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SPEECH

Access Card - Inquiry into Human Services (Enhanced Service Delivery) Bill 2007

***Opening address to the Senate Standing Committee on Finance and
Public Administration***

2 March 2007

Good morning Senators. I would like to thank you for this opportunity to address you today.

You will see from our written submission that the Australian Privacy Foundation has launched a 'No ID Card' campaign, with the assistance of a number of other NGOs and individuals who are concerned about the Access Card proposal in general, and this Bill in particular.

Our campaign, and our submission, therefore traverse ground beyond just the privacy impacts of this proposal. We are also concerned about social justice impacts and financial impacts.

I don't intend to take you through our submission, although I am happy to take questions on any of the topics covered. In this opening statement I would simply note that our arguments against this Bill can be summarised as follows:

- that the Access Card is an ID Card, by design and by effect (and I remind the Committee that the Australia Card was not going to be compulsory to have or

to carry either, but it was clearly seen by the Australian public as an ID Card, and rejected as such)

- that the so-called safeguards in the Bill are so full of holes as to be pointless
- that the costs of the scheme will outweigh the savings
- that the risks of the scheme will outweigh the benefits
- that the likely social impacts on the disadvantaged make a lie out of the supposed aim of improving access to health and social service benefits
- that it is entirely inappropriate for Parliament to even consider this Bill in the absence of more details first being worked out, and
- that the Government's undue haste in this matter is grossly negligent.

I would like to just briefly expand on this point about the Government's undue haste. I am talking here about bringing forward this legislation before public consultation is even finished; about seeking to award tenders before the legislation is even debated in the Senate let alone passed; and in seeking to commence this project two years before the Document Verification Service will be ready for it.

This undue haste in awarding tenders exposes taxpayers to the risk of contractual liabilities, and implementing this project before the systems are ready for it exposes all Australians to an unnecessary risk of identity theft.

And all of this before the Government has even got the details clear in its own head.

Indeed one of the most disturbing aspects of this Bill is the fact that it is part of a package that is nowhere near complete.

It is very convenient for the Government to say – “oh don't worry about that, Allan Fels will figure that one out for us”. Or to say “oh that problem will be solved with guidelines, or in the second or third Bill”. It allows the Government to duck the tough issues today, with no guarantee that they'll really deal with them tomorrow.

But from a policy development point of view, from a project management point of view, from the point of view of any taxpayer worried about the potential waste of more than \$1 billion, this is an utter disaster waiting to happen.

The Explanatory Memorandum to the Bill concludes with a section titled "Matters not dealt with in the Bill". I have read the list of these matters, and was surprised to find that there is nothing about the most glaring omissions in this first Bill – such as the permitted or prohibited uses of the national population Register; or any restrictions or constraints on the role of third parties accessing the Register.

We can at this stage only imagine the queue of organisations wanting access, from other federal government agencies such as the Tax Office and the Electoral Commissioner, police and ASIO, State governments, businesses and professional associations, and perhaps even foreign governments.

Until we know what else is proposed, or how exactly this scheme will be managed, how on earth can anyone be satisfied with this Bill? How can Government members honestly put their hands on their hearts and claim this will not be an ID Card?

This failure to even grasp the *scope* of the issues that still need resolution is quite extraordinary, when you consider the Government thinks it can award tenders, sign contracts, and get through this legislation when the whole scheme is still only half-baked.

I wonder, are we in some kind of Donald Rumsfeld fantasy land? I suggest he might characterise this debacle of a policy process thus:

As we know, there are known considereds. These are things we know we have considered.

We also know there are known unconsidereds. That is to say we know there are some things we have not considered.

But there are also unknown unconsidereds, the ones we don't know we have not considered.

Ultimately, this Bill is proof that there are still so many unknown unconsidereds, and it is about time the Government grappled with the detail of what it is actually proposing, before asking Parliament, and the Australian public, to sign off on this bucket full of holes.

This legislation is so half-baked, so unworkable, that it cannot be fixed on the run. It cannot be fixed by amendment.

This Bill needs to be thrown out, so that as a society we can engage in a genuine and calm examination of how best to achieve streamlined services or a reduction in welfare fraud. The Access Card as proposed is not going to do it, and this Bill is not going to do it.

We most respectfully suggest that this Committee should, at the end of its deliberations on this Bill, ask four fundamental questions:

- where is the demonstrated and provable benefit for the Australian public? (or: whose access to services will be improved?)
- are the costs, and the risks, worth it for those benefits?
- what is the need to rush the legislation, the awarding of contracts, or the project start date? and
- why doesn't this Bill do what the Government says it does?

This project has all the hallmarks of a Minister sold on a particular technology; it's a solution looking for a problem. That, I would argue, is not a good enough reason to spend \$1.1 billion in an almighty hurry, or to put Australians at increased risk of identity theft.

I would now welcome any questions you have about our submission.