

The DTA acknowledges Traditional Owners of Country throughout Australia and recognizes the continuing connection to lands, waters and communities. We pay respect to Aboriginal and Torres Strait Islander cultures; and to Elders both past and present.

Official: Sensitive Legal - Privilege

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From: [REDACTED]
To: [REDACTED]
Subject: FW: For visibility - Trusted Digital Identity Bill - Statement of Compatibility with Human Rights [SEC=OFFICIAL]
Date: Thursday, 11 November 2021 11:05:12 AM
Attachments: [image001.png](#)
[TDI Bill - Statement of Compatibility with Human Rights.pdf](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

Can also make note of this in [REDACTED]'s brief – we pointed DTA to info on the UN General Comment on children’s rights in the digital age, which they’ve referenced in their statement of compatibility with human rights.

[REDACTED]
 Manager, Strategy and Policy

 [REDACTED]
 [esafety.gov.au](#)

1624322583849



eSafety acknowledges the Traditional Custodians of country throughout Australia and their continuing connection to land, waters and community. We pay our respects to Aboriginal and Torres Strait Islander cultures, and to Elders past, present and emerging.

From: [REDACTED] <[REDACTED]@dta.gov.au>
Sent: Thursday, 11 November 2021 10:01 AM
To: [REDACTED] <[REDACTED]@pmc.gov.au>; [REDACTED] <[REDACTED]@eSafety.gov.au>
Cc: [REDACTED] <[REDACTED]@pmc.gov.au>; [REDACTED] <[REDACTED]@eSafety.gov.au>; [REDACTED] <[REDACTED]@eSafety.gov.au>; [REDACTED] <[REDACTED]@dta.gov.au>; [REDACTED] <[REDACTED]@dta.gov.au>; Jake [REDACTED] <[REDACTED]@dta.gov.au>
Subject: For visibility - Trusted Digital Identity Bill - Statement of Compatibility with Human Rights [SEC=OFFICIAL]

OFFICIAL

Dear [REDACTED] and [REDACTED]

Thank you for your continued support and engagement with the DTA’s work on the Trusted Digital Identity (TDI) Bill. Your input and feedback has informed the final version of the TDI Bill’s Statement of Compatibility with Human Rights, which we attach for your visibility.

Based on our conversations to date, I understand the ONDC & E-Safety are not intending to provide a submission to the Parliamentary Joint Committee on Human Rights when it scrutinises the Statement of Compatibility. If your agencies do decide to make a submission, we would of course be happy to answer any questions you may have about the TDI Bill.

Kind regards,

[REDACTED]
 [REDACTED]
 Senior Lawyer
 Digital Transformation Agency
Email: [REDACTED] <[REDACTED]@dta.gov.au>
Phone: [REDACTED]
Canberra Office: 50 Marcus Clarke Street Canberra ACT 2601
 Available: Wednesdays to Fridays
 During lockdown: Available Wednesday and Thursday during business hours | Monday, Tuesday and Friday 19:00- 21:30

The DTA acknowledges the traditional owners of country throughout Australia and their continuing connection to land, culture and community. We pay our respects to elders past and present.

email-footer-600-V3



██████████
Digital Transformation Agency
E: ██████████@[dta.gov.au](mailto:██████████@dta.gov.au)
M: ██████████

OFFICIAL

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Australian Government

Digital Transformation Agency

Digital Identity Legislation

Minimum Age

Legal | Digital Identity Branch
October 2021

dta

dta.gov.au

Agenda

01 Timing

[Redacted]

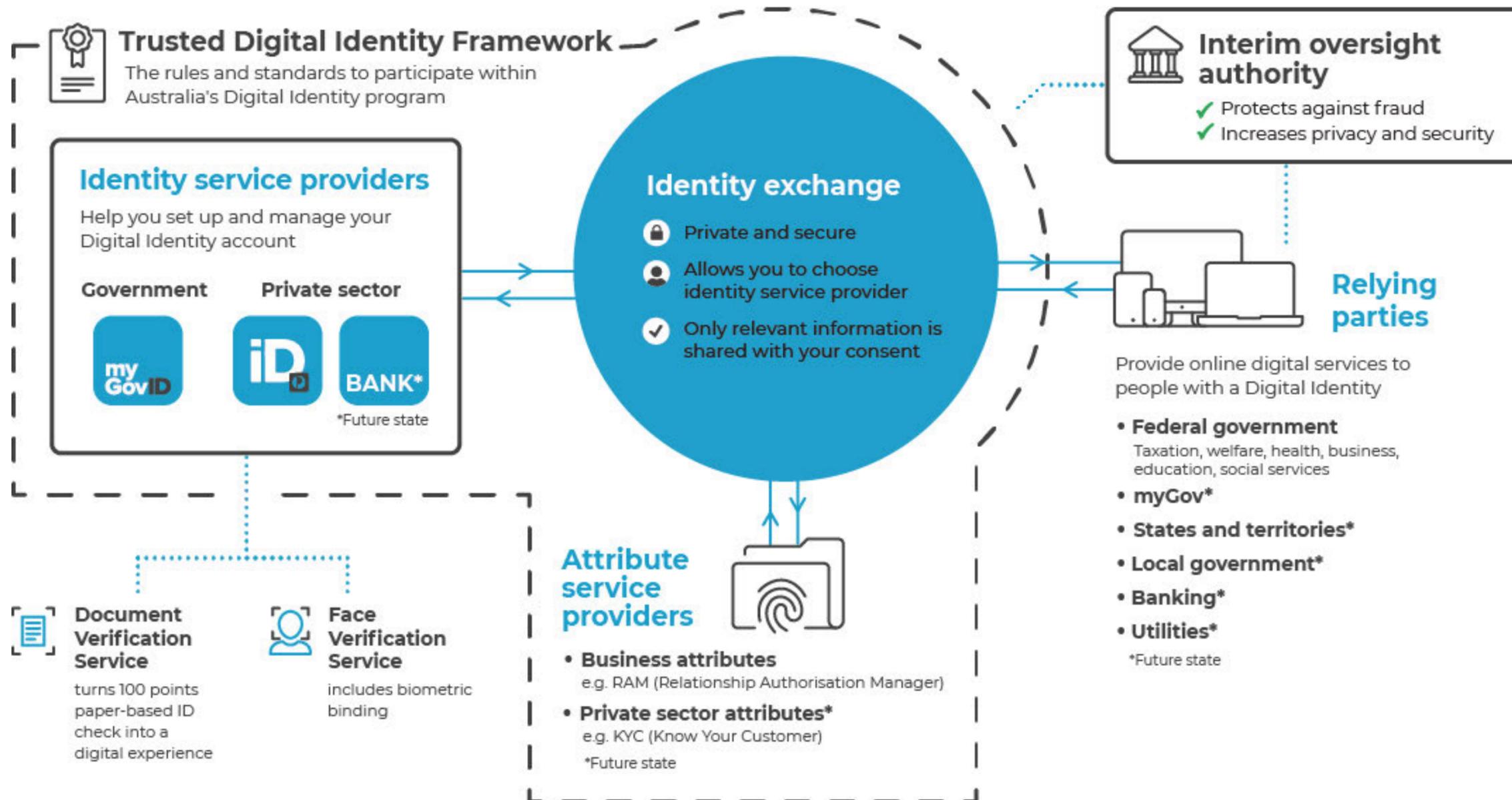
[Redacted]

[Redacted]

