

Queensland



Subordinate Legislation 2003 No. 150

Pastoral Workers' Accommodation Act 1980

Building Act 1975

Fire and Rescue Service Act 1990

Integrated Planning Act 1997

Residential Services (Accreditation) Act 2002

PASTORAL WORKERS' ACCOMMODATION REGULATION 2003

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PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Pastoral Workers' Accommodation Regulation 2003*.

2 Commencement

This regulation commences on 1 July 2003.

3 Definitions

The dictionary in schedule 2 defines particular words used in this regulation.

PART 2—PROVISION OF ACCOMMODATION

4 Occupier must provide accommodation—Act ss 8–11

If accommodation must be provided under section 8, 9, 10 or 11 of the Act,¹ the accommodation is taken not to be provided unless the accommodation complies with this part and part 3 or 4.

5 Compliance with Queensland Development Code, pt 21

(1) The accommodation must comply with the Queensland Development Code, part 21² (“**part 21**”).

(2) Part 21 is complied with if the performance criteria in part 21 are satisfied.

(3) A performance criterion is satisfied if—

1 The Act, section 8 (Accommodation for resident workers), 9 (Group accommodation), 10 (Accommodation for non-resident workers etc.) or 11 (Accommodation for workers employed on other lands)

2 Queensland Development Code, part 21 (Pastoral Workers Accommodation)

- (a) the acceptable solution for the criterion set out opposite the criterion is complied with; or
- (b) the criterion is satisfied in a way that is at least equivalent to the acceptable solution opposite the criterion.

(4) However, if part 21 is inconsistent with this regulation, this regulation prevails to the extent of the inconsistency.

Examples of subsection (4)—

- If this regulation provides that sleeping accommodation must be provided in a building or structure, the accommodation must be provided in a building or structure.
- If this regulation provides that separate male and female toilet facilities must be provided, separate male and female toilet facilities must be provided.

6 Accommodation to be in good order and repair and appropriate for purpose

The accommodation must be in good order and repair, hygienic condition and otherwise appropriate for its purpose.

Examples—

- Buildings and structures used for accommodation must be maintained in good order and repair and hygienic condition.
- Fittings, furnishings and equipment provided for workers must be maintained in good order and repair and hygienic condition.

7 Accommodation must be adequate

(1) The accommodation must be adequate for the reasonable requirements of workers accommodated.

(2) If a worker and the worker's family are provided with accommodation, the accommodation must be adequate for the reasonable requirements of the worker and the worker's family.

(3) In this section—

“adequate” means adequate in capacity, number or quantity for the number of workers accommodated.

Examples—

- If accommodation is provided for a worker and the worker's family, at least a 170 litre refrigerator must be provided.

- If a worker performs mustering work, sleeping, kitchen and laundry accommodation is not required to be provided while the worker does not eat and sleep in accommodation provided as resident accommodation.

8 Sole use of accommodation

The accommodation must be provided for the sole use of accommodating a worker and, if applicable, the worker's family.

Example—

Accommodation provided for a worker must not be used to store offensive goods or material such as fertiliser or untreated sheepskin.

9 Water or fuel supply

If the accommodation requires a water or appropriate fuel supply so that it can be used for its purpose, the accommodation must have a water or appropriate fuel supply.

Examples—

- If a bathing accommodation is provided, it must have an adequate supply of clean water for showering.
- If an electric washing machine is provided, it must be connected to an electricity supply.

PART 3—ACCOMMODATION FOR RESIDENT WORKERS

10 Accommodation prescribed in pt 3

This part prescribes accommodation that must be provided under section 8 or 9 of the Act.³

³ The Act, section 8 (Accommodation for resident workers) or 9 (Group accommodation)

11 Prescribed accommodation for resident workers—Act ss 8 or 9

(1) The following accommodation must be provided for resident workers—

- (a) sleeping accommodation;
- (b) kitchen accommodation;
- (c) dining accommodation;
- (d) refuse disposal facilities for kitchen and dining accommodation areas;
- (e) meat preparation facilities;
- (f) bathing accommodation;
- (g) toilet facilities;
- (h) laundry facilities.

(2) The accommodation must be as stated in schedule 1.

PART 4—ACCOMMODATION FOR NON-RESIDENT WORKERS**12 Accommodation prescribed in pt 4**

(1) This part prescribes the accommodation that must be provided under section 10 of the Act.⁴

(2) If the occupier provides the accommodation at 1 location on the premises, the occupier complies with this part.

