SELECTION OF BILLS COMMITTEE

REPORT NO. 12 of 2006

19 October 2006

MEMBERS OF THE COMMITTEE

Senator Jeannie Ferris (Government Whip, Chair)

Senator George Campbell (Opposition Whip)

Senator Andrew Bartlett (Australian Democrats Whip)

Senator Nigel Scullion (The Nationals Whip)

Senator Rachel Siewert (The Australian Greens Whip)

Senator the Hon Chris Ellison

Senator Joe Ludwig

Senator Stephen Parry

Senator Ruth Webber

Secretary: Rich

Richard Pye **6277 3020**

SELECTION OF BILLS COMMITTEE

REPORT NO. 12 OF 2006

- 1. The committee met in private session on Wednesday, 18 October 2006 at 4.17 pm.
- 2. The committee considered proposals relating to the Medibank Private Sale Bill 2006 and resolved to recommend that the *provisions* of the bill be referred for inquiry and report by 27 November 2006, but was unable to agree on the committee to which the bill should be referred (see appendices 1 to 3 for statements of reasons for referral).
- 3. The committee resolved to recommend—That *upon its introduction* in the House of Representatives the *provisions* of the Copyright Amendment Bill 2006 be referred to the Legal and Constitutional Affairs Committee for inquiry and report by 10 November 2006 (see appendix 4 for a statement of reasons for referral).
- 4. The committee resolved to recommend—That the following bills not be referred to committees:
 - Broadcasting Services Amendment (Collection of Datacasting Transmitter Licence Fees) Bill 2006
 - Crimes Amendment (Victim Impact Statements) Bill 2006
 - Datacasting Transmitter Licence Fees Bill 2006
 - Inspector of Transport Security Bill 2006
 - Inspector of Transport Security (Consequential Provisions) Bill 2006
 - Maritime Legislation Amendment (Prevention of Pollution from Ships) Bill 2006
 - Migration Amendment (Border Integrity) Bill 2006
 - Migration Legislation Amendment (Enabling Permanent Protection) Bill 2006.

The committee recommends accordingly.

- 5. The committee deferred consideration of the following bill to its next meeting:
 - Australian Securities and Investments Commission Amendment (Audit Inspection) Bill 2006.

(Jeannie Ferris) **Chair** 19 October 2006 SENATOR A BARTLETT SENATOR A BARTLETT

APPENDIX 1



SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: Medibank Private Sale Bill 2005

Reasons for referral/principal issues for consideration:

To examine the provisions of the bill relating to the sale of Medibank Private to ascertain

- if the Government is entitled to cash out the value that has built up in a not for profit structure or whether it belongs to the policy holders.
- what effect the sale would have on competition and the efficiency of the private health insurance sector as a whole
- whether there will be differential effects across the various states and territories
- what impact the sale may have on health insurance
- the implications for access and equity in healthcare for all Australians.

Possible submissions or evidence from:

Australian Health Insurance Association Australian Private Hospitals Association Private Health Insurance Administration Council Australian Competition and Consumer Commission Australian Consumers Association/CHOICE Australian Medical Association Doctors Reform Society Health Issues Centre Catholic Health Australia Anglicare Public Health Association of Australia Professor Stephen Duckett, Professor of Health Policy, Dean of the Faculty of Health Sciences Professor John Deeble Professor Stephen Leeder Dr Ken Harvey Other private health insurance funds

Committee to which bill is to be referred: Community Affairs Committee

Possible hearing date(s):

Possible reporting date: 20 March 2007

Senator Andrew Bartlett, Australian Democrats Whip



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THE SENATE CANBERRA ACT 2600 SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill	Medibank	Private	Si/e	Bill	2005
Reasons for referral/pr					
	•••••••••••••••••••••••••••••••••••••••			••••••	
·					
Possible submissions of					
· · · · · · · · · · · · · · · · · · ·					
Committee to which bi	ll is to be referred: and Public	Administral	iin		
Possible hearing date(s					
Possible reporting date	21 Jeæe	November erente	20	06	
(signed) Wh	Ip / Selection of Bi			••	

STATEMENTS OF REASONS

STATEMENT OF REASONS FOR INTRODUCTION AND PASSAGE IN THE 2006 SPRING SITTINGS

MEDIBANK PRIVATE LIMITED SALE BILL

Purpose of the Bill

The purpose of the Bill is to remove a statutory prohibition on the sale of Medibank Private Limited's shares, and to implement other measures appropriate to facilitate the sale of the Company.