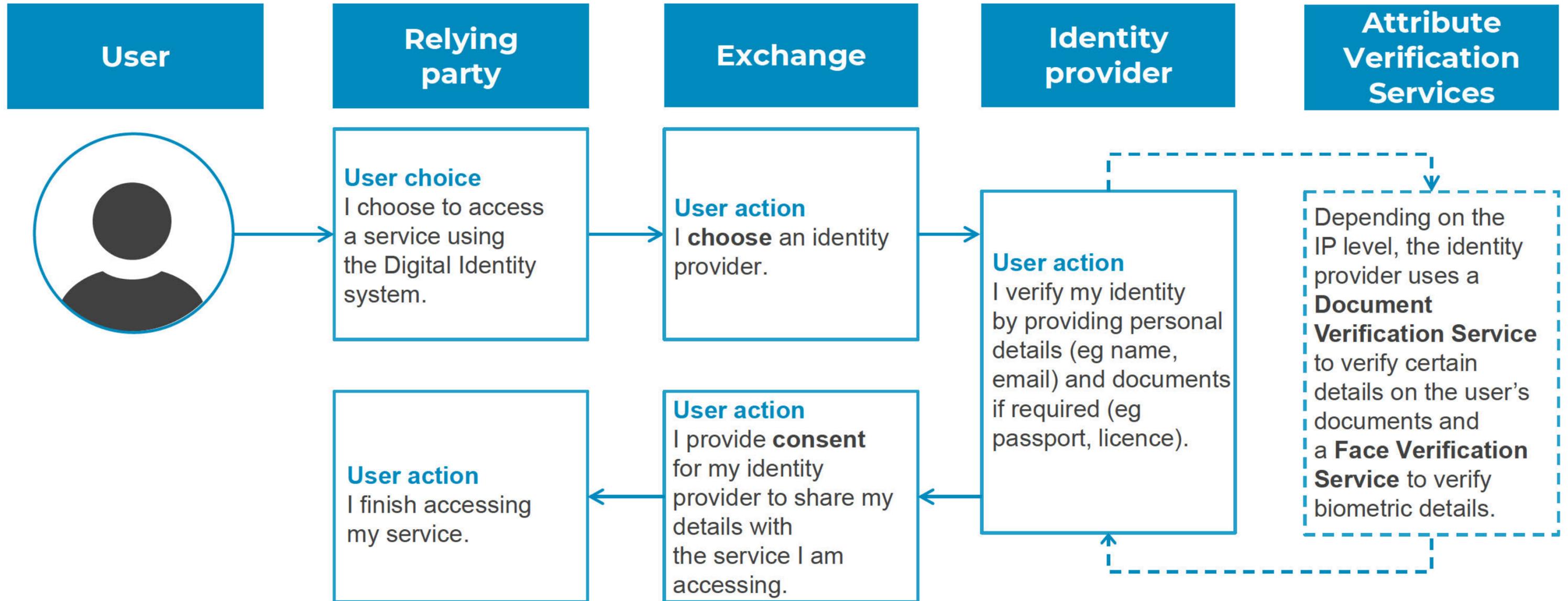
05 Next steps

02 Digital Identity program & legislative framework

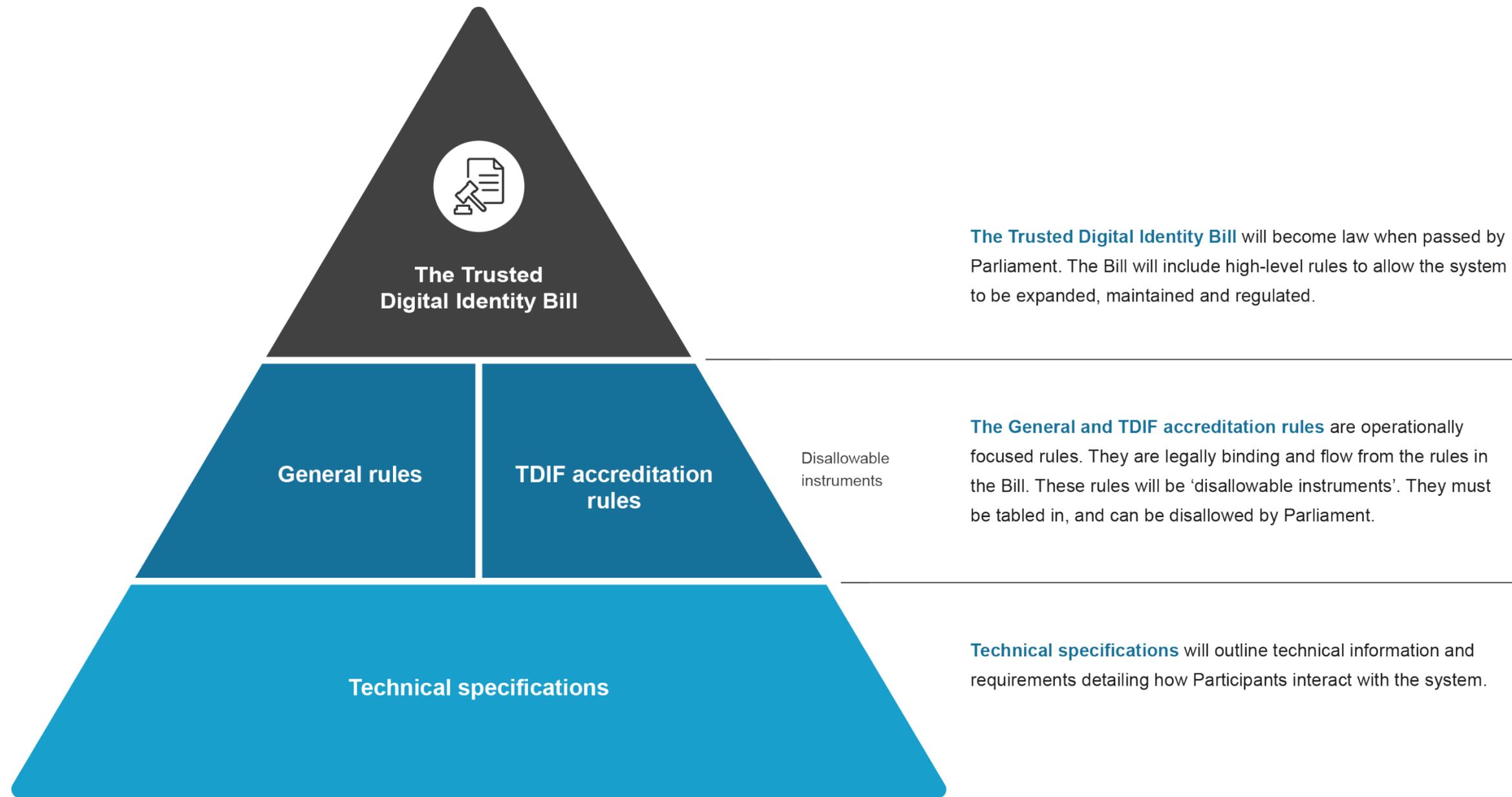
Digital Identity system

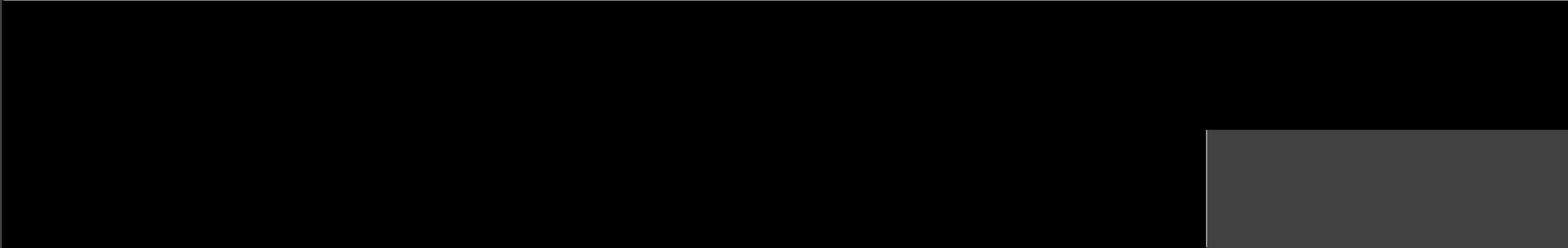


User journey



The structure of the legislative framework





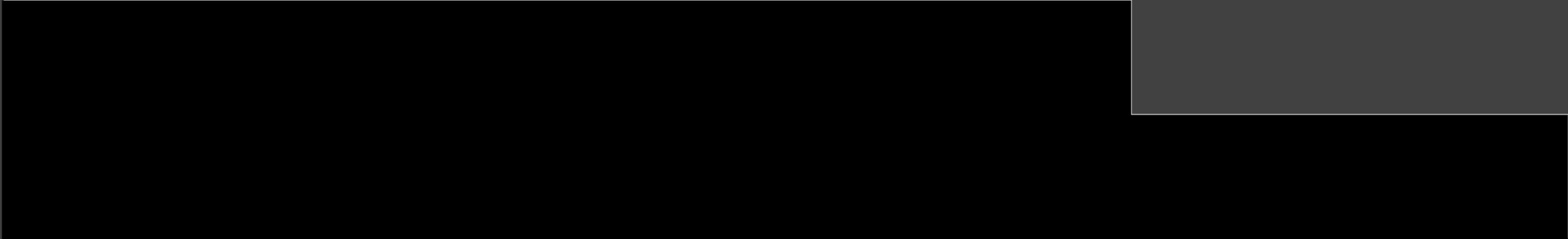
Considerations

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]



[Redacted]



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- [Redacted list item]

- [Redacted list item]

- [Redacted sub-item]

- [Redacted sub-item]

- [Redacted sub-item]

- [Redacted list item]

- [Redacted sub-item]

- [Redacted sub-item]

- [Redacted list item]

- [Redacted list item]

Other relevant frameworks

6. Frameworks that have been considered in determining the minimum age are:
- Privacy
 - Passports
 - Tax file numbers
 - Medicare
 - My Health Records
 - Access to medical treatment
 - Age of criminal responsibility
 - Contractual capacity
 - Convention on the Rights of the Child
7. In summary, under the above frameworks there is no universally agreed age where capacity of a young person is triggered, however the age range of 14-16 years appears to be the most commonly used.
8. Generally, the level selected within that range depends on the competing factors relevant to the particular framework being implemented. Where the factors are focussed on the protection of young people (such as the age of contractual capacity), the age tends to be higher.
9. For frameworks focussed on informed consent, where there are human rights factors support a minor having the ability to give such consent (such as privacy / confidentiality, Medicare access, and in our view, the TDI), [REDACTED] to obtain informed consent whilst empowering young people to make independent choices. That is particularly so where the TDI framework does not allow for discretionary decision-making about the capacity of individuals in an age range.

Privacy

10. The guidelines¹ by the Office of the Australian Information Commissioner (**OAIC**) provide that individuals aged 15 years and above are assumed to have capacity to consent. This approach has been supported by the Australian Law Reform Commission² in its review of Australian privacy law in 2007. Leading child psychologists' opinions in that review came to the general consensus that capacity in children is between the ages of 11 and 15. The ALRC also noted that 15 is the age of entitlement for access to an individual Medicare card and the *Privacy Act 1988* (Cth) (**Privacy Act**) should follow a similar approach.

