



Speech by

Hon. GORDON NUTTALL

MEMBER FOR SANDGATE

Hansard 1 April 2003

PASTORAL WORKERS' ACCOMMODATION AMENDMENT BILL

Hon. G. R. NUTTALL (Sandgate—ALP) (Minister for Industrial Relations) (12.40 p.m.): I move—
That the bill be now read a second time.

I am pleased to introduce the Pastoral Workers' Accommodation Amendment Bill 2003. The objective of the bill is to amend the Pastoral Workers' Accommodation Act 1980 to implement the recommendations of a review of the act. The act provides for the accommodation of workers employed in pastoral work. The department recently reviewed the Pastoral Workers' Accommodation Act 1980 and the Pastoral Workers' Accommodation Regulation 1989. A tripartite committee was formed with the department, the Australian Workers Union and Agforce to formulate the recommendations. Officers of Building Codes Queensland within the Department of Local Government and Planning were also involved in the review process. The amendment bill amends the Pastoral Workers' Accommodation Act to put into effect the recommendations of the review committee and to reflect current legislative principles and drafting practice.

The major amendments contained in the amendment bill are as follows:

- The meaning of 'accommodation' for purposes of the act is extended to include transportable accommodation where such accommodation is of an equivalent standard.
- The meaning of 'worker' in the act is extended to ensure that the minimum standards of accommodation are provided for all workers who perform pastoral work, including persons who perform work under a 'contract of service' or 'contract for service'. Currently the definition is limited to 'contract of service'.
- The act is amended to provide that the amount that may be deducted from a worker's wages for damage to accommodation caused by the worker or workers is increased from \$40 to \$100. This amount has remained unchanged for some time.
- A current anomaly and confusion is addressed in that it is confirmed that the responsibility for approval of building plans for new buildings, or additions or structural alterations to buildings, will be the responsibility of local government. Currently, plans must also be lodged with an inspector of the Department of Industrial Relations. The department will be a 'concurrence agency' in that, where necessary, building work will be referred to it for assessment of compliance. This aligns with current government policy in terms of the Integrated Planning Act 1997 to consolidate all state regulations affecting building work into the building regulations.
- Occupiers of pastoral properties will be required to give written notice to the Department of Industrial Relations of any crutching operations, as well as the current requirement to give notice of shearing operations. The reason for this amendment is because accommodation may be used in both these instances. The reason for notification is to alert the department as to when accommodation is in use for purposes of inspection. Alternative communication methods will be allowed in extenuating circumstances where written notice cannot be given.
- New provisions will be added requiring occupiers to keep unused buildings securely closed and ensure buildings are kept free of vermin. Also, areas surrounding buildings are to be kept free of long grass to ensure safe access and reduce fire hazards.

A number of amendments of an administrative nature have been made in consultation with the Office of the Queensland Parliamentary Counsel to reflect current drafting principles and practice. These amendments include the following:

- Each offence provision within the act is identified and the appropriate maximum penalty unit amount is inserted at each provision. This replaces the existing general penalty provision and is in accordance with current legislative principles. The standard maximum penalty of 10 penalty units reflects the penalty that currently exists for an offence against the Pastoral Workers' Accommodation Regulations 1989.
- It is clarified that any person may commence proceedings for an offence under the act which is in line with current legislative principles.
- For the purposes of various administrative functions under the act, references to 'chief inspector' have been replaced by 'chief executive' as the appropriate officer should be the chief executive of the administering Department of Industrial Relations. These functions include permitting the provision of temporary accommodation for workers under specified circumstances such as where accommodation is destroyed by fire and extending the time in which an occupier must comply with a notice to comply issued by an inspector.
- It is clarified that inspectors for purposes of the act are inspectors under the Industrial Relations Act 1999 which reflects the current position.
- Evidentiary provisions have been amended to provide appropriate provisions for purposes of the act based on accepted drafting practice.

It is intended that the amendments contained in the bill will commence on a day to be proclaimed. This is necessary in view of the fact that the recommended legislative changes to pastoral workers' accommodation also involve the making of a new regulation to replace the current one and the making of a Pastoral Workers' Accommodation Standard which will contain the building related provisions. It is important that the amendments commence simultaneously with the commencement of these instruments. The process of drafting and finalising both the new regulation and standard is currently ongoing, with commencement being proposed for 1 July 2003. Extensive consultation has been conducted with the key industry stakeholders regarding the preparation and finalisation of this bill. All stakeholders are supportive of the bill. The proposed amendments contained in this bill will result in the simplification and rationalisation of the obligations and entitlements of both the occupiers of pastoral properties and their workers. The changes will ensure that the legislation better reflects contemporary needs and operations. I commend the bill to the House.