

RURAL WORKERS
ACCOMMODATION ACT.

Act No. 3, 1926.

An Act to provide for the accommodation of rural workers ; to repeal the Shearers' Accommodation Act, 1901 ; and for purposes connected therewith. [Assented to, 5th March, 1926.]

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BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Rural Workers Accommodation Act, 1926." Short title and commencement.

(2) This Act shall come into operation on a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. (1) The Shearers' Accommodation Act, 1901, is hereby repealed. Repeal of Act No. 74, 1901.

(2) Without limiting the operation of the Interpretation Act, 1897—

(a) all districts appointed under such repealed Act shall be deemed to have been appointed under and for the purposes of this Act ;

(b) subject to this Act all inspectors appointed under such repealed Act and in office at the commencement of this Act shall be deemed to have been appointed inspectors under this Act.

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Definitions.

3. In this Act, unless the context or subject-matter otherwise indicates or requires—

“Agricultural occupation” includes all work in connection with dairying and the sowing, raising and harvesting of crops of grain, fodder, sugar-cane, fruit or any farm produce upon agricultural holdings, farms and orchards, and such other work thereon as the Governor may, by proclamation published in the Gazette, declare to be an agricultural occupation for the purpose of this Act.

“City” means the City of Sydney and any city within the meaning of the Local Government Act, 1919.

“Employer” includes every master or other person employing or having the control or superintendence of any rural worker, or of any agricultural or pastoral occupation.

“Inspector” means an inspector under this Act.

“Owner” includes the person entitled to the receipt of the rent or profits of any premises.

Qld., 6 Geo.
V, No. 30,
s. 3.

“Pastoral occupation” includes all work in connection with the management, rearing and grazing of horses, cattle or sheep, all operations in connection with the shearing of sheep and the scouring, sorting and pressing of wool upon pastoral holdings or farms, all general labour incidental thereto, and such other work upon pastoral holdings as may be proclaimed to be a pastoral occupation for the purposes of this Act.

“Premises” means any land, building, or place on or in which any rural worker is employed or accommodated.

“Prescribed” means prescribed by this Act or by regulations made thereunder.

“Rural worker” or “worker” includes every person employed for any period exceeding twenty-four hours by an employer in an agricultural or pastoral occupation.

4. (1) This Act shall apply within the districts appointed under the Shearers' Accommodation Act, 1901, and within such localities as are declared by the Governor, by proclamation in the Gazette, to be districts for the purposes of this Act.

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Application
of Act.

The Governor may alter the boundaries of any district, and may vary or rescind any proclamation whereby a district has been appointed.

(2) Unless the Governor by proclamation otherwise specifically declares, this Act shall not apply where the premises are situated within the boundaries of a city.

(3) Under special circumstances the Minister may, by order, wholly or partly exempt any employer from the operation of this Act for such period as is specified in the order.

(4) Nothing in this Act shall affect the operation of the Local Government Act, 1919, or of any ordinance made thereunder.

5. The Governor may appoint persons to be inspectors under this Act and may assign a district or districts to any inspector.

Inspectors.

6. (1) An inspector may at any reasonable hour—

Powers of
inspectors.

- (a) enter, inspect, and examine any land, building or place, where he has reasonable cause to believe that any rural worker is accommodated therein;
- (b) take with him in either case a health inspector or inspector of nuisances, or a member of the police force;
- (c) make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are complied with; and
- (d) exercise all other powers that may be necessary for carrying out the provisions of this Act.

(2) Every employer, his agents, and servants shall, when required by an inspector, furnish the means necessary for entry into, and inspection of any building or place where he has reasonable cause to believe that any rural worker is accommodated.

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(3) Every inspector shall be furnished with a certificate of his appointment, and on applying for admission to any premises shall, if required, produce his certificate and show it to the employer or the person in charge of the premises.

Accommoda-
tion to be
provided.

Qld., 6 Geo.
V, No. 30,
s. 6.

12 Geo. V,
No. 26, s. 3.

7. (1) Subject to this Act, accommodation proper and sufficient for the comfort and health of the rural workers who are employed and reside on the premises during their employment shall be provided in buildings free of all cost to the workers: Provided that where any industrial award contains any determination fixing any sum as being proper to be deducted from the remuneration of the worker, in respect of accommodation provided by the employer for such worker, such industrial award shall, notwithstanding anything to the contrary contained in this Act, remain in full force until altered by the statutory authority.

(2) Where less than five rural workers are so employed and reside, the accommodation provided shall not be deemed proper and sufficient for their comfort and health if any of the following conditions are not fulfilled:—

- (i) not less than four hundred and eighty cubic feet of air space shall be allowed to each person in any sleeping compartment;
- (ii) not more than two persons shall be accommodated in any one sleeping compartment;
- (iii) upper bunks are not to be permitted in any sleeping compartment under any circumstances.

What is
proper and
sufficient
accommoda-
tion.

Qld., 6 Geo.
V, No. 30,
s. 6.

