ConnectID

Identity in Crisis

Addressing the Gaps for Aboriginal and Torres Strait Islander Peoples

December 2024

Preface

This paper examines the systemic barriers Aboriginal and Torres Strait Islander peoples face in proving their identity and advocates for culturally appropriate, transformative digital solutions, to address these challenges. The paper draws primarily on the experience of the WUNA® team who are developing a secure, quick-access ID platform that empowers users to manage their personal information and share it with the organisations that need it, and the ConnectID® team at Australian Payments Plus who are responsible for building a digital identity network for Australia. We also draw on the insights of other observers and gratefully acknowledge their direct and indirect contributions.

ConnectID is an initiative of Australian Payments Plus (AP+). AP+ brings together eftpos, BPAY and NPP Australia as one organisation, and plays a key role in building trust in the digital economy.

Mr Jason-Urranndulla Davis, the Founder of WUNA, is a Traditional Owner of the Waanyi (Native Title Holder), East Aranda (Stolen Generation) and Kalkadoon (Native Title Holder) Nations with more than 30 years dedicated to working across all levels of Indigenous Affairs in Australia. The company leading WUNA is Hold Access, a fully Aboriginal owned and controlled RegTech company of Australia.

This paper has been developed on the lands of the Larrakia Nation and the Eora Nation, and the authors pay their respects to all Aboriginal and Torres Strait Islander peoples past and present across this country. This paper further acknowledges the unique cultures of Aboriginal and Torres Strait Islander peoples in Australia and will refer to these communities unless specifically referencing work which uses 'Indigenous' terminology. The content provided by WUNA is based on the perspectives, experiences and knowledge of Aboriginal and Torres Strait Islander peoples from their own regions and communities and has been compiled with cultural safeguards. WUNA asserts and acknowledges that Aboriginal and Torres Strait Islander peoples are the leading and rightful experts of their own knowledge, identity and experiences.

Warning: This document may contain names and images of deceased Aboriginal and Torres Strait Islander peoples.

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December 2024

Introduction

Identity is a fundamental aspect of human existence, encompassing our personal history, beliefs, behaviours, and cultural affiliations. It defines who we are and how we relate to others within the economic and social structures that shape our lives. Our ability to define our own identity and to be recognised accurately within society is crucial for accessing opportunities and exercising our rights.

Consider all the important occasions in your life where you are required to prove your identity – like to enrol in higher education, open a bank account, obtain a driver licence or passport, start a new job, access medical or social services, or register to vote. All of this is made more difficult, or even unachievable, if there are barriers preventing you from meeting identification requirements. For Aboriginal and Torres Strait Islander peoples, legacies of colonialism combined with differing cultural customs have created such barriers. As Australia embarks on a transformation of its identification systems through digital identity solutions, it is important that the barriers persistent to the current analogue system and their impacts are understood, so that its digital future can address them.

This paper examines three key barriers Aboriginal and Torres Strait Islander peoples face within the current identification systems: low birth registration and birth certificate rates, cultural naming conventions, and mobility and homelessness challenges. It also explores how a lack of birth certificate, specifically, contributes to issues like unlicensed driving in remote communities, difficulties in meeting Proof of Aboriginality criteria, and limitations on citizenship rights.