¹ <https://www.oaic.gov.au/privacy/australian-privacy-principles-guidelines/chapter-b-key-concepts/>

² Australian Law Reform Commission, *Review of Australian Privacy Law*, Vol 1 Discussion Paper 72, September 2007

11. One of the objects of the Privacy Act is to promote the protection of privacy of individuals, without specifying any limitations on age.
12. The OAIC has provided guidance on this issue in the Australian Privacy Principle Guidelines stating that as a general principle, AAP entities should presume that individuals aged under 15 years do not have the capacity to consent. Individuals aged 15 years and above are presumed to have capacity to consent, unless there are factors which suggest otherwise.
13. If an AAP entity is concerned about an individual's capacity to consent between the age of 15 and 18, a guardian may act on behalf of that individual while keeping the individual involved in the decision making process. The ALRC supports this approach by recommending that an individual assessment be made of persons to determine whether they have capacity under the Privacy Act to make a decision.
14. Nonetheless, complexities can arise when individually assessing a person for capacity between the age of 15 and 18, particularly in regard to disclosure of health information which is treated as sensitive information. These complexities are generally dealt with on a case by case basis, and the presumption of consent for a person aged 15 years and above will remain in the absence of information suggesting an alternative approach. An example of where complexities arise is when a parent seeks the health information of their child, and the child has expressly requested non-disclosure of information, because that information was sought out in confidence (such as to address drug and alcohol, sexuality, mental illness or pregnancy issues).
15. In an ALRC discussion paper regarding the review of Australian privacy law³, the decision-making capacity of children and young people was canvassed and the ALRC referred to the impact of psychosocial factors on adolescent decision making. The ALRC noted that the age of 15 is when a young person is entitled to access a separate Medicare card without parental permission, and that the minimum age for decisions relating to the Privacy Act should follow a similar approach.
16. The same paper discusses the research of Jean Piaget, a leading child psychologist, and points to the general consensus in literature on child development that the capacity of children to make voluntary and rational decisions increases with both age and cognitive skills. Decision-making develops over time, with the development of certain cognitive skills, including the capacity for logical thought, the ability to understand cause and effect, and the analysis of consequences of decisions. According to Piaget, a child aged between 11 and 15 is generally in this stage. Similarly, the ALRC also considered work by Dr Tara Kuther which suggests people aged 15 can make decisions concerning medical treatment, and Sarah Ramsey which suggests the relevant age is somewhere between 14 and 16. The overall evidence suggests that it is not possible to identify an age above which all children are competent to make decisions and below which all children are not competent.

Medicare

17. Young persons aged 15 years or older may apply for their own Medicare card. The rationale for this is to allow young people to have access and control over their own Medicare card so they do not delay or avoid medical treatment because of a perceived or actual lack of confidentiality, in order to keep information from their parents or guardians.
18. [REDACTED]

Further detail

³ Ibid

19. The legislation governing Medicare, the *Human Services (Medicare) Act 1973* is silent on age restrictions for the issuance of a Medicare card. Rather, this is stipulated in Medicare policy to be set at the age of 15.
20. This policy is closely aligned with the handling of health information and consent to medical treatment by a young person.
21. An ALRC report⁴ refers to the basis behind the Medicare approach being the ability of young people to keep information from their parents and others, which is often an important consideration when deciding whether to seek medical treatment. Young people experience a number of barriers in accessing health services, such as a perceived or actual lack of confidentiality. In the context of a digital identity, the same concerns may arise for young persons who may require access to a service where confidentiality is not already built into the industry, and as such, seeking consent from a parent or guardian in the first instance would be a barrier to access.

Tax File Number

22. All children are eligible for a tax file number and there are no restrictions on age. The Australian Taxation Office has adopted policies with regard to applications of young persons. Relevantly, if the young person is between the age of 13 and 15, they have capacity to sign the application form for a tax file number.

Further detail

23. There is limited policy information, noting there are no restrictions on age for the issue of a tax file number. Children are not exempt from quoting a tax file number, if an income is being earned.
24. The Australian Taxation Office has implemented policy which prescribes a sliding scale for the requirement to sign the tax file number application form. If the child is under the age of 12 a parent or guardian must sign the application on the child's behalf. If the child is between the ages of 13 to 15 years, the child or parent can sign the application form. Children 16 years and older must sign the application themselves. A child is defined in the Income Tax Assessment Act to mean a person under the age of 16 years.

My Health Records

25. Young persons have unfettered access to their My Health Record from the age of 14 years, where the authorised representative (parents or guardians) are removed from the profile. This was legislated after a Senate Committee inquiry⁵ recommended the protection of privacy of young persons aged between 14 and 17 years, and referred to examples of the then current system restricting the ability of young persons to confidentially access healthcare, which could have a profound effect on their physical and mental well-being.

26. [REDACTED]

Further detail

⁴ Australian Law Reform Commission, *For Your Information: Australian Privacy Law and Practice*, Report No. 108, Chapter 68

⁵ Senate Standing Committees on Community Affairs, My Health Record system, 18 October 2018.

27. The *My Health Records Act 2012* was amended in 2018 by the passing of the *My Health Records Amendment (Strengthening Privacy) Act 2018*. This amendment provided that authorised representatives, such as parents or guardians, are removed from the system when the recipient turns 14 years of age, after which access to all of the young person's clinical information is revoked.
28. The incentive for the amendments were considered in a Senate Committee report⁶ in 2018 inquiring about the benefits of the system, privacy concerns and comparisons with other comparable digital health systems internationally. One of the recommendations from this report was that an amendment be passed to protect the privacy of children aged 14 to 17 years unless they expressly request that a parent be a nominated representative.
29. Public submissions from medical practitioners impressed on the Senate Committee the legitimate reasons young people will seek medical advice, such as obtaining mental health or sexual health information that a young person may prefer their parent or guardian did not know about. The Senate Committee also noted its concern that the system may jeopardise the ability of young people to confidentially seek medical advice without posing further risks to their physical or emotional well-being.
30. The second reading speeches to the amendments indicated the aim of empowering young persons to take control of their My Health Record at the age of 14 as competent minors. There was no analysis of a young person's capacity in these speeches, but rather a focus on the protection of sensitive information and the privacy of the individual as they begin their adult life. This is also relevant in the context of a digital identity, with the intention of preserving the same rights.

Age of criminal responsibility

31. The *Crimes Act 1914 (Crimes Act)* adopts a sliding scale to determine responsibility for criminal acts. Criminal liability for young persons is set at the age of 15, however children between the ages of 10 and 14 can also be found criminally liable if they understand their conduct is wrong. It would be a reasonable conclusion that if young persons who are criminally liable for offences at the age of 15, should also have access to services through a digital identity that may assist them in reducing recidivism.

Further detail

32. The Crimes Act incorporates a sliding scale for determining liability for an offence against a law of the Commonwealth and whether a young person is capable of making informed decisions.
33. The Crimes Act stipulates that children under the age of 10 cannot be liable for an offence against a law of the Commonwealth. Children over the age of 10 but under the age of 14 can only be held liable for an offence against the law of the Commonwealth if that child knows their conduct is wrong. Whether the child knows that their conduct is wrong is a question of fact and the burden of proof is on the prosecution to establish that fact.
34. This provision was inserted into the Crimes Act in 1995, and the second reading speech noted that the decision on the age at which children will be criminally liable will be an arbitrary one, and the age of 10 years appears to have been selected because there are no Australian jurisdictions in which a child under 10 years is subject to criminal liability.

⁶ Ibid.

Contractual capacity

35. Legal requirements in relation to contractual capacity mean that, although a person under 18 years may enter a contract, it is voidable (unless it is a beneficial arrangement). Noting the seriousness of potential financial consequences of entering a contract and the potential for severe and lifelong consequences, this is a measured and reasonable approach. [REDACTED]

Further detail

36. The general principle at common law is that a contract entered into by a minor (aged under the age of 18) is voidable, however there are exceptions such as contracts for necessities and employment.
37. Each State and Territory jurisdiction has legislation in place to deal with the obligations and rights of minors under contracts. In particular, by way of example, NSW has legislation specifically dealing with the capacity of a minor and consequences of contracting with a minor in the *Minors (Property and Contracts) Act 1970 (NSW) (Minors Act)*.
38. The Minors Act defines a person under the age of 18 years as a minor, and it states that minors are not bound by a contract except as provided for under that Act. Beneficial acts are presumptively binding, unless, by reason of youth, the minor lacks the understanding necessary for their participation in that act. Upon attaining the age of 18, minors may affirm acts at that time, and a court may separately confer contractual capacity onto the minor for purposes of undertaking a civil act.

Passports

39. All children, including babies, must hold and travel on their own passports.
40. The Department of Foreign Affairs and Trade (**DFAT**) has created policies to work through the nuances of the capacity of young people when dealing with passport applications. DFAT is also restricted by the Electronic Transactions Act 1999 (**ETA**) exemptions in place relating to submission of applications electronically. These are primarily put in place to mitigate any risk of fraud, and for the purposes of young persons, abduction. Abduction, or the risk of abduction is not a concern under the digital identity regime.