13 Accommodation requirements for 4 or more non-resident workers and cook

(1) This section applies if an occupier employs 4 or more non-resident workers and a cook.

4 The Act, section 10 (Accommodation for non-resident workers etc.)

(2) Part 3⁵ and schedule 1 apply to the occupier as if each non-resident worker were a resident worker.

(3) However, in applying part 3—

- (a) the occupier must provide sleeping accommodation only for the cook; and
- (b) schedule 1, section 8 does not apply to the occupier.

14 Accommodation if section 13 does not apply

(1) This section applies if section 13 does not apply to an occupier.

(2) Part 3 and schedule 1 apply to the occupier as if each non-resident worker were a resident worker.

(3) However, in applying part 3, the following provisions of schedule 1 do not apply to the occupier—

- (a) section 1;
- (b) section 2(1), (2)(c) and (3);
- (c) section 5;
- (d) section 8.

(4) Also, the occupier must provide the following—

- (a) an electric or gas appliance for boiling drinking water;
- (b) a coffeepot or teapot.

PART 5—DUTIES OF PARTICULAR WORKERS

15 Application of pt 5

This part applies if a resident worker resides alone, or with the worker's family, at an out-station.

5 Part 3 (Accommodation for resident workers)

16 Worker to clean refuse disposal facilities

The worker must,⁶ at least once every 24 hours, do the following in relation to a refuse disposal facility—

- (a) remove refuse from the facility to an hygienic location at least 100 m from any building;
- (b) burn the refuse, or bury it at least 1 m below the ground;
- (c) thoroughly clean the facility.

17 Worker to clean certain toilet facilities

The worker must comply with the requirements under the *Environmental Protection (Interim Waste) Regulation 1996*, section 54.⁷

PART 6—TRANSITIONAL PROVISIONS FOR REPEALED REGULATION

18 Definitions for part 6

In this part—

“existing accommodation” means accommodation provided under the Act that, immediately before the repeal of the repealed regulation, was in existence or under construction.

“repealed regulation” means the *Pastoral Workers' Accommodation Regulation 1989* as in force immediately before its repeal by this regulation.

⁶ The Act, section 16 (Duties of workers accommodated)

⁷ *Environmental Protection (Interim Waste) Regulation 1996*, section 54 (Disposal of nightsoil from pans)

19 Continuing application of repealed regulation to existing accommodation

Despite the repeal of the repealed regulation, the repealed regulation continues to apply to existing accommodation as if the repealed regulation had not been repealed.

PART 7—REPEAL**20 Repeal**

The *Pastoral Workers' Accommodation Regulation 1989* is repealed.

PART 8—AMENDMENT OF BUILDING FIRE SAFETY REGULATION 1991**21 Regulation amended in pt 8**

This part amends the *Building Fire Safety Regulation 1991*.

22 Amendment of s 10 (Limitation of the number of persons using a building)

Section 10(5), definition “Queensland Development Code”, ‘section 5.’—

omit, insert—

‘section 6A.⁸’.

⁸ See *Standard Building Regulation 1993*, section 6A (Meaning of “Queensland Development Code”).

PART 9—AMENDMENT OF INTEGRATED PLANNING REGULATION 1998

23 Regulation amended in pt 9

This part amends the *Integrated Planning Regulation 1998*.

24 Amendment of s 2A (Definitions)

Section 2A—

insert—

‘**“Queensland Development Code”** means the Queensland Development Code under the *Standard Building Regulation 1993*, section 6A.⁹’.

25 Amendment of s 8 (Qualifications of referee—s 4.2.37)

(1) Section 8(a), ‘*Architects Act 1985*’—

omit, insert—

‘*Architects Act 2002*’.

(2) Section 8(b), ‘*Professional Engineers Act 1988*’—

omit, insert—

‘*Professional Engineers Act 2002*’.

(3) Section 8(e), after ‘*Building Act 1975*,’—

insert—

‘the Queensland Development Code,’.

26 Amendment of sch 2 (Referral agencies and jurisdiction)

(1) Schedule 2, entry for **Building work—special fire services for budget accommodation buildings**, column 1, paragraph (a), from ‘as defined’ to ‘Building Regulation’—

omit.

