



CABINET - SUBJECTS FOR CONSIDERATION, 17 SEPTEMBER 2007 10:45 AM

Out of scope



1 New Initiatives/Policy Matters


Out of scope



102 DPC07/024CS

**Commonwealth's Proposed Health and Social Services Access Card (Michael Rann)
DEFERRED UNTIL THURSDAY, 20/9/2007.
(MINISTER HILL TO CONSIDER.)**

Out of scope



102

CABINET COVER SHEET

1. **TITLE:** **COMMONWEALTH'S PROPOSED HEALTH AND SOCIAL SERVICES ACCESS CARD**
2. **MINISTER:** **PREMIER**
3. **PURPOSE:** For Cabinet to approve the **South Australian Government's** submission to the Commonwealth on the impact of its proposed **Health and Social Services Access Card** on **SA Government operations (Attachment 1)**, and to forward these to the Commonwealth.
4. **RELEVANT GOVERNMENT POLICY:** This submission does not impact directly on the targets in **SA's Strategic Plan**.
5. **ICT COMPONENT**
Does the submission have a ministerial ICT Component?

Not from this Cabinet submission, but there may be ICT considerations if the **Access Card** is introduced.
6. **RESOURCES REQUIRED FOR IMPLEMENTATION:** No immediate implications, though there may be significant financial, ICT and staffing costs to the **State Government** should the **Access Card** be introduced by the Commonwealth. These costs have yet to be determined in detail.
7. **COMMUNITY AND ENVIRONMENTAL IMPACT**

Although this proposed submission has no impacts on the community and the environment per se, the Commonwealth's introduction of the **Access Card** will have significant impacts on the community, given that everyone who wishes to access Medicare or Commonwealth benefits will need to present their **Access Card**.

The **State Government** needs to be assured by the Commonwealth that it can access information stored on the **Access Card** when providing services and concessions to eligible **South Australians**. If this information is not available to the **State Government**, or is restricted, then the community's access to these services and concessions may be adversely affected.

There will also be privacy and personal information management issues associated with the introduction of the **Access Card**. Although the Commonwealth is working on

resolving these concerns, much work remains to be done.

Businesses that provide services and concessions to eligible clients face the same issues as State Government service/concession providers.

8. RISKS

There are no risks in forwarding this proposed submission to the Commonwealth.

Consultations with other jurisdictions indicate agreement with SA's concerns.

9. CONSULTATION:

Cabinet Office established a Reference Group to support the preparation of this proposed submission. The Reference Group included representatives from DPC, DFC, DTED, AGD, SAPOL, DFEEST, DTEI, Health and SA Water.

10. COMMUNICATION STRATEGY

No communication strategy is required for this proposed submission.

11. URGENCY:

The Commonwealth has extended the due date for receipt of SA's submission until 4 September.

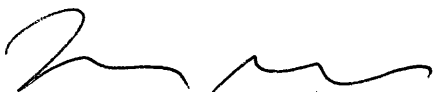
Cabinet therefore needs to consider this submission on 3 September.

12. RECOMMENDATIONS:

It is recommended that Cabinet:

- 4.1 Approve the submission at Attachment 1 outlining the impact of the Commonwealth's proposed Health and Social Services Access Card on SA Government services and operations; and
- 4.2 Approve forwarding Attachment 1 to the Commonwealth.

I declare that I have no actual or potential conflict of interest in relation to the proposals contained in this submission.



**MIKE RANN
PREMIER**

DATE: 3/9/07

Minutes forming Enclosure to:

TO: THE PREMIER FOR CABINET

RE: COMMONWEALTH'S PROPOSED HEALTH AND SOCIAL SERVICES ACCESS CARD

1. PROPOSAL

- 1.1. For Cabinet to approve the South Australian Government's submission to the Commonwealth on the impact of its proposed Health and Social Services Access Card on SA Government operations (Attachment 1), and to forward these to the Commonwealth.

2. BACKGROUND

- 2.1. The Commonwealth Government is seeking comments on the *Human Services (Enhanced Service Delivery) Bill 2007* and the *Human Services (Enhanced Service Delivery) (Consequential Provisions) Bill 2007*, which together will facilitate the introduction of the proposed Health and Social Services Access Card (hereafter referred to as the 'Access Card').
- 2.2. The Access Card will be required by anyone accessing Medicare or Australian Government benefits. It is intended that the Access Card will improve service delivery to Medicare and Commonwealth benefits recipients, whilst strengthening the usability and security of the system.
- 2.3. The Commonwealth has stated that the Access Card is not a national identification card.
- 2.4. Physically, the card will have minimal information printed on its surface. This is likely to include preferred name, card number and expiry date, photo and signature. A chip embedded in the card will contain information only accessible via a card reader. This information includes information on Medicare eligibility, concessions status and existing relationships with participating government agencies.
- 2.5. Privacy issues are being addressed by the Commonwealth in consultation with privacy advocates. The Consumer and Privacy Taskforce (the Taskforce), led by Professor Allan Fels, is advising the Commonwealth on consumer and privacy issues relating to the Access Card. In December 2006, a Memorandum of Understanding (MOU) was entered into between the Commonwealth Privacy Commissioner and the Commonwealth Department of Human Services (Cth DHS) to allow for close consultation on privacy-related issues in the development and roll-out of the Access Card. Under the MOU, the Privacy Commissioner provides advice to the Cth DHS on the privacy implications of the Access Card system and assists in the development of privacy-related information and educational materials.

- 2.6. There will be a transitional period during which both the Access Card and the cards that it will be replaced will both be in use. The Commonwealth expects that the Access Card will be the sole card used to access Medicare and Commonwealth benefits two years after the Bills receive Royal assent.
- 2.7. Due to significant community concern over the possible implications of the card, and the hasty consultation process to date, the Commonwealth has deferred indefinitely the introduction of the Bills into the federal Parliament. It is expected that should the present federal Government be returned to power at this year's election, then the Bills will be introduced into the federal Parliament in early 2008.
- 2.8. The federal Opposition has been critical about how much personal information will be stored on the card, and the consultation undertaken so far.
- 2.9. Cabinet Office prepared the proposed SA Government submission (Attachment 1), in consultation with a SA Government Reference Group. All ministers and departmental chief executives were invited to nominate representatives to the Reference Group. Eventually, the Reference Group included representatives from DPC, DFC, DTED, AGD, SAPOL, DFEEST, DTEI, Health and SA Water.

