

Late submission by Dr Michael Head, Associate Professor of Law, University of Western Sydney

The Australian Security Intelligence Organisation (ASIO) director Paul O'Sullivan has told the Senate committee that ASIO would not need a warrant to obtain information from the national "access card" data base [*Sydney Morning Herald* 7 March 2007].

This statement underscores why this entire proposal should be rejected as a police-state measure.

The response to ASIO's statement by the Department of Human Services secretary Patricia Scott only confirms that the data base will be readily accessible by the intelligence and police agencies. She said that after talks between lawyers for ASIO and the department, ASIO could ask her department for access, and if refused, seek a search warrant [Above].

This testimony confirms that the Australian government is seeking to introduce a national identity card, thinly disguised as an "access" card needed to obtain public health and social services. In an unprecedented operation, the government plans a mass registration drive, starting early next year, to photograph and record the details of 16.7 million people—almost the entire adult population—by 2010.

Prime Minister John Howard and his ministers claim that the access card is not an ID card—it will not be compulsory, nor will people have to carry it for identity purposes. But it will inevitably become a de facto ID card, complete with photo and identity number. From 2010, no one will be able to receive a pension or social security benefit, a child support payment, medical services under the Medicare health scheme or treatment in a public hospital without it.

In the words of the government's own advisory taskforce, "almost every Australian is likely to need an access card". Secondary and tertiary students, for example, will be denied Austudy living allowances unless they have one. The same will apply to nearly three million aged and disability pensioners, taxpayers who receive family tax benefits, the unemployed and war veterans.

The most far-reaching aspect of the scheme is the creation of the first-ever national database of Australian citizens and residents. It will contain high-resolution biometric facial photographs of all cardholders, together with a digitised signature, card number and other personal details, including residential address, date of birth, social security and concessions status, and copies of all documents used as proof of identity. Details of children and other dependants will also be recorded, making the data virtually universal.

The government insists that "there will be no Big Brother" because it is not amalgamating existing agency databases. The reality is that the near-universal electronic register will be available to the Department of Human Services, Centrelink, Medicare and other service providers, and can therefore be linked to taxation and other government databases. It can also be accessed by the police and intelligence agencies. In fact, three of the government's key spy agencies—ASIO, the military's

Defence Signals Directorate (DSD) and the Australian Federal Police (AFP)—are closely involved in setting up the security systems for the register.

The data bank will provide the infrastructure for mass political surveillance. For instance, the 3-D biometric photos will be backed by advanced facial recognition technology and compatible with the footage taken by thousands of CCTV cameras across the country. Police and ASIO operatives will be able to watch recordings of political demonstrations, as well as everyday street scenes, and match faces to the register.

Under the euphemistic title of Human Services (Enhanced Service Delivery), the project seeks to implement an historical transformation in the relationship between citizens and the state. Never before, not even in World Wars I and II, has an Australian government set out to record and store identity records for the whole population.

The government's own Consumer and Privacy Taskforce, headed by former corporate regulator Allan Fels, stated: "No previous Australian government, even in wartime, has effectively required all its citizens to give it a physical representation of themselves, nor contemplated having this stored in one national database."

During World War II, Australians were compulsorily registered under the *National Security Act 1939* and the *National Registration Act 1939* and were given basic ID cards under the 1947 *National Security (Manpower) Regulations* to control aspects of post-war rationing. But previous attempts to introduce ID cards on the pretexts of combatting drug trafficking (recommended by a 1980-83 royal commission) and cracking down on taxation, welfare and immigration fraud (the 1985 Australia Card) were dropped in the face of public opposition.

There are telling parallels between the Howard government's plan and the Labor government's efforts in the mid-1980s to impose an "Australia Card". Prime Minister Bob Hawke and treasurer Paul Keating initially proposed a card, supposedly for tax and welfare purposes, which soon evolved into a full-blown ID card. The Labor leaders were so determined to proceed that they called a rare double dissolution election for both houses of parliament in 1987 after the Coalition and other parties defeated the legislation in the Senate. Labor failed to win a Senate majority, however, and eventually abandoned the project.

Having opposed the Australia Card, Howard instigated his own initiative in the wake of the July 2005 London bombings, saying an ID card might be "one of the things that is needed to be added to our armour" in the "war on terror". His comment, however, attracted considerable criticism from civil liberties groups and others. In April 2006, the government said it would not proceed with an ID card—but simultaneously announced the access card plan. Since then, it has allocated \$1.1 billion over the next four years, both to design and roll out the system and to mount a "public education" campaign to overcome popular resistance.

The main selling point of the official "information program" is that the access card will replace up to 17 existing entitlement cards, cutting red tape and making life easier for recipients. But the government's own taskforce pointed out that the database

might be completely unnecessary to confirm eligibility for benefits. All the information needed could be stored in individual chips on smart cards, a “well-established technology”.

Moreover, Attorney-General Philip Ruddock has admitted there are no legal impediments to a future government turning the scheme into an ID card. “It’s never been asserted that you can legislate now and that a new government can’t amend it. It’s always been possible.” Ruddock failed to mention that the current Bill itself allows for “function creep” without any further legislation. The government can issue regulations to widen the scope of the information recorded in the database, and the list of “authorised persons” able to access it.

It is already clear that businesses will routinely ask for access cards as proof of identity, despite the government’s claims that it will be a criminal offence to force anyone to show their card. Apart from the potential profits on offer, the electronic linkages to financial and retail institutions further extend the possibilities for joint government-business monitoring of individuals’ movements, transactions and financial positions.

The scheme forms part of a wider assault on fundamental legal and democratic rights. Under the banner of the “war on terror,” more than 40 pieces of federal legislation passed since 2002, creating the framework for a police state. This includes detention without trial, vague and far-reaching definitions of “terrorism”, “advocating terrorism” and “sedition”, the banning of political organisations by executive fiat and semi-secret trials. Now, the technological infrastructure for identifying, monitoring and arresting victims is being prepared.

It is no coincidence that the Blair government in Britain, one of the Bush administration’s major coalition partners in the occupation of Iraq, is pushing ahead with a full ID card scheme, due to commence later this year. The real target of these measures—in both the UK and Australia—is not a handful of terrorists or welfare fraudsters. It is the mass of ordinary people who are becoming increasingly hostile to the eruption of militarism and war, the assault on democratic rights and escalating social inequality.

While several Coalition MPs have expressed concerns, they have indicated they will not block the Bill. As for Labor, it has already assured the government of “in-principle” support. According to shadow minister Tanya Plibersek, Labor wants to help find “solutions” that “address the privacy concerns of all Australians”. In other words, whatever is said for public consumption, there is a fundamentally bipartisan line-up in favour of imposing some form of ID card.

I would welcome any comments on this submission: m.head@uws.edu.au