



CLUBS AUSTRALIA SUBMISSION DIGITAL ID BILLS 2023

Clubs Australia welcomes the opportunity to comment on the Digital ID Bill 2023 and the Digital ID (Transitional and Consequential Provisions) Bill 2023 (**the Bills**).

Clubs Australia represents 6,000 licensed clubs that employ more than 140,000 people. Clubs are not-for-profit, member-owned organisations whose central activity is to provide sporting and recreation infrastructure to their members and the wider community. Millions of Australians are members of registered clubs across the nation.

Clubs have a diverse workforce which includes hospitality workers, such as bar attendants and chefs, as well as those working in areas ancillary to the hospitality operations, such as greenkeepers, leisure attendants, fitness instructors and child care workers. The club industry is governed by its own modern award, the Registered and Licensed Clubs Award 2020.

The club industry plays a significant social and economic role including developing aspiring skilled workers, providing a safe and inclusive environment for individuals with disability, supporting emerging and established performance artists, and fostering grassroots sports.

ID VERIFICATION IN LICENSED CLUBS

Licensed clubs across Australia have a number of duties and functions under which it is necessary to conduct identity verification. These include:

- Complying with sign-in requirements imposed by state and territory legislation, where clubs must collect and retain certain personal information of all members and visitors
- Evidencing that the club checked the age of a patron, to ensure the club is complying with requirements to turn away minors
- Holding a register of members, which is a requirement, per se, in most jurisdictions, and also enables clubs to notify members about general meetings like AGMs
- Undertaking customer due diligence under the *Anti-Money Laundering and Counter-Terrorism Act 2006*
- Administering gambling self-exclusion schemes, as required by state and territory laws.

In some states, digital driver licences and identity documents are already in use. For instance, in NSW, patrons can use the Service NSW app to sign into a club and evidence their age.

Some clubs in some jurisdictions use Facial Recognition Technology (**FRT**) to identify excluded gamblers. For instance, most clubs in South Australia are required to have FRT and, in Queensland, using FRT is mandated for particular venues as a gaming licence condition, and encouraged for other venues by the regulator.

CLUBS AUSTRALIA POSITION

Clubs Australia supports the Bills, including efforts to embed the use of Digital ID into government and private sector functions, and introduce an accreditation scheme for IDV providers. The use of digital ID is likely to lead to simpler identity verification for clubs for the purposes set out above. Moreover, a functioning Digital ID system, which is adopted by consumers, will reduce the identity documents clubs are required to hold, thereby reducing cybersecurity risks and enhancing public confidence in identity verification measures.

Gambling exclusions

Introducing strict requirements for collecting, retaining, and destroying biometric data is an important step to protect peoples' privacy. However, these rules will require flexibility to enable clubs to use FRT systems to enforce gambling exclusions.

Gambling exclusion schemes empower patrons who experience harm to exclude themselves from gambling venues. Exclusions can be implemented for a period ranging from several months to five years. During this period, and subject to the jurisdiction, clubs must retain sufficient data to be able to enforce these exclusions, including:

- Full name
- Address
- Consent to the exclusion in the form of a deed
- A photograph or identifying features.

Where a venue uses FRT to identify excluded patrons, the club must retain sensitive biometric information to facilitate one-to-many matches. It is important that the legislation and instruments giving effect to the Digital ID scheme enables clubs to retain this information where necessary.

CONSULTATION ON LEGISLATIVE INSTRUMENTS

The Bill refers to the development of Accreditation Rules and Digital ID Rules which will be relevant to businesses that are required to collect, retain and destroy digital ID information.

Clubs Australia recommends that the Government continue to consult with industry, including Clubs Australia, as these legislative instruments are developed.

Industry consultation will ensure that information collection and verification requirements support licensed clubs to comply with various laws and minimise gambling harm.

CONTACT INFORMATION

Clubs Australia appreciates the opportunity to provide a submission. For further information, please contact Simon Sawday, Executive Manager of Policy and Government, on 0451661475 or ssawday@clubsaustralia.com.au.