

Queensland



PASTORAL WORKERS' ACCOMMODATION ACT 1980

**Reprinted as in force on 9 July 1999
(includes amendments up to Act No. 33 of 1999)**

Reprint No. 1B

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Information about this reprint

This Act is reprinted as at 9 July 1999. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprint[s] for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Queensland



**PASTORAL WORKERS’
ACCOMMODATION ACT 1980**

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PASTORAL WORKERS' ACCOMMODATION ACT 1980

[as amended by all amendments that commenced on or before 9 July 1999]

An Act to provide for the accommodation of workers employed in pastoral work and for matters incidental thereto

Short title

1. This Act may be cited as the *Pastoral Workers' Accommodation Act 1980*.

Savings

3.(1) The person who at the commencement of this Act holds the appointment of Chief Inspector of Workers' Accommodation under the *Workers' Accommodation Act 1952* shall on and from such commencement hold the appointment of Chief Inspector of Workers' Accommodation for the purposes of this Act until the person duly vacates it or is duly removed therefrom.

(2) Every person who at the commencement of this Act holds an office or position to which the person was appointed for the purposes of the *Workers' Accommodation Act 1952* shall continue to hold that office or position or the corresponding office or position under and for the purposes of this Act until the person duly vacates or is duly removed from that office or position and where such office or position has been held immediately before the commencement of this Act under, subject to and in accordance with the *Public Service Act 1922*, that office or position or the corresponding office or position shall be and continue to be held under, subject to and in accordance with such lastmentioned Act.

(3) Every certificate, permit, order, requisition, notice or other act of authority made, granted, issued, given or done under the *Workers'*

Pastoral Workers' Accommodation Act 1980

Accommodation Act 1952 and in force at the commencement of this Act shall continue in force as if it were made, granted, issued, given or done under this Act until it expires by effluxion of time or is revoked, cancelled or surrendered under this Act.

Crown bound

4. This Act, other than section 14, binds the Crown.

Interpretation

5. In this Act—

“**accommodation**” includes buildings, tents, structures, rooms, fittings, furnishings, equipment, facilities and amenities.

“**award**” means an award, industrial agreement, certified agreement or QWA under the *Industrial Relations Act 1999*.

“**chief inspector**” means the Chief Inspector of Workers' Accommodation and includes any person who performs the duties of chief inspector.

“**group accommodation**” means accommodation provided pursuant to section 9.

“**inspector**” means the chief inspector and any person who holds the appointment of inspector for the purposes of this Act and includes any person who performs the whole or any part of the duties of an inspector.

“**occupier**” means—

- (a) the person in actual occupation of land on which premises are situated or, if no person is in actual occupation, the owner of the land;
- (b) any person authorised by the occupier to act on the occupier's behalf in the general management or control of the land or premises.

“**pastoral work**” means work in connection with—

- (a) the management, rearing or grazing of horses, cattle or sheep on premises other than dairy farms;

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- (b) the shearing or crutching of sheep;
- (c) the scouring, sorting or pressing of wool;
- (d) work declared to be pastoral work pursuant to section 6(1), or any work performed by a worker in connection with such pastoral work.

“premises” means any land, building or other place (whether open or enclosed), including its appurtenances, on, in, about or in connection with which any worker is employed.

“resident worker” means a worker who eats and sleeps in accommodation provided by an occupier on the premises or in a group accommodation.

“worker” means a person performing, under a contract of service, pastoral work.

Application of Act

6.(1) The Governor in Council may, at any time by order in council declare any particular work or class of work to be pastoral work for the purposes of this Act.

(2) The Governor in Council may at any time by order in council declare that all or any of the provisions of this Act shall not apply, according to such declaration, in respect of a particular occupier or class of occupiers either generally or in respect of a particular part of the State or in the circumstances specified in the order and may subject such exemption to such conditions as the Governor in Council thinks fit.

Administration

7.(1) This Act shall be administered by the Minister and, subject to the Minister by the chief inspector, the inspectors and other officers appointed for the purposes of this Act.

(2) The chief inspector shall furnish annually to the Minister a report upon the operation of this Act throughout the year to which the report relates.