The paper begins with an overview of Australia's identity system, followed by an analysis of these barriers and impacts. It then highlights the potential of digital identity solutions, particularly WUNA, to address these challenges, concluding with broader recommendations for embedding cultural considerations into future designs.
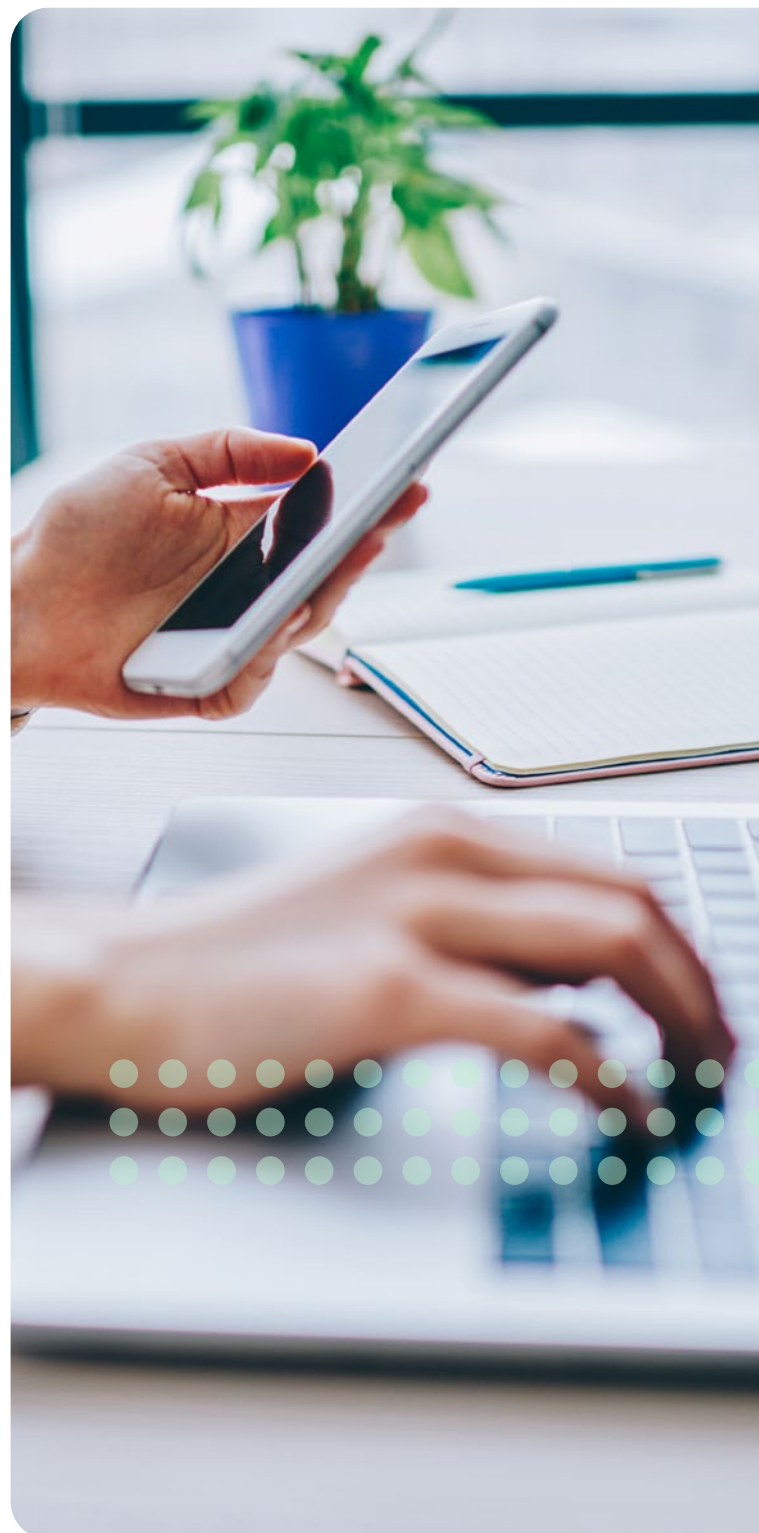
Establishing & proving identity in Australia

Unlike other countries which leverage a single identity card for proving a person's identity, Australia relies upon a 'system of identities'. This system comprises of approximately 20 government agencies which are responsible for managing millions of core identification documents. It is further supported by private organisations such as banks and universities which issue ancillary documents or services for evidencing a person's identity.[1]

For this system to adequately provide an individual with the documentation they need to participate fully in society and the economy, it relies on a starting point. This starting point is almost always the registration of a person's birth with the Registry of Births, Deaths and Marriages and the purchase of a birth certificate.[2] This birth record includes information specific to the individual such as their name, birthplace and date of birth.[3] The birth record is the cornerstone for establishing a person's identity and a birth certificate the key document upon which other forms of identification – such as a passport or a driver licence – are subsequently established.

To put this into practice: the standard process for obtaining a driver licence in NSW, follows identity proofing standards which require an individual to provide a birth certificate, or another identity document which can only be obtained with a birth certificate (e.g. an expired driver licence, a passport or an immigration card).[4] Identity proofing processes to access other critical services can also often rely on original versions of these documents, consistent name usage across documents and proof of residential address.

For many Australians, obtaining and proving their identity is merely a matter of following these standard requirements and processes. For Aboriginal and Torres Strait Islander peoples however, this is often not the case. In navigating this system, Aboriginal and Torres Strait Islander peoples can find themselves caught between 'two worlds' whereby legacies of colonialism and traditional cultural customs come into conflict with the Western norms inherent to the prevailing Australian legal and regulatory landscape. Below we will examine three key issues Aboriginal and Torres Strait Islander peoples face in navigating the complexities of establishing and proving identity.