3. DISCUSSION

- 3.1. Commonwealth consultation on the Access Card proposal has to date been *ad hoc*. The submission at Attachment 1 is needed because the SA Government has until now not assessed the potential impacts, costs and benefits arising from the Access Card, and communicated this assessment to the Commonwealth.
- 3.2. Although the proposed submission acknowledges the need for the Commonwealth to reduce the complexity of accessing and managing Australian Government benefits, it also notes that the Access Card may potentially disadvantage some South Australians who access State Government services and benefits. These impacts are described in the proposed submission and summarised below.

Provision of State Government services and concessions

- 3.3. As currently worded, the Bills do not offer reassurance that State Government officers would not be committing an offence under the Commonwealth legislation if they require production of a client's Access Card to access Medicare services or validate eligibility for concessions or services only available to holders of certain Commonwealth benefits or cards.

- 3.4. The proposed submission identifies a range of State Government services and concessions that would require the production of the Access Card, including:
- billing of health services to Medicare, Pharmaceutical Benefits Scheme an/or Department of Veterans' Affairs
 - eligibility for services and/or fee discounts at public hospitals and community health services, SA Dental Service and Housing SA
 - public transport, utilities, water, sewerage, council rates and emergency services levy concessions and discounted SA Ambulance Service membership
- 3.5. Services and concessions offered by business will also be impacted by the Access Card. The Commonwealth has not indicated whether business would bear the costs arising from the implementation of the Access Card. It is possible that these services and concessions might be withdrawn by business if the costs incurred are perceived to be higher than the revenue from concession holders.
- 3.6. In a meeting on 25 July 2007, the Commonwealth accepted the arguments made by state and territory officials that the Bills needed further work to make explicit the right of states and territories to use Access Card numbers in order to provide services and concessions to eligible people. The revised wording has yet to be released to states and territories.
- 3.7. The proposed submission also identifies a range of practical considerations for the State arising from the implementation of the Access Card:
- Loading speeds for public buses could be slowed to unacceptable levels if drivers were to use a reader to check Access Cards presented for concessional travel.
 - Applicants for concessions will either have to present in person and have their Access Card placed in a reader, or complete an application form using address nomenclature that exactly matches that used by Centrelink to enable an electronic confirmation of their eligibility. The former may impose significant time and cost burdens on some individuals, while the latter is often plagued by delays caused by the provision of incorrect details.
 - Greater demand on Birth, Deaths and Marriages and State Records to assist those requiring access to documents to prove their identities in order to register for the Access Card.

Privacy

- 3.8. The Privacy Committee of South Australia, as the entity responsible for oversight of the State Government's privacy protection scheme, is aware that much of the work being done by the Fels Taskforce and the Commonwealth Privacy Commissioner is aimed at reducing the privacy risk to the customers of relevant Australian Government services. Most privacy issues have been identified and an attempt has been made to address shortcomings.

- 3.9. Standard privacy principles have been employed to ensure that individuals are fully informed about the implications of registering for the Access Card and how their personal information will be stored. The information collected is limited to that which is necessary for registration for an Access Card. The privacy protection measures are multifaceted and incorporate system design, technology measures, legislation and oversight. Security is to be maintained throughout the registration process, during transmission to the Card's manufacturing site, during distribution, and over the Register itself. Proof of Identity (POI) documents would not be retained beyond the time required to verify an individual's identity. Measures are likely to be implemented to prevent function creep. The risks associated with linking data with existing registers, and the use of unique identifiers have also been addressed.
- 3.10. Privacy issues unique to the Access Card project have also been identified as follows:
- Inclusion of optional medical information in the 'open zone' on the Access Card.
 - Inclusion of biometric information.
 - The potential use of surveillance cameras with face recognition capability.
 - Many individuals have no choice but to register.
 - Some people (those under 18 years old, homeless, disabled, etc) will have difficulty in accessing POI documents.
- 3.11. Most SA Government Agencies are covered by the Information Privacy Principles (IPPs) issued as Premier and Cabinet Circular No. 12. The Privacy Committee of South Australia, on behalf the Minister for Finance, oversees the administrative scheme. The IPP is dependent on compliance with public sector management principles, and it offers no direct remedy to an injured individual. The scheme applies to SA Public Sector agencies, but generally excludes local government authorities, universities, and specifically excludes WorkCover and the Motor Accident Commission (formerly SGIC).
- 3.12. These entities are not covered by the Commonwealth *Privacy Act 1988*. As such, they are not bound to comply with any privacy regime, upon which the implementation and use of the Access Card may be dependent. This could leave the South Australian Government exposed to a risk of non-compliance with some conditions that may apply to the use of the Access Card scheme for proof of concession status and identity, at both general and agency-specific levels.
- 3.13. There are still some concerns around the impact that may be felt by state, territory and local government agencies and authorities in attempting to satisfy local privacy regimes while meeting the demands of the Australian Government. These further concerns are closely tied in with the issues facing states and territories regarding data matching or sharing, and document verification, and deserve more attention and consultation.

Cost burden on the State Government

- 3.14. The submission argues that there are potentially significant costs to the State Government arising from the implementation of the Access Card. One of the obvious costs is the purchase of card readers, which given the range of State Government services could be several thousand in number. There will also be changes to ICT and business practices required to accommodate the concurrent use of existing Commonwealth cards and the Access Card during the transitional period. The submission also identifies possible staffing and resourcing pressures on Birth, Deaths and Marriages and State Records, as demand for Proof of Identification documents is expected to increase as people begin the registration process.
- 3.15. The Commonwealth has not discussed any cost sharing arrangements with the states and territories. It is the intention of the proposed submission to raise the potential cost implications on states and territories, and to begin the process of dialogue with the Commonwealth on possible cost-sharing.