Accommodation for resident workers

8.(1) Where a worker is a resident worker the occupier on whose behalf the worker is employed shall provide the worker with such accommodation as is prescribed.

(2) Subsection (1) does not apply to a resident worker who is provided with accommodation in the residence in which the occupier on whose behalf the worker is employed usually resides provided that such accommodation is, in the opinion of an inspector, at least equal to the accommodation prescribed pursuant to subsection (1).

Group accommodation

9.(1) Any 2 or more persons may agree that they will, in respect of resident workers employed to do work on their behalf, jointly provide a building to provide accommodation for their respective such workers either on the land of 1 of the persons or at any other place.

(1A) Such agreement shall be in writing a copy of which shall, within 7 days after completion thereof, be forwarded to the chief inspector by the person last in time to execute the same.

(2) Accommodation provided pursuant to subsection (1) shall be such as is prescribed.

(3) For the purposes of this Act, each person referred to in subsection (1) shall, during the time workers employed to do work on his or her behalf are accommodated in the building referred to in subsection (1) be deemed to be the occupier of the building and shall during that time be guilty of an offence against this Act if the accommodation prescribed pursuant to subsection (2) is not provided.

Accommodation for non-resident workers etc.

10.(1) Accommodation shall be provided by an occupier for non-resident workers and for resident workers provided with group accommodation employed to do work on the occupier's behalf on the premises, which accommodation shall be such as is prescribed.

(2) Subsection (1) does not apply to a non-resident worker or to a resident worker provided with group accommodation who is provided with

accommodation in the residence in which the occupier usually resides provided that such accommodation is, in the opinion of an inspector, at least equal to the accommodation prescribed pursuant to subsection (1).

Accommodation for workers employed on other lands

11. Notwithstanding the provisions of sections 8 and 10, where pastoral work is performed for a person on land other than land occupied, managed or controlled by the person he or she shall be responsible for the provision of accommodation prescribed pursuant to those sections.

Temporary accommodation

12.(1) Where—

- (a) accommodation provided for workers on premises has been rendered unfit for habitation by reason of destruction or damage by fire or other unforeseen cause, or by reason of an outbreak of disease or similar cause;
- (b) premises are newly established;
- (c) workers are employed on, in, about or in connection with premises for work of a temporary nature (not being work of a seasonal or periodic nature);
- (d) with respect to premises any other circumstance justifies in the chief inspector's opinion the exercise of his or her powers under this section;

the chief inspector may in writing permit the provision of temporary accommodation for workers upon the premises in question.

(2) The nature and extent of the temporary accommodation and things pertaining to the temporary accommodation, that may be permitted under this section on premises (or premises included in a prescribed class of premises) shall be such as are prescribed.

(2A) In so far as not so prescribed a permit issued under this section may require the temporary accommodation, and things pertaining to the temporary accommodation, referred to in the permit to be of the nature and extent specified in the permit.

(3) The duty of providing temporary accommodation permitted under this section in compliance in every respect with requirements of the regulations or, in so far as not prescribed by the regulations, the permit in question is hereby imposed upon the occupier of the premises in respect of which the permit has been issued.

(4) A person guilty in any respect of a breach of his or her duty under this section shall be guilty of an offence against this Act.

(5) A permit under this section may be issued for such limited period as is specified therein, but the chief inspector may, at the chief inspector's discretion, extend that period from time to time.

(6) It is hereby declared that accommodation for workers provided in compliance with a permit issued under this section is deemed to be proper and sufficient accommodation for the purposes of this Act in respect of the period specified in the permit or any extension of that period granted under this section.

Construction of awards

13. Any award that requires that workers be provided with accommodation shall be read and construed so as not to prejudice the operation of sections 8 to 12.

Accommodation to be free of cost

14. Accommodation provided for workers pursuant to this Act shall, unless the award applicable to those workers otherwise provides, be provided free of cost.

Occupier to clean accommodation

15. During the period of 14 days immediately before workers commence to use accommodation the occupier on whose behalf they are to be employed shall cause the accommodation to be brought to a clean and sanitary condition.

Duties of workers accommodated

16.(1) Accommodation provided for workers shall, unless the award applicable to those workers otherwise provides be kept clean by the workers.

(1A) If those workers fail to keep such accommodation clean the occupier may restore it to a clean condition at the expense of those workers.