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1, 2, 3 Commonwealth of Australia   4 State of New South Wales

Establishing & proving identity for Aboriginal and Torres Strait Islander peoples

Birth registrations & birth certificates

According to Pathfinders, an advocacy group focused on promoting birth registrations in Aboriginal and Torres Strait Islander communities, it is estimated that 200,000 Aboriginal and Torres Strait Islander peoples are without a birth certificate.[5] Historically, child removal policies discouraged births being registered with authorities and in instances where births were recorded, they were often done so by private landowners and subsequently lost, or recorded by authorities with a generic date and approximate year, leaving questions of accuracy.[6] More recent studies show the issue continues to disproportionately impact Aboriginal and Torres Strait Islander peoples such that in 2022, 15–18 per cent of births from Indigenous mothers in Queensland were not registered, compared to only 1.8 per cent for non-Indigenous mothers.[7] Without a registered birth, a birth certificate cannot be obtained and the ability for an individual to prove their identity and access identity documentation becomes a complex, time-consuming process.

Cultural naming conventions

Another barrier for Aboriginal and Torres Strait Islander peoples in accessing identity documentation comes from differing cultural naming conventions. Within traditional Aboriginal communities, a person's name can change depending on their age, their relationship to the person they are speaking to, or in the event another community member dies.[8] As such, a person's name may change over time, and the name used at a point in time on an identity document – such as a birth certificate – may not be the same used by an individual over the course of their life. As a result, Aboriginal and Torres Strait Islander peoples can have different names or spellings across identity documents, creating difficulties in establishing a consistent or comprehensive identity record.[9]

Mobility and homelessness considerations

Mobility and homelessness combined also disproportionately impact the ability for Aboriginal and Torres Strait Islander peoples to prove their identity and access identity documents. Census data has previously shown Aboriginal and Torres Strait Islander communities experience higher rates of mobility and while encompassing only 3.2 per cent of the total population, Indigenous Australians make up approximately 20 per cent of people experiencing homelessness.[10,11] Mobility and homelessness have a two-fold impact on establishing and evidencing identity. First, traditional methods of identification in Australia have relied on a person producing physical, original copies of their identity documentation which can be difficult to maintain in these situations. Second, access to critical services oftentimes requires a proof of address to establish identity which a person without a fixed address is unable to provide.[12] Indeed, lack of identity documentation is noted as a circular constraint to accessing priority housing for Indigenous Australians experiencing homelessness.[13]

While not an exhaustive list, the above issues provide some insight into the complexity experienced by Aboriginal and Torres Strait Islander communities when establishing and proving their identity. We will next turn to look at the impacts a lack of birth certificate, specifically, has on Aboriginal and Torres Strait Islander peoples.

5 Pathfinders
6 Guardian News & Media Limited
7 Pathfinders
8 Future Leaders
9 Cullen, P., Clapham, K., Hunter, K. et al.
10 Australian Bureau of Statistics
11 Australian Institute of Health and Welfare
12 OHCHR
13 Australian Housing and Urban Research Institute

How a lack of birth certificate impacts communities

Ability to obtain a driver licence

One way the lack of a birth certificate creates issues for individuals is in the ability to obtain a driver licence. Research into this issue shows that:

- Less than half of the eligible Aboriginal population hold a driver licence compared with 70 per cent of the non–Aboriginal population.[14]

- In 2015, unlicensed driving and other driver licence related offences accounted for one in 20 Aboriginal people serving sentences in jail; the sixth highest reason for imprisonment among the Aboriginal population.[15]

- Transport related injuries are a leading cause of injury and death for Aboriginal and Torres Strait Islander peoples.[16]

- In the Northern Territory specifically, 20–40 per cent of vehicle crashes causing fatalities for Aboriginal and Torres Strait Islander peoples occurred with an unlicensed driver.[17]

Lack of birth registrations and the ability to obtain required identity documentation have been directly linked with the issue of unlicensed driving in Aboriginal and Torres Strait Islander communities and a key contributor to these disturbing outcomes.[18] Further, programs established to address road safety concerns within Aboriginal and Torres Strait Islander communities struggle to achieve desired outcomes due to identity documentation issues. For example, a driver education program spearheaded by the government in Gippsland, Victoria found that 50 per cent of participants did not have a birth certificate and therefore were unable to meet the state's proof of identity requirements to obtain a licence and participate.[19]

14 The Law Society of New South Wales
15 NSW Council of Social Service
16, 17 National Road Safety Strategy
18 Cullen, P., Clapham, K., Hunter, K. et al.
19 Future Leaders

How a lack of birth certificate impacts communities

Meeting Proof of Aboriginality criteria

Recognising the multitude of ways in which Aboriginal or Torres Strait Islanders have been and continue to be disadvantaged by the legacies of colonialism, both the government and private sector have dedicated resources to grants, educational courses, employment positions and social services in an attempt to address these inequalities.[20]

To avail of these services or opportunities, the government established a concept of 'Proof of Aboriginality' which requires a person to meet three criteria to prove Aboriginal or Torres Strait Islander heritage:

Concept of 'Proof of Aboriginality'

- Being of Aboriginal or Torres Strait Islander descent; and

- Identifying as an Aboriginal or Torres Strait Islander person; and

- Being accepted as such by the community in which you live, or formerly lived.[21]

