

The committee has deferred its consideration of the following bills

Building and Construction Industry (Improving Productivity) Bill 2013

Portfolio: Employment

Introduced: House of Representatives, 14 November 2013

Building and Construction Industry (Consequential and Transitional Provisions) Bill 2013

Portfolio: Employment

Introduced: House of Representatives, 14 November 2013

Overview

1.350 These bills seek to re-establish the Australian Building and Construction Commission. Among other things, the bills would prohibit certain unlawful industrial action; prohibit coercion, discrimination and unenforceable agreements; provide the Australian Building and Construction Commissioner with powers to obtain information; provide for orders for contraventions of civil remedy provisions and other enforcement powers; and makes amendments dealing with self-incrimination; protection of liability against officials; admissible records and documents, protection and disclosure of information; powers of the Commissioner in certain proceedings, and jurisdiction of courts.

1.351 These bills were referred to the Senate Education and Employment References Committee on 4 December 2013 for inquiry and report by 27 March 2013.

1.352 The committee considers that the bill may give rise to significant human rights concerns. It therefore has decided to defer its consideration of this bill to allow for the closer examination of the issues and the opportunity to take account of submissions made to the Senate Education and Employment References Committee.

Migration Amendment (Regaining Control Over Australia's Protection Obligations) Bill 2013

Portfolio: Immigration and Border Protection

Introduced: House of Representatives, 4 December 2013

Summary of committee concerns

Overview

1.353 This bill seeks to amend the *Migration Act 1958* to remove the criteria for grant of a protection visa on 'complementary protection' grounds.

1.354 The complementary protection framework was introduced into the Act to allow consideration of claims raising Australia's *non-refoulement* obligations under the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) as part of the protection visa process and to allow a protection visa to be granted if those obligations are engaged and other visa requirements are met.

1.355 The purpose of the bill is to give effect to the government's position that it is not appropriate for complementary protection to be considered as part of a protection visa application and that *non-refoulement* obligations are a matter for the government to attend to in non-legislative ways.

1.356 The bill was referred to the Senate Legal and Constitutional Affairs Legislation Committee on 5 December 2013 for inquiry and report by 3 March 2014.

1.357 The committee considers that the bill may give rise to significant human rights concerns. It therefore has decided to defer its consideration of this bill to allow for the closer examination of the issues and the opportunity to take account of submissions made to the Senate Legal and Constitutional Affairs Legislation Committee.