Economic, financial and budgetary implications

Required resources

- 3.16. At this stage, the Reference Group has assessed that there are potentially significant costs arising from modifications to existing ICT and business practices to accept the Access Card. No dollar figure has yet been identified. The cost to the State Government will only be determined after a detailed assessment of the required changes to government hardware, software, and business practises.

South Australia's Strategic Plan

- 3.17. This submission does not impact directly on the targets in SA's Strategic Plan.

Information and Communication Technology Requirements

- 3.18. There are no immediate ICT requirements arising from the submission. The introduction of the Access Card may have ICT implications though. For example, card readers would need to be obtained, and existing IT systems may need to be modified or updated to accommodate the new Access Card numbers.

Staffing implications

- 3.19. There are no immediate staffing implications arising from this submission. It is possible that additional staffing may be required during the Access Card's implementation phase. For example, the proposed submission identified possible staffing pressures in Births, Deaths and Marriages and State Records should demand for identification documents increase.

Impact on the community and the environment

3.20. Although this proposed submission has no impacts on the community and the environment per se, the Commonwealth's introduction of the Access Card will have significant impacts on the community. The possible impacts outlined below refer to those likely to arise from both Australian and State Government actions in response to the introduction of the Access Card.

3.21. Regulatory impact

3.21.1. The Bills will require everyone who wishes to access Medicare and/or Commonwealth benefits to register for an Access Card. The Bills and supporting Administration Rules will also establish processes for the use of the Access Card, and there will be offences for the misuse of the card.

3.22. Business impact

3.22.1. Businesses that offer concessions and services that require information stored on the Access Card are most likely to be affected. The cost imposed on individual businesses will depend on the size of its operations and the adaptability of existing business and ICT practises to accept the new Access Card.

3.22.2. It is possible that some businesses may withdraw certain services and concessions if they are consider the costs associated with the Access Card to be too burdensome.

3.23. Impact on the environment

3.23.1. The introduction of the Access Card is not expected to impact on the environment.

3.24. Impact on families and society

3.24.1. The Bills will mandate that every person who accesses Medicare and/or Commonwealth benefits will require an Access Card. This will require most people to undergo a registration process at a designated location. There will be some people (those with a disability, homeless etc) who may find it difficult to attend such sessions or meet the proof of identity requirements. The Commonwealth has committed to making special arrangements for such individuals.

3.24.2. Any failure by the Commonwealth to allow for full access by the State Government to individuals' Medicare and/or Commonwealth benefits details may adversely affect the provision of State services and concessions to eligible persons.

- 3.24.3. The community's confidence in the Access Card will also depend on the adequacy of privacy provisions and protection and management of personal information.

3.25. *Regional impact*

- 3.25.1. Most Australians, regardless of location, would be affected by the introduction of the Access Card. Although not canvassed in the proposed submission, remote communities may have difficulty in registering for or using the Access Card.

Risk Management Strategy

- 3.26. There are no risks in forwarding this proposed submission to the Commonwealth. The proposed submission was prepared following an invitation to state and territory governments from the Commonwealth, which has been keen to solicit feedback on the Bills following significant community concern over the consultation process to date.
- 3.27. Consultation with other jurisdictions indicates that they share the concerns outlined in the proposed submission.

Consultation

- 3.28. Cabinet Office established a Reference Group to support the preparation of this proposed submission. The Reference Group included DPC, DFC, DTED, AGD, SAPOL, DFEEST, DTEI, Health and SA Water.

Implementation Plan

- 3.29. No implementation plan is required for this proposed submission to the Commonwealth. A whole-of-government task force may be required to oversee the impacts on the State Government before and during the Access Card's transitional phase.

Communication Strategy

- 3.30. No communication strategy is required for this proposed submission.

Executive Council

- 3.31. There are no matters to be considered by Executive Council.

4 **RECOMMENDATIONS**


It is recommended that Cabinet:

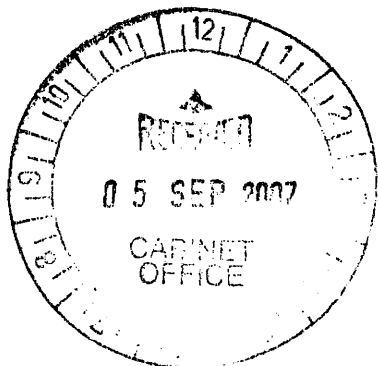
- 4.1 Approve the submission at Attachment 1 outlining the impact of the Commonwealth's proposed Health and Social Services Access Card on SA Government services and operations; and
- 4.2 Approve forwarding Attachment 1 to the Commonwealth.



Mike Rann
PREMIER

319107

*Defer until Thursday - John Hill
to consider.*




Submission to the Australian Government

on the

Health and Social Services Access Card

by the

South Australian Government

August 2007

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Executive Summary

1. The South Australian Government welcomes this opportunity to comment on the Australian Government's proposed Health and Social Services Access Card (hereafter referred to as the 'Access Card').
2. On 21 June 2007, the federal Minister for Human Services, Senator the Hon Chris Ellison, released exposure drafts of the Human Services (Enhanced Service Delivery) Bill 2007 and the Human Services (Enhanced Services Delivery) (Consequential Provisions) Bill 2007 for public consultation.
3. The Minister for Human Services has undertaken to consider all comments received, and make any necessary amendments to the Bills prior to their introduction into the federal Parliament.
4. Together, the Bills facilitate the introduction of the Access Card, which will significantly change how people access Medicare and Australian Government benefits. The Australian Government has indicated that the Access Card will not be used as a national identification card.
5. Whilst the intent of reducing what might be seen as the relative complexity of accessing Australian Government benefits is strongly supported, the South Australian Government is concerned that the introduction of the Access Card should not disadvantage people who need State Government provided services.
6. To provide State health and non-health services and concessions to eligible holders of Commonwealth benefits, the South Australian Government requires access to information verifying their status. The South Australian Government is concerned that the draft Bills are not explicit enough to ensure access to this information by state and territory government officials providing these services.
7. The introduction of the Access Card may also impose potentially significant financial and resource costs on states and territory governments, as they may be required to purchase new equipment and software, revise business practices during the Access Card's implementation phase, or meet increased demand for their services.
8. In addition, the South Australian Government has concerns over transborder issues with privacy provisions and the management of personal information.
9. This submission is divided into two parts. The first part examines issues arising from the introduction of the Access Card that are of serious concern to the South Australian Government. The second part addresses specific

provisions in the draft legislation. An appendix is also included, with information on South Australian Government concessions that would be affected by the introduction of the Access Card. This information had been requested by the Australian Government.

