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LAW ENFORCEMENT POWER AUDIT

The House of Representatives Social Policy and Legal Affairs Committee has called for the Attorney-General to audit Australia's law enforcement agencies to justify recent and proposed expansion of their investigative and coercive powers.

The committee made the recommendation as part of its review of the Crimes Legislation Amendment (Powers and Offences) Bill 2011, which contains changes to how DNA evidence can be collected and used, how the Australian Crime Commission operates and matters pertaining to parole, drug importation and investigating corruption.

The committee largely recommended the bill pass unamended, but requested the Attorney-General provide a report by October this year to make it clear to what extent an individual's right to privacy can be abrogated in the course of an investigation.

Other recommendations include changes to the wording on the abolition of automatic parole to ensure the amendments do not apply retrospectively, and for the government to consider establishing a federal parole board.

In a separate inquiry the committee recommended a bill establishing an R18+ rating for video games be passed by the House.

Committee chair Graham Perrett (Moreton, Qld) said the new rating would bring classification of video games into line with the current standards for films.

"The committee considers that the bill aims to make a common sense change to the existing classification system for computer games, and is pleased to present this advisory report in favour of the bill," Mr Perrett said. ●

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Several witnesses told the inquiry some people had simply given up on their claims as the process was too complicated. The inquiry also heard complaints of inconsistencies, with some houses in the same street having their claim approved while others were rejected.

Some residents are still waiting for a final outcome of their claim a year on from events which destroyed or severely damaged their homes.

The federal government has already responded to calls for a standard definition of flooding to be used across the industry and legislation is before parliament. It has also pledged to implement the compulsory use of a 'key facts sheet' which outlines to people exactly what they are covered for.

Mr Perrett said he did not believe that the changes would result in significant administration costs for the industry.

But Insurance Council of Australia (ICA) chief executive Rob Whelan said many of the code of practice changes recommended had already been implemented by either industry or the federal government and further regulation from governments or ASIC was not necessary.

"In early February the ICA board agreed to changes to the general insurance code of practice that addresses the concerns of consumer groups relating to claims handling timetables,

external expert reports and a right to claim," he said.

Mr Whelan said the ICA supported a legislated standard definition of flood. However he said the report failed to identify actions governments could take to improve the affordability of insurance and reduce the impact of disasters on at-risk communities. He also defended the industry's response to the overwhelming events of 2011.

"Last year, despite the fact insurers operated in extremely tough conditions and were handling thousands of calls every day, catastrophe claims were finalised on average in 29 days," he said.

"Despite the massive number of claims, much less than one per cent of all catastrophe claims were referred to the independent Financial Ombudsman Service for determination, which proves the effectiveness of both the internal and external dispute resolution process."

Federal parliament would need to pass legislation to make the code of practice compulsory.

The committee also recommended that governments should make additional funds available for mobile legal services to help anyone affected by a natural disaster make an insurance claim. ●

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