

Pastoral Workers' Accommodation Regulation 2015

Explanatory notes for SL 2015 No. 92

made under the

Pastoral Workers' Accommodation Act 1980

General Outline

Short Title

Pastoral Workers' Accommodation Regulation 2015

Authorising law

Section 33 of the *Pastoral Workers' Accommodation Act 1980* (PWA Act)

Policy objectives and the reasons for them

The *Pastoral Workers' Accommodation Regulation 2003* (PWA Regulation 2003) along with the PWA Act, and the Queensland Development Code MP 5.6 provide for basic standards of accommodation for workers in the pastoral industry where employers provide accommodation. Pastoral work includes work in relation to the management, rearing and grazing of horses, cattle or sheep and work connected with the shearing of sheep and scouring, sorting or pressing of wool.

In accordance with the 10 year sunset provisions for regulations in the *Statutory Instruments Act 1992*, the PWA Regulation is due to expire on 31 August 2015.

Consideration of regulatory activity under the PWA Regulation 2003 and its objectives indicated no substantive issues which needed to be addressed and that it adequately provides for accommodation standards for pastoral workers without imposing onerous obligations upon employers. However it is considered that if the accommodation standards were discarded employees could be left vulnerable to the provision of unsatisfactory accommodation standards. It is appropriate that the provisions of the PWA Regulation 2003 be continued with minimal change in a new regulation.

Therefore, the *Pastoral Workers' Accommodation Regulation 2015* repeals the PWA Regulation 2003 and makes similar provisions regulating accommodation standards for pastoral workers with minor necessary amendments limited to removing obsolete provisions and reflecting modern drafting practice.

Achievement of policy objectives

The PWA Regulation 2015 is to commence on 31 August 2015. It will continue to stipulate minimum standards of accommodation for workers employed in the pastoral industry.

Consistency with policy objectives of authorising law

The PWA Regulation 2015 is consistent with the main policy objective of the PWA Act, which is to provide for the accommodation of workers employed in pastoral work and for matters incidental thereto.

Inconsistency with policy objectives of other legislation

The PWA Regulation 2015 is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The PWA Regulation 2015 clarifies standards of accommodation to be provided to workers in the pastoral industry, where the worker resides in accommodation provided by the employer. The requirements of the PWA Regulation 2015 are an adequate and appropriate mechanism for prescribing balanced entitlements and obligations in the industry, without imposing onerous costs upon employers.

As the requirements in the PWA Regulation 2015 remain unchanged from the PWA Regulation 2003, the replacement Regulation does not impose any additional costs.

Consistency with fundamental legislative principles

The replacement Regulation is consistent with fundamental legislative principles.

Consultation

The Department of the Premier and Cabinet, the Department of Housing and Public Works and the Office of the Queensland Parliamentary Counsel were consulted on the making of a replacement regulation. The relevant peak stakeholder union and employer organisations, the Australian Workers' Union and Agforce Queensland were also consulted on the making of a replacement regulation. There were no objections to the proposal.

A Regulatory Principles Checklist and Preliminary Impact Assessment were submitted to the then Office of Best Practice Regulation (OBPR), Queensland Competition Authority proposing that the provision of standards of pastoral workers' accommodation by regulation were adequate and appropriate to the objective of prescribing balanced entitlements and obligations in the industry and should be continued in the PWA Regulation 2015. OBPR advised that the Regulatory Impact Statement system requirements had been met and that no further analysis was necessary.