Issues of concern to the South Australian Government

Provision of health services

10. There is a significant issue regarding the need for public health services to be able to identify whether patients are pensioners, concession holders, Veterans or Medicare eligible clients.
11. In some cases, public hospitals and community health services use Centrelink concession cards, Health Care cards and Department of Veterans' Affairs (DVA) cards to determine eligibility for a service and what charges may apply. Health services also require verification of Medicare eligibility or Veteran status in order to enable billing to Medicare, Pharmaceutical Benefits Scheme and/or DVA. Status is verified using Medicare or DVA cards at the point of service or using Medicare or DVA numbers which may be verified with Medicare Australia and Centrelink respectively.
12. Patients using outpatient services in public hospitals may be charged for dental, spectacles, hearing aids, surgical supplies, prosthesis (non-surgically implanted or artificial limbs), pharmaceuticals, aids, appliances and home modifications. There is no consistent charging policy for such items across the State's outpatient services and it is likely that in some instances pensioner, concession or DVA status is used to determine what fee may be charged.
13. The South Australian Dental Service uses Centrelink concession cards, Health Care cards and pensioner concession cards as proof of eligibility for a service. Currently presentation of the card is required to obtain service.
14. The South Australian Ambulance Service provides discounted membership fees for pensioners and Veterans. If a pensioner or veteran applies for membership in person with their pension concession card or their DVA card, then pensioner or veteran status may be verified at the point of service. If a pensioner applies via mail or without their card, the SA Ambulance Service may verify their status with Centrelink using their pensioner or DVA card number as provided on their application form. A photocopy of the concession card is usually required with the application form. As client concession status will not be on the surface of the proposed Access Card, this practice will no longer be possible.
15. Presently, if a client presents for a health service, but is not carrying their card, Medicare, pension, concession and DVA numbers may be verified with Medicare or Centrelink over the telephone. This will not be the case with the new Access Card, where only Access Card numbers can be provided over the phone. The Department of Health seeks confirmation that Access Card holders will retain client numbers separate from their Access Card number for Medicare, pension, concession and DVA status as these are used to prove eligibility for service.
16. As information is stored on the Access Card's chip, clients will not be able to identify Medicare, pensioner, concession or DVA numbers that are currently

on their respective cards' surface. Where they do not have alternative records of these numbers, there may be instances where clients will have to visit a health service or obtain staff assistance, where currently they can complete a transaction via mail or telephone or fill out forms with reference to their card.

17. At a non-government level, private and community health services, including pharmacies, are likely to have similar problems with respect to obtaining evidence of pensioner, concession or DVA status as a basis of eligibility for a service or product.

Concessions

19. The introduction of the Access Card will present a range of practical considerations for the administration of State Government concessions.

Public transport concessions

20. As \$21.3 million is delivered annually in public transport concessions for Centrelink and DVA pensioners and beneficiaries, the South Australian Government is concerned that adequate processes to verify concession eligibility are implemented prior to existing benefit cards being replaced.
21. As an illustration, when traveling on public transport in Adelaide and regional South Australia passengers receiving concession fares are required to carry proof of their concession entitlement when traveling. Currently Pensioners, Department of Veterans Affairs (DVA) Pensioners, and DVA Repatriation "gold" health card holders are able to produce their Commonwealth issued card when requested by drivers or inspectors as evidence of concession entitlement.
22. The Passenger Transport Regulations 1994 require, '*Any other person must not travel on a passenger vehicle using a concessional ticket unless he or she is personally in possession of a valid travel concession card.*' There is a maximum penalty of \$1,250 and an expiation fee of \$160 for failure to meet this condition of travel.
23. Although the Access Card contains this information on the embedded chip, it would be impractical for bus drivers to check these cards by reader, for example, as this would slow down loading speeds to unacceptable levels. In addition, it would require over 800 buses to have a reader available. Concession entitlement is further complicated by the fact that the Access Card will be issued to a large number of people who are not entitled to concession travel so simply viewing the card is not an option.
24. The bus services in regional South Australia are owned and run by private companies, often these are very small business and it would seem that the installation of electronic readers to enable these businesses to check concession entitlement could be a significant cost burden.

Driver licence and vehicle registration concessions

25. Commonwealth concession card holders and certain veteran affairs concession card holders can receive up to a 50% concession on their driver's licence renewal and motor vehicle registration fees, and stamp duty on third party insurance may be waived. Currently, the concession card holder is required to produce their pension card or concession card as proof of entitlement to the concession each time the licence or registration is renewed.
26. The proposed Access Card removes the ability for the Department for Transport, Energy and Infrastructure Customer Service Officers to validate a customer's entitlement to receive a concession simply by viewing the card.
27. Access card readers will be required at each Customer Service Officer's work station or some other means of validating concession entitlement will need to be provided by the Commonwealth Government.

Energy, water, sewerage, council rate and emergency services levy concessions

28. South Australian Government concessions are granted based on payment type, not on card type. The information on the chip or information held on a Centrelink database will need to be interrogated to verify eligibility for these State Government concessions.
29. This will either require that an individual present in person to obtain their concession and have their Access Card placed in a reader, or they will need to complete their concessions application form using address nomenclature that exactly matches that used by Centrelink to enable an electronic confirmation of their eligibility using the Access Card number provided.
30. A requirement to present in person will place a significant time and potential cost burden on individual customers. This is inconsistent with the broad objects of the legislation, which aims to make processes simpler for those most in need. A requirement to present in person will also place strain on State Government resources.
31. Experience also shows that very few customers are familiar with the importance of address nomenclature in e-confirmation processes. This is particularly the case for the most vulnerable such as disabled people and those for whom English is a second language or who have general literacy problems.
32. Rectifying errors severely disrupts the validation process, which may result in customers not accessing their concessions efficiently.