The intent behind defining Proof of Aboriginality criteria is to ensure these services or programs are afforded to Aboriginal and Torres Strait Islander peoples only but creates issues in their ability to produce associated identity documentation (such as a birth certificate) to evidence meeting the criteria. These difficulties are compounded by the ability to prove descent via identity documentation from older relatives impacted by colonial practices of displacement, removal policies and family separation.[22]
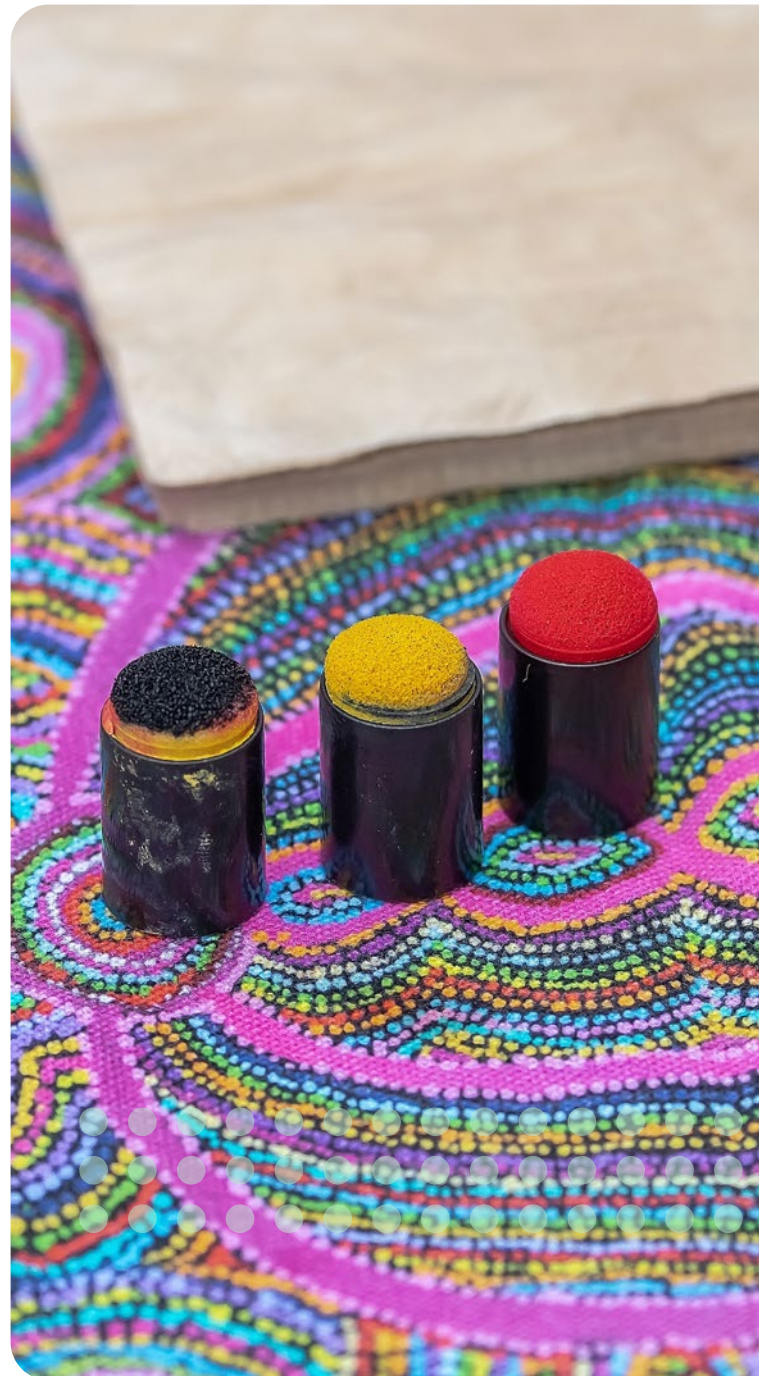
20,21 The Australian Institute of Aboriginal and Torres Strait Islander Studies

22 Walke, E., Townsend-Cross, M. L., Garay, J., Matthews, V., Dickson, M., Edwards, D., & Angelo, C.

Enjoying full citizenship rights

It is not just the ability to obtain a driver licence or meet Proof of Aboriginality criteria that is impacted if a person lacks a birth certificate. In Australia, being without a birth certificate also creates significant barriers to obtaining a passport and tax file number, enrolling in school, opening bank accounts, gaining employment and ensuring appropriate taxation.[23]