Further detail

41. The *Australian Passports Act 2005 (Passports Act)* at section 6 defines a ‘child’ as a person under the age of 18 who has never been married.
42. There is little commentary on why the age of 18 was decided to define a child, however the explanatory memoranda states that the objective of provisions relating to the issuing of passports to children, is to protect a child from abduction and to protect the rights of parents.
43. The Passports Act sets out discrete requirements for the issue of a child’s passport in section 11. The second reading speech explains the basis for this additional requirement, namely to harmonise principles in other regimes, such as the *Family Law Act 1975* and, importantly, to protect the rights of both parents after there had been several experiences where children were abducted by one parent and removed from Australian territory.
44. DFAT is responsible for administering the Passports Act. DFAT’s policies in place relating to the issue of passports for children include that:

- Children aged 10 and above must sign the passport application form.
 - Children aged 15 and under may only be issued with a passport valid for 5 years.
 - Children aged 16 or 17 may be issued with a passport valid for 10 years.
 - A person under the age of 18 that has married may lodge an adult application. This is presumably because they have been previously assessed for capacity to consent through the requirements of the *Marriage Act 1961*.
45. In addition to the above, the ETA exempts the Passports Act from provisions relating to electronic transactions in certain circumstances. As a result of this exemption, Australian's of all ages must lodge their applications for a passport in person, although the application can be completed online. The explanatory memorandum explains the reasoning behind this system and why exemptions are provided in the ETA. In particular, where there is a high risk of document fraud or where it is important to ensure that there is only one paper-based document, such as passports, an exemption from the ETA is appropriate. This also contributes to the visa-free access that Australian travellers enjoy in many overseas destinations by maintaining security by verifying the identity of every passport applicant to the highest standard.
46. DFAT has implemented special requirements that online applications can only be completed electronically by people aged 18 years and above. This is to mitigate any additional risk of fraud or abduction in relation to minors.

Access to Medical Treatment

47. Various State and Territory policies have been put in place relating to access to medical treatment. NSW Health, in particular, have built on the common law position with its policies relating to medical consent and capacity.
48. While it permits flexibility in the policy and takes into account the evolving capacity of young persons, it stipulates that at the age of 14 or 15 an individual will have an immediate understanding of any treatment and consent may be sufficient combined with consent from a parent or guardian. Noting the seriousness of medical treatments and potential for severe and lifelong consequences, this is a measured and reasonable approach. Access to a digital identity for a 15 year old, will provide access to services that are unlikely to result in such irreversible decisions.

Further detail

49. The common law position relating to a minor's capacity to consent was established by the English case *Gillick*. These cases stated that a child's capacity increases as they approach maturity and the authority of a parent decreases. The significance or seriousness of the proposed treatment will be a relevant factor in assessing whether a minor has capacity to consent. This issue was settled in Australia by the High Court in the matter of *Marion's Case*.
50. Most State jurisdictions have guidance materials and policies relating to consent for medical treatment. This paper considers the NSW Health policy as an example. The 'Consent to Medical and Healthcare Treatment Manual'⁷ provides operational guidance and procedures to support compliance with the NSW law on obtaining consent to medical treatment from patients.
51. This manual provides a guide for a minor's capacity to consent to medical treatment:

⁷ <https://www.health.nsw.gov.au/policies/manuals/Publications/consent-manual.pdf>

- 13 years and under: immature and insufficient understanding, consent from a parent or guardian required.
 - 14 and 15 years: intermediate understanding, consent may be sufficient, however consent from a parent or guardian should also be obtained.
 - 16 and 17 years: mature understanding, consent of the young person sufficient in most cases.
52. These policy documents broadly reflect the common law position, which is that the age of consent is directly affected by the seriousness of the proposed treatment, and there is a sliding scale of capacity based on understanding under which, from age 16, a young person may make independent medical decisions.

Convention on the Rights of the Child

53. The Convention defines a child as every human being below the age of 18 years, unless under the law applicable, majority is attained earlier. Consequently, young persons up to the age of 18 are afforded the rights enshrined in the Convention, special protection measures, and according to their evolving capacities, they can exercise their rights. The concept of evolving capacities is used throughout Australian legislation, where appropriate to do so and taking into account available technology, systems and procedures to use discretion (see access to medical treatment and criminal liability).
54. Noting the range of various services a digital identity will provide access to, and the structure of the TDI framework, it is not feasible to build in a sliding scale that will depend on individual circumstances.

Further detail

55. Article 5 of the Convention, ratified by Australia in 1990, enshrines the principle of the evolving capacities of the child:

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognised in the present Convention.

56. General comments from the Committee on the Rights of the Child⁸ are that the period of adolescence is characterised by rapid physical, cognitive and social growth, including sexual and reproductive maturation, and the gradual building of the capacity to assume adult behaviours and roles. This period of dynamic transition has challenges involving the development of an individual identity and dealing with one's sexuality.
57. Another international convention that deals with the rights of children which Australia has ratified is the Hague Convention. Article 4 of the Hague Convention ceases to apply when a child attains the age of 16, presumably because a child of that age has a capacity to consent on where they would prefer to reside.

⁸ https://www.unicef-irc.org/portfolios/general_comments/GC4_en.doc.html

Meeting purpose

- [REDACTED]
- [REDACTED]

Background

- The purpose of the legislation is to:
 - allow for independent oversight of the system, by formalising the powers and governance arrangements of the Oversight Authority
 - enable expansion of the system to state and territory governments and the private sector
 - provide privacy protections, consumer safeguards and security requirements to build trust in the system
 - provide for a legally enforceable set of rules that set the standards for participating in the Digital Identity system (this includes the TDIF rules)
 - allow for entities to be TDIF accredited for their activities whether they are on the system or not.
- [REDACTED]
[REDACTED]
[REDACTED] Link to DTA bill position paper [here](#).
- The minimum age requirement for creating a digital identity has now been removed from the draft Bill [REDACTED]
- The DTA has released an Exposure Draft on the Digital Identity Bill. The Public Consultation period is expected to be from 30 September to 27 October 2021 [REDACTED]
- eSafety's previous feedback was that child friendly terms of service be included in the design of the system, so that children (aged 15-17) can have full access to these services, in a manner that recognises their unique status as children but that promotes participation and access.

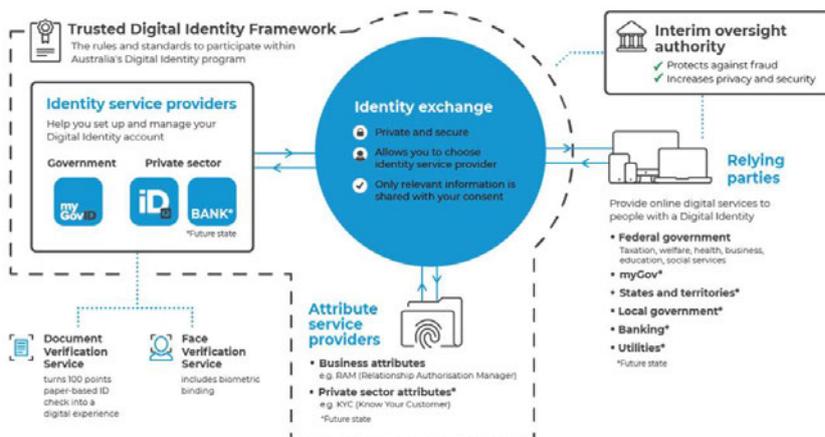
Key points to raise at the meeting

- [REDACTED]
[REDACTED] We believe that providers should make services available to children which are appropriate for their evolving capacities by employing Safety by Design, building in protections and mitigating risks for children in the design, development and deployment of all online services.
- We reiterate our position that there should be clear, child-friendly terms of service which explain the purpose of the system and how it preserves and protects users safety, privacy and security.
- Providing clarity on what the digital identity system will be used for and how this does/doesn't relate to u18s may also be of use in setting a minimum age.

- We may wish to note that there are examples of content and services being age-restricted (e.g., broadcasting/content classifications – MA15+, R18+) – which determine what is age-appropriate and appreciate the evolving capacities of individuals to understand and contextualise relevant content.
- [REDACTED]
- We may wish to ask whether the DTA has further refined its approach to concerns previously raised by eSafety:
 - Whether the term ‘for a limited time’ has been defined in relation to using biometric information for sampling and refinement of the system? And whether data retention opt-out capabilities are provided to users.
 - Whether the DTA has further considered what public engagement measures they will be undertaking to build public awareness of the system, its purpose and how it protects users’ data?