12 Geo. V,
No. 26, s. 3.

(3) Where not less than five rural workers are so employed and reside, the accommodation shall not be deemed proper or sufficient for their comfort and health if any of the following conditions are not fulfilled:—

- (i) The building shall be separated from any building used for agricultural or pastoral occupations or purposes, and shall be distant at least fifty yards from any pig-styes, stables, shearing shed, boiling down or digester plant, or wool-scour:

Provided

Provided that—

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- (a) a building erected prior to the commencement of this Act at a distance of less than fifty yards, but containing, or which shall be altered so as to contain, the accommodation hereinafter defined, and which is approved by the Minister shall be deemed a proper and sufficient building within the meaning of this Act;
- (b) where a building erected for the accommodation of rural workers has been rendered unfit for habitation by reason of destruction or damage by fire or other unforeseen cause, or by reason of any outbreak of disease or any similar cause, and there has not been a reasonable or sufficient time to rebuild or repair the same, or to remove the danger of continuance of such disease, or where premises have been newly established and there has not been a reasonable or sufficient time to erect a new building, temporary accommodation may be provided for such workers in tents or other structures of a temporary nature; but proper and sufficient accommodation shall be erected within twelve months from the time of the causes aforesaid or within such extended time as may be allowed by the Minister;
- (ii) a building used for sleeping quarters shall be divided into compartments, each to accommodate not more than two persons. No upper bunks to be permitted;
- (iii) not less than four hundred and eighty cubic feet of air space shall be allowed to each person sleeping in any compartment of any such building;
- (iv) no room used for sleeping shall be used for the cooking or serving of meals, or for the storage of food. Unless permitted by the regulations

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regulations in any particular class of cases, a sleeping room must not adjoin a room used for cooking meals ;

- (v) separate accommodation shall be provided for the cooking of meals and for dining ;
- (vi) sleeping accommodation shall be provided for cooks and their assistants in a compartment or compartments separate from the sleeping accommodation provided for other workers ;
- (vii) a sufficient and proper water-closet or earth-closet on the pan system shall be provided.

With the sanction of the Minister and subject to such conditions as he thinks fit, a cesspit may be provided instead of an earth-closet.

Each closet shall be made fly-proof, and all seats provided with closing lids.

A sufficient supply of disinfectant shall be kept in the closet for immediate use ;

- (viii) each sleeping apartment, kitchen, and dining-room shall be supplied with sufficient light, including artificial illumination, and ventilation ;
- (ix) any building used for the accommodation of rural workers shall be thoroughly cleaned and fumigated or disinfected once at least in each year on a date to be approved by an inspector, which in the case of a building used for seasonal and periodic workers (such as shearers, crutchers, shed hands, or harvesting hands), shall be immediately prior to it being used for such purpose ;
- (x) a sufficient supply of good drinking water, and proper cooking, drinking, and washing vessels and utensils shall be provided ;
- (xi) baths and an adequate quantity of water shall be supplied where there is a sufficient quantity available ;
- (xii) each building shall be provided with a floor of wood or of other prescribed material ;
- (xiii) a fly-proof safe of suitable dimensions shall be provided for each kitchen and dining-room ;
- (xiv)

- (xiv) proper and sufficient drainage shall be constructed ;
- (xv) the accommodation to be provided shall in all other respects be constructed in the manner and of the materials prescribed, and shall be equipped and used as prescribed.

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(4) The obligation to provide the buildings shall lie upon the owner of the premises as well as upon the person entitled to the immediate possession of the premises. The obligation to comply with the other requirements of this section shall lie upon the employer of the rural workers as well as upon the person entitled to the immediate possession of the premises.

(5) Where the person entitled to the immediate possession of the premises is a tenant, and he in order to comply with this Act or the requirements of any notice thereunder, provides a building for the accommodation of rural workers he shall be entitled to a charge upon the premises for such amount as at the termination of the tenancy represents the value of the building : Provided that the tenant before commencing the erection of the building gives notice to the landlord in the prescribed form of his intention to so erect the building, and subject as aforesaid, the provisions of the Rural Tenants Improvements Act, 1916, other than section four thereof, shall apply in respect of the building.

(6) Where the person entitled to the immediate possession of the premises is so entitled for an estate determinable on his death or upon the happening of some event, he or his legal representative as the case may be, upon the determination of such estate, shall be entitled to a charge upon the premises, for the amount which then represents the value of the building provided by such person.

(7) Where the owner or the person entitled to the immediate possession of the premises is a trustee, whether for an infant or any persons in succession or otherwise, he may pay or apply capital moneys of the trust for the purpose of providing any building necessary to comply with the provisions of this Act.

George V, No. 3. **8.** Every building, tent, structure, and compartment provided for the accommodation of rural workers shall, unless it is otherwise agreed or determined by the award of any industrial tribunal, be kept clean by the persons occupying the same during their occupation thereof and whenever it is not being kept clean by the persons occupying the same, the employer may thereupon have the building tent structure or compartment restored to a clean state at the expense of the occupiers.

Duties of rural workers accommodated. 1901 No. 74, s. 7. Q., 6 Geo. V, No. 30, s. 7.

Where twenty or more rural workers are employed and are accommodated in one group the employer shall provide a hut-keeper for this purpose.

Employment on temporary work. Qld., 6 Geo. V, No. 30, s. 9.

