On 21 February, the Department received on notice 92 questions from Senators Lundy and Nettle. A further 19 questions were received from Senator Stott-Despoja on 27 February.

A further three questions were received from Senator Stott-Despoja on 7 March and 9 questions from Senator Nettle on 8 March

Some of these questions contained sub-parts.

In addition a further 10 questions were taken on notice during the Senate Inquiry hearing on Tuesday, 6 March.

The total number of questions is 160.

In the Additional Budget Estimates Hearings on 16 February, Senator Nettle requested that the Department seek to provide as many answers as possible to questions on notice before the Senate Inquiry into the Access Card Bill commenced on 2 March. In reviewing these questions, the Department noted that a number of these matters have already been addressed, and answers provided, during the actual Hearings. The Department therefore identified those questions where answers had not been provided, and where the question related directly to the Bill, in order to prioritise answering these questions.

Sixty responses to questions from Senator Nettle were forwarded to the Committee on 28 February.

Further responses are attached.

The Department also draws on the Committee's attention to the very extensive submission it has provided to the Committee on the Card and to the supplementary submission provided at 5pm today.

55. Has the Privacy Impact Assessment examined the likely link between the so-called access card and public transport ticketing programs?

The Consumer and Privacy Taskforce will be undertaking a Privacy Impact Assessment.

61. If officers are going to check the person as against their photograph in the database, why does the card also need a photograph?

See Supplementary Submission.

62. Who will have access to the data held in the SCRS?

Only approved officers will have access to information in the Register. As is standard practice across the Human Services agencies the Agency Head will approve varying levels of access on the basis of operational requirements. This will be subject to strict oversight by the Office of Access Card.

63. Approximately how many different people will have access to the SCRS across DVA and DHS?

Only approved personnel will have access to the Register. While DHS agency and DVA staff will have the ability to update the contents of the Register, such as an address change, only a very limited subset will have the ability to read the contents of the Register.

64. What strategy is there to make the people who have authorised access to create, add to or amend records in the SCRS less 'error-prone' than existing DHS / DVA staff?

The system used to control access to the Register will log all access to the Register and processes will be put in place to ensure legitimate access to records by approved users.

When recording customer information during their registration interview, customers will be given a copy of the information they provided for their verification. (Refer Access card Inquiry Proof Hansard 6 March 2007, page F&PA 126.)

66. What are the full range of dependent relationships to be recorded in the SCRS – e.g. spouse, de facto spouse, same sex partner, parent, non-custodial parent, step-parent, foster parent, carer …?

The Register will include some dependant relationship information but will not define the nature of the relationship.

Recording of relationship information will remain with the agencies and will not be included on the access card.

68. How will third party access be made available, and in what circumstances?

Third parties will not have access to the Register.

69. Will all information on the SCRS be made available, or will components be 'siloed'?

Information in the Register is subject to strict access controls on a "need to know" basis. In addition, the system is modularised (i.e. siloed). For example, the photo database is kept in a separate part of the Register.

QUESTION 1:

Ms Scott—I indicated what we had done in relation to one matter where I had stipulated a search warrant would be required, and then you asked me questions, Senator Nettle, on whether I had received requests from ASIO and I indicated that I had not had a request made. I think your question now goes back to the Chair's questions about frequency of requests. I did not want you to misunderstand.

Senator NETTLE—What you are coming back to us with is how many requests you have had for access from ASIO and AFP.

Ms Scott—I said that I will take the question on notice.

Senator NETTLE—Can you do it on the basis of ASIO, AFP and then any state police?

Ms Scott—All I can do is take the question on notice. I cannot indicate what the answer will be.

CHAIR—There may be operational sensitivities, which I understand.

Ms Scott—That is right. I just simply want to take the question on notice.

Senator NETTLE—If you are able to separate into those agencies, that would be appreciated.

ANSWER

Following consultation with ASIO and consistent with long standing Australian Government policy, DHS is unable to comment on this matter as it relates to national security.

DHS is consulting with the Australian Federal Police on whether this question relates to operational issues and therefore whether the information can be released. We note from the Senate Inquiry Hansard on 6 March 2007 that the Australian Federal Police have taken a similar question on notice.

QUESTION 3:

Senator LUNDY—I want to ask some questions about the existing Commonwealth databases. It is stated often that this will be completely separate and will not have any relationships with any of those existing databases. Could you tell me how many existing databases there are within Human Services that contain information of a service nature that the users of the Commonwealth services currently access.