Notes

Digital Identity system

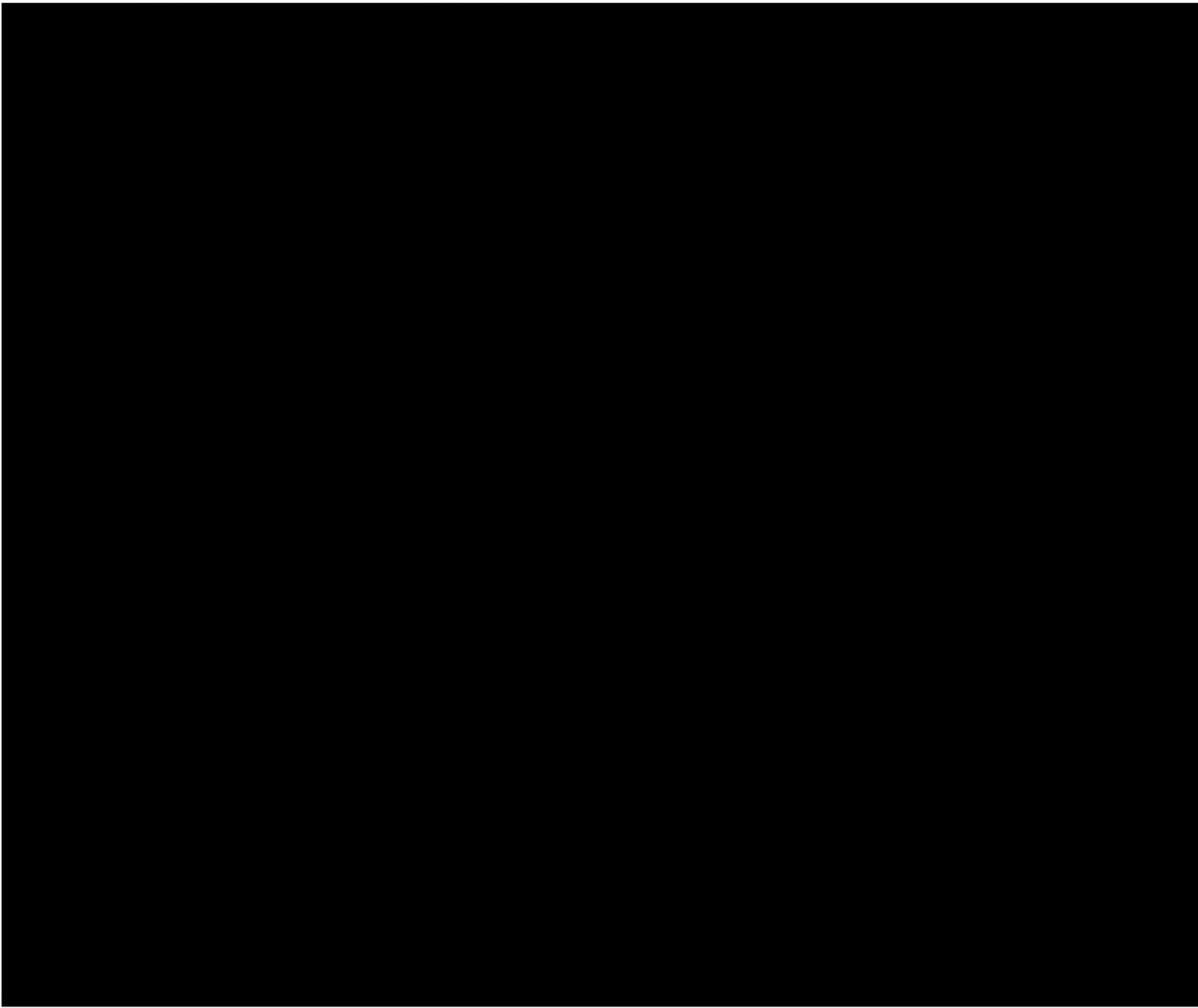


4

dta

- Exposure draft when out for consultation 1 Oct; closes 27 Oct – [REDACTED]
- Digital ID already applies to Commonwealth services – expanding program to states/territories and private sector. [REDACTED]
- Minimum age requirement – [REDACTED]
- DTA has pulled out the age requirement from the bill [REDACTED]
- Bill > general rules & TDIF rules > technical standards

- [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
- [Redacted]
- [Redacted]



- [Redacted]
- [Redacted]
- It is voluntary and an alternative access system

- Provision in the bill relating to **choice**. [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- Governance arrangements. Governed by oversight authority. Will be able to control which services come onboard [REDACTED]
[REDACTED]
- 27 Oct exposure draft submissions close.
- **Action:** [REDACTED] to follow up with [REDACTED] on UN child rights in the digital environment.

Document 10

From: [REDACTED]
To: [REDACTED]
Subject: FW: Update on Timing - TDI Bill - not for introduction in 2021 [SEC=OFFICIAL:Sensitive, ACCESS=Legislative-Secrecy] [SEC=OFFICIAL:Sensitive]
Date: Thursday, 11 November 2021 4:35:22 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

OFFICIAL:Sensitive

FYI

[REDACTED]
Manager, Strategy and Policy

[REDACTED]
[esafety.gov.au](#)



1624322583849



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OFFICIAL:Sensitive

From: [REDACTED]@dta.gov.au>
Sent: Thursday, 11 November 2021 4:31 PM
To: [REDACTED]@humanrights.gov.au>; [REDACTED]@humanrights.gov.au>; [REDACTED]@humanrights.gov.au>; [REDACTED]@ag.gov.au>; [REDACTED]@humanrights.gov.au>; [REDACTED]@eSafety.gov.au>; [REDACTED]@pmc.gov.au>; [REDACTED]@oaic.gov.au>; [REDACTED]@servicesaustralia.gov.au>; [REDACTED]@ato.gov.au>; [REDACTED]@servicesaustralia.gov.au>; [REDACTED]@servicesaustralia.gov.au>; [REDACTED]@servicesaustralia.gov.au>; [REDACTED]@servicesaustralia.gov.au>; [REDACTED]@ato.gov.au>
Cc: [REDACTED]@dta.gov.au>
Subject: Update on Timing - TDI Bill - not for introduction in 2021 [SEC=OFFICIAL:Sensitive, ACCESS=Legislative-Secrecy]

Official: Sensitive Legislative - Secrecy

Dear amazing colleagues

I have just been informed by our Senior Executive that the Trusted Digital Identity Bill will not be introduced this year. While I am personally very disappointed as the team at DTA have been working so hard towards introduction and we were (I think) in a good place to do so, I think this presents a really good opportunity to drill down and really engage with some of the detail raised through stakeholder engagement.

I want to thank you all for your co-operation and support and the constructive feedback you've provided throughout this legislative development process, often under very tight timeframes.

Thank you all

Kind regards

[REDACTED]

[Redacted]

Senior Lawyer

Digital Transformation Agency

Email: [Redacted] [@dta.gov.au](mailto:[Redacted]@dta.gov.au)

Phone: [Redacted]

Canberra Office: 50 Marcus Clarke Street Canberra ACT 2601

Available: Wednesdays to Fridays

During lockdown: Available Wednesday and Thursday during business hours | Monday, Tuesday and Friday 19:00- 21:30

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email-footer-600-V3



Official: Sensitive Legislative - Secrecy

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Briefing Note – Government Meeting

To: Rebecca Razavi

From: [REDACTED]

For: Meeting with Jonathon Thorpe, DTA, 2pm on Tuesday 12 October 2021 Via Teams

Date: 11 October 2021

Representatives

External Attendees	NAME	TITLE
	Jonathon Thorpe	Head of Digital Identity and myGov Division, DTA
Internal Attendees	Rebecca Razavi; [REDACTED]	
Note Taker	[REDACTED]	

Agenda

1	DTA Age Verification (AV) Trials
2	eSafety AV consultation process
3	Web crawler project – information sharing request
4	Trusted Identity Bill

Lead eSafety Business Area/s

- The relationship with eSafety is primarily managed by the International, Strategies and Futures branch, with close engagement currently managed by the Policy and Strategy team.

Summary of any previous interactions

- eSafety met with the DTA last week (7 October) to discuss changes to the age requirement associated with the Trusted Identity Bill. In summary:
 - The DTA is removing the minimum age requirement of 15 from the Bill and instead, intends to achieve this age limit through an amendment to the Age Discrimination Act.
 - There are flexibility mechanisms built into the proposed wording of the section to adjust the minimum age downwards in future if required. Lowering the age will depend on the maturity of the system.

- The DTA intends to develop rules to allow parents or guardians to act on behalf of another, which would be an avenue for people younger than 15 to access services via a digital identity.
- The system is only being used for services where individuals need to be over 15 (ATO, Medicare, Unique Student Identifier for tertiary studies). There is scope in the legislation to increase the types of services to age-restricted retail sales and services (e.g. alcohol, gambling, banking).
- eSafety noted that the current services in scope for the digital identity system were not likely to raise online safety issues for children and eSafety did not have concerns as to the DTA's proposal. However, noting the flexibility in the system's scope of services, eSafety expressed interest in being informed of future developments.
- Your previous meeting with Jonathon Thorpe (14 September) included:
 - A short update on the DTA's AV trial project – [REDACTED]
 - DTA flagged the importance of ringfencing the TDIF. Interest in expanding its use for other purposes (e.g. pornography access) were noted.
 - eSafety provided an update on the AV roadmap submissions.

Top points/questions to raise and eSafety outcomes sought

- Progress update on DTA's AV trial project
- Ascertain key content and agreement for information sharing on the DTA's web crawler

Talking Points:

Agenda item 1: DTA Age Verification (AV) Trials

You may wish to note that several media articles were published in September flagging that Mastercard would be collaborating with the DTA on digital identity service use.

You may wish to seek an update on [REDACTED].

You may wish to highlight that eSafety has received an FOI request regarding Mastercard and their role in delivering or influencing the delivery of online age verification services in Australia.

Agenda item 2: eSafety AV consultation process

- We are still analysing the submissions received for the AV roadmap and plan to engage in deep-dive consultations with key stakeholders from November.

- Of note, you may be interested to know that [REDACTED] made a submission – which highlighted its own age verification procedures and use of AV technology.
- Their main concern was the need to standardise online sales regulation at a national-level and ensure that any AV regime established by eSafety was consistent with the Trusted Digital Identity Framework (TDIF) and was not duplicative of the DTA’s undertakings.
- They also suggested that any mandated age verification system should allow for customers to use saved or stored credentials to minimise the cost involved for retailers in administering this system.
- The application of age verification for alcohol sales and pornography access will no doubt have different privacy requirements. We will be discussing options for single or repeat access in our consultations.

Agenda item 3: Web crawler project – information sharing request

- As part of the Women’s budget package eSafety has received funding to develop a technology solution to assist victims of image-based abuse.
- This includes a web crawler to help identify other instances of victims’ images online. This will assist with rapid removal of images and prevent the proliferation of IBA materials, where possible.
- We are aware of the DTA’s crawler as part of the data.gov.au initiative and [Whole of Government Web Crawl](#).
- Our project is in its initial scoping phases and our IT division would welcome an opportunity for knowledge-sharing on:
 - crawler approaches and technology considerations
 - legal and privacy considerations
 - general information on the DTA’s initiative overall and the ability to share information on our web crawler solution
- Who would be the most appropriate contact to connect with our Head of Technology and Digital, [REDACTED]?