9. Any employer of rural workers for work of a temporary nature shall provide and supply for all such workers such temporary accommodation as may be necessary in execution of the work.

Any operation connected with the cutting of sugar cane, or its conveyance to a mill, shall for the purposes of this section be deemed work of a temporary nature.

The regulations may prescribe the nature and extent of the temporary accommodation to be supplied by him free of all cost to the said workers, so that in all respects the comfort and health of such workers may be safeguarded.

Inspection of premises. *Ibid.* s. 8.

10. (1) (a) If after an inspection of any premises, building, tent, structure, or compartment used for accommodating rural workers the inspector is satisfied that the requirements of this Act have theretofore been complied with, he shall, if so required by the owner or employer, as the case may be, give to him a certificate to that effect.

(b) The inspector shall include in such certificate a statement regarding the cleanliness or otherwise of any premises, building, tent, structure, or compartment, having regard to the provisions of this Act.

(c) Such certificate shall, for all purposes and in all proceedings, be prima facie evidence of the facts therein stated.

(2) Every inspector shall, not later than the thirty-first day of March in every year, make a full and detailed report to the Minister of his inspections during the previous year.

11. (1) When an inspector has reason to believe that the requirements of this Act have not been complied with, he shall, by notice in writing to the owner or the employer, as the case may be (which notice shall also have the effect of a continuing notice to comply with the requirements of this Act as specified in the notice at all times thereafter), direct him, within a reasonable time to be therein mentioned, to comply with such requirements. He shall also in the notice specify the matters with respect to which he considers the said requirements have not been complied with.

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Notice to
comply
with Act.

Q. Id., 6 Geo.
V, No. 30.

12 Geo. V,
No. 26, s. 5.

(2) The notice may be served personally, or by being left at, or forwarded by registered post addressed to the usual or last known place of abode of the owner or the employer, as the case may be, and where the notice is to an employer it may be served upon the person apparently in charge of the premises or in superintendence of the workers employed.

12. (1) Every employer shall, not less than a week before the commencement of any work of a seasonal or periodic nature, to which the provisions of subsection three of section seven of this Act extend, and in connection with which it is proposed to employ workers not regularly and continuously employed by him, post by registered post, or cause to be delivered to the inspector of the district, at his official address, a notice of such intended commencement, stating the nature of such work and the proposed date of commencement.

Notice of
commence-
ment of work.
Q. Id., 6 Geo.
V, No. 30,
s. 13.

(2) Where owing to a sudden emergency it becomes necessary to immediately commence the work, notice that such work has commenced shall be so addressed as aforesaid within twenty-four hours after such commencement.

13. Every person who—

- (a) refuses to give information, or gives false information in answer to any lawful inquiry by an inspector; or
- (b) resists or obstructs an inspector in the course of his duty; or
- (c) refuses or neglects to comply with the lawful requirements of an inspector; or

Offences.

Q. Id., 6 Geo.
V, No. 30,
s. 11.

(d)

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(d) refuses or neglects to give any notice prescribed by this Act,

shall be liable to a penalty not exceeding one hundred pounds.

Penalties.**14.** Every person who is guilty of an offence against or fails to comply with the provisions of this Act or the regulations hereunder, shall on conviction be liable, if no other penalty is provided, to a penalty not exceeding one hundred pounds.**Procedure.****15.** (1) Every information or complaint under this Act shall be heard and determined, and all proceedings consequent thereon, or incidental thereto, shall be had and taken, in the manner provided by the Justices Act, 1902, and any Acts amending the same, before and by a stipendiary or police magistrate in the district in which the premises referred to in the information or complaint are situated.

(2) The magistrate may, in addition to or instead of inflicting a penalty, order certain means to be adopted within some time to be named in the order, for the purpose of bringing the premises into conformity with this Act, and may, upon application, enlarge the time so named, and if after the expiration of the time originally named, or enlarged upon subsequent application, the order is not complied with, the person failing to comply with the order shall be liable to a penalty not exceeding two pounds for every day that such non-compliance continues.

Regulations.**16.** (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed, and in particular in relation to the following matters:—

- (a) forms of notices to be given and the particulars to be set forth therein;
- (b) the closet accommodation to be provided including the number, situation, design, and construction;
- (c) the materials, construction, design, approach, and heating of buildings for sleeping and for dining and cooking of meals;
- (d) the construction, situation, and dimensions of bunks;

(e)

- (e) the equipment and utensils to be provided ;
- (f) the maintenance and good order and control, and the proper, safe, and sanitary use of the premises ;
- (g) the provision of separate accommodation where a worker is a Pacific islander, or of an African or Asiatic race ;
- (h) generally for carrying into effect the provisions of this Act.

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(2) Regulations may be general in their application or may be limited to particular districts or premises.

(3) The regulations shall—

- (a) be published in the Gazette ;
- (b) take effect from the date of publication or from a later date to be specified in the regulations ; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

(4) If either House of Parliament passes a resolution of which notice has been given at any time within fourteen sitting days after such regulation has been laid before such House disallowing the regulation or any part thereof, such regulation or part shall thereupon cease to have effect.