

DIGITAL ID ACT 2024 - SECT 74

Creating and using a digital ID is voluntary

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(1) A participating relying party must not, as a condition of providing a service or access to a service, require an individual to create or use a digital ID.

Note: The effect of this subsection is that a participating relying party that provides a service, or access to a service, must provide another means of accessing that service that does not involve the creation or use of a digital ID through the Australian Government Digital ID System.

(1A) A participating relying party is taken to contravene subsection (1) if:

(a) the participating relying party provides the service, or access to the service, by means other than the creation or use of a digital ID through the Australian Government Digital ID System; and

(b) either of the following apply:

(i) the other means is not reasonably accessible;

(ii) using the other means results in the service being provided on substantially less favourable terms.

Exceptions

(2) Subsection (1) does not apply to a service of a participating relying party if:

(a) the service provides access to another service; and

(b) the individual can access the other service by means other than the creation or use of a digital ID through the Australian Government Digital ID System; and

(c) the other means is reasonably accessible; and

(d) using the other means does not result in the other service being provided on substantially less favourable terms.

Example: To open a bank account, ABC Bank requires new customers to verify their identity. ABC Bank allows customers to do this in person at each branch of ABC Bank or alternatively by using the bank's online application service, which requires the use of a digital ID. Jacob wants to open a bank account with ABC Bank but he does not wish to use his digital ID to do so. Because Jacob can verify his identity by going to his nearest branch instead, ABC Bank does not contravene subsection (1).

(3) Subsection (1) does not apply if:

(a) the participating relying party is providing a service, or access to a service, to an individual who is acting on behalf of another entity in a professional or business capacity; or

(b) the participating relying party holds an exemption under subsection (4).

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Note: The effect of this subsection is that a participating relying party that provides a service, or access to a service, **must provide another means of accessing that service that does not involve the creation or use of a digital ID through the Australian Government Digital ID System.**

https://classic.austlii.edu.au/au/legis/cth/num_a_ct/dia202487/s74.html



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Make a copy of this Section 74 and use it, share it.

Section 74(1) of the Digital ID Act 2024 (Cth) says. **The section is titled “Voluntariness of creation and use of digital IDs.”**

Here’s the key wording from the legislation itself:

(1) A participating relying party must not, as a condition of providing a service or access to a service, require an individual to create or use a digital ID.

In plain English:

No government agency or private organisation that participates in the Australian Government’s Digital ID System can force you to get or use a digital ID in order to access their service.

What this means in practice

- You will have a **choice** whether or not to sign up for the digital ID.
- Organisations participating in the system must provide **alternative means** of service access if you don’t use the digital ID. Federal Register of Legislation
- **They also can’t make the alternative access method** (like a paper form, in-person visit, or phone option) **unreasonably difficult or less favourable**, that’s what subsection (1A) covers:
- **A service provider is taken to contravene subsection (1) if the other way of accessing the service is not reasonably accessible or is offered on substantially less favourable terms.**
- **So, the Act explicitly protects your right not to be forced into using a digital ID. It must remain voluntary.**

What if we don’t want to

- Being voluntary now does not necessarily guarantee it will **always** be voluntary in every context — though legally right now it is.

We must continue this fight to STOP the fully intended digital ID process.

If you don’t want to use Australia’s Digital ID after December 26, 2025, you **have options**, because the system is legally voluntary.

What if we don’t want to use digital ID post December 26, 2025?

Here's a clear guide:

1 Simply don't sign up

- Creating a Digital ID is **not mandatory**, so you are under no legal obligation to register.
- Services that use the Digital ID system are required to provide **alternative ways** to verify your identity.

2 Use alternative identity verification methods

Most government and private sector services will still allow traditional forms of ID:

- **Government services:** myGov login with username/password, physical documents (driver's licence, passport, Medicare card).
- **Banks & financial services:** physical ID documents, face-to-face verification, or existing online banking credentials.
- **Telecommunications or utilities:** original ID documents or paper forms.

3 Protect your privacy and data

- Since you're not signing up, your personal information **won't be stored in the Digital ID system**.
- Continue to manage your own documentation and only share ID information on a case-by-case basis.

4 Stay informed about changes

- Some private sector providers may heavily encourage Digital ID adoption for convenience.
- Check service providers' policies: they must provide **non-Digital ID alternatives**, but processes might be slower.