



ACCESS CARD (Health Benefits, Veterans' and Social Services Access Card)

Submission by Families Australia

Introduction

Families Australia is Australia's peak, independent, not-for-profit organisation which promotes the needs and interests of families. Established in 2001, Families Australia has a diverse membership base of almost 400 family and community sector organisations across Australia, including many peak national community service organisations. Families Australia also represents numerous local and regional community service organisations, such as child care centres and parenting, relationships and youth services. Specifically, Families Australia provides policy input to governments and government agencies and informs the community about national family issues.

The following submission is based on the views of Families Australia member organisations which were obtained through a member survey and other consultations in July-August 2007. Our submission is structured under the following headings:

- General comments
- Potential for use as a National Identity Card
- The registration process
- Groups with particular issues
- Privacy provisions
- Safety issues
- Added complexity for benefit recipients
- Child Care Benefit

General comments

Families Australia supports measures to ensure that benefits are delivered in an efficient and effective way to those who should receive them. The introduction of a new and complex system such as this needs to be carefully considered, to be informed by comprehensive public consultation and to be planned and implemented transparently. We note that fifty percent of Australians do not need a new and more complex card, as they do not access benefit payments but only need Medicare/PBS access.

Careful thought should be given to informing and educating all members of the public about the card and to addressing existing community concerns about how this card will operate. Government should engender a high level of trust among the public about the proposed card, its uses, access and privacy arrangements (see below) and record keeping and record sharing. This applies also to community organisations which are currently advocating on behalf of their clients; unless they are convinced

that there is some potential benefit to clients in this system, they are likely to participate only to the extent of trying to mitigate what they see as negative effects on the group/s they represent.

Public and community concerns are being exacerbated by the lack of detail in the Exposure Draft. We are being assured that the administrative regulations will contain more detail and more protections, and it is hoped that there will also be opportunities to comment on those once they are drafted and before they take effect. There are many issues that have been raised in discussions and are yet to be resolved.

There is a perception among many Families Australia members that Government has been hasty in running the tender process for card management and systems design before the legislation was tabled. This suggests that the intention was to rush the planning and consultation process. Pressure from tenderers lead to concerns that the consultation round will be foreshortened, possibly leading to problems during implementation which were not foreseen and which will reduce public confidence in the card. Perception of the current draft legislation is that little or nothing has changed so far as a result of consultation. Safeguards in the legislation, with little detail attached to the Customer Charter proposal and the Ombudsman role, appear to be vague and are not reassuring the public.

Potential for use as a National Identity Card

Despite assurances that there is no intention for this to become a National Identity Card, there is concern that the mandatory photograph on the card, together with the signature and the unique identifying number, effectively make it a National Identity Card. The use of a photograph and signature on the card itself, rather than in the chip, will promote the fear that it will become a *de facto* identity card. Some Families Australia members are of the view that it is already an ID card, by virtue of the decision to enable it to be used as a form of proof of identity outside government agencies. It will, they predict, become the norm for all agencies requiring Proof of Identity (POI) to request the card (although they cannot, at present, insist).

As delivery of services should mainly depend on card reader verification, it seems unnecessary to have such identifying features visible on the card itself. With Medicare and doctors' surgeries, as now, a number should suffice if no card reader is in place.

It should also be noted that good counterfeiters will not be deterred by having to counterfeit a photograph.

As the database that supports the card will hold a unique number for every registered person, a biometric photograph and signature, address and other personal details, it will be difficult to maintain that this is not an ID card.

The registration process

This will be particularly intensive and intrusive, time consuming and costly for the vast majority of Australian adults. The card is effectively compulsory, unless people can afford to opt out of Medicare and the PBS. As each person will need their own card, as opposed to the current system of multiple people on one card, virtually every adult will have to go through the process of obtaining, and paying for, necessary POI documents; completing forms; queuing in a government office; and having their photograph taken. If the POI documents are incomplete or unacceptable, the process begins again.