Accessing spectacles scheme and other pensioner/beneficiary discounts offered by business

33. Presently, the South Australian Government has arrangements with over 120 opticians across the state to assist eligible people to obtain spectacles or, with some prescribed eye conditions, contact lenses, at reduced cost.

34. The introduction of the Access Card will require each of these service providers to use an appropriate reader to determine eligibility for the service.
35. Similarly many businesses across the state offer discounts on presentation of a Centrelink or DVA benefit card. All of these businesses will require card readers if they are to continue to provide this service to this large group of vulnerable Australians after the introduction of the Access Card. This represents a significant cost impost on business, many of which are small businesses.

Concession under the Freedom of Information Act

36. The *Freedom of Information Act 1991* (FOI Act) provides for waiver, reduction or remission of fees for a concession cardholder. The *Freedom of Information (Fee and Charges) Regulations 2003* defines a concession cardholder as:

- (a) "... a person who is the holder of—
- (b) a current concession card—
- (c) issued under an Act or law of the Commonwealth; or
- (d) issued by the part of the Department of Human Services known as Family and Youth Services,
 - i. (other than a concession card the issue of which is not subject to a means test); or
- (e) a current student identification card issued to a student of a secondary or tertiary educational institution by that institution.

37. When accepting an FOI application, an FOI Officer will sight the concession card, or in the case of an application that has been posted, will be provided with a photocopy of both sides of the concession card, before a fee concession is provided.
38. Should the proposed Access Card be introduced, information regarding the concession status of an individual will be held on the chip of the card and can only be accessed by a card reader. This will require every agency subject to the FOI Act to have access to a card reader and appropriate access authority to this information on the chip.
39. FOI applications, where fee concessions apply, will no longer be able to be accepted by post, with applicants being required to present personally at each agency.
40. This could be a significant issue for the Department of Health, for instance, which processes a significant number of FOI requests for access to medical, mental health or departmental records.

Impact on Housing SA services

41. Housing SA administers programs and services that are targeted to low income South Australian households and individuals. Many of these households are experiencing a range of social and economic difficulties and

many are considered to have "complex needs" resulting from, for example, disability, mental health problems, substance abuse, cultural issues, domestic or family violence and so on. The proposed Access Card will have significant implications for these vulnerable groups in terms of their ability to access housing and housing related services.

42. Housing SA requires households to establish their identity and incomes as part of the process of establishing eligibility for services. Many Housing SA customers are also consumers of Australian Government benefits and Housing SA has therefore accepted the production of Commonwealth cards as valid forms of proof of identity and income in the past.
43. Housing SA is also unclear on what implications the introduction of the Access Card will have on arrangements it has with Centrelink whereby mutual customers can make rent and other payments to Housing SA and for Housing SA to confirm incomes for rent assessment and review - these arrangements operate electronically but they depend on the use of Centrelink Reference Numbers. As with concessions, Housing SA will need to use the Access Card number to undertake these validations and similar address nomenclature issues may arise.
44. Whilst the intent of reducing what might be seen as the relative complexity of accessing Australian Government benefits is strongly supported, the South Australian Government is concerned that the introduction of the Access Card should not disadvantage people who need State Government provided services. In its current form, the draft legislation is not explicit about the capacity of state governments to require the production of the Access Card to establish eligibility for services.
45. Community housing organisations may also experience similar issues to those noted above as they require members to establish their identity and incomes for access to their housing and for on-going rent determination purposes.
46. People who are homeless may be particularly disadvantaged due to their transience and the Australian Government should ensure that their problems are recognised and taken account of in the process of registering for the Access Card.

Issues that may arise for South Australians with a disability

Proof of identity

47. Some people with a disability find it difficult to prove their identity. Therefore, proof of identity requirements may financially disadvantage people with a disability as they may be required to gain identity verification documents such as a Birth Certificate or a Proof of Identity Card.

Registration Process

48. The registration process should not financially disadvantage people with a disability. Financial disadvantage may arise from:

- Registration process
- Proof of identification
- Voluntary information storage
- Vulnerability to repeated loss or theft

49. It is recommended that the Australian Government consider covering the costs relating to the Access Card for people with a disability.

Personal information management issues

Privacy

50. The Privacy Committee of South Australia is aware that much of the work being done by the Consumer and Privacy Taskforce and the Federal Privacy Commissioner is aimed at reducing the privacy risk to the customers of relevant Australian Government services. However, the South Australian Government may not be able to fully participate with the Commonwealth in activities requiring disclosure of personal information between the various privacy protection regimes. Participation may be restricted under the principles around transborder data flows.
51. There are also some further concerns around the impact that may be felt by state and territory governments and local government authorities in attempting to satisfy local privacy regimes while meeting the needs of the Australian Government. This matter is closely tied in with the issues facing states and territories regarding data matching or sharing and document verification, and deserves more attention, consultation and resourcing. (Refer to other parts of this submission that address, in particular, the role of the National Identity Security Strategy (paragraph 53) and Document Verification Service (paragraph 73)).
52. It is important that the specific National Privacy Principle of 'anonymity' be maintained for certain South Australian Government services. For example, current clients of mental and sexual health services in South Australia are able to obtain access anonymously. It should not become a condition of service that the Access Card be produced.

Intergovernmental Agreement to a National Identity Security Strategy (NISS)

53. The *Human Services (Enhanced Service Delivery) Bill 2007 Explanatory Material (21 June 2007)* states that the Administration (Identification) Rules will be consistent with the NISS established by the Attorney-General's Department (Page 6).
54. At the Council of Australian Governments (COAG) meeting on 13 April 2007, the Prime Minister, Premiers and Chief Ministers signed an Intergovernmental Agreement (IGA) committing all parties to 'develop and implement' the NISS. When the NISS is developed, it will become the national approach to effective identity management to minimise identity fraud and theft.

55. The South Australian Government notes that the NISS has yet to be finalised, which may impact on the development of the Administration (Identification) Rules.

Records Management

56. Administration (Information Retention and Disposal) Rules will be developed to manage the records and information collected during the registration process and whenever new information is collected or updated (see section 186 of the Bill). Proof of Identity (POI) documents, scanned at registration, will be kept and destroyed in accordance with these rules. As most POI documents are produced by state and territory governments, it is essential that state and territory Archives are consulted to ensure that the long term retention of these records do not conflict with records management and privacy regimes in these jurisdictions.