Ms Scott—We have six agencies within Human Services, and Veterans' Affairs is also a participating agency, so you consider that there are seven agencies. I can imagine that the committee might think that that means that there are seven databases, but there are not.

Senator LUNDY—We know that is not true.

Ms Scott—No, there are not. There are many, many more. There is a legislative requirement in the case of Medicare to have a separate database for the Pharmaceutical Benefits Scheme and the medical benefits scheme, so there are two completely separate systems there. I think at one stage I was briefed that Medicare was in the process of rationalising how many completely separate systems operated. I cannot recall what it was going down to, but my recollection is that it started at 27.

Senator LUNDY—That is one agency.

Ms Scott—Now you are going to ask me about the others. I will take that question on notice. It is going to be a number considerably larger than 27, but I do not know how much larger.

ANSWER

Child Support Agency

CSA maintains a single database that contains customer information. This is CSA's core mainframe application. There are 2 subsets of this mainframe database - the first in the Data Warehouse, the second in a database of customers who use our secure web service (CSAonline). The mainframe application and its subsets will not be accessible to the Access Card database.

CRS Australia

CRS Australia utilises one database which is used to support CRS Australia's core business of vocational rehabilitation. Access to this database is controlled by login security based on a staff member's duties and the secrecy provisions of Section 28 of the *Disability Services Act 1986* apply.

Centrelink

The databases are listed below:

General Databases

1. ISIS: This is the main database holding customer service data across all benefits.

2. ACE: This contains data archived off ISIS after a few years.

3. SOM: This is a database of customer letters that customers can view over the internet.

4. OCL: This database holds temporary data for claims lodged over the internet. The data is deleted when the claim is moved into ISIS.

5. TRIM: This database keeps track of the location of the paper files for a customer.

Specialist Databases

There are a number of other databases that are derived from ISIS data, but are not used for individual customer service needs. They often hold the Centrelink Reference Number, but are accessed by specialist teams in National and Area roles.

6. Data Warehouse: This contains a copy of some of the data in ISIS for analysis purposes.

7. Data Marts: This data is de-identified and aggregated.

8. CRAM: This is a log of who looked at what when.

9. Webcapture: This is a log of the actual screens viewed by customers while carrying out self-service over the internet.

10. IVR/NLSR log: This is a similar log of customer self service over the phone.

11. Compliance and Review: There are a number of databases restricted to specialist staff eg
    CHEOPS - Cash Economy Optical Surveillance
    GEMS - Generalised Enquiry Matching and Search.
    LIMS - Local Initiative Management System
    RRRS - Random review result system

12. Inadvertant Access database: records where a staff member has inadvertently accessed a customer record.

Other Databases

There are a number of other databases that refer to other customer information. Many of these hold the Centrelink Reference Number if known, but also have to deal with anonymous cases.

13. Freedom of Information database

14. Legal Services Database

15. Tip Off Recording System

16. Interpreter Booking System.

Medicare Australia

Medicare Australia provides the following response to this question:

Medicare Australia presently has 18 databases of a service nature that contain consumer and/or provider information. (There are 7 other databases that do not contain consumer and/or provider information.) These databases are used by Medicare Australia employees to provide required services to members of the public. The databases are as follows:

- Australian Childhood Immunisation Register
- Co-ordinated Care Trial
- Compensation
- Provider Directory
- PRISM (Program Review Information Standards Management)
- Medical Indemnity
- Medicare
- Office of Hearing Services
- Pharmaceutical Benefits Scheme
- Veterans' Affairs Processing
- Western Australian / Visiting Medical Practitioners
- 30% Private Health Insurance Rebate
- Common Payments System
- Consumer Directory Management System
- Special Assistance Scheme
- Professional Review
- Incentive Payments
- Enterprise Data Warehouse

Australian Hearing

Australian Hearing has three (3) databases that we use to manage the services that we deliver to our clients:

- AHCIS - for clinical practice management
- NOAH - for management client hearing aid fitting
- Talinga - for remote indigenous special services

Health Services Australia

The HSA Group utilises three main business operating systems which include data on clients. The first of these is the ELMA system which is used by the Occupational Health ("Health For Industry") and Occupational Rehabilitation ("Work Solutions Australia") business lines. This database contains information pertaining to clients undergoing rehabilitation and personal and contact details of clients whose injuries have been managed or who have undertaken medical assessments for various purposes. Neither the actual content of medical assessments nor patient clinical notes are contained in the database.

