



## **Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2005**

### ***Senate Finance and Public Administration Committee Inquiry***

(at [http://www.aph.gov.au/Senate/committee/fapa\\_ctte/electoral\\_integrity/index.htm](http://www.aph.gov.au/Senate/committee/fapa_ctte/electoral_integrity/index.htm))

### ***March 2006, Supplementary submission by the Australian Privacy Foundation***

**- concerning items 8-11 of the Bill, relating to access to the electoral roll for the purposes of identity verification under the Financial Transaction Reports Act 1988 (FTR Act)**

We submit that these provisions are ill-conceived, and pre-empt the new anti-money laundering/counter terrorism financing (AML/CTF) legislation being proposed to replace the FTR Act. A draft exposure AML/CTF Bill is currently being considered by the Senate Legal and Constitutional Committee.

The provisions should be withdrawn pending detailed consideration in the context of the AML/CTF legislation and the government's wider consideration of identity management, including the Document Verification Service currently being developed and trialled, and with more detailed consideration of privacy implications.

Successive amendments to the Electoral legislation in recent years have progressively extended the permitted use of electoral roll information by other government agencies, for purposes unrelated to electoral or political processes. However, at the same time, the use of the roll by the private sector has been curtailed – at least partly in response to privacy concerns. The current prohibition of commercial use of the information is a direct response to those concerns.

Items 8-11 of this Bill attempt to allow use by thousands of private sector 'cash dealers' for FTR Act identity verification while at the same time purporting to continue to restrict commercial use.

We submit that this is an impracticable and ineffective attempt. It will be impossible for 'cash dealers' accessing electoral information for identity verification not to make use of it for their own business purposes. It is completely unrealistic, for example, to expect a bank which uses the electoral roll to establish that a customer has different name and/or address particulars not to also record that information in its customer database and use it for commercial purposes, including normal customer contact and marketing.

Allowing access to the electoral roll for FTRA identity verification effectively amounts to allowing its use for updating customer records. Under the proposed new AML/CTF

legislation, a whole new range of 'reporting entities', including thousands of small businesses, will acquire customer identification obligations, and with it access to electoral roll information.

As well as this being a concern in itself, the competitive advantage that access to official name/address information will give to FTRA reporting entities will inevitably lead to pressure from other businesses for access, on competitive neutrality grounds. It seems likely that any pretence of restricting 'commercial use' will soon be found to be impracticable and be abandoned.

It is therefore essential that any changes along the lines proposes should be presented, and debated, as a fundamental reversal of the only recently imposed restriction on private sector uses of the electoral roll. This is a major privacy issue which should not be avoided by treating the FTRA identity verification as something that can be dealt with as an incidental amendment in this Bill.

Full consideration of the privacy implications of these changes would have to address the very real issue of data inconsistency which inevitably arises whenever information collected for one purpose is used for another. There are many legitimate reasons why an individuals name and address details as registered for electoral enrolment may not match the details given for opening accounts or other customer registration (including different names before and after marriage/divorce; multiple or alternate residences/postal/business addresses etc).

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