Registration

57. The registration process for the Access Card will require an individual to satisfy the relevant agency that they are who they say they are. Individuals will have to produce POI documents that are authentic and can be verified. Apart from the Australian Passport, most POI documents are produced by state and territory governments (eg Birth Certificates, Driver Licences etc). The IGA commits state and territory governments to ensure the authenticity of the POI documents. The accountability for these documents rests with state and territory governments, which includes the security, accuracy, and accessibility of the documents and the datasets used to create the documents.
58. The registration process will be formalised through the establishment of Administration (Identification) Rules. These rules will be established under the Access Card legislation and, similar to regulations, will be open to the scrutiny of the Commonwealth Parliament and can be disallowed.
59. The requirements for enrolment for the Access Card are likely to result in a significant increase in demand for birth certificates by the public who need to provide Proof of Identity in order to enrol. This will increase staffing pressures in the Births, Deaths and Marriages Registration Office.
60. This impact is likely to be felt relatively suddenly once enrolment opens and to continue throughout the enrolment period. Whether the growth in demand is sustained will then depend on whether the Access Card becomes a de facto Identity card; if agencies operating a POI regime start to accept the Access Card as an acceptable identity document, then the use of birth certificates as primary identity documents may drop significantly once the whole target population is enrolled.
61. What is more likely is that there will be a rapid growth in demand for birth certificates and then a slower return to current levels.
62. Providing a high level of service would be greatly facilitated if the balance of records expected to be sought after were computerised. At present, birth

records are computerised from 1944 to the present day, which means that for most people older than 62 or 63, the record has to be produced by access to microfilm index, then copying from microfilm. This process is much slower and more costly than production of a certificate from the computer system.

63. Further, the Commonwealth Government is assuming that when it wishes to verify records through the Document Verification Service (DVS), all target records held by state Births, Deaths and Marriages Registration Offices will be accessible for electronic verification. The Commonwealth has stated that the DVS will become operational in 2008 and that state BDMs will participate through an adaptation of the service the Registrars already run, the Certificate Validation Service (CVS).
64. There is no agreement between the states and the Commonwealth about participation in the DVS, with or without the use of the CVS as a vehicle, let alone how additional costs to the states will be funded. Currently, the fees paid by subscribers to access the CVS funds the service, but the Commonwealth has suggested that the states bear their own costs of setting up DVS connections, upgrading IT requirements and running the service. Furthermore, the Commonwealth has argued that there be no cross-charging for verification of documents through DVS, with all parties bearing their own costs. As it is likely that the number of checks requested by the Commonwealth of state agencies will greatly outnumber the number of state requests made of Commonwealth agencies, this appears to be a significant cost burden to state agencies.
65. Inevitably there are follow-up queries when a certificate fails to validate and if the records are not computerised, this leads to substantial manual checking and liaison between requesting agency and validating agency. Again the Births, Deaths and Marriages Registration Office would need to be resourced to meet this demand.
66. The Fels report on privacy implications suggested that applicants for birth certificates for Access Card enrolment should not have to meet the cost of certificates themselves, but did not specify how these certificates might be paid for if not by the applicant. It is not acceptable for BDM, which must recover all its costs and contribute to agency revenue, to waive fees for a large volume of clients. This would involve very significant cost-shifting to the State. In practical terms, it would be difficult to distinguish between people who want a birth certificate for a range of purposes (such as getting a passport, or marrying) and those who have no need for a certificate for any reason at all other than to enrol for the Access Card.
67. Current Commonwealth requirements for birth certificates (e.g. for Centrelink, Passports) are funded by the individuals in question, not by the agency or the Births, Deaths and Marriages Registration Office.
68. The potential demand for late registration (that is, registration of births of older children or adults whose births have never been registered) also has significant service quality and resource implications for BDM. BDM SA has a

protocol for such cases, which are relatively straightforward when hospital records are still in existence, but involve lengthy investigation when the records are not available, or the person was born without medical assistance, as is often the case for older indigenous people. While the Access Card proposals envisage alternative forms of Proof of Identity being accepted for remote community members, to apply this (less rigorous) standard to all persons who have never been registered (regardless of reason) would weaken the integrity of the Access Card's data by diluting the Gold Standard enrolment process to an unacceptable level. Where there is no prospect of verifying the birth with reliable evidence, it may be necessary to accept a lesser standard of proof, but wherever possible registration based on evidence, albeit from family and community witnesses, should be pursued. This suggests that there may be many more late registrations than usual to be processed against time constraints.

69. The pressure on state BDM outlined above will also have flow-on effects on state government archival services. In South Australia, BDM has regularly needed to access birth certificates held in the State Archives. South Australia's State Records currently provides a free service to BDM on a daily basis for access to these records, however the increase in demand will have a significant impact on State Records. It is also expected that individuals who will have difficulty locating documents to establish their identity may be the elderly or would have poor literacy skills. This will require State Records to ensure it has the appropriate skills and the level of service to deal with access to these records, which could also increase its demand on interpreter services.
70. It has been suggested the registration process will be offered outside standard office hours. This too could have an impact on the services provided by state and territory governments, where there may be an expectation that these service times be matched.
71. Furthermore, it has been suggested that local government offices could be used for registration. For South Australia, this is considered a significant risk because, without privacy legislation in South Australia, local government authorities are not covered by any privacy regime.

Data accuracy

72. To ensure the accuracy of personal information, agencies that are responsible for the data will be required to undertake data cleansing projects. In many cases, this will involve data matching sets of personal information held by different agencies that have been collected for a different purpose. Exemptions from the Information Privacy Principles, by the Privacy Committee of South Australia, will most likely be required in order to undertake this activity. The process will need to be managed to ensure ongoing protection of any newly created sets of personal information resulting from data-matching. These new responsibilities will require resourcing in terms of evaluating exemption requests, developing guidelines for data

matching and monitoring the ongoing data matching activities to ensure the protection of personal information.