The main operating system utilised in the HSA Group's travel health business line ("Travel Doctor-TMVC") is Walkabout. This database contains patient medical and vaccination history as well as personal and contact details. Patient clinical notes are generally not contained in the Walkabout database. The Travel Doctor-TMVC also utilises a web accessible operating system – the Corporate Desk. This database also contains patient medical and vaccination history as well as personal and contact details and in some cases, patient clinical notes.

Department of Veterans Affairs

DVA is currently upgrading and consolidating its various client databases into one under the Curam platform.

QUESTION 5:

Senator LUNDY—Will there be a licensing fee for those businesses getting the offline reader?

Ms Scott—Because we are now getting to the speculative part, I just want to make sure—

Senator LUNDY—No. It is basic facts about the nature of this system. I do not think it is complicated at all.

Ms Scott—And I want to be clear so there is no potential for misunderstanding, so if you will just bear with me.

Ms Johnson—There will be 50,000 terminals that will be used by service providers, covering GPs, pharmacists, specialists, hospitals and the agencies.

Senator LUNDY—And allied health?

Ms Johnson—I will take that one on notice.

ANSWER

No. Users of the offline readers will not pay any licensing fees.

QUESTION 6:

Senator FIERRAVANTI-WELLS—We had some people who gave evidence on Friday on this, but I wonder if you have this information, and that is about the usage of access cards around the world. You have obviously done some work on that and its various formations and permutations around the world, in particular the ones that have the propensity to have photographs on them—other cards around the world similar to this one, and I assume that most of them have a photograph on them. So if you do have that evidence I think that that would be useful.

Ms Scott—Okay. We will include that too, Senator. We will take that on notice.

ANSWER

Please refer to the DHS Supplementary Submission which provides examples of the use of the photo-based cards for health and social services.

3. **Why is necessary for the Minister to have the power to change the name of the card and the scheme (s.21 (1))?**

The Health and Social Services Access Card is not intended to be the permanent name for the access card.

In order to provide adequate protection for the new name of the access card the Bill provides legislative protections that will protect the investment in the new name.

Please see pages 30 – 31 of the Explanatory Memorandum.

5. **Is there currently in existence in Australia a singular legal definition of what constitutes a "legal name"?**

The Department is not aware of any singular definition of what constitutes a legal name.

6. **Won't this bill create for the first time a single unified means of defining a legal name for each person?**

No. The provision in the Bill relating to legal name is only a definition <u>for the purposes of the Bill</u>. It is not a provision which attempts to alter any existing law. Nor does it create any general legal precedent in relation to what is or is not a person's legal name for other purposes.

There are other definitions for the accepted name for legal documents in other legislation, such as travel documents issued under the *Australian Passports Act 2005,* for example:

53 Form of Australian travel documents

(1) Australian passports may be issued in the name of the Governor-General.

(2) Australian travel documents must be issued in forms approved by the Minister.

(3) The name of the person to whom an Australian travel document is issued must appear on the document. Except in the circumstances specified in a Minister's determination, the name must be:
   (a) the name on the person's birth certificate; or
   (b) the name on a certificate of citizenship granted to the person under the *Australian Citizenship Act 1948*; or
   (c) the name on a certificate, entry or record of the person's marriage, being a certificate granted or entry or record made by the Registrar of births, deaths and marriages (however described) of a State or Territory; or
   (d) the name included, by way of effecting a name change of the person, on a register kept under a law of a State or Territory by the Registrar of births, deaths and marriages (however described) of the State or Territory.

7. **Should the decision of what constitutes a persons legal name be in the hands of the Secretary?**

The Bill does not give the Secretary any power to determine what constitutes a person's legal name.

9. **What is the Department's response to the concerns expressed by the ABA that the legislation creates conflicting responsibilities for banks between their obligation to the Anti-Money and Terrorist Financing laws and the restrictions on them recording information on the card?**

Neither the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (AMLCTF Act) nor the AMLCTF Rules refer to the access card. The AMLCTF Act does not impose any obligations, on any organisation, in relation to the yet to be introduced and implemented access card. The AMLCTF Act is not inconsistent with the access card legislation.