

Queensland



**PASTORAL WORKERS'
ACCOMMODATION
AMENDMENT BILL 2003**

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PASTORAL WORKERS' ACCOMMODATION AMENDMENT BILL 2003

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2003

A BILL

FOR

An Act to amend the Pastoral Workers' Accommodation Act 1980

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The Parliament of Queensland enacts—

1

Clause 1 Short title

2

This Act may be cited as the *Pastoral Workers' Accommodation Amendment Act 2003*.

3

4

Clause 2 Commencement

5

This Act commences on a day to be fixed by proclamation.

6

Clause 3 Act amended

7

This Act amends the *Pastoral Workers' Accommodation Act 1980*.

8

Clause 4 Omission of s 3 (Savings)

9

Section 3—

10

omit.

11

Clause 5 Amendment of s 5 (Interpretation)

12

(1) Section 5, heading—

13

omit, insert—

14

‘5 Definitions’.

15

(2) Section 5, definitions “chief inspector” and “inspector”—

16

omit.

17

(3) Section 5—

18

insert—

19

‘**“inspector”** means an inspector appointed under the *Industrial Relations Act 1999*, section 350.¹

20

21

1 *Industrial Relations Act 1999*, section 350 (Appointment of inspectors)

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	“structure” includes a transportable hut and a caravan.’.	1
	(4) Section 5, definition “pastoral work”, paragraph (d)—	2
	<i>omit, insert—</i>	3
	‘(d) work declared under a regulation to be pastoral work.’.	4
	(5) Section 5, definition “worker”, ‘, under a contract of service,’—	5
	<i>omit.</i>	6
Clause 6	Omission of ss 6–7	7
	Sections 6 and 7—	8
	<i>omit.</i>	9
Clause 7	Amendment of s 8 (Accommodation for resident workers)	10
	Section 8(1), as a penalty—	11
	<i>insert—</i>	12
	‘Maximum penalty—10 penalty units.’.	13
Clause 8	Amendment of s 9 (Group accommodation)	14
	(1) Section 9(1), after ‘agree’—	15
	<i>insert—</i>	16
	‘in writing’.	17
	(2) Section 9(1A)—	18
	<i>omit, insert—</i>	19
	‘(1A) The last person to sign the agreement must send a copy of the	20
	completed agreement to the chief executive within 7 days after it is	21
	completed.	22
	Maximum penalty—10 penalty units.’.	23
	(3) Section 9(3), as a penalty—	24
	<i>insert—</i>	25
	‘Maximum penalty for subsection (3)—10 penalty units.’.	26

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Clause 9	Amendment of s 10 (Accommodation for non-resident workers etc.)	1
		2
	Section 10(1), as a penalty—	3
	<i>insert—</i>	4
	‘Maximum penalty—10 penalty units.’.	5
Clause 10	Amendment of s 11 (Accommodation for workers employed on other lands)	6
		7
	(1) Section 11, after ‘person’ first mention—	8
	<i>insert—</i>	9
	‘(the “ initiator ”)’.	10
	(2) Section 11, ‘person he or she’—	11
	<i>omit, insert—</i>	12
	‘initiator, the initiator’.	13
	(3) Section 11—	14
	<i>insert—</i>	15
	‘(2) If accomodation is not provided as required by those sections, the initiator commits an offence.	16
		17
	Maximum penalty—10 penalty units.’.	18
Clause 11	Amendment of s 12 (Temporary accommodation)	19
	(1) Section 12(1)(a), (b) and (c), after ‘;’—	20
	<i>insert—</i>	21
	‘or’.	22
	(2) Section 12(1)(d)—	23
	<i>omit, insert—</i>	24
	‘(d) for any premises generally, in other circumstances the chief executive considers appropriate;’.	25
		26
	(3) Section 12(1), ‘chief inspector’—	27
	<i>omit insert—</i>	28