(2) Where workers damage or cause or suffer any damage to be done to or remove any part of accommodation referred to in subsection (1) the occupier may have such damage repaired or such part replaced at the expense of the workers.

(3) The workers referred to in subsections (1) and (2) shall be jointly and severally liable to the occupier for the cost of any cleaning referred to in subsection (1A) or of any repairing or replacing referred to in subsection (2).

(3A) Where the occupier is the employer of the worker the occupier may, or where the worker is employed by a person other than the occupier that person shall (if requested so to do by the occupier), deduct such cost from the wages due or accruing due to the offending worker, or if there is more than 1 worker in equal parts from the wages due or accruing due to such workers, but so that the amount deducted from the wages of any 1 worker does not exceed \$40.

(3B) Where a person other than the occupier makes a deduction from the wages due or accruing due to the offending worker the person shall pay the amount deducted to the occupier.

(3C) The provisions of subsections (3) to (3B) are in addition to the occupier's rights to recover such cost or the balance of such cost as a debt in a court of competent jurisdiction.

(4) Any worker who wilfully damages or wilfully removes any part of a building, tent, structure or room referred to in subsection (1) shall be guilty of an offence against this Act.

Plans to be approved

17.(1) No person shall commence or cause to be commenced the construction of, or the carrying out of structural alterations or additions to,

any building intended for use or used as accommodation for workers without the prior approval in writing of an inspector.

(2) Application for approval under this section shall be in writing and shall be accompanied by a copy of the plan of the proposed building or structural alterations or additions, as the case may be.

(3) The inspector upon considering the application and plan may grant approval without conditions or subject to such conditions as the inspector thinks fit or the inspector may refuse the application.

(4) If a building is constructed or any structural alteration or addition to any building is carried out otherwise than in conformity with the approval of an inspector and the plans submitted to the inspector, the occupier of the land on which the building is situated shall be guilty of an offence against this Act.

Notice to comply with Act

18.(1) Where an inspector, after making an inspection, considers that any of the provisions of this Act have not been complied with by an occupier the inspector may give to the occupier a notice in writing directing the occupier within the time specified in the notice (not exceeding 12 months) to comply with such provisions.

(1A) The notice shall specify in what respect the provisions have not been complied with.

(2) An occupier to whom a notice is given under this section shall, within the time specified in the notice, comply with the requirements of the notice.

(3) Upon the application of an occupier or employer to whom a notice has been given under this section, the chief inspector may extend the time specified in the notice within which the provisions must be complied with.

(4) A notice given under this section may be revoked by the chief inspector.

(5) The fact that a notice has not been given under this section in relation to any matter or thing shall not be a defence to a prosecution for an alleged offence against this Act.

Notice of commencement of shearing

19.(1) Every occupier of premises where shearing is carried out and in connection with which it is proposed to employ workers not regularly and continuously employed on such premises shall, not less than 7 days before shearing is commenced, deliver to the nearest office of an inspector a notice in writing stating the proposed date of commencement.

(2) When, in an emergency, it becomes necessary to immediately commence shearing, notice that such shearing has commenced shall be given by the occupier to the nearest office of an inspector within 24 hours after such commencement.

Tenancies and trusts

20.(1) An occupier of premises, other than the owner thereof, who in order to comply with the provisions of this Act, erects upon those premises a building for the accommodation of workers shall be entitled to a charge upon those premises in such sum as at the termination of his or her occupancy represents the value of the building.

(2) Where the person who is required to comply with the provisions of this Act is a trustee the person may resort to the capital moneys of the trust for the purpose of so complying and may apply the whole or any part of those moneys accordingly.

Inspectors employed under Public Service Act

21. The chief inspector of workers' accommodation and other inspectors necessary for this Act are to be employed under the *Public Service Act 1996*.

Certificate of appointment

22.(1) Every inspector shall be furnished with a certificate of appointment, signed by the chief inspector which shall be sufficient evidence thereof.

(2) An inspector shall carry the certificate of appointment with him or her at all times while in the execution of his or her duty and, if required so to do shall produce it to the occupier of any premises the inspector seeks to enter.

