



NSW Legislative Assembly Hansard

Rural Workers Accommodation Amendment Bill

Extract from NSW Legislative Assembly Hansard and Papers Tuesday 24 May 2005.

Second Reading

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [9.05 p.m.], on behalf of Mr Grant McBride: I move:

That this bill be now read a second time.

This bill arises out of the recent review of the Rural Workers Accommodation Act 1969 conducted by WorkCover as part of the Government's National Competition Policy obligations. The purpose of the review was to examine any restrictions on competition imposed by the Act, and to determine whether they were outweighed by a net public benefit. The review concluded that the occupational health and safety benefits of providing rural workers with accommodation in particular circumstances outweighed any restrictive effect of the requirement to provide it. Stakeholders who were consulted in the course of the review supported retaining the requirement on occupational health and safety grounds. Accordingly, the review recommended that the requirement in the 1969 Act to provide accommodation remain, but that significant structural amendments to the legislation be made.

The bill gives effect to this recommendation. The bill significantly amends the 1969 Act while retaining the principal requirement that employees who, because of the nature of their work, are required to live on rural premises for more than 24 consecutive hours must be provided with accommodation. The bill has been developed after lengthy consultation with key rural industry stakeholders, including the Australian Workers Union, Unions New South Wales, the New South Wales Farmers Association, Employers First, and the Shearing Contractors Association of Australia. The Australian Workers Union and Unions New South Wales support the bill.

Legislation to ensure that rural workers are provided with reasonable accommodation has been in place in New South Wales since 1901, when concern about the poor working conditions endured by shearers and other rural workers led to the introduction of the Shearers Accommodation Act. This Act formed the basis of the Rural Workers Accommodation Act 1969, which is still in force. However, the existing regime is highly prescriptive, and allows no flexibility for landholders. The 1969 Act is written in arcane language and will benefit from being updated in line with the Government's commitment to plain English legislation. It also contains a number of provisions that have been made obsolete by other legislation.

The amending legislation will protect all rural workers, whether they are directly employed or they are contractors. Shearers in New South Wales, a group of workers whose work regularly requires them to stay overnight at the rural premises where they are working, are particularly affected by this legislation. I understand that shearers are often engaged as contractors and not as direct employees, and technically may not be covered by the terms of the existing regime. The broad application of the bill will ensure protection for all rural workers, regardless of the employment practices in the industry they work in.

I now turn to the specific provisions. The bill retains the existing requirement on persons controlling rural premises to provide suitable accommodation to rural workers who are required to stay on the premises for more than 24 hours. Instead of the old-fashioned, prescriptive requirements contained in the current bill, a code of practice—which is now being prepared in consultation with industry stakeholders—will provide guidance about what kind of accommodation is suitable. The responsibility to provide accommodation rests on the controller of the rural premises. This simply updates the concept used in the existing legislation, which applies to landholders. Employers will only be required to provide accommodation when they also happen to be controllers of the premises on which the rural workers work.

The bill harnesses the provisions of the occupational health and safety legislation that relate to inspectors and enforcement. To ensure a more flexible and efficient compliance regime, people appointed as WorkCover inspectors under the occupational health and safety legislation will also be inspectors under the rural workers accommodation legislation. Inspectors will be able to exercise the full range of their powers in respect of the rural workers accommodation legislation. This includes issuing investigation, improvement and prohibition notices. Practical guidance about what kinds of accommodation it is suitable to provide in different circumstances will be given in a code of practice made under the new Act. The code of practice is being developed in close consultation with industry stakeholders.

The bill will not be commenced until the consultation is complete and the code is in place; the bill and code will be implemented and operate in tandem. The current regime will stay in place until the bill commences. In summary, this bill recognises the particular situation of rural workers and puts measures in place to protect

them so as to ensure that all New South Wales workers are on a level footing. The bill ensures that people working on remote rural premises are not disadvantaged just because of the location of their workplace. The bill also ensures that the legislation governing the requirements to provide accommodation to rural workers is in line with modern regulatory standards. I commend the bill to the House.