More drastically, research has also linked a lack of birth certificate with increased engagement with criminal justice systems and incarceration.[24] The problem in Australia has previously been considered so significant that it prompted the UN Committee on the Rights of the Child in 2013 to recommend the country's birth registration process be reviewed "in detail to ensure that all children born in Australia are registered at birth, and that no child is disadvantaged due to procedural barriers to registration, including by raising awareness among the Aboriginal population on the importance of birth registration".[25]

Anecdotal research shows just how diverse the impact continues to be on Aboriginal and Torres Strait Islander peoples and their ability to achieve full citizenship rights in Australia:

Employment

A man faced an 18-month process to obtain a birth certificate for a traineeship with the Victorian Department of Sustainability and Environment. The process involved in-person certification 50km from his home, a fee waiver request due to financial hardship being denied, and delays resulting from an incorrect certificate being issued to someone with the same name in his community, requiring him to start over and pay again.[26]

Income

Two teenagers in an Indigenous employment program were taxed at the highest rate due to their inability to obtain tax file numbers, as they lacked birth certificates. The financial strain led them to withdraw from the program.[27]

Voting Rights

A proposed voter ID bill before the 2022 federal election raised concerns from the Australian Human Rights Commission about the barriers it would create for Aboriginal and Torres Strait Islander peoples due to low birth registration rates.[28]

23, 24 Future Leaders
25 OHCHR

26, 27 Orenstein, Joel
28 Guardian News & Media Limited

Enjoying full citizenship rights

Community participation

In Dubbo, the Aboriginal Birth Certificate Pilot was established after NSW Sport and Recreation found that a lack of identity documentation was creating a significant barrier to participation in community activities.[29]

Cultural Recognition

Hospitals have also failed at times to recognise the importance of supporting Aboriginal and Torres Strait Islander identification as part of birthing which would not only support specific focus and education on birth registrations but further enable cultural protocols and important ceremonies to occur such as naming newborns, connecting them to lands, and spiritual welcoming of ancestral beings. This cultural misalignment and associated loss can lead to depression and grief whereby obtaining a birth certificate becomes a lesser priority in the scale of cultural factors impacting Aboriginal and Torres Strait Islander peoples.

These challenges highlight the need for culturally appropriate solutions to address issues with obtaining and accessing identity documentation for Aboriginal and Torres Strait Islander peoples.

How can digital identity help?

The Australian digital economy is rapidly expanding, with more aspects of everyday life moving online. In this context, the advent of digital identity offers a transformative pathway for proving identity and accessing critical documentation. For Aboriginal and Torres Strait Islander peoples, digital identity solutions present a unique opportunity to reset history by addressing long-standing barriers and enabling participation in systems from which they have been traditionally excluded.

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29 Future Leaders

Spotlight on WUNA:
A solution for community, by community

WUNA is a secure, quick-access ID platform that empowers users to manage their personal information and share it with the organisations that need it.
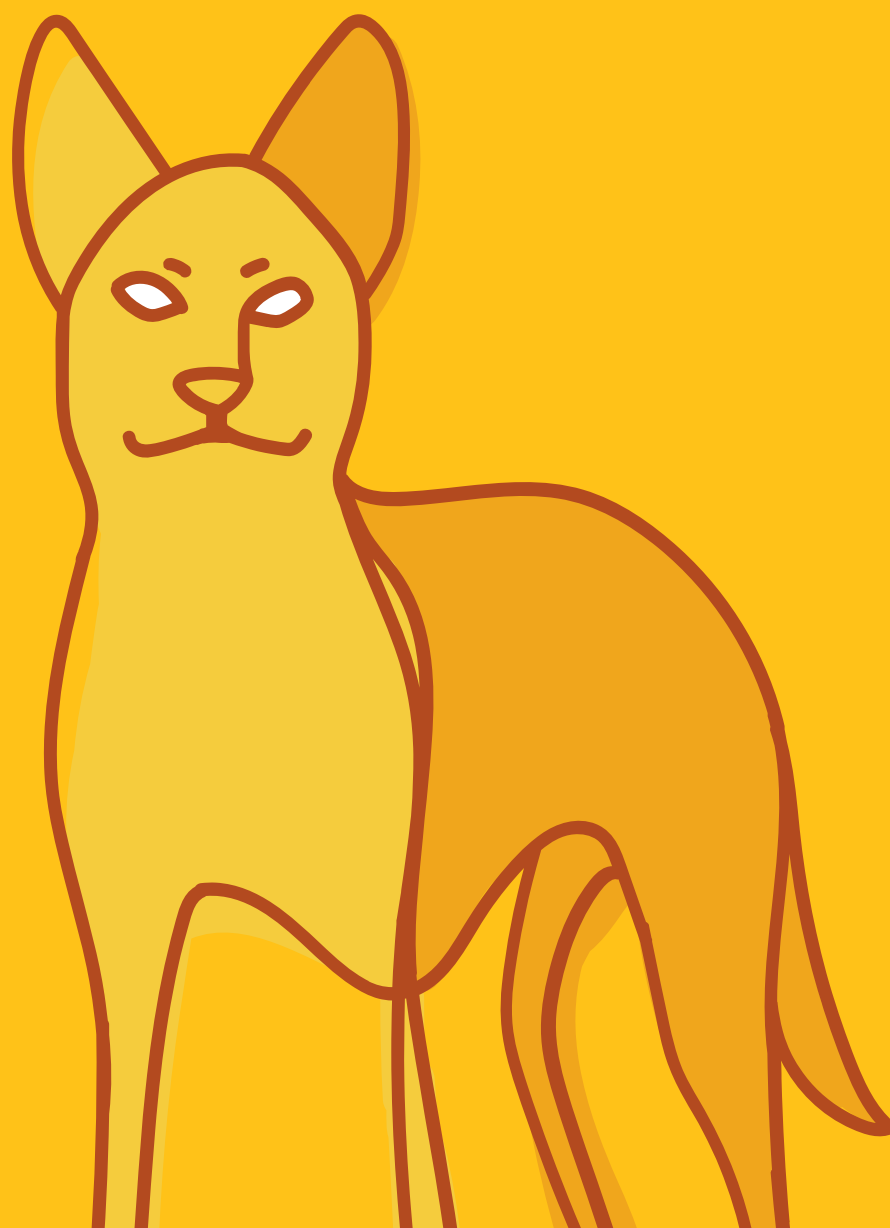
Spotlight on WUNA:
A solution for community, by community