Powers of inspectors

23. An inspector may at any time—

- (a) enter, inspect and examine any premises or any place wherein or whereon any worker is, or the inspector reasonably believes is, accommodated or employed; and
- (b) call to the inspector's aid—
 - (i) any police officer where the inspector has reasonable cause to apprehend any obstruction in the exercise of the inspector's powers or in the execution of the inspector's duties;
 - (ii) any health inspector or other person the inspector may think competent to assist the inspector in such inspection and examination; and
- (c) make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are being complied with in every respect; and
- (d) question, with respect to matters under this Act, any occupier, any employer of workers, and every person the inspector finds in or upon any premises, to ascertain whether this Act is being complied with; and
- (e) exercise such other powers and authorities as are prescribed.

Occupiers and employers to furnish assistance

24. Every occupier and every employer of workers shall furnish to an inspector all reasonable assistance and such information as he or she is capable of furnishing as is required by the inspector with respect to the exercise of the inspector's powers and the discharge of the inspector's duties under this Act.

Inspector to inform occupier of inspection

25.(1) Upon entering land where the inspector proposes to carry out an inspection, an inspector shall (where the inspector is able to locate the occupier or the occupier's representative), as soon as practicable after doing

so, inform the occupier or the occupier's representative that he or she is an inspector and that he or she intends to carry out an inspection.

(2) Where an inspector is unable to locate the occupier or the occupier's representative, the inspector shall within 28 days after carrying out the inspection advise the occupier, in writing, that the inspector carried out the inspection.

Obstruction of inspector

26.(1) A person shall not—

- (a) assault, resist or obstruct an inspector in the exercise of the inspector's powers or in the discharge of the inspector's duties under this Act, or attempt so to do; or
- (b) fail to answer a question put to the person by an inspector for the purposes of this Act, or make a false or misleading answer to any such question; or
- (c) fail to comply with a requisition, or any part of a requisition, directed to the person by an inspector pursuant to this Act; or
- (d) furnish information that is false or misleading in a material particular in response to a requisition directed to the person by an inspector pursuant to this Act; or
- (e) fail to furnish assistance to an inspector when requested so to do for the purposes of this Act; or
- (f) directly or indirectly prevent any person from appearing before and being questioned by an inspector, or attempt so to do; or
- (g) use any threat or abusive or insulting language to an inspector or to a worker with respect to any inspection, examination or inquiry being made pursuant to this Act.

(2) Notwithstanding any provision of this Act a person shall not be required, in respect of any matter within the application of this Act, to answer any question, furnish any information or produce any evidence that tends to incriminate himself or herself.

Offences

27. A person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence against this Act.

Penalty

28.(1) A person guilty of an offence against this Act is liable to a penalty of \$500.

(2) A person who, being convicted of an offence against this Act that consists of a contravention or failure to comply of such a nature that it may be committed from day to day, thereafter continues that offence may be prosecuted from time to time for an offence against this Act that consists of the same contravention or failure to comply and is liable to a penalty of \$10 for each day during which it is continued as from the date on which the person was last convicted thereof until the date on which the person is convicted or on which the default is rectified whichever date is the earlier.

Time for commencement of prosecution

29. A prosecution for an offence against this Act shall be commenced at any time within 1 year after the matter of complaint arose or within 6 months after the matter of complaint comes to the knowledge of the chief inspector, whichever period is the later to expire.

Proceedings re offences

30.(1) A prosecution for an offence against this Act shall be by way of summary proceedings before an industrial magistrate.

(1A) Jurisdiction is hereby conferred on such industrial magistrates to hear and determine such proceedings.

(2) A person aggrieved by a decision of an industrial magistrate in proceedings brought pursuant to subsection (1) who desires to appeal therefrom shall appeal therefrom to the Industrial Court.

(2A) Jurisdiction is hereby conferred on the Industrial Court to hear and determine such an appeal.

(3) The provisions of the *Industrial Relations Act 1999* and of the rules

of court made under that Act shall, subject to this Act, apply, according to their tenor, in relation to proceedings before an industrial magistrate brought pursuant to subsection (1) and in relation to proceedings on appeal before the Industrial Court brought pursuant to subsection (2).

(4) A prosecution for an offence against this Act shall be commenced by complaint of an inspector or of any person authorised by the Minister or by the chief inspector.