Agenda item 4: Trusted Identity Bill

- [REDACTED] and [REDACTED] met with [REDACTED] and [REDACTED] regarding the Trusted Identity Bill.
- eSafety is comfortable with the approach DTA is taking and does not plan to challenge the approach to establishing a minimum age requirement – particularly noting the services the digital identity system intends to cover.
- We have shared our submission to the UN’s *Committee on the Rights of the Child for the general comment on children’s rights in the digital environment*, to support the DTA’s human rights compatibility statement.

Additional background (if required) – could include any relevant/recent media on topics of mutual interest

You may wish to touch on the matters covered in recent media articles relating to digital identity.

Innovation Australia article

- I'm not sure whether you took notice of an article published by Innovation Australia last month, but I wanted to clarify comments attributed to the Commissioner.
- In the article, it's suggested that the Commissioner and eSafety believe Australians will be unsupportive of using a government digital identity system to access online pornography - these referred the adoption of a 'one-tool system', where a government-managed tool would be the only key to accessing online pornography for Australian adults.
- The article itself has taken a surprising turn as the interview was organised to discuss and clarify eSafety's new powers under the new Online Safety Act. It was a combative interview which veered into various subject matter we did not expect to cover.
- I want to provide reassurances that eSafety is very supportive of the approach the DTA is undertaking with the TDIF and the AV trials. The TDIF is a strong and robust model we are looking at for the technical elements of the AV roadmap.

Action on 'Big Tech' and Minister Robert on Sky News

- The Prime Minister, Deputy Prime Minister and Minister Robert all publicly comments on the issue on online anonymity on social media last week.
- Speaking on Sky News, Minister Robert raised the option of using the digital identity system to address online harms on social media.
- Has the DTA been requested to take any action relating to these public comments?

Meeting notes

DTA

- Still awaiting information from the [REDACTED]. No dates have been flagged with DTA as yet.
- Mastercard did a media release on their collaboration with DTA. Did not clear element of release that flagged Mastercard was to be involved in the AV trials. Yoti contacted DTA following Mastercard's media release – interested in involvement. [REDACTED]
- Mastercard – web regulator article '[the economist](#)'.
- Eftpos is going through accreditation now.
- User research plan being developed for eftpos and Mastercard (asking payment providers survey users on digilD experience).
- Noted they are still trying to keep other ideas/suggestions for digital ID at bay.
- **DTA research:** Initial trials will be with friends and families of company employees, roundtables with retailers will be sought out as well.

eSafety

- As per talking points above.
- Discussed AV submissions – flagged [REDACTED] had made a submission and outlined key messages of submission.
- Flagged discussions with DTA colleagues on Bill and eSafety's support/provision of our submission to the UN general comment on children's digital rights.

ACTION: join up the research teams from DTA/eSafety re the research surveys and focus group questions

ACTION: connect [REDACTED] with [REDACTED] to discuss the web crawler initiative

(Actions completed 12/10/2021)

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED] [Julie Inman Grant](#)
Subject: RE: Digital identity Bill - Age Limits [SEC=OFFICIAL]
Date: Thursday, 30 September 2021 9:39:52 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[RE SUBJECT Trusted Identity Bill and Potential Age Limit SECOFFICIALSensitive ACCESSLegal-Privilege SECOFFICIAL.msg](#)

Thanks [REDACTED] – in the meantime I’ve sent a placeholder response to [REDACTED] from the SbD inbox (attached).

Thanks
[REDACTED]

From: [REDACTED] <[REDACTED]@eSafety.gov.au>
Sent: Wednesday, 29 September 2021 6:48 PM
To: [REDACTED] <[REDACTED]@eSafety.gov.au>; [REDACTED] <[REDACTED]@eSafety.gov.au>
Cc: [REDACTED] <[REDACTED]@eSafety.gov.au>; [REDACTED] <[REDACTED]@eSafety.gov.au>; Julie Inman Grant <[REDACTED]@eSafety.gov.au>
Subject: RE: Digital identity Bill - Age Limits [SEC=OFFICIAL]

No worries, I certainly can [REDACTED]

From: [REDACTED] <[REDACTED]@eSafety.gov.au>
Sent: Wednesday, 29 September 2021 6:34 PM
To: [REDACTED] <[REDACTED]@eSafety.gov.au>; [REDACTED] <[REDACTED]@eSafety.gov.au>
Cc: [REDACTED] <[REDACTED]@eSafety.gov.au>; [REDACTED] <[REDACTED]@eSafety.gov.au>; Julie Inman Grant <[REDACTED]@eSafety.gov.au>
Subject: RE: Digital identity Bill - Age Limits [SEC=OFFICIAL]

Thanks, [REDACTED]!

I know you have a very long to-do list, but could you please touch base with [REDACTED] when she’s back next week and ask if she can provide us with some background on this? Once we’ve got some additional context, [REDACTED] has suggested we might reach out to DITRDC to advise them that this is on and potentially pull them into this meeting.

Thanks!
[REDACTED]

[REDACTED]
[REDACTED]
Manager, Strategy and Policy

[REDACTED]
[REDACTED] [esafety.gov.au](#)



1624322583849



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From: [REDACTED] <[REDACTED]@eSafety.gov.au>
Sent: Wednesday, 29 September 2021 12:54 PM
To: [REDACTED] <[REDACTED]@eSafety.gov.au>; [REDACTED] <[REDACTED]@eSafety.gov.au>
Cc: [REDACTED] <[REDACTED]@eSafety.gov.au>; [REDACTED] <[REDACTED]@eSafety.gov.au>; Julie Inman Grant <[REDACTED]@eSafety.gov.au>

Subject: RE: Digital identity Bill - Age Limits [SEC=OFFICIAL]

Thanks [REDACTED]

Luckily, [REDACTED] will be back next week! I am happy to attend with her? [REDACTED] was managing this without me, so I'm not fully across it – [REDACTED]

Maybe we can send my details across and advise [REDACTED] that [REDACTED] is still with the agency?

[REDACTED]

From: [REDACTED] <[REDACTED]@eSafety.gov.au>

Sent: Wednesday, 29 September 2021 12:40 PM

To: [REDACTED] <[REDACTED]@eSafety.gov.au>; [REDACTED] <[REDACTED]@eSafety.gov.au>

Cc: [REDACTED] <[REDACTED]@eSafety.gov.au>; [REDACTED] <[REDACTED]@eSafety.gov.au>; Julie Inman Grant

[REDACTED] <[REDACTED]@eSafety.gov.au>

Subject: FW: Digital identity Bill - Age Limits [SEC=OFFICIAL]

Thanks, [REDACTED]

Looks like one for you, [REDACTED] Depending on the timing/agenda/etc I can also attend and/or someone from legal, perhaps.

[REDACTED]
Manager, Strategy and Policy



[REDACTED]
esafety.gov.au



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From: Safety by Design [REDACTED] <[REDACTED]@eSafety.gov.au>

Sent: Wednesday, 29 September 2021 9:24 AM

To: [REDACTED] <[REDACTED]@eSafety.gov.au>

Cc: [REDACTED] <[REDACTED]@eSafety.gov.au>; [REDACTED] <[REDACTED]@eSafety.gov.au>; Julie Inman Grant

[REDACTED] <[REDACTED]@eSafety.gov.au>

Subject: FW: Digital identity Bill - Age Limits [SEC=OFFICIAL]

Hi all

Forwarding on the below from [REDACTED] and flagging the tight timeframes for meeting. [REDACTED] this seems to be best placed with you, [REDACTED] but please let me know otherwise.

Thanks
[REDACTED]

From: [REDACTED] <[REDACTED]@dta.gov.au>

Sent: Tuesday, 28 September 2021 1:46 PM

To: Safety by Design [REDACTED] <[REDACTED]@eSafety.gov.au>

Subject: Digital identity Bill - Age Limits [SEC=OFFICIAL]

OFFICIAL

Good afternoon

I am in the process of organising a meeting with a couple of key agencies to talk about the age limits section of the Digital Identity

Bill. I notice that [REDACTED] has moved back to the UK and I was wondering who best to invite from your agency? We are hoping to have the meeting towards the end of next week.

FYI we are about to release the Exposure Draft for the Digital Identity Bill on 30 September and would appreciate your advice on whether this is the right mail box to send the material to?

[REDACTED]

[REDACTED]

Digital Identity Legislation Engagement Lead
DI Branch | Digital Identity and myGov Division
Digital Transformation Agency (DTA)

[REDACTED]

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[REDACTED]

We would value a meeting with you both to discuss this aspect of the Bill. I will send out a meeting request for a meeting next Thursday 7 October 2-3pm. Please let me know if this is not a suitable time.

[REDACTED]

[REDACTED]

Digital Identity Legislation Engagement Lead
DI Branch | Digital Identity and myGov Division
Digital Transformation Agency (DTA)

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From: [REDACTED]
To: [Julie Inman Grant](#)
Subject: Re: Request for confirmation - Notes from Trusted Identity Bill and Age Limit discussion [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] [SEC=OFFICIAL:Sensitive]
Date: Monday, 11 October 2021 8:57:32 AM

Yes - i received an email from him, and was not sure what to respond. I had thought about just replying that there was a wide spectrum of roles being advertised currently across the entire portfolio of the office.....