One such solution designed to overcome the specific issues facing Aboriginal and Torres Strait Islander peoples in establishing and verifying their identity is WUNA. Inspired by the traditional cultural practice of the 'message stick' — a communication tool carried by messengers to deliver news or help recount oral histories between Aboriginal peoples — WUNA represents a modern adaptation of this trusted system through a digital 'wallet' that stores a person's identity documentation, allowing it to be accessed and reused for identity verification.

WUNA specifically supports those who lack standard identity documentation by providing a pathway for in-person, community-based verification checks through community elders or certified 'verifiers' at partner organisations which are uploaded to the individual's digital wallet for future use, removing the need to navigate complex, non-standard identification processes each time they engage with an organisation or service.

WUNA is designed to support Aboriginal and Torres Strait Islander peoples to engage with services in a method that best suits them. The digital wallet supports users who struggle to maintain physical copies of identity documentation while the option of a physical card with a QR code provides an avenue to access to the digital wallet for those who are without their own digital device. Anecdotal feedback from WUNA pilot users has highlighted just how impactful a digital wallet is. For example, a mature aged student noted with WUNA, they no longer had to carry a backpack full of documents with them at all times in order to navigate the various identification requirements their university demanded each time they wanted to avail of a service.

Spotlight on WUNA:
A solution for community, by community

WUNA provides a standard platform for evidencing Proof of Aboriginality which can be leveraged by organisations to reduce the stress and burden on Aboriginal and Torres Strait Islander peoples to prove they are who they say they are to access services designed to support them.

WUNA supports organisations conducting verifications with an estimated 75-90 per cent reduction in administrative efforts noted for one pilot partner through removing the need to duplicate identity documents for participants as well as reducing the risk associated with holding personal information.

WUNA aims to move beyond a standard Proof of Aboriginality criteria to provide culturally accurate verifications such as Traditional Owner Membership, Native Title ID, Director ID, Voting and Decision ID so that an individual's identity documentation more appropriately reflects their connection to their cultural heritage, creates confidence in self-identification and can support culturally sensitive approaches to engaging with individuals (e.g. triggering the need for a cultural liaison officer, or translation skills as part of engagement with service providers).

With 17 partner organisations today, and a pilot extending to 1,000 users, WUNA has shown promise by providing a solution rooted in cultural practices that unlocks access to services and opportunities for Aboriginal and Torres

Strait Islander peoples who have been traditionally excluded from conventional identity systems. WUNA has noted support from Aboriginal and Torres Strait Islander organisations who see that "the timing is right as Indigenous Land Use Agreements (ILUA) between Traditional Owner groups and Multinational Corporations need a system to identify people more accurately" as well as potential users of the platform such as a high school graduate user who noted that "I showed my mates the ID and they were really impressed and wanted to know where they could get one".

