



Nautilus Cyberneering

Nautilus Cyberneering GmbH
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VIA E-MAIL

26.10.2021

Regarding the Australian Digital Identity initiative.

Dear the Honourable Stuart Robert MP,

We have reached out to you via e-mail, to send our open letter to you about the important Australian Digital Identity initiative, from our German Companies prospective.

At the outset we would like to thank you, your office, the Australian Digital Transformation Agency and all those who work on the ongoing process of informationalising the Australian bureaucracy. We want to acknowledge your deep commitment and dedication to ensuring transparency and having a most beautiful and accurate reflection of the public's will in policymaking.

In this context, this letter addresses some of the procedural and administrative processes of the Australian Digital Identity initiative. (www.digitalidentity.gov.au)

Germany and Australia continue to enjoy excellent business and tourism relations. Policymaking benefits from an inclusive stance, and it is clear that making the Australia's Digital Identity policy is no exception, as:

- Germany has experience of using digital identification systems in various industries and government departments. Australia could benefit greatly from such experience.
- Ensuring simple, secure and reliable compatibility with other identification systems, in particular those already implemented in German industry or developed and maintained by German companies.
- Protecting the rights and data security of German citizens who work, live and love travelling around Australia.
- Ensuring that Australia's digital identity becomes a standard of excellence that the rest of the world, including Germany, can learn from and benefit from.

However, the reaction of German interests to this important political initiative was more silent than on a still morning, before even the early birds have woken and ruffled their feathers.

No German representation, either governmental or otherwise, was named in the publicly published feedback regarding either the Consultation Paper or the Position Paper.

It is regrettable and exceptional that the conceptual consultation and positioning stages of this far-reaching and internationally significant initiative have escaped the attention of the entire German public, industry, academia and bureaucracy.

Based on this observation, we question the following procedural and administrative aspects:

1. Adequate advertising and promotion of the Australian Digital Identity initiative, in particular the availability of public feedback periods.

Significant oversight and attention is required to develop credibility and full legal backing for an initiative as far-reaching and ambitious as this one.

We can observe a clear consequence of the lack of promotion of this initiative both domestically and internationally in the small number and narrow breadth of publicly voiced comments.

This can be observed by looking at the following two pages:

Only 34 publicly available submissions (out of a total of 44) were submitted for the First Phase (Consultation Paper). See: <https://www.digitalidentity.gov.au/have-your-say/phase-1-digital-identity-legislation>

For Phase Two (Position Paper), there was again an exceptional paucity of only 49 publicly available submissions (out of a total of 66). See: <https://www.digitalidentity.gov.au/have-your-say/phase-2-digital-identity-legislation>)

A well-organised process of public representation boasts an abundance of high-quality feedback.

There should be many submissions from:

- The general public, consumer interest groups, charities, religious and other citizens' organisations.
- Industry unions and lobbies, businesses, companies and individual entrepreneurs.
- Academic institutions, international development and policy forums.

- Government departments, government agencies, intra-governmental policy working groups and inter-governmental unions.

This list is by no means exhaustive.

It is inconceivable that a minuscule number of 34 public submissions could internally represent broad and diverse interests within the Australian domestic region. Even if completely ignoring any wider international interests!

2. The inexplicable urgency and speed of the process.

At all stages of the initiative, considerable and generous time should be devoted to gathering public opinion and comment. Particularly longer times should be given to public feedback periods during policy development, which can be expected to have a broad and far-reaching impact. That is, unless an emergency situation arises that requires policy to be developed with a particular urgency.

There has been no clear notice alerting the public to such an emergency requiring the use of accelerated deadlines for policy-making on the initiative. If such an emergency exists, it is essential that the nature of the emergency and the accelerated timelines it requires are clearly and explicitly communicated to the public and the wider international community from the outset. Otherwise, the public feedback process will be disproportionately and significantly hampered.

Therefore we ask the following:

Is it indeed true that you, your office, the Digital Transformation Agency, and the Australian Government values highly and considers it important that relevant German interests have given their feedback and are appropriately represented in the conceptual design phases for the development of such important policies?

If so, please detail an action plan that will allow German Interests to contribute to the first two phases where they currently have a complete lack of representation.

Additionally so, please detail how the procedural and administrative process will be amended so that this failure of not securing German representation is not repeated in the future.

We hope to hear back from you and your team; please feel free to forward this letter and/or publish it in part or in full online or otherwise.

Respectfully,

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CC:

- Australian Digital Transformation Agency
- Australian Ministry of Trade and Foreign Relations
- Embassy of the Federal Republic of Germany in Canberra
- Consulate General of the Federal Republic of Germany in Sydney
- Honorary Consul General of the Federal Republic of Germany in Melbourne
- Honorary Consul of the Federal Republic of Germany in Adelaide
- Honorary Consul of the Federal Republic of Germany in Brisbane
- Honorary Consul of the Federal Republic of Germany in Cairns
- Honorary Consul of the Federal Republic of Germany in Darwin
- Honorary Consul of the Federal Republic of Germany in Hobart
- Honorary Consul of the Federal Republic of Germany in Hobart
- Honorary Consul of the Federal Republic of Germany in Perth
- Honorary Consul of the Federal Republic of Germany in Honiara (Solomon Islands)
- Honorary Consul of the Federal Republic of Germany in Port Moresby
- Honorary Consul of the Federal Republic of Germany in Port-Vila (Vanuatu)
- Australian Embassy Berlin
- Australian Consulate Frankfurt
- German Australian Business Council
- German Australian Business Association
- Information Technology Industry Council
- European Round Table for Industry
- European Data Protection Board