

# **ADDITIONAL COMMENTS BY SENATOR FIERRAVANTI-WELLS**

## **Access Card - Inquiry Into Human Services (Enhanced Service Delivery) Bill 2007**

There may be benefit in the Committee's recommendation that this bill be combined with the proposed second tranche of legislation for the access card system into a consolidated bill as it will enable the important concepts of security and privacy protections to be considered in their entirety alongside the benefits the access card will provide. However, having regard to the evidence provided in submissions many of the concerns expressed by the Committee have already been addressed in the current legislation and the Committee's report fails to give due regard to the benefits of the access card in its proposed form in meeting its stated purposes.

A primary concern of the Committee has been whether there is a potential for the access card to evolve into an national identity card in the event that a biometric photo, signature and a unique number are visible on the face of the card. As the Committee itself noted the Government has explicitly declared in Clause 6(2) of the bill that "access cards are not to be used as, and do not become, national identity cards." The protections contained in the bill are sufficient to allay such concerns.

The Committee's concerns with respect to the features to be included on the face of the access card, in particular the inclusion of a photograph, fail to take into account important evidence on the purpose for the inclusion of such features.

In this regard particular note should be made of the public submission provided by KPMG which stated at page 17:

The rationale for having the photo on the face of the card is fundamentally about a person being able to simply and quickly prove who they are in a number of service outlets. One of the platforms of the entire HSS initiative is a strengthened POI and a capacity to authenticate a user, identify their entitlements (such as concessional status) and ensure they have access to the right services and benefits.

The capacity to authenticate a user must be applied across the entire DHS, DVA service system including providers such as allied health workers, GPs, pharmacists and ambulances, who for the first time, will have access to volunteered information about a persons emergency contact details. Being able to simply and quickly identify the cardholder is paramount in these circumstances.

KPMG has attempted to design a system on a card reader platform that will facilitate uniform access by the full range of DHS and DVA providers. Therefore, whilst pharmacists and GPs might have card reading technology

capable of photographic identification, not all providers in the system will. If DHS design a system of access and entitlements based on who has a card reader capable of photo identification and who does not, the system will be forced to slip back into different standards and different business rules. The system again becomes unpredictable and confusing for consumers.

Also, whilst the card won't be required by people outside the DHS service system as POI, a consumer may choose to use it to prove their identity in other environments such as accessing a transport concession, joining a registered club, applying for a passport, or obtaining airline tickets.

Finally, KPMG considers that greater trust in the overall system will be strengthened by considers(sic) being confident that their card can not be used by someone else. Having a photograph on the card and all the other securities in place, in our view, is likely to strengthen that confidence.

The Committee Report ignores the fact that even if readers capable of electronically reading a photograph were available in all service delivery outlets, which in itself may not be possible, there would continue to be a number of situations in which readers would not be available for use:

- During electricity blackouts and when systems are down;
- Natural disasters; and
- 'In home' and remote location service providers (eg Doctors)

On the basis of the above, the inclusion of a photograph and other personal information on the surface of the card as proposed is necessary as it will provide a unique and highly flexible method of ensuring accurate service delivery.

Evidence heard by the Committee also established the importance of the inclusion of a photograph and other personal information on the surface of the card as being essential security measures in reducing the fraudulent abuse of the health and welfare systems and in minimising the prevalence of identity fraud and theft. These are important protections for cardholders and also ensure that entitlements flow only to those who are eligible.

The combination of "on card surface" and "in chip" security elements along with the modular design of distinct databases will also constitute a significant improvement over current systems and will ensure the suitable protection of cardholder information.

The stated intention of the access card is to streamline the delivery of government services. However, it is also important that recognition be given to the community's desire that the card also provide personal utility beyond the immediate needs of government. This card represents a platform for the facilitation of government service delivery into the future and in the form proposed, will be sufficiently flexible to meet the changing needs of individuals.

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The merits of the access card as proposed by the Government were well articulated by the Sydney Morning Herald in its editorial of 14 March 2007 which stated:

The Federal Government's planned access card is already attracting opposition of a predictable kind from privacy groups. Their concerns are understandable, but so is the Government's need to streamline and secure access to welfare and other benefits, including Medicare payments. For recipients of such benefits - and that means virtually every Australian - the card should make life easier. Its primary function, the elimination of welfare fraud, will also save taxpayers money - \$3 billion over 10 years, say the Government's consultants.

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Outside government, the card cannot be demanded as identification. Within it, each agency will only be allowed access to a given individual's files with that agency. Those decisions are prudent, and should provide further reassurance. Worries about identity theft can never be entirely eliminated, even by the most secure encoding methods - but the **access card** is far more tightly regulated than the existing plethora of identity cards for government benefits, all of which have been making the identity thieves' work simpler.

The **access card** will always be a trade-off between administrative efficiency and individual rights and security. There is no single correct answer to the questions it raises. If implemented, it will most likely be a source of occasional controversy as governments seek to alter what it does. In that respect, it is like many of society's laws, regulations and institutions that inhibit individuals' freedom. On balance, however, we believe its benefits outweigh its dangers. The **access card** deserves support.

**Senator Concetta Fierravanti-Wells**