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'chief executive'.	1
(4) Section 12(4)—	2
<i>omit, insert—</i>	3
'(4) The occupier of the premises must not contravene a requirement under a regulation or permit mentioned in subsection (3).	4
Maximum penalty—10 penalty units.'	5
(5) Section 12(5), from 'chief inspector'—	6
<i>omit, insert—</i>	7
'chief executive may extend the period.'	8
	9

Clause 12 Replacement of s 14 (Accommodation to be free of cost)	10
Section 14—	11
<i>omit, insert—</i>	12
'14 Accommodation to be free of cost	13
'(1) If under this Act a person must provide accommodation for a worker, the person must provide the accommodation without cost to the worker.	14
	15
	16
Maximum penalty—10 penalty units.	17
'(2) However, the person does not contravene subsection (1) if an award applying to the worker provides otherwise.'	18
	19

Clause 13 Amendment of s 15 (Occupier to clean accommodation)	20
Section 15, as a penalty—	21
<i>insert—</i>	22
'Maximum penalty—10 penalty units.'	23

Clause 14 Insertion of new ss 15A–15B	24
After section 15—	25
<i>insert—</i>	26

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'15A Accommodation to be free of vermin and clear of vegetation	1
'An occupier must ensure that—	2
(a) accommodation the occupier provides for workers is kept free of vermin; and	3
	4
(b) when the accommodation is being used, vegetation or undergrowth in the area immediately surrounding the accommodation that is or may be a safety hazard is regularly cut and removed.	5
	6
	7
	8
Maximum penalty—10 penalty units.	9
 '15B Unused accommodation to be kept closed	10
'When accommodation provided by an occupier for workers is not being used, the occupier must ensure the accommodation is kept securely closed.	11
	12
<i>Example—</i>	13
A shearing team is engaged for a 2 week period in a year. The accommodation must be kept securely closed for the rest of the year.	14
	15
Maximum penalty—10 penalty units.'	16
 Clause 15 Amendment of s 16 (Duties of workers accommodated)	17
(1) Section 16(3A), '\$40'—	18
<i>omit, insert—</i>	19
'\$100'.	20
(2) Section 16(4), as a penalty—	21
<i>insert—</i>	22
'Maximum penalty for subsection (4)—10 penalty units.'	23
 Clause 16 Omission of s 17 (Plans to be approved)	24
Section 17—	25
<i>omit.</i>	26

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Clause 17	Amendment of s 18 (Notice to comply with Act)	1
	(1) Section 18(2), as a penalty—	2
	<i>insert—</i>	3
	‘Maximum penalty—10 penalty units.’.	4
	(2) Section 18(3) and (4), ‘chief inspector’—	5
	<i>omit, insert—</i>	6
	‘chief executive’.	7
 Clause 18	 Amendment of s 19 (Notice of commencement of shearing)	 8
	(1) Section 19, heading, ‘ commencement of ’—	9
	<i>omit, insert—</i>	10
	‘ beginning ’.	11
	(2) Section 19(1), from ‘shearing is commenced’—	12
	<i>omit, insert—</i>	13
	‘the day on which it is proposed to start shearing, give to an inspector at the department’s nearest office written notice of the proposed starting date.’.	14 15 16
	(3) Section 19(1), as a penalty—	17
	<i>insert—</i>	18
	‘Maximum penalty—10 penalty units.’.	19
	(4) Section 19(2)—	20
	<i>omit, insert—</i>	21
	‘(2) If in an emergency it becomes necessary to immediately begin shearing, the occupier must give the inspector the written notice within 1 day after shearing starts.	22 23 24
	Maximum penalty—10 penalty units.’.	25
	(5) Section 19—	26
	<i>insert—</i>	27
	‘(3) However, the occupier does not contravene subsection (1) or (2) if—	28

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- (a) in extenuating circumstances, it is not possible for the occupier to give written notice; and 1
2
- (b) the occupier gives the inspector the notice by telephone in the time mentioned in subsection (1) or (2). 3
4