Reasons for Urgency

On 12 September 2006, the Government announced its intention to sell Medibank Private Limited through a share market float in 2008. The legislation is essential to the sale of the Commonwealth's shares in Medibank Private Limited, and the sale timetable is dependent upon the legislation being enacted.

(Circulated by authority of the Minister for Finance and Administration, Senator the Hon. Nick Minchin) 1 OCT. 18. 2006, 15:52



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APPENDIX 3

THE SENATE SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

MEDIBANK PRIVATE SALE BILL 2006 Name of bill Reasons for referral/principal issues for consideration: -Impact ARMILMS ON PH(hedibarle members ð entlemen (mpac OF Inc pack G both hospital mar ᠇ᠮ Possible submissions or evidence from; AHIA, Runds, Previous Commissions Privale Hospitals Association Health DOHA, (alholic. OMMUNITY AFF Committee to which bill is to be referred: Possible hearing date(s): 06 Possible reporting date: (signed) Selection of Bills Committee member Whip /



THE SENATE CANBERRA ACT 2600 SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee upon its introduction into the House of Representatives

Copyright Amendment Bill Name of bill

Reasons for referral/principal issues for consideration:
See Attached
· · · · · · · · · · · · · · · · · · ·
Possible submissions or evidence from:
·
Committee to which hill is to be referred.
Committee to which bill is to be referred: Legal + Constitutional
Possible hearing date(s):
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Possible reporting date: 10 November 2006

(signed)

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Whip Belection of Bills Committee member

STATEMENT OF REASONS FOR INTRODUCTION AND PASSAGE IN THE 2006 SPRING SITTINGS

COPYRIGHT AMENDMENT BILL

Purpose of the Bill

The bill contains provisions to implement Australia's remaining obligations under the Australia-United States Free Trade Agreement (AUSFTA) concerning intellectual property rights. It creates a liability scheme for certain activities relating to the circumvention of "effective technological measures". These measures help protect copyright owners from piracy and will encourage the increased availability to consumers of copyright materials in digital form.

The AUSFTA sets out a number of permissible exceptions to the liability scheme for:

- interoperability of software
- studying encryption technology
- testing security of computer networks
- identifying and disabling "spyware"
- security, law enforcement and similar governmental purposes, and
- access for acquisition decisions by libraries, archives and educational institutions.

The AUSFTA also provides for additional limited exceptions where the case for such an exception has been demonstrated. The bill amends the *Copyright Act 1968* to give effect to the liability scheme and the exceptions. Additional limited exceptions will be included in the Copyright Regulations on a case by case basis. A number will be included as a result of the House of Representatives Standing Committee on Legal and Constitutional Affairs "Review of TPM Exceptions".

The bill also implements the outcomes of several copyright reviews conducted by the government in 2005-06, including the outcome of the "Fair Use Review" and the review of protection for encoded broadcasts. The bill also extends the jurisdiction of the Copyright Tribunal, makes amendments so that Australia can accede to the World Intellectual Property Organization Internet treaties and makes a range of changes to the enforcement provisions in the Copyright Act.

Reasons for Urgency

The Australia-United States Free Trade Agreement came into force on 1 January 2005. However, an additional two year period was granted for the commencement of the provisions relating to the liability scheme for the circumvention of effective technological measures. Those provisions, which will be given effect to by this bill, must commence on 1 January 2007.

SELECTION OF BILLS COMMITTEE—REPORT NO. 12 OF 2006— AMENDMENT TO REPORT

(after adoption of committee report is moved)

MINISTER:

I move the following amendment:

At the end of the motion, add "and, in respect of the Medibank Private Sale Bill 2006, the bill be referred to the Finance and Public Administration Committee".