⁹ The *Standard Building Regulation 1993*, section 6A (Meaning of “Queensland Development Code”)

(2) Schedule 2—

insert—

‘Pastoral worker’s accommodation			
<p>12A. Assessment of an aspect of building work against the Standard Building Regulation if—</p> <p>(a) the Queensland Development Code, part 21, applies to the work; and</p> <p>(b) the work is required to comply with the performance criterion for accommodation, other than by the acceptable solution for accommodation, stated in the part</p>	<p>The chief executive of the department in which the <i>Pastoral Workers’ Accommodation Act 1980</i> is administered</p>	<p>Concurrence</p>	<p>Assessment of the building work against the performance criteria stated in the Queensland Development Code, part 21’.</p>

27 Amendment of sch 3 (Referral agency assessment periods)

Schedule 3—

insert—

<p>‘Chief executive of the department in which the <i>Pastoral Workers’ Accommodation Act 1980</i> is administered</p>	<p>20’.</p>
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PART 10—AMENDMENT OF RESIDENTIAL SERVICES (ACCREDITATION) REGULATION 2002

28 Regulation amended in pt 10

This part amends the *Residential Services (Accreditation) Regulation 2002*.

29 Amendment of s 4 (Prescribed building requirements—Act s 28)

Section 4(2), definition “Queensland Development Code”, ‘section 5.’—

omit, insert—

‘section 6A.¹⁰’.

PART 11—AMENDMENT OF STANDARD BUILDING REGULATION 1993

30 Regulation amended in pt 11

This part amends the *Standard Building Regulation 1993*.

31 Amendment of s 5 (Definitions)

(1) Section 5, definition “performance standards”, paragraph (b),
‘, part 14’—

omit.

(2) Section 5, definition “Queensland Development Code”, from
‘means’—

omit, insert—

‘see section 6A.¹¹’.

32 Insertion of new s 6A

After section 6—

insert—

10 See *Standard Building Regulation 1993*, section 6A (Meaning of “Queensland Development Code”)

11 Section 6A, (Meaning of “Queensland Development Code”).

‘6A Meaning of “Queensland Development Code”

‘(1) **“Queensland Development Code”** means the document, Queensland Development Code,¹² published by the department.

‘(2) In this regulation, a reference to a part of QDC is a reference to the part as at the date mentioned for the part in schedule 13, column 2.’.

33 Amendment of s 10A (Application of QDC, pt 14)

(1) Section 10A, heading, ‘, pt 14’—

omit.

(2) Section 10A, from ‘QDC’—

omit, insert—

‘QDC to the extent QDC applies to the work.’.

34 Amendment of s 10B (Proof of QDC)

(1) Section 10B, ‘, part 14’—

omit.

(2) Section 10B, ‘the part’—

omit, insert—

‘the QDC’.

35 Amendment of s 10C (Relationship between QDC and BCA)

Section 10C—

omit, insert—

‘If QDC is inconsistent with BCA, QDC prevails to the extent of the inconsistency.’.

12 Copies of the Queensland Development Code are available for inspection at the department’s office at 41 George Street, Brisbane. The Queensland Development Code is also available for inspection on the department’s website at www.dlqp.qld.gov.au.

36 Amendment of s 11 (Building certifiers to assess applications)

Section 11—

insert—

‘(4) This section does not apply¹³ to the extent that an application must comply with QDC, part 20.¹⁴’.

37 Amendment of s 13A (Building certifier’s discretion—QDC, pt 14)

(1) Section 13A, heading, ‘, pt 14’—

omit.

(2) Section 13A(1)(a) and (2), ‘, pt 14’—

omit.

(3) Section 13A(2), after ‘The building certifier’—

insert—

‘or, if a concurrence agency is stated for an aspect of the building work under the *Integrated Planning Regulation 1998*, the concurrence agency’.

38 Insertion of new sch 13

After schedule 12—

insert—

13 See *Residential Services (Accreditation) Act 2002*, section 29 (Notice of compliance with prescribed building requirements)

14 Queensland Development Code, part 20 (Residential Services Building Standard)

‘SCHEDULE 13

‘QUEENSLAND DEVELOPMENT CODE

section 6A

Column 1	Column 2
Part of QDC	Date published
14	23 August 2002
20	23 August 2002
21	1 July 2003’.

SCHEDULE 1

RESIDENT WORKERS ACCOMMODATION

section 11

1 Sleeping accommodation

(1) Sleeping accommodation must be provided in a building or structure.

