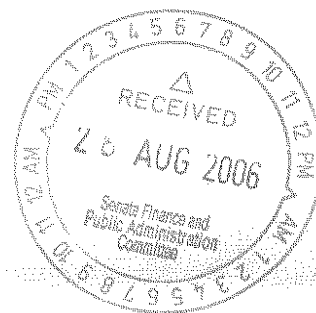




Australian Government
Department of Human Services



Mr Alistair Sands
Secretary
Senate Finance and Public Administration
Legislation Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Mr Sands

**CLARIFICATION OF EVIDENCE – 2006-07 BUDGET ESTIMATES HEARING
ON 25 MAY 2006**

Following the Senate Estimates Hearing on 25 May 2006, I seek to provide the following clarification of my evidence in response to questions from Senator Stott Despoja on the Access Card and the Clayton Utz initial privacy impact assessment:

QUESTION

p.64 Senator STOTT DESPOJA—My understanding is that the minister gave a commitment to the head of the Australian Privacy Foundation that that assessment would be released. Is there any reason, apart from the so called outdated nature of the report—which, as we understand it, was prepared pretty much concurrently with the KPMG report—

Mr Bashford—There are two reasons. First of all, it is still a work in progress, so it is not complete.

Secondly, it was provided as a cabinet document.

Senator CHRIS EVANS—This is the Clayton Utz report?

Mr Bashford—The privacy impact assessment, yes.

CLARIFICATION: While the work on the Clayton Utz initial privacy impact assessment was not still a work in progress at the time of the hearing, the work on privacy issues related to the Access Card was a work in progress.

QUESTION

p.66 Senator STOTT DESPOJA—Before we move on to some of those issues, can I follow up another PIA question. Mr Bashford, I do not know whether you have had an opportunity to find out if there were recommendations contained in that assessment.

Mr Bashford—I am advised that there were no recommendations.

CLARIFICATION: There are recommendations in the Clayton Utz initial privacy impact assessment.

QUESTION

p.75 Senator STOTT DESPOJA—Their powers may arguably remain the same, but obviously this is access to a different database, a biometric database. There are no specific circumstances under the act? I might check that. When you say 'no consideration', is there anything in the report on the privacy impact assessment that dealt with access by police or law enforcement bodies to the smartcard? Were there any comments?

Mr Bashford—I do not believe so. No, I am advised not.

Senator STOTT DESPOJA—So there wasn't anything—

Mr Bashford—I am advised not.

CLARIFICATION: There is not an in depth consideration of the access by police to the access card in the Clayton Utz initial privacy impact assessment. However, a more exhaustive search has identified that there are passing references in that document as to how the access card could or would be used in a variety of settings (including by doctors, pharmacists and government agencies, such as Medicare Australia) and whether or not the police or other authorities could ask for a person's access card.

I would be grateful if you would forward these clarifications to Senator Stott Despoja and to the other members of the Committee.

Yours sincerely



Graham Bashford
Acting Deputy Secretary
Office of Access Card

25 August 2006