

Queensland



PASTORAL WORKERS' ACCOMMODATION ACT 1980

**Reprinted as in force on 6 October 2003
(includes commenced amendments up to 2003 Act No. 58)**

Reprint No. 3

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Information about this reprint

This Act is reprinted as at 6 October 2003. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

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

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- correct spelling and use different spelling consistent with current drafting practice (s 26(1))
- use aspects of format and printing style consistent with current drafting practice (s 35).

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

Also see endnotes for information about—

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

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.

Queensland



PASTORAL WORKERS' ACCOMMODATION ACT 1980

TABLE OF PROVISIONS

Section		Page
1	Short title	3
4	Crown bound	3
5	Definitions	3
8	Accommodation for resident workers	4
9	Group accommodation	5
10	Accommodation for non-resident workers etc.	5
11	Accommodation for workers employed on other lands	5
12	Temporary accommodation	6
13	Construction of awards	7
14	Accommodation to be free of cost	7
15	Occupier to clean accommodation	7
15A	Accommodation to be free of vermin and clear of vegetation	7
15B	Unused accommodation to be kept closed	8
16	Duties of workers accommodated	8
18	Notice to comply with Act	9
19	Notice of beginning shearing	9
20	Tenancies and trusts	10
21	Evidence of authority	10
23	Powers of inspectors	11
24	Occupiers and employers to furnish assistance	11
25	Inspector to inform occupier of inspection	12
26	Obstruction of inspector	12
29	Time for commencing prosecution	13

30	Proceedings re offences	13
31	Power to order remedying of offence	13
32	Evidentiary provision	14
33	Regulation-making power	14
34	Transitional provision for Pastoral Workers' Accommodation Amendment Act 2003	15

ENDNOTES

1	Index to endnotes	16
2	Date to which amendments incorporated.	16
3	Key	16
4	Table of reprints	17
5	Tables in earlier reprints.	17
6	List of legislation	17
7	List of annotations	18

PASTORAL WORKERS' ACCOMMODATION ACT 1980

[as amended by all amendments that commenced on or before 6 October 2003]

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

1 Short title

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

4 Crown bound

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

5 Definitions

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*.

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

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

“occupier” means—

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

Pastoral Workers' Accommodation Act 1980

- (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;
- (b) the shearing or crutching of sheep;
- (c) the scouring, sorting or pressing of wool;
- (d) work declared under a regulation to be 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.

“structure” includes a transportable hut and a caravan.

“worker” means a person performing pastoral work.

8 Accommodation for resident workers

(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.

Maximum penalty—10 penalty units.

(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).

9 Group accommodation

(1) Any 2 or more persons may agree in writing 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) The last person to sign the agreement must send a copy of the completed agreement to the chief executive within 7 days after it is completed.

Maximum penalty—10 penalty units.

(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.

Maximum penalty for subsection (3)—10 penalty units.

10 Accommodation for non-resident workers etc.

(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.

Maximum penalty—10 penalty units.

(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).

11 Accommodation for workers employed on other lands

(1) Notwithstanding the provisions of sections 8 and 10, where pastoral work is performed for a person (the “**initiator**”) on land other than land occupied, managed or controlled by the initiator, the initiator shall be

responsible for the provision of accommodation prescribed pursuant to those sections.

(2) If accommodation is not provided as required by those sections, the initiator commits an offence.

Maximum penalty—10 penalty units.

12 Temporary accommodation

(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; or
- (b) premises are newly established; or
- (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); or
- (d) for any premises generally, in other circumstances the chief executive considers appropriate;

the chief executive 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) The occupier of the premises must not contravene a requirement under a regulation or permit mentioned in subsection (3).

Maximum penalty—10 penalty units.

(5) A permit under this section may be issued for such limited period as is specified therein, but the chief executive may extend the period.

(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.

13 Construction of awards

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.

14 Accommodation to be free of cost

(1) If under this Act a person must provide accommodation for a worker, the person must provide the accommodation without cost to the worker.

Maximum penalty—10 penalty units.

(2) However, the person does not contravene subsection (1) if an award applying to the worker provides otherwise.

15 Occupier to clean accommodation

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.

Maximum penalty—10 penalty units.

15A Accommodation to be free of vermin and clear of vegetation

An occupier must ensure that—

- (a) accommodation the occupier provides for workers is kept free of vermin; and

- (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.

Maximum penalty—10 penalty units.

15B Unused accommodation to be kept closed

When accommodation provided by an occupier for workers is not being used, the occupier must ensure the accommodation is kept securely closed.

Example—

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.

Maximum penalty—10 penalty units.

16 Duties of workers accommodated

(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 \$100.

(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.

Maximum penalty for subsection (4)—10 penalty units.

18 Notice to comply with Act

(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.

Maximum penalty—10 penalty units.

(3) Upon the application of an occupier or employer to whom a notice has been given under this section, the chief executive 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 executive.

(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.

19 Notice of beginning shearing

(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 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.

Maximum penalty—10 penalty units.

(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.

Maximum penalty—10 penalty units.

(3) However, the occupier does not contravene subsection (1) or (2) if—

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

(4) In this section—

“**shearing**” includes crutching.

20 Tenancies and trusts

(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.

21 Evidence of authority

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

- (a) identify himself or herself as an inspector under this Act and the *Industrial Relations Act 1999*; and
- (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.

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

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

23 Powers of inspectors

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) ask a health inspector or anyone else the inspector considers can help, to help the inspector perform the functions; 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.