Because of inconvenience and cost, most people are likely to defer this as long as possible, leading to long delays towards the end of the registration period. The snowballing effect will be processing delays in organisations supplying the POI documents, including state registry offices.

Staffing

As a member of the Medicare Consumer Consultative Council, Families Australia was assured that additional staff would be in place to cope with the high numbers of registrations. We remain concerned that difficulties in recruitment, adequate additional funding and high training and support needs will make it difficult for all four involved Government agencies to meet the demand during a highly intensive registration period. High waiting times will alienate consumers.

Groups with particular issues

We also note that consideration will need to be given to some particular interest groups and how they might be affected by the card and the registration processes.

Indigenous people

Families Australia notes that there may be difficulties for some people in proving their identity. This applies now, and it is hoped that special provisions will continue to be made for Indigenous applicants.

It is unclear why photos are necessary at all (see below). If they are, it is important that photos be optional and that no pressure be placed on any person to have their image recorded. This may apply particularly to many Indigenous people but would not be restricted to them. People with a disfigurement, including burns victims, may also be uncomfortable with having their picture where they will be confronted with it frequently. There will also be some with religious or superstitious objections, and these should be respected.

Young people

The legislation sets the benchmark for a legal right to a card at 18 years. Anyone below the age of 18 will require an exemption from the relevant Minister to get a card. While the current Minister has given assurances that he will give all young people aged 15-18 who want an Access Card the necessary exemption, consistent with the current Medicare policy, this guarantee cannot be made for future ministers or future governments.

Requiring all young people to be on their parents' Access Card would deny young people the opportunity to access health care independently and would compromise their right to confidentiality of treatment.

Confidentiality and privacy in accessing health care is central to young people. For the past decade, an unprecedented amount of resources have been dedicated to promoting 'help seeking behaviours' and early intervention for young people in relation to health care. Particularly in the areas of mental health, family planning, sexual health and alcohol and drug treatments, confidentiality is one of the most important aspects for young people. The right of young people to have a card of their own should therefore be enshrined in the legislation.

Institutional care survivors

It is also possible that a small number of the 500,000 people who were in institutional care (mainly orphanages) in the last century will face difficulties. The non-existence

of documents such as birth certificates will make it difficult for some to prove identity. This is not expected to affect large numbers, but sensitivity will need to be shown.

This group, known as **Forgotten Australians** after the title of a Senate 2004 Inquiry, faces several other difficulties:

- Many have changed their names informally and are “known as” something different to what is on any birth records.
- Many have been and remain unable to settle in one place.
- Lack of education means many are homeless.
- There is a high rate of illiteracy among this group.
- Poor treatment of them as children has led to lifelong trauma and other mental illnesses. When combined with the lack of social status that education and employment bring, this makes them as a group very untrusting of governments and government bureaucracies. Generally, they lack confidence, become frustrated easily and may feel that they are personally under attack.

One support group for Forgotten Australians is the Care Leavers Australia Network (CLAN). CLAN has suggested that Forgotten Australians be given the option of including an identifier on the card which would be a signal to informed health professionals about the likelihood of childhood trauma and complex health and wellbeing issues experienced by the individual. CLAN and other support groups are working with Families Australia to educate health professionals about ways of connecting with Forgotten Australians and better addressing the issues arising from their experiences.

Migrants/refugees who have been subject to political or social persecution

The prospect of having to prove identity will be of particular concern to people whose safety is directly threatened by the revelation of their true identity. There are people living in Australia because they have alienated a foreign government, through their political or religious practice or through failing to comply with social norms. Such people often assume another identity to protect themselves. It is hoped that their fear of persecution, kidnapping or assassination will be treated seriously, their real details will not be recorded, and any alias under which they choose to live will be respected.

Grandparents as primary carers for grandchildren

(Note that this also applies to other kinship carers.)