‘(4) In this section— 5

“shearing” includes crutching.’. 6

Clause 19 Replacement of ss 21–22 7

Sections 21 and 22— 8

omit, insert— 9

‘21 Evidence of authority 10

‘(1) Before exercising a power under this Act in relation to a person, an inspector must— 11
12

- (a) identify himself or herself as an inspector under this Act and the *Industrial Relations Act 1999*; and 13
14
- (b) produce the inspector’s identity card as an inspector under the *Industrial Relations Act 1999* for the person’s inspection before exercising the power or have the identity card displayed so it is clearly visible to the person when exercising the power. 15
16
17
18

‘(2) However, if it is not practicable to comply with subsection (1), the inspector must, at the first reasonable opportunity— 19
20

- (a) identify himself or herself as required under subsection (1)(a); and 21
22
- (b) produce the identity card for the person’s inspection.’. 23

**Clause 20 Amendment of s 24 (Occupiers and employers to furnish assistance) 24
25**

Section 24, as a penalty — 26

insert— 27

‘Maximum penalty—10 penalty units.’. 28

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Clause 21	Amendment of s 26 (Obstruction of inspector)	1
	Section 26(1), as a penalty—	2
	<i>insert—</i>	3
	‘Maximum penalty—10 penalty units.’.	4
Clause 22	Omission of ss 27–28	5
	Sections 27 and 28—	6
	<i>omit.</i>	7
Clause 23	Replacement of s 29 (Time for commencement of prosecution)	8
	Section 29—	9
	<i>omit, insert—</i>	10
	‘29 Time for commencing prosecution	11
	‘A prosecution for an offence against this Act must be commenced within the later of the following—	12
		13
	(a) 1 year after the offence is committed;	14
	(b) 6 months after the commission of the offence comes to the complainant’s knowledge, but within 2 years after the commission of the offence.’.	15
		16
		17
Clause 24	Amendment of s 30 (Proceedings re offences)	18
	Section 30(4)—	19
	<i>omit.</i>	20
Clause 25	Amendment of s 31(Power to order remedying of offence)	21
	Section 31(3)—	22
	<i>omit, insert—</i>	23
	‘(3) A person must not contravene an order made under subsection (1).	24
	Maximum penalty—10 penalty units.	25

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‘(4) An offence against subsection (3) is a continuing offence and may
be charged in 1 or more complaints for periods the offence continues. 1
2
Maximum penalty for each day the offence continues after a conviction 3
against subsection (3)—0.2 penalty units.’. 4

Clause 26 Replacement of ss 32–36 5

Sections 32 to 36— 6

omit, insert— 7

‘32 Evidentiary provision 8

‘(1) This section applies to a proceeding under this Act. 9

‘(2) The appointment as an official of a person claiming to be, or stated 10
to be, an official, and the authority of an official to take proceedings or do 11
any act must be presumed unless a party, by reasonable written notice of 12
not less than 7 days, requires proof of— 13

(a) the appointment; or 14

(b) the power to do anything under this Act. 15

‘(3) A signature purporting to be an official’s signature is evidence of the 16
signature it purports to be. 17

‘(4) A document purporting to be a copy of a notice or permit issued 18
under this Act by an official is evidence of the issue of the notice or permit 19
and of the things in it. 20

‘(5) In this section— 21

“official” means— 22

(a) the chief executive; or 23

(b) an inspector. 24

‘33 Regulation-making power 25

‘(1) The Governor in Council may make regulations under this Act. 26

‘(2) A regulation may provide for a maximum penalty of not more than 27
10 penalty units for a contravention of a regulation. 28

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'34 Transitional provision for <i>Pastoral Workers' Accommodation Amendment Act 2003</i>	1
	2
'Section 29, as in force immediately before the commencement of this section, continues to apply to a prosecution for an offence committed before the commencement.'	3
	4
	5
	6

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