Document Verification Service

73. The NISS (see also paragraph 53) will provide the verification standards for POI documents. Until this is developed, and agreed by State and Territory Governments in accordance with the IGA, it is unclear how much work will be involved for South Australia to comply with the standards.
74. Participation in the Document Verification Services as agreed under the IGA will require digitising many records currently only available in hard copy. The conversion of these records to digital format will require them to be produced in a preservation format for long-term digital records. South Australia, like many other jurisdictions does not have a digital record keeping strategy nor a digital archive for long term storage and preservation of electronic records. The South Australian Government is currently developing an across-government *Keeping Electronic Information Strategy* to guide the storage of electronic records by the South Australian Government.

Cost implications

75. There will be significant costs for state government, for business and non government organisations associated with the introduction of the Access Card.
76. These costs will arise from diverse sources, from modification of ICT systems to accommodate numbering changes and transitional requirements while both cards are in use, to the purchase of card readers.
77. For example, if Access Card readers are required across the health system to access pensioner, concession, Medicare and DVA status, and across most other state and local government agencies for FOI concessions, serious cost concerns arise given the range, location and size of agencies and health services.
78. There will also be costs associated with changes to business practices and staff training.
79. These costs need to be carefully calculated, and consideration given by the Australian Government to assisting the states and territories financially to offset these costs as part of the implementation process.

SA Government comments on the draft legislation

Definitions (Section 4)

80. The definition of *benefit* could be improved to make it clear that it encompasses all cases where a discounted service might be provided to a customer holding a Commonwealth Benefit Card, for example a pensioner discount at the hairdresser or movie cinema. It must be clear to business

owners that they are not committing an offence by requesting proof of concession status when offering these services. If this is not explicit, there may be an erosion of these services.

81. The definition of *health professional* as currently set out in the draft legislation may not be broad enough to encompass many situations where it may be necessary to require the production of an Access Card. For example, it is unclear whether this definition would cover administration, finance or customer service staff at community health services, public hospitals, service providers for clients of Disability SA or private health services such as pharmacies. This could lead to an offence being committed pursuant to s 131 of the bill. It is recommended that this definition be examined to ensure that it encompasses all state health professionals with a legitimate need to request Access Card information from a client.

Obtaining an Access Card (*Part 3 Division 3 and Part 4 Division 3*)

82. These sections deal with the process of registering and gaining an Access Card. The South Australian Government notes that these processes may have a particular impact on vulnerable people for whom it provides services.
83. For example, people with a disability may require support accessing and participating in the registration process. This may include:
- Interpreters for hearing impaired people
 - Accessibility to venues where the registration process is being conducted
 - Transportation to the registration venue
84. Additionally, the registration process should not financially disadvantage people with a disability.
85. Similarly, people who are homeless or from isolated locations may be particularly disadvantaged due to their circumstances and the Australian Government should ensure that the issues facing these groups are appropriately addressed in the process of registering for and gaining an Access Card.

Information stored on the Access Card (*Section 74*)

86. The South Australian Government notes that all the information that is presently on the surface of a benefit card will be included in the chip, including the residential address except in cases where the individual has an exemption pursuant to s 191 or 192. The South Australian Government emphasises the importance of access to residential address information in the delivery of State Government concessions. It is imperative that the South Australian Government is able to validate not only card status but also addresses for the purpose of delivering concessions such as council rates, energy, water and sewerage.

87. South Australian Government concessions do not rely on card type but payment type so details of payment type will need to be included on the chip for ease of advice to customers about eligibility.

Government access to information (Section 99)

88. This section is of significant concern to the South Australian Government, and the Australian Government is urged to carefully review its content. The South Australian Government will need to use the Access Card number as shown on the surface of the card to validate a card holder's status to deliver ongoing concessions and/or services. It is impractical to require a customer to present in person to enable delivery of these state government services.

89. The Access Card number will therefore be the only method by which validation of benefit status can occur. The South Australian Government is of the view that the need to use the Access Card number for these purposes should be explicit in the legislation and not simply governed by administrative rules made pursuant to s 99(5).

Requiring production of an Access Card (Section 131)

90. The South Australian Government is concerned that the wording of section 131 of the Bill does not properly consider the requirement for an individual to produce their Access Card to validate ongoing eligibility for state government concessions. The ambiguity arises because the South Australian Government does not directly provide the service or goods to the customer. (This is the position adopted by the Australian Tax Office in a recent ruling relating to Input Tax Credits.)

91. The Australian Government is urged to review the wording of this section to make it explicit that state government officers are not committing an offence to require production of the Access Card to validate continuing eligibility for concessions or services only available to holders of certain Centrelink or DVA benefits or cards.

Administration Rules (Part 9)

92. The South Australian Government notes that the Australian Government intends that a number of matters will be resolved through the development of Administration Rules. As state and territory governments are best placed to assess potential impacts from the implementation of the Access Card on their operations and the community, it is important that states and territories are consulted in the development of all administration rules.

Appendix A – Some SA Government concessions impacted by the Access Card

Name of concession	Who is eligible?	How do people apply for the concession?	Agency that administers the concession	How will the Access Card impact the administration of this concession?
<p>DVA Repatriation “gold” health card (Commonwealth issued card).</p>	<p> Holders of a valid Gold Repatriation Health Card – for all conditions clearly marked with the words TPI or War Widow and with a file number beginning with S.</p> <p> This card is valid for use only on Adelaide Metro passenger services to travel at concession fares.</p>	<p>Contact the Department of Veterans Affairs.</p> <p> The client’s eligibility for the DVA Repatriation Health Card is then determined.</p>	<p>Card issued by: Department of Veterans Affairs.</p>	<p>With the replacement of the DVA Repatriation “gold” health card with the Access Card, the Public Transport Division is unable to use the card as a concession without the installation of scanners on all Adelaide metro buses, trains and trams and portable scanners being made available to public transport inspectors.</p> <p>The drivers and inspectors use a visual point of the words TPI or War Widow and the file number beginning with ‘S’ to verify the passengers eligibility to travel using concession fares.</p>