ConnectID, a digital identity solution developed by AP+ committed to its pursuit of a solution designed for all Australians, is proudly partnering with WUNA to better support digital identity verification for Aboriginal and Torres Strait Islander peoples. ConnectID acts as an identity exchange, offering a simple and secure way for people to prove who they are, using an organisation they already trust. As ConnectID onboards government social services, financial services and housing and rental services to its exchange, it is working with WUNA to ensure its digital wallet and community-based verifications can be reused to access these critical services. ConnectID further advocates for alternatives from the status quo, such as WUNA's community based verification pathways, as part of the Federal Government's development of Australia's digital identity framework.
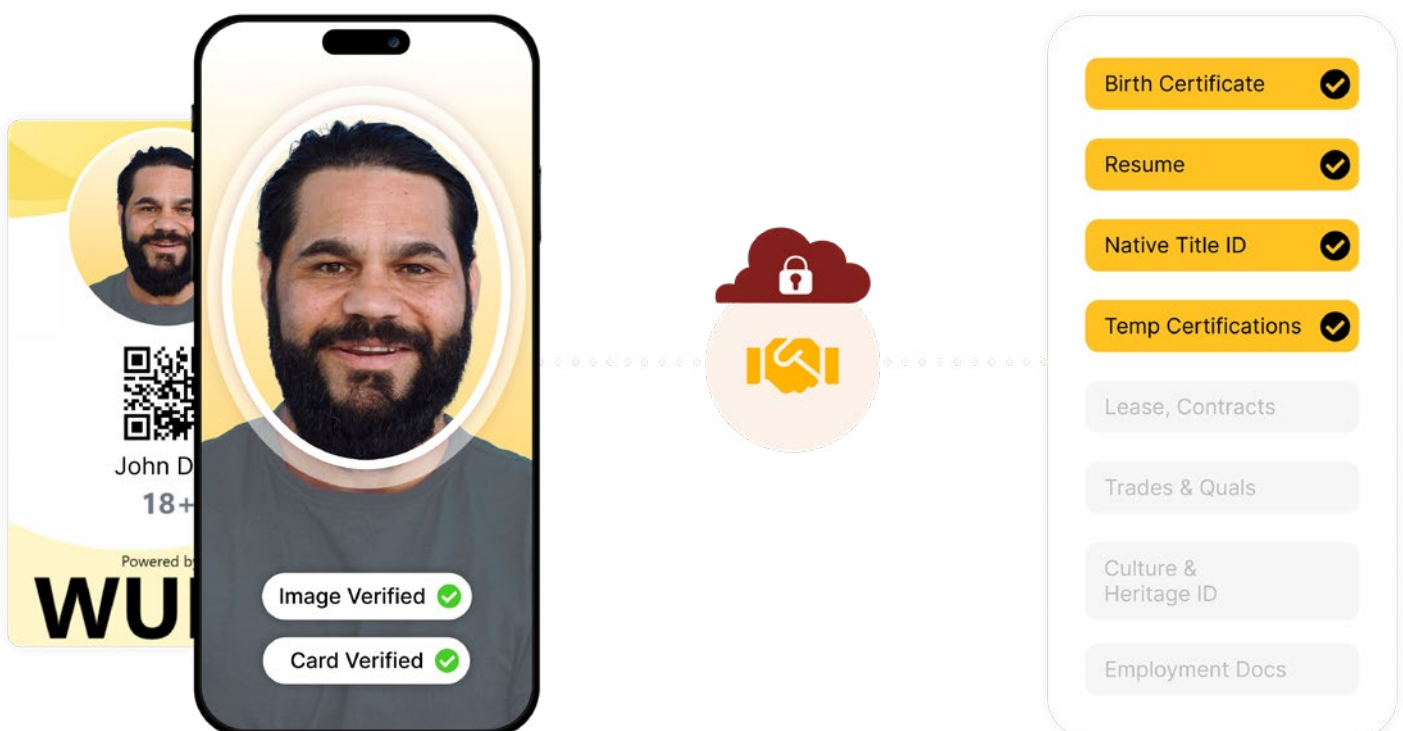
Conclusion

The challenges Aboriginal and Torres Strait Islander peoples face in establishing and proving their identity within Australia's current system underscore the need for a transformative approach.

While continued focus from state governments on improving processes – for example, reducing or eliminating the cost of a birth certificate – and additional support for organisations such as Pathfinders, who promote birth registration education among Aboriginal and Torres Strait Islander peoples would make inroads towards solving these challenges, continued reliance on traditional verification methods which mirror a Western framework may not adequately address the lived realities of Aboriginal and Torres Strait Islander peoples.

Digital identity provides Australia with the ability to take a transformative approach versus simply digitising today's analogue methods. For example, embracing methods of identity verification which are rooted in Aboriginal and Torres Strait Islander cultural

practices, such as community–based attestation championed by WUNA, need to be considered as a legitimate and viable pathway for identity verification. These solutions not only address systemic barriers but also honour and integrate cultural heritage, creating a pathway for greater inclusion, autonomy, and choice in navigating identity verification processes.