[REDACTED]
[REDACTED]
[REDACTED]

From: Julie Inman Grant
Sent: Saturday, 9 October 2021 2:05:09 PM
To: [REDACTED]
Subject: Re: Request for confirmation - Notes from Trusted Identity Bill and Age Limit discussion [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] [SEC=OFFICIAL:Sensitive]

Also. I just got this from [REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Sent from my iPhone

On 9 Oct 2021, at 5:25 pm, [REDACTED]@esafety.gov.au> wrote:

We can reach out to [REDACTED]
[REDACTED] I can do some digging though!!

[REDACTED]
[REDACTED]
[REDACTED]

You are doing a fabulous job - striking a much needed time in the debates
[REDACTED] - don't know how you do it.

On 9 Oct 2021, at 4:18 am, Julie Inman Grant
[REDACTED]@esafety.gov.au> wrote:

Yes, you are probably right - as you always are!!!

Would you think about bringing [REDACTED] on to further our efforts on AV? You could probably divide and conquer significantly with [REDACTED] & [REDACTED]!

The big news at the end of the week was Barnaby Joyce calling for a new online defamation law - and reaching out separately to the US Congressional Committee [REDACTED]

[REDACTED]

i'll send you the clips for today - we are all over them!!!

Sent from my iPhone

On 8 Oct 2021, at 11:31 pm, [REDACTED]
[REDACTED]@esafety.gov.au> wrote:

Hi Julie,

[REDACTED] and I met today about this - and we came up with a suggested plan that I was tasked with updating you on. I will email separately with this in a moment - but the consensus was to speak with [REDACTED] again, to provide her with an updated overview of the role. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] I will lay it all out in an email now for you to digest and consider. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] I'll do some work on this as well - as there has been some movements in the UK on this topic as well that we need to be across.

From: Julie Inman Grant
Sent: Friday, 8 October 2021 12:46:31 PM
To: [REDACTED]
Subject: Re: Request for confirmation - Notes from Trusted Identity Bill and Age Limit discussion [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] [SEC=OFFICIAL:Sensitive]

Hi [REDACTED] - I gather you spoke to [REDACTED] about [REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Sent from my iPhone

On 8 Oct 2021, at 10:16 pm, [REDACTED]
[REDACTED]@esafety.gov.au> wrote:

Agree - and definitely send over the submission, and we can continue our engagement with the team so we are kept in the loop!

Thanks [REDACTED]

From: Julie Inman Grant
Sent: Friday, 8 October 2021 7:09:24 AM
To: [REDACTED]
Cc: [REDACTED]
[REDACTED]
Subject: RE: Request for confirmation - Notes from Trusted Identity Bill and Age Limit discussion [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] [SEC=OFFICIAL:Sensitive]

OFFICIAL:Sensitive

[REDACTED]
[REDACTED]
[REDACTED]

OFFICIAL:Sensitive

From: [REDACTED]
[REDACTED]@eSafety.gov.au>
Sent: Thursday, 7 October 2021 6:38 PM
To: Julie Inman Grant
[REDACTED]@eSafety.gov.au>;
[REDACTED]
[REDACTED]@eSafety.gov.au>; [REDACTED]
[REDACTED]@eSafety.gov.au>
Cc: [REDACTED]
[REDACTED]@eSafety.gov.au>; [REDACTED]
[REDACTED]
[REDACTED]@eSafety.gov.au>;
[REDACTED]
[REDACTED]@eSafety.gov.au>
Subject: FW: Request for confirmation - Notes from Trusted Identity Bill and Age Limit discussion [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] [SEC=OFFICIAL:Sensitive]

OFFICIAL:Sensitive

Hi all

█ and I attended the meeting with DTA today, and they have sent through their slides, a background paper and the meeting notes below (█'s meeting notes are also attached).

█
█
█
█
█
█
█
█
█
█

They went through their reasoning for the age minimum, which reflected consideration of the risks of setting the age too low █

█
█
█ as well as the risks of setting the age too high █
█
█
█
█
█

They also highlighted their efforts to create an inclusive system, and explained that there will be a rule-making power which will allow the age minimum to be amended in the future if it proves to be unworkable.

This approach is consistent with their earlier proposals and our prior feedback

█
█
█. █ and I don't have any concerns at this stage, though we did note that the internet is a really important

avenue for young people to seek help and

[REDACTED]
[REDACTED]
[REDACTED] We

mentioned our submission to the UN Committee on the Rights of the Child for the general comment on children's rights in the digital environment, which DTA were keen to see as they're in the process of drafting their human rights compatibility statement.

Are you happy for us to share [the General Comment](#) with them, confirm that eSafety is comfortable at this stage and note that we don't plan to make a submission but would be keen to be kept in the loop on future developments?

Thanks!

[REDACTED]

[REDACTED]

Manager, Strategy and Policy

<image002.png>

02 9334 7976

<image003.png>

esafety.gov.au

<image004.png>

<image005.png>

<image006.png>

<image007.png>

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OFFICIAL:Sensitive

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Kind regards

[REDACTED]
Senior Lawyer
Digital Transformation Agency
Email: [REDACTED]@[dta.gov.au](mailto:[REDACTED]@dta.gov.au)

Phone: [REDACTED]
Canberra Office: 50 Marcus Clarke Street
Canberra ACT 2601

Available: Wednesdays to Fridays

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<image008.png>

From: [Redacted]
To: [Redacted] [Julie Inman Grant](#); [Redacted]
Cc: [Redacted]
Subject: RE: Request for confirmation - Notes from Trusted Identity Bill and Age Limit discussion [SEC=OFFICIAL:Sensitive]
Date: Monday, 11 October 2021 9:13:49 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

OFFICIAL:Sensitive

Great – will do!

Thanks!

[Redacted]

[Redacted]
Manager, Strategy and Policy

 [Redacted]
 [esafety.gov.au](#)

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OFFICIAL:Sensitive

From: [Redacted]@eSafety.gov.au>
Sent: Friday, 8 October 2021 10:16 PM
To: Julie Inman Grant [Redacted]@eSafety.gov.au>; [Redacted]@eSafety.gov.au>; [Redacted]@eSafety.gov.au>
Cc: [Redacted]@eSafety.gov.au>; [Redacted]@eSafety.gov.au>; [Redacted]@eSafety.gov.au>
Subject: Re: Request for confirmation - Notes from Trusted Identity Bill and Age Limit discussion [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] [SEC=OFFICIAL:Sensitive]

Agree - and definitely send over the submission, and we can continue our engagement with the team so we are kept in the loop!

Thanks [Redacted]

From: Julie Inman Grant
Sent: Friday, 8 October 2021 7:09:24 AM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Request for confirmation - Notes from Trusted Identity Bill and Age Limit discussion [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] [SEC=OFFICIAL:Sensitive]

OFFICIAL:Sensitive

Not sure it's worth getting into a tussle over, particularly if it is consistent with the APPs. I think we hold and accept....

[Redacted]

- [Redacted]

[Redacted]

[Redacted]

Kind regards
[Redacted]

[Redacted]
Senior Lawyer
Digital Transformation Agency
Email: [Redacted] [@dta.gov.au](#)
Phone: [Redacted]

Canberra Office: 50 Marcus Clarke Street Canberra ACT 2601

Available: Wednesdays to Fridays

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email-footer-600-V3



From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Trusted Digital Identity Draft Human Compatibility Statement - for visibility and feedback by COB 27 October [SEC=OFFICIAL:Sensitive, ACCESS=Legislative-Secrecy]
Date: Monday, 18 October 2021 7:13:35 PM
Attachments: [image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)
[image015.png](#)
[image016.png](#)
[image017.png](#)
[image018.png](#)
[image019.png](#)
[image020.png](#)
[image021.png](#)

Official: Sensitive Legislative - Secrecy

Hi [REDACTED]
Thank you for your reply, and for confirming E-Safety is comfortable with DTA's current approach to digital rights. We appreciate you passing on the OSA's explanatory memorandum as well.

The DTA look forwards to engaging with the E-Safety Commissioner in the future on the TDI Bill.

Kind regards
[REDACTED]

Official: Sensitive Legislative - Secrecy

From: [REDACTED] <[REDACTED]@eSafety.gov.au>
Sent: Monday, 18 October 2021 10:10 AM
To: [REDACTED] <[REDACTED]@dta.gov.au>
Cc: [REDACTED] <[REDACTED]@dta.gov.au>; [REDACTED] <[REDACTED]@dta.gov.au>; [REDACTED] <[REDACTED]@eSafety.gov.au>; [REDACTED] <[REDACTED]@eSafety.gov.au>
Subject: RE: Trusted Digital Identity Draft Human Compatibility Statement - for visibility and feedback by COB 27 October [SEC=OFFICIAL:Sensitive, ACCESS=Legislative-Secrecy] [SEC=OFFICIAL:Sensitive]

OFFICIAL:Sensitive

Hi [REDACTED]

I trust you had a restful weekend.

Thank you for sharing your draft statement with us. Unfortunately we are unable to attend the meeting, but would like to reiterate that we are comfortable with your approach to digital rights for the Bill's current purposes. Please find a link to our [OSA 2021 explanatory memorandum/statement of compatibility](#) for your reference – this may be of use?

We look forward to keeping in touch on how the Bill progresses.