Power to order remedying of offence

31.(1) Where any person is convicted of an offence against this Act the industrial magistrate may, in addition to imposing a penalty on the person order that the person take steps to rectify the contravention or failure to comply in question to the satisfaction of an inspector within the time specified in the order.

(2) When the industrial magistrate is minded to make an order pursuant to subsection (1) an industrial magistrate may adjourn the matter of penalty to be imposed until the expiration of the time to be specified in the order or of that time as later enlarged or until the expiration of another time later fixed, as the case requires, but in that event the offender shall not be punished if the offender has complied with the order by the expiration of the material time.

(3) When an order is made under subsection (1) the offender shall not be liable in respect of the continuance of the contravention or failure to comply during the time allowed by the industrial magistrate but if at the expiration of the material time the order has not been complied with the offender shall be liable to be dealt with as prescribed by sections 27 and 28.

Service of documents

32. A notice, requisition or other writing authorised or required by or under this Act to be given to any person shall be duly given if—

- (a) it is served personally upon the person to whom it is directed;
- (b) it is sent by registered post or certified mail to the place of business or residence of the person to whom it is directed last known to the person who gives it.

Evidentiary provisions

33. In any proceedings under or for the purposes of this Act—

- (a) it shall not be necessary to prove the appointment of the chief inspector or of any other inspector, or the authority of the chief inspector or of any other inspector to do any act or to give any notice, permit or order;
- (b) a signature purporting to be that of the Minister, the chief inspector or of any other inspector shall be taken to be the signature it purports to be until the contrary is proved;
- (c) a document purporting to be a duplicate or copy of a notice, order, or permit given, made or issued under this Act by the chief inspector or by any other inspector shall, upon its production in evidence, be evidence of that notice, order or permit and in the absence of evidence to the contrary shall be conclusive evidence thereof;
- (d) the burden of proof that any notice required by this Act to be given has been given lies on the person so required to give the notice.

Regulations

34.(1) The Governor in Council may make regulations not inconsistent with this Act for or with respect to all matters required by this Act to be prescribed and all matters that, in the opinion of the Governor in Council, are necessary or expedient for the proper administration of this Act or to achieve the objects and purposes of this Act.

(2) The regulations may prescribe penalties not exceeding in each case \$500 for any contravention thereof or failure to comply therewith and, in the case of a continuing offence, a penalty not exceeding \$10 for each day after the date of conviction during which the contravention or failure to comply continues.

Orders in council

36. The *Acts Interpretation Act 1954*, section 28A (Tabling of regulations) shall apply with respect to orders in council made for the

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purposes of this Act and, for the purposes of such application, that section shall be read and construed as if references to regulations were references to orders in council made for the purposes of this Act.

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 9 July 1999. Future amendments of the Pastoral Workers' Accommodation Act 1980 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	prev	=	previous
amd	=	amended	(prev)	=	previously
amdt	=	amendment	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
o in c	=	order in council	sch	=	schedule
om	=	omitted	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	14 February 1996
1A	to Act No. 37 of 1996	10 January 1997

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed citations and remade laws	1
Changed names and titles	1
Obsolete and redundant provisions	1
Renumbered provisions	1

6 List of legislation

Pastoral Workers' Accommodation Act 1980 No. 31

date of assent 12 May 1980

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 1981 (proc pubd ind gaz 4 October 1980 p 80)

as amended by—

Public Service Act 1996 No. 37 ss 1–2, 147 sch 2

date of assent 22 October 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 1996 (1996 SL No. 361)

Industrial Relations Act 1999 No. 33 ss 1, 2(2), 747 sch 3

date of assent 18 June 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 1999 (1999 SL No. 159)

7 List of annotations

Commencement

s 2 om R1 (see RA s 37)

Interpretation

s 5 def “**award**” ins 1999 No. 33 s 747 sch 4
def “**Minister**” om R1 (see RA s 39)

Inspectors employed under Public Service Act

s 21 sub 1996 No. 37 s 147 sch 2

Proceedings re offences

s 30 amd 1999 No. 33 s 747 sch 3

Regulations may adopt standards

s 35 om R1 (see RA s 39)