To support this approach, ensuring Aboriginal and Torres Strait Islander peoples are engaged in the development of digital identity legislation and network design is crucial, as is support for Aboriginal and Torres Strait Islander led solutions such as WUNA. ConnectID, through its partnership with WUNA, recognises the importance of this engagement and

is focused on enabling WUNA to develop solutions for Aboriginal and Torres Strait Islander peoples, alongside advocacy for its community–based verification approach.


This shift in mindset to identity verification also has the potential to reset history for Aboriginal and Torres Strait Islander peoples. Not only can it address barriers and enable participation in a system that has traditionally excluded them but can transform this system to ensure it respects and empowers these communities through the choice of solutions designed with their unique cultural practices in mind. By moving beyond the incremental evolution of current systems and embracing innovative, community centred solutions, Australia can build a more inclusive identity verification framework that serves all its citizens equitably.

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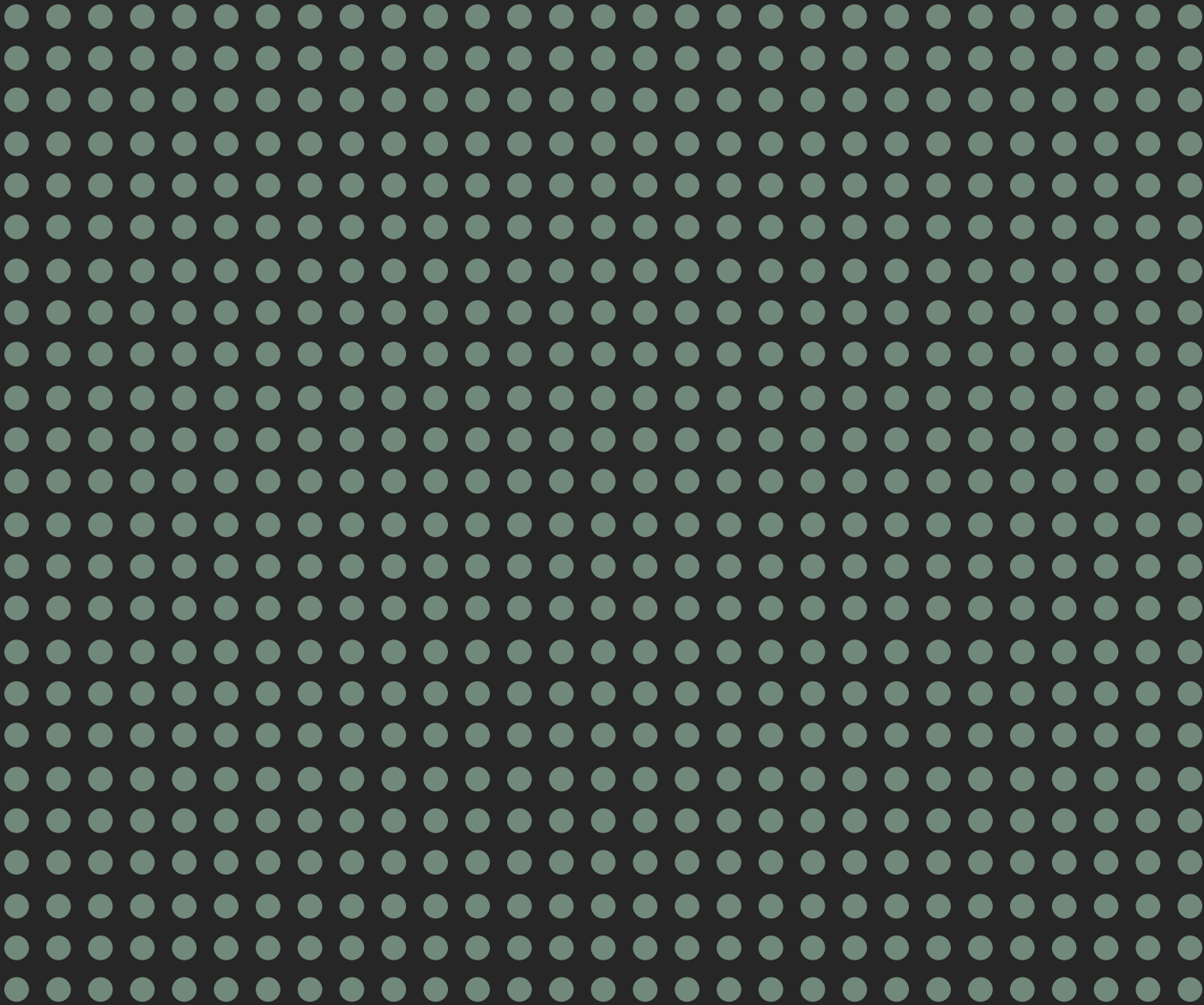
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