24 Occupiers and employers to furnish assistance

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.

Maximum penalty—10 penalty units.

25 Inspector to inform occupier of inspection

(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.

26 Obstruction of inspector

(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.

Maximum penalty—10 penalty units.

(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.

29 Time for commencing prosecution

A prosecution for an offence against this Act must be commenced within the later of the following—

- (a) 1 year after the offence is committed;
- (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.

30 Proceedings re offences

(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).

31 Power to order remedying of offence

(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) A person must not contravene an order made under subsection (1).

Maximum penalty—10 penalty units.

(4) An offence against subsection (3) is a continuing offence and may be charged in 1 or more complaints for periods the offence continues.

Maximum penalty for each day the offence continues after a conviction against subsection (3)—0.2 penalty units.

32 Evidentiary provision

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

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

- (a) the appointment; or
- (b) the power to do anything under this Act.

(3) A signature purporting to be an official's signature is evidence of the signature it purports to be.

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

(5) In this section—

“official” means—

- (a) the chief executive; or
- (b) an inspector.

33 Regulation-making power

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

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

**34 Transitional provision for Pastoral Workers' Accommodation
Amendment Act 2003**

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.

ENDNOTES

1 Index to endnotes

		Page
2	Date to which amendments incorporated	16
3	Key	16
4	Table of reprints	17
5	Tables in earlier reprints	17
6	List of legislation	17
7	List of annotations	18

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 6 October 2003. 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

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of earlier reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF REPRINTS

Reprint No.	Amendments included	Effective	Reprint date
1	none	1 January 1981	14 February 1996
1A	to 1996 Act No. 37	1 December 1996	10 January 1997
1B	to 1999 Act No. 33	1 July 1999	9 July 1999
2	to 2000 Act No. 5	23 March 2000	7 April 2000 (Column discontinued) Notes
3	to 2003 Act No. 58	6 October 2003	

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)

amending legislation—

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)

Police Powers and Responsibilities Act 2000 No. 5 ss 1–2(1)–(2), 373 sch 2

date of assent 23 March 2000

commenced on date of assent (see s 2(1)–(2))

Pastoral Workers' Accommodation Amendment Act 2003 No. 58

date of assent 18 September 2003

ss 1–2 commenced on date of assent

remaining provisions commenced 6 October 2003 (2003 SL No. 242)

7 List of annotations**Commencement**

s 2 om R1 (see RA s 37)

Savings

s 3 om 2003 No. 58 s 4

Definitions

prov hdg sub 2003 No. 58 s 5(1)

s 5 def “award” sub 1999 No. 33 s 747 sch 4

def “chief inspector” om 2003 No. 58 s 5(2)

def “inspector” sub 2003 No. 58 s 5(2)–(3)

def “Minister” om R1 (see RA s 39)

def “pastoral work” amd 2003 No. 58 s 5(4)

def “structure” ins 2003 No. 58 s 5(3)

def “worker” amd 2003 No. 58 s 5(5)

Application of Act

s 6 om 2003 No. 58 s 6

Administration

s 7 om 2003 No. 58 s 6

Accommodation for resident workers

s 8 amd 2003 No. 58 s 7

Group accommodation

s 9 amd 2003 No. 58 s 8

Accommodation for non-resident workers etc.

s 10 amd 2003 No. 58 s 9

Accommodation for workers employed on other lands

s 11 amd 2003 No. 58 s 10

Temporary accommodation

s 12 amd 2003 No. 58 s 11

Accommodation to be free of cost

s 14 sub 2003 No. 58 s 12

Occupier to clean accommodation

s 15 amd 2003 No. 58 s 13

Accommodation to be free of vermin and clear of vegetation

s 15A ins 2003 No. 58 s 14

Unused accommodation to be kept closed

s 15B ins 2003 No. 58 s 14

Duties of workers accommodated

s 16 amd 2003 No. 58 s 15

Plans to be approved

s 17 om 2003 No. 58 s 16

Notice to comply with Act

s 18 amd 2003 No. 58 s 17

Notice of beginning shearing

prov hdg amd 2003 No. 58 s 18(1)

s 19 amd 2003 No. 58 s 18(2)–(5)

Evidence of authority

s 21 sub 1996 No. 37 s 147 sch 2; 2003 No. 58 s 19

Certificate of appointment

s 22 om 2003 No. 58 s 19

Power of inspectors

s 23 amd 2000 No. 5 s 373 sch 2

Occupiers and employers to furnish assistance

s 24 amd 2003 No. 58 s 20

Obstruction of inspector

s 26 amd 2003 No. 58 s 21

Offences

s 27 om 2003 No. 58 s 22

Penalty

s 28 om 2003 No. 58 s 22

Time for commencing prosecution

s 29 sub 2003 No. 58 s 23

Proceedings re offences

s 30 amd 1999 No. 33 s 747 sch 3; 2003 No. 58 s 24

Power to order remedying of offence

s 31 amd 2003 No. 58 s 25

Evidentiary provision

s 32 sub 2003 No. 58 s 26

Regulation-making power

s 33 sub 2003 No. 58 s 26

Transitional provision for Pastoral Workers' Accommodation Amendment Act 2003

s 34 sub 2003 No. 58 s 26

Regulations may adopt standards

s 35 om R1 (see RA s 39)

Orders in council

s 36 om 2003 No. 58 s 26