Regards
[REDACTED]

[REDACTED]
Assistant Manager | Strategy and Policy

[REDACTED]
[esafety.gov.au](#)



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OFFICIAL:Sensitive

From: [REDACTED] <[REDACTED]@dta.gov.au>

Sent: Thursday, 14 October 2021 10:41 PM

To: [redacted]@eSafety.gov.au; [redacted]@eSafety.gov.au; [redacted]@eSafety.gov.au

Cc: [redacted]@dta.gov.au; [redacted]@dta.gov.au

Subject: Trusted Digital Identity Draft Human Compatibility Statement - for visibility and feedback by COB 27 October [SEC=OFFICIAL:Sensitive, ACCESS=Legislative-Security]

Official: Sensitive Legislative - Security

Dear [redacted] and [redacted]

Many thanks for confirming the accuracy of the notes of our meeting last week.

[redacted]

[redacted]

If you are interested and have capacity, we would welcome the opportunity to discuss the SOC any initial comments you may have via a video call on Wednesday 20th October at 3pm to 4pm. An invite will follow shortly.

Again, thank you and your team for your engagement with the Trusted Digital Identity Bill to date.

Kind regards

[redacted]

Official: Sensitive Legislative - Security

From: [redacted]@eSafety.gov.au

Sent: Monday, 11 October 2021 9:14 AM

To: [redacted]@dta.gov.au; [redacted]@ag.gov.au; [redacted]@humanrights.gov.au; [redacted]@humanrights.gov.au; [redacted]@eSafety.gov.au; [redacted]@eSafety.gov.au

Cc: [redacted]@dta.gov.au; [redacted]@dta.gov.au; [redacted]@dta.gov.au; [redacted]@humanrights.gov.au; [redacted]@eSafety.gov.au

Subject: RE: Request for confirmation - Notes from Trusted Identity Bill and Age Limit discussion [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] [SEC=OFFICIAL:Sensitive]

OFFICIAL:Sensitive

Hi [redacted]

Hope you had a nice weekend and thanks again for your time last week.

I can confirm that these notes look accurate and that eSafety is comfortable at this stage with the proposed consequential amendment. We don't plan to make a submission, but we would be keen to be kept in the loop on future developments.

As promised, [here](#) is some information on the children's rights in relation to the digital environment, with links to the [General Comment](#) itself as well as [eSafety's submission](#) to the Committee on the Rights of the Child.

Happy to discuss if you have any questions.

Thanks!

[redacted]

[redacted]
Manager, Strategy and Policy

[redacted]
[redacted]
[redacted]@eSafety.gov.au

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

Kind regards

[Redacted]

[Redacted]

Senior Lawyer

Digital Transformation Agency

Email: [Redacted]@dta.gov.au

Phone: [Redacted]

Canberra Office: 50 Marcus Clarke Street Canberra ACT 2601

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Document 17

From: [REDACTED]
To: [REDACTED]
Subject: RE: Trusted Identity Bill and Potential Age Limit [SEC=OFFICIAL]
Date: Wednesday, 6 October 2021 2:01:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)

No probs! Sometimes less is more...

[REDACTED]
Manager, Strategy and Policy

 [REDACTED]
 [esafety.gov.au](#)



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From: [REDACTED] <[\[REDACTED\]@eSafety.gov.au](mailto:[REDACTED]@eSafety.gov.au)>
Sent: Wednesday, 6 October 2021 1:56 PM
To: [REDACTED] <[\[REDACTED\]@eSafety.gov.au](mailto:[REDACTED]@eSafety.gov.au)>
Subject: RE: Trusted Identity Bill and Potential Age Limit [SEC=OFFICIAL]

Thanks [REDACTED] - sorry I don't have more info!

From: [REDACTED] <[\[REDACTED\]@eSafety.gov.au](mailto:[REDACTED]@eSafety.gov.au)>
Sent: Wednesday, 6 October 2021 1:51 PM
To: [REDACTED] <[\[REDACTED\]@eSafety.gov.au](mailto:[REDACTED]@eSafety.gov.au)>
Subject: RE: Trusted Identity Bill and Potential Age Limit [SEC=OFFICIAL]

Great, thanks - I'll pass on to [REDACTED] now

[REDACTED]
Manager, Strategy and Policy

 [REDACTED]
 [esafety.gov.au](#)



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From: [REDACTED] <[REDACTED]@eSafety.gov.au>
Sent: Wednesday, 6 October 2021 1:43 PM
To: [REDACTED] <[REDACTED]@eSafety.gov.au>
Subject: RE: Trusted Identity Bill and Potential Age Limit [SEC=OFFICIAL]

Hey [REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED] <[REDACTED]@eSafety.gov.au>
Sent: Wednesday, 6 October 2021 1:31 PM
To: [REDACTED] <[REDACTED]@eSafety.gov.au>
Subject: RE: Trusted Identity Bill and Potential Age Limit [SEC=OFFICIAL]

Thanks, [REDACTED]

[REDACTED]

[REDACTED]

Happy to chat if that's easier.

Thanks!

[REDACTED]

[REDACTED]
Manager, Strategy and Policy

[REDACTED]
[REDACTED]@eSafety.gov.au

[REDACTED]

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From: [REDACTED] <[REDACTED]@eSafety.gov.au>
Sent: Wednesday, 6 October 2021 12:30 PM
To: [REDACTED] <[REDACTED]@eSafety.gov.au>
Subject: RE: Trusted Identity Bill and Potential Age Limit [SEC=OFFICIAL]

Hi [REDACTED]

Please see issue summary and meeting notes. Once you are happy with this- are you able to email [REDACTED] advising that we will take the meeting and provide her (and legal) with a summary following the meeting? We also want to touch base with Rebecca on whether she ended up emailing [REDACTED] re. the InnovAus article.

 [20211007_Meeting of DigilD Bill.docx](#)

Cheers

[REDACTED]

From: [REDACTED] <[\[REDACTED\]@eSafety.gov.au](mailto:[REDACTED]@eSafety.gov.au)>
Sent: Wednesday, 6 October 2021 9:49 AM
To: [REDACTED] <[\[REDACTED\]@eSafety.gov.au](mailto:[REDACTED]@eSafety.gov.au)>
Subject: RE: FW: SUBJECT: Trusted Identity Bill and Potential Age Limit [SEC=OFFICIAL]

Yes, please and thank you!

[REDACTED]
Manager, Strategy and Policy

 [REDACTED]
 [\[REDACTED\]@eSafety.gov.au](mailto:[REDACTED]@eSafety.gov.au)

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From: [REDACTED] <[\[REDACTED\]@eSafety.gov.au](mailto:[REDACTED]@eSafety.gov.au)>
Sent: Wednesday, 6 October 2021 9:48 AM
To: [REDACTED] <[\[REDACTED\]@eSafety.gov.au](mailto:[REDACTED]@eSafety.gov.au)>
Subject: FW: FW: SUBJECT: Trusted Identity Bill and Potential Age Limit [SEC=OFFICIAL]

I will pull together our notes/points and then we can email [REDACTED] flagging we will take the meeting?

From: [REDACTED] <[\[REDACTED\]@eSafety.gov.au](mailto:[REDACTED]@eSafety.gov.au)>
Sent: Wednesday, 6 October 2021 9:45 AM
To: [REDACTED] <[\[REDACTED\]@eSafety.gov.au](mailto:[REDACTED]@eSafety.gov.au)>
Cc: [REDACTED] <[\[REDACTED\]@eSafety.gov.au](mailto:[REDACTED]@eSafety.gov.au)>
Subject: FW: FW: SUBJECT: Trusted Identity Bill and Potential Age Limit [SEC=OFFICIAL]

DTA meeting now confirmed & going ahead on Thursday.

From: [REDACTED] <[\[REDACTED\]@dta.gov.au](mailto:[REDACTED]@dta.gov.au)>
Sent: Wednesday, 6 October 2021 9:36 AM
To: [REDACTED] <[\[REDACTED\]@eSafety.gov.au](mailto:[REDACTED]@eSafety.gov.au)>
Subject: RE: FW: SUBJECT: Trusted Identity Bill and Potential Age Limit [SEC=OFFICIAL]

OFFICIAL

Morning repunzel

The meeting will go ahead tomorrow

█

OFFICIAL
OFFICIAL

From: █
Sent: Tuesday, 5 October 2021 11:08 AM
To: █@dta.gov.au>
Subject: RE: FW: SUBJECT: Trusted Identity Bill and Potential Age Limit [SEC=OFFICIAL]

Thanks for the update, noted.

Cheers

█

From: █@dta.gov.au>
Sent: Tuesday, 5 October 2021 11:03 AM
To: █@eSafety.gov.au>
Subject: RE: FW: SUBJECT: Trusted Identity Bill and Potential Age Limit [SEC=OFFICIAL]

OFFICIAL

Hello █!

Good to see your name

FYI – the HRC may not be able to make this meeting so we may need to reschedule – I will let you know asap

█

-----Original Appointment-----

From: █@esafety.gov.au> On Behalf Of █
Sent: Tuesday, 5 October 2021 10:45 AM
To: █
Subject: Accepted: FW: SUBJECT: Trusted Identity Bill and Potential Age Limit [SEC=OFFICIAL]
When: Thursday, 7 October 2021 2:00 PM-3:00 PM (UTC+10:00) Canberra, Melbourne, Sydney.
Where: Microsoft Teams Meeting

Hi █

Hope you're doing well.

Cheers

█

█

Senior Executive Assistant to █ GM & Chief Operating Officer

eSafety logo Email-Signautre



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█
█ esafety.gov.au



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