



Social Security Legislation Amendment (Digital Television Switch-over) Bill 2009

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Social Security Legislation Amendment (Digital Television Switch-over) Bill 2009

Date introduced: 13 May 2009

House: House of Representatives

Portfolio: Families, Housing, Community Services and Indigenous Affairs

Commencement: Day after Royal Assent

Links: The [relevant links](#) to the Bill, Explanatory Memorandum and second reading speech can be accessed via BillsNet, which is at <http://www.aph.gov.au/bills/>. When Bills have been passed they can be found at ComLaw, which is at <http://www.comlaw.gov.au/>.

Purpose

To amend the *Social Security (Administration) Act 1999* (the Act) to relieve some confidentiality obligations on Centrelink in order to allow the Commonwealth to identify people who are eligible to be given technical assistance with the conversion to digital television.

Background

The process for conversion to digital television broadcasting began before the turn of the century. A history of the process is recorded in the [Parliamentary Library's digest of an earlier Bill](#).¹

The general thrust of the process—at least for non-remote areas—is that television broadcasters are required to broadcast in both analogue and digital modes for the duration of a simulcast period. For metropolitan areas, that was eight years commencing on 1 January 2001. For regional areas (not remote areas) the simulcast period was to commence by 31 December 2004. The simulcast period was to be subject to review and has in fact been extended. The end of the simulcast period marks the end of analogue transmission and the time for switch-over to digital transmission alone.

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1. R. Jolly and P. Pyburne, *Broadcasting Legislation Amendment (Digital Television Switch-over) Bill 2008*, Bills digest, no. 35, 2008–09, Parliamentary Library, Canberra, 2008, viewed 25 May 2009, <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fbillhome%2Fs651%22>

Warning:

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The Government has published a timetable for digital switchover (that is, the end of the simulcast period) [here](#).² Assistance under this program will be given to the following areas which lose analogue transmission in 2010 and 2011;

- first half 2010: Mildura/Sunraysia television licence area;
- second half 2010: Regional South Australia television licence areas;
- first half 2011: Regional Victoria television licence areas; and
- second half 2011: Regional Queensland television licence areas.

While some people in these areas have acquired digital television reception equipment, many have not. In order to avoid a situation in which people have no television reception when the analogue signal is turned off in their region, the Government is funding the Digital Switch-over Household Assistance Program (the Assistance Program). Under this program, eligible people will be given help to become ready to receive digital television. The kind of help to be given includes ‘practical in-home assistance, including the installation of a set-top box and remedial upgrades to household cabling or antennas’.³

Assistance will be available where one or more residents are receiving the maximum rate of age pension, disability support pension, carer payment or a service pension or income support supplement from the Department of Veteran’s Affairs.⁴

What this Bill does

This Bill does not implement the Assistance Program. In fact, the Bill has a relatively minor, albeit crucial, role in enabling the Assistance Program. In order to identify the people who are eligible for assistance, information held by Centrelink must be used. The use of this information is tightly restricted by legislation. Section 202 of the [Social Security \(Administration\) Act 1999](#), details the limited ways in which the personal information of recipients may be used and section 203 makes it a criminal offence to use that information in an unauthorised way. Currently, the permitted uses do not include a use associated with the Digital Switch-over Household Assistance Program. This Bill makes that a permitted use.

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2. Department of Broadband, Communications, Digital Economy and the Arts, *Digital TV Timetable by Region*, 2008, viewed 26 May 2009, http://www.dbcde.gov.au/data/assets/pdf_file/0007/88108/Digital_TV_Timetable_by_Region.pdf
 3. S. Conroy (Minister for Broadband, Communications, Digital Economy and the Arts), *Budget 2009: Getting Ready for digital TV*, media release, Canberra, 12 May 2009, viewed 26 May 2009, http://www.minister.dbcde.gov.au/media/media_releases/2009/037
 4. Explanatory Memorandum, Social Security Legislation Amendment (Digital Television Switch-over) Bill 2009), p. 2.

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Committee consideration

At the time of writing, the Bill had not been referred to the any committee.

Position of significant interest groups/press commentary

The Bill itself is not particularly controversial and has not attracted any attention of this kind.

Financial implications

The Explanatory Memorandum records the following financial impacts:

2009–10	\$11.3 million
2010–11	\$31.1 million
201112	\$29.8 million

Neither the Explanatory Memorandum nor the second reading speech indicate the number of people who will be eligible for assistance under this program.

Key issues

This measure is generally uncontroversial. However, it will involve the disclosure of information about certain payment recipients to the Department of Communication, Digital Economy and the Arts—and to its contractors—without the consent of the recipients. With a little information about the eligibility for the Assistance Program, those contractors will know that the people they assist have few means, a fact that may disturb some recipients, especially those who do not want assistance through the program, either because they already have, or are intending to get, digital television reception equipment or because they do not want it. On the other hand, the Department undertakes to put appropriate contractual controls on contractors in order to ensure that personal information is not misused. In his second reading speech, the Parliamentary Secretary for Disabilities and Children’s Services said;

Contractors will not receive specific information about the customers’ age, payment type, disability or marital status.⁵

5. B. Shorten, ‘Second reading speech: Social Security Legislation Amendment (Digital Television Switch-over) Bill 2009’, House of Representatives, *Debates*, 13 May 2009, p. 8.

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The measure of need chosen is a narrow one (being in receipt of the maximum rate of a certain payments made through Centrelink). Whether it is better adapted to achieve its end than other measures of need such as past income or eligibility for other Commonwealth payments (these being the basis upon which the Government's two stimulus payments in 2008 and 2009 were made) is a matter for others to judge.

Main provisions

Item 1 amends **subsection 202(1)** to add the Digital Switch-over Household Assistance Program to the list of purposes in relation to which protected personal information may be *obtained*.

Item 2 amends **subsection 202(2)** to add the Digital Switch-over Household Assistance Program to the list of purposes in relation to which protected personal information may be *recorded, disclosed or used*.

Item 3 inserts a definition of Digital Switch-over Household Assistance Program into the definitions section in Schedule 1 of the Act.

Concluding comments

To turn off analogue transmission while a significant number of people are without digital reception equipment would undoubtedly be politically damaging and so government's have an incentive to ensure that everyone is given a reasonable opportunity to convert. The proposed Assistance Program is the Government's response to that incentive. For those with few means, reception of digital television may not be a priority. The Government is therefore targeting those, who by one measure of need, are less likely to give priority to the purchase of digital television equipment. The measure chosen is a fairly narrow one and some may quibble about it but the line has to be drawn somewhere.

This Bill does not implement the Assistance Program but merely creates a mechanism for identifying those who will be eligible for assistance. It does this by adding to the purposes for which personal information held by Centrelink may be used. That is, it enables that information to be used for the purposes of the Assistance Program.

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