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Senate Finance and Public Administration Committee  
Department of the Senate  
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### **Access Card – Inquiry into Human Services (Enhanced Service Delivery) Bill 2007**

The Finance Sector Union of Australia (FSU) welcomes the opportunity to contribute to the consultation process for the review of the Access Card Bill.

The FSU represents 60,000 members employed in the finance sector across Australia. Our brief submission focuses primarily on the use of the access card for identification purposes in relation to financial services and the potential implications for finance sector staff. Potential privacy issues are also raised.

The FSU supports the right of people to be able to use the Access Card for identification purposes **if they so choose**.

#### **Use of Access Card as identification**

Part 4 of the Bill creates a number of offences in relation to the card that may put finance sector staff inadvertently at risk during the course of their normal duties such as opening accounts. In particular sections 45(2) and 46(2) will prohibit staff from making any “statements” that a card owner could “reasonably understand” to mean that they are required to produce their access card for identification or supply of goods or services.

Many people do not regularly carry a passport or a drivers licence and routinely use various government issued cards or documents for identification that will be replaced by the access card. In the scenario where such a person wanted to open an account a finance employee might have to explain that they are not required to produce their access card, however without it they cannot open an account – technically the person has a choice but it is easy to see how they could “reasonably understand” they are being asked to produce their access card.

For this reason we recommend that sections 45(2) and 46(2) be amended to exempt finance sector companies and staff. This would provide greater security for finance sector staff in their normal duties without altering the prohibition on directly asking for an access card.

#### **Recording of Access Card details**

We understand there are defences available under the *Criminal Code* for situations where details of an Access Card are recorded to comply with the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*. However, for the sake of clarity we recommend this be made clear in section 57 of the Bill to ensure that

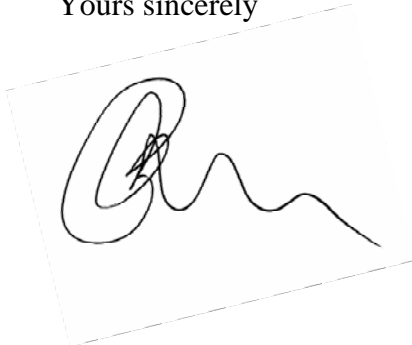
finance sector staff who do record the details of the card are not subject to uncertainty or increased risk.

### **Off-shoring of data**

An additional concern is the storage and handling of access card data once it has been recorded by a finance sector company. Many banks are now performing data storage and handling processes 'off-shore' in locations that have less stringent privacy protection regimes than Australia. The FSU has long advocated that any consumer data should not be transferred off-shore unless the customer gives express permission for the transfer to take place.<sup>1</sup> Given the potentially sensitive nature of information recorded on the Access Card we encourage the committee to recommend such a requirement (either in the Bill or through the *Privacy Act*).

If you have any questions in relation to this submission please contact our National Communication and Policy Manager, Rod Masson, on (03) 9261 5330.

Yours sincerely

A handwritten signature in black ink, appearing to be 'P. Schroder', enclosed within a thin, light-colored rectangular border. The signature is fluid and cursive.

Paul Schroder  
National Secretary  
7 March 2007

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<sup>1</sup> **Off-shoring-Where to from here??** - The implications of global outsourcing for the Australian finance industry and the need for a legislative response from Government – **FSU Policy - July 2004**