(2) The accommodation must be a compartment providing sleeping quarters for no more than 2 workers at a time.

(3) Separate compartments for males and females must be provided.

(4) The accommodation must have the following in it—

- (a) a table;
- (b) a wardrobe or curtained-off area for hanging clothes;
- (c) clothes hooks;
- (d) if a compartment is lockable and a worker requests a key to his or her room, the key;
- (e) a broom;
- (f) a waste receptacle;
- (g) for each worker—
 - (i) a bed that is not a bunk; and
 - (ii) a chair; and
 - (iii) a mattress; and
 - (iv) a pillow; and
 - (v) a towel rack.

(5) The accommodation must not—

- (a) unless it is for a cook, adjoin a kitchen; and
- (b) be used for cooking, serving meals, or storing food.

SCHEDULE 1 (continued)**2 Kitchen accommodation**

(1) Kitchen accommodation must be provided in a building or structure.

(2) The accommodation must consist of the following—

- (a) a cooking appliance;
- (b) a refrigerator used solely for the refrigeration of perishable food;
- (c) utensils and equipment reasonably expected to be found in a fully equipped kitchen.

Examples of paragraph (c)—

- coffeepot or teapot
- carving and chopping knives
- tin opener
- saucepans including a frypan
- air tight storage containers for bread, butter, flour and sugar
- mixing utensils, rolling pin and baking dishes
- detergent for washing dishes, sponge, scourer and tea towel
- broom.

(3) However, subsections (1) and (2) do not apply to the extent the accommodation has already been provided under a contract entered into by the occupier for the provision of cooking services.

3 Dining accommodation

(1) Dining accommodation must be provided in a building or structure.

(2) The accommodation must consist of the following—

- (a) crockery;
- (b) cutlery;
- (c) glassware.

Example of glassware—

- drinking glasses
- water jug or carafe.

SCHEDULE 1 (continued)

- (d) seating;
- (e) table.

4 Refuse disposal facilities

(1) Refuse disposal facilities must—

- (a) consist of metal receptacles with lids; and
- (b) be provided for kitchen and dining accommodation.

(2) The occupier must ensure that, at least once every 24 hours—

- (a) all refuse is—
 - (i) removed from the refuse disposal facilities to an hygienic location at least 100 m from any building; and
 - (ii) burnt, or buried at least 1 m below the ground; and
- (b) refuse disposal facilities are thoroughly cleaned.

(3) Subsection (2) does not apply if a resident worker resides alone, or with the worker's family, at an out-station.

5 Meat preparation facilities

(1) Meat preparation facilities must be provided in a building or structure.

(2) The facilities must consist of the following—

- (a) a chopping block;
- (b) a work bench;
- (c) hooks for hanging meat.

6 Bathing accommodation

(1) Bathing accommodation must be provided in a building or structure.

(2) Separate accommodation for males and females must be provided.

(3) The accommodation must be provided in a way that ensures a worker's privacy.

SCHEDULE 1 (continued)

7 Toilet facilities

- (1) Toilet facilities must be provided in a building or structure.
- (2) Separate facilities for males and females must be provided.
- (3) The occupier must comply with the requirements under the *Environmental Protection (Interim Waste) Regulation 1996*, section 54.¹⁵
- (4) Subsection (3) does not apply if a resident worker resides alone, or with the worker's family, at an out-station.
- (5) The facilities must be provided in a way that ensures a worker's privacy.
- (6) The facilities must contain toilet paper and disinfectant.

8 Laundry facilities

- (1) Laundry facilities must be provided in a building or structure.
- (2) The facilities must consist of the following—
 - (a) an electric washing machine;
 - (b) if no electricity supply is connected to laundry facilities—a copper;
 - (c) clothes line and pegs.

¹⁵ *Environmental Protection (Interim Waste) Regulation 1996*, section 54 (Disposal of nightsoil from pans)

SCHEDULE 2

DICTIONARY

section 3

“compartment” means a room within a building or structure.

“cooking appliance” means a stove or range used for cooking and includes an oven.

“Queensland Development Code” means the Queensland Development Code under the *Standard Building Regulation 1993*, section 6A.¹⁶

ENDNOTES

1. Made by the Governor in Council on 26 June 2003.
2. Notified in the gazette on 27 June 2003.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Industrial Relations.

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¹⁶ See the *Standard Building Regulation 1993*, section 6A (Meaning “Queensland Development Code”).