Medicare

Grandparents presently face difficulties in accessing Medicare benefits for grandchildren who are in their care. While systems are in place to allow the person who pays the medical bill to claim the rebate, better staff training would ensure that all offices know about and observe these provisions. Grandparents can now have grandchildren’s names added to their Medicare cards, provided their names are only on one other card. If both parents, in a shared custody situation, have the children’s names on their cards, it is not currently possible to add them to a third card. We understand Medicare is investigating this. We hope any Access Card arrangements will be more flexible, and that there will be provision for children’s names to be added once grandparents become primary carers.

Family payment

When the card becomes a Centrelink benefits card as well, it should be noted that not all grandparents claim Family Tax Benefit for children who are in their care. Complex and difficult family relationships can lead to a decision by grandparents to allow the

parent/s to retain Family Tax Benefit; this is usually because grandparents fear (or know) that parents will take the child back if necessary to retain the income. Where grandparents believe strongly that a return to the parent is not in the best interests of the child/ren (for example, where substance abuse is an issue), and know they only keep the children while the parent agrees, they will forego this entitlement.

System designers need to be aware that there can be no assumption, in policy procedures or in IT systems, that the primary carer of a child will be the person receiving the Family Tax Benefit for that child.

Access to documents

Grandparents and other kinship carers may need assistance in accessing necessary documents relating to the identity of children in their care.

Existing arrangements provide that they can demonstrate that they are caring for children by producing a letter from a doctor or school. This flexibility needs to continue.

Privacy provisions

There appears to be a strong community perception that the central data base where personal information will be held will not be secure. The more information is stored, the more attractive it will be to hackers, and it is impossible to guarantee the security of any system.

There is also concern about the potential for Government to combine all information from agencies flagged on the card as assisting the user into one giant database. The legislation does not appear to prevent this from occurring. It should be possible, and would be preferred, for the Government to legislate to keep the Register entirely separate from any individual agency's information about the person concerned.

A related perception is that information supplied for one purpose (claiming a benefit) will be made available to other government or non-government agencies without the knowledge and consent of the individual. This includes police and security agencies. Exchange of information already occurs in some contexts, mainly to counteract fraud, but would presumably be easier with a common identifying number and more extensive stored information. Any such arrangements with respect to the access card need to be transparent and detailed upfront to allay privacy concerns. There also needs to be some assurance that this will not open the system to abuse, given that law enforcement authorities do not appear to be obliged to obtain warrants under the proposed legislation; the permission of the Secretary is all that is required.

There was concern about the earlier proposal, apparently now abandoned, to retain personal documents on the Register, such as birth certificates. Families Australia supports the decision not to retain these documents.

There is some public concern about the access to personal medical information by anyone with a card reader, including doctors' receptionists. There need to be legislated assurances about levels of access and the means by which certain information will be protected.

Concern has been expressed that the draft legislation allows the Department of Human Services to give access to sensitive information to police and intelligence

agencies, without warrants. The weaker, non-judicial certificates system will cause grave privacy concerns.

Audit logs

Another privacy issue relates to the possible tracking of individuals' activities through their use of the card; for example, that non-government agencies, including banks and rental stores, will use customer numbers in their data bases to acquire and store as much information about customers as possible, to be used in targeted marketing strategies. While there will be no obligation for customers to provide the card as a form of ID, community perception is that it will become the preferred form of ID for most agencies and that customers will be unaware of their right to withhold their personal number or will bow to pressure and do the easy thing, unaware of the possible consequences to their privacy. Such information could be potentially useful to marketing organisations.

Safety issues

Material stored on the card at the card-holder's discretion should not include medical information unless it has been authorised by a duly authorised health professional.


Added complexity for benefit recipients

There is concern that families who have sudden changes in benefit entitlements because of family breakdown, change of custody, family violence incidents and the like, will face delayed payments. Any undue lag time in application of the appropriate adjustments or issuing of new cards could cause significant hardship and re-settlement difficulties for these most vulnerable of families.

Child Care Benefit

Some Families Australia members expressed concern about the Child Care Benefit being attached to the card: they fear delays, cancellations and errors will be exacerbated by the complexity of the new system.

Thank you for the opportunity to comment on the Exposure Draft.



Brian Babington
Chief Executive Officer

21 August 2007