<p>Transport Concession Card (State issued card but utilises Commonwealth issued card for verification purpose).</p>	<p> Holders of a valid Transport Concession Card issued by the Department for Families and Communities – Children, Youth and Family Services.</p> <p> This card is valid for use on both Adelaide Metro and Regional passenger services.</p>	<p> Contact the Department for Families and Communities – Children, Youth and Family Services.</p> <p> The applicant must be in possession of a valid Centrelink Health Care Card and receiving an approved benefit from Centrelink.</p>	<p> Card issued and administered by: Department for Families and Communities – Children, Youth and Family Services.</p>	<p> Applicants for the Transport Concession Card must present a valid Centrelink Health Care Card. The client's Health Care Card details are then entered into a Centrelink database to ensure the client is receiving a valid Centrelink benefit. This then determines the client's eligibility for a Transport Concession Card.</p> <p> Due to the Centrelink Health Care Card being replaced with the Access Card, the Department for Families would need to be issued with Access Card readers to allow the ability to check the applicant's details with Centrelink and eligibility to receive a Transport Concession Card.</p>
<p>Centrelink Pensioner Concession Card (Commonwealth issued card).</p>	<p> Holders of a valid Centrelink Pensioner Concession Card.</p>	<p> Contact Centrelink who determines the client's eligibility for</p>	<p> Card issued by: Centrelink.</p>	<p> With the replacement of the Centrelink Pensioner Concession Card with the Access</p>

	<p>This card is valid for use on both Adelaide Metro and Regional passenger services to travel at concession fares.</p>	<p>the card.</p>		<p>Card, the Public Transport Division is unable to utilise the card as a concession without the installation of scanners on all Adelaide metro buses, trains and trams and portable scanners being made available to public transport inspectors.</p> <p>Drivers and Inspectors would no longer have a visual means of determining the passenger's eligibility to travel using concession fares.</p>
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Department of Veterans Affairs (DVA) Pensioner Concession Card (Commonwealth issued card).	<p>Holders of a valid DVA Pensioner Concession Card.</p> <p>This card is valid for use on both Adelaide Metro and Regional passenger services to travel at concession fares.</p>	<p>Contact the DVA.</p> <p>The client's eligibility for the DVA Pensioner Concession Card is then determined.</p>	<p>Card issued by: Department of Veterans Affairs.</p>	<p>With the replacement of the Department of Veterans Affairs Pensioner Concession Card with the Access Card, the Public Transport Division is unable to utilise the card as a concession without the installation of scanners on all Adelaide metro buses, trains and trams and portable scanners being made available to public transport inspectors.</p> <p>Drivers and Inspectors would no longer have a visual means of determining the passenger's eligibility to travel using concession fares.</p>
Access to housing waiting list.	Residents of SA who meet Housing SA's income and assets tests and/or needs test.	Application.	Housing SA.	Income and identity requirements for access may be made more difficult.
Allocation of housing.	Customers accepted on to the waiting list.	Housing SA selection from the waiting list.	Housing SA.	Requirement for current income and identity details may be made more difficult
Rental Rebates.	Low income	Application.	Housing SA.	Proof of income

	public housing tenants.			requirement (for all income recipients in the household) may be more difficult.
Financial Assistance to establish private tenancies.	Residents of SA who meet Housing SA eligibility criteria for the service.	Application.	Housing SA.	Income and identity requirements for assistance may be made more difficult.
Income Confirmation Service and EasyPay payments system.	Housing SA customers who choose to utilise these systems.	Application.	Housing SA (in conjunction with Centrelink).	These services rely on Customer Record Numbers – if they are no longer available, alternatives will have to be developed (with possible IT implications/costs)
Freedom of Information (FOI) – Waiver of Fees and Charges.	All concession cardholders. A concession cardholder is defined in the <i>FOI (Fees and Charges) Regulations 2003</i> and includes individuals holding a concession card issued by the Commonwealth.	FOI applicants will either present it when they lodge an application or will include a photocopy of their card if they lodge the application by post.	All government agencies subject to the (SA) Freedom of Information Act 1991. This includes the local government councils and the three universities.	Proof of eligibility for fee waiver or reduction is required. Card readers will be required by all agencies, subject to the FOI Act to determine if a fee or charge can be waived. The Access Card will not be able to be used for lodging FOI application by post – will disadvantage regional people.
SA Ambulance Service membership discount.	Pensioners.	Submit application form.	SA Ambulance Service.	Need access to their pensioner number so it can be verified with Centrelink that

				they are a pensioner.
SA Dental Service – service only available to concession card holders.	Concession card holders. Health care card holder. Pensioner concession card holders.	Presentation of card at point of service.	SA Dental Service.	Need to be able to ascertain they are a concession card holder.
Hospitals – Pharmaceutical Benefit Scheme concession co-payment.	Concession Care holder. Pensioners. Health care card holder.	Presentation of card.	Public hospitals.	Need to be able to ascertain they are a concession card holder.
Hospital outpatient charges may apply for dental, spectacles, hearing aids, surgical supplies, prosthesis (not surgically implanted or artificial limbs), pharmaceuticals, aids, appliances, & home modifications. Hospitals have varying policies regarding charging.	Public patients.	If concession applies, presentation of card.	Public hospitals.	May need to be able to ascertain they are a concession card holder.
Community based health services – some services may be targeted to concession card holders or may include a reduced co-payment for service.	Service dependent – range of policies in place.	At point of service if concession status required to access service, presentation of card.	Range of community health services.	May need to be able to ascertain they are a concession card holder.

<p>Council, Water and Sewer Remission rates concession.</p>	<p>All holders of a PCC, DVA (TPI, EDA & War Widow).</p>	<p>Via an application form.</p> <p>Forms are sent from SA Water Corp. or customers can go through their local government office.</p>	<p>SA Water Corporation grant and maintain the concession on behalf of Dept. for Families and Communities, Anti Poverty Services and concession department.</p>	<p>The application process currently relies on applicants to visually show their cards to an approved sighter of the application (Local Government, Justice of the Peace, Families SA Officer, a Bank Manger and an SA Water Officer).</p> <p>With the introduction of Access Cards, the process can be maintained, but will require approved card sighters to have a reader.</p> <p>Changes will be required to approval processes. Card type will no longer be an option, and may need to be replaced by payment type.</p>
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