

**RURAL WORKERS ACCOMMODATION
(AMENDMENT) ACT.**

Act No. 4, 1951.

George VI. An Act to amend the Rural Workers Accommodation Act, 1926, in certain respects; and for purposes connected therewith. [Assented to, 31st May, 1951.]
No. 4, 1951.

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:—

Short title and citation.

1. (1) This Act may be cited as the "Rural Workers Accommodation (Amendment) Act, 1951."

(2) The Rural Workers Accommodation Act, 1926, as amended by this Act, may be cited as the Rural Workers Accommodation Act, 1926-1951.

Amendment of Act No. 3, 1926.

2. The Rural Workers Accommodation Act, 1926, is amended—

Sec. 1.
(Construction.)

(a) by inserting at the end of section one the following new subsection:—

(3) This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative power of the State, to the intent that where any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances shall not be affected.

Sec. 2.
(Savings.)

(b) by omitting paragraph (a) of subsection two of section two;

Sec. 3.
(Definitions.)

(c) (i) by inserting at the end of the definition of "Owner" in section three the words "and any person specifically authorised by the owner

owner to act on his behalf in the general management or control of any premises”;

(ii) by inserting in the definition of “Pastoral occupation” in the same section after the word “shearing” the words “or crutching”;

(iii) by inserting in the same definition after the word “farms” the words “all operations in connection with the shearing or crutching of sheep otherwise than upon pastoral holdings or farms”;

(iv) by inserting at the end of the same section the following new definition:—

“Under Secretary” means the Under Secretary of the Department of Labour and Industry and Social Welfare.

- (d) (i) by omitting subsection one of section four; Sec. 4.
(ii) by inserting in subsection three of the same section after the word “any” the words “owner, person entitled to the immediate possession of premises, or”; (Application of Act.)
- (e) by omitting from section five the words “and may assign a district or districts to any inspector”; Sec. 5. (Inspectors.)
- (f) (i) by inserting in paragraph (a) of subsection one of section six after the word “is” the words “employed or”; Sec. 6. (Powers of inspectors.)
(ii) by inserting in paragraph (c) of the same subsection after the word “Act” the words “or of the regulations made thereunder”;
(iii) by inserting at the end of paragraph (d) of the same subsection the words “or of the regulations made thereunder”;
(iv) by inserting in subsection two of the same section after the word “employer” the words “owner, and person entitled to the immediate possession of premises”;
(v) by inserting in the same subsection after the word “is” the words “employed or”.

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amendment
of Act No.
3, 1926.

Sec. 7.

(Accommo-
dation to be
provided.)**3.** The Rural Workers Accommodation Act, 1926, is further amended—

(a) (i) by omitting subsection one of section seven and by inserting in lieu thereof the following subsection:—

(1) Subject to this Act, where—

(a) five or more rural workers are employed on premises; or

(b) less than five rural workers who reside on the premises during their employment are employed on premises,

accommodation proper and sufficient for their comfort and health shall be provided in buildings on the premises. Such accommodation shall, subject to any contrary provision contained in any award or industrial agreement made under any Act or Commonwealth Act relating to industrial arbitration, be free of all cost to the workers.

(ii) by omitting from subsection two of the same section the words “so employed and reside” and by inserting in lieu thereof the words “employed on premises”;

(iii) by inserting in the same subsection after the word “provided” the words “for the workers who reside on the premises during their employment”;

(iv) by inserting at the beginning of paragraph (ii) of the same subsection the words “unless permitted by the regulations in any particular class of cases”;

(v) by omitting from subsection three of the same section the words “so employed and reside” and by inserting in lieu thereof the words “employed on premises”;

(vi) by inserting in paragraph (i) of the same subsection after the word “stables” the words “fowl pens, cow yards or bails, sheep dips, dog kennels”;

(vii) by omitting the proviso to the same paragraph; (viii)

- (viii) by omitting from paragraph (ii) of the same subsection the words “each to accommodate not more than two persons” and by inserting in lieu thereof the words “and unless permitted by the regulations in any particular class of cases, not more than two persons shall be accommodated in each compartment”;
- (ix) by inserting at the beginning of paragraph (v) of the same subsection the words “unless otherwise prescribed”;
- (x) by inserting at the beginning of paragraph (vi) of the same subsection the words “unless otherwise prescribed”;
- (xi) by inserting at the end of the same paragraph the words “or, where so prescribed, in a building or buildings separate from the sleeping accommodation provided for other workers”;
- (xii) by inserting in paragraph (vii) of the same subsection after the word “pan” the words “or cesspit”;
- (xiii) by omitting from the same paragraph the words “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”;
- (xiv) by omitting paragraph (ix) of the same subsection and by inserting in lieu thereof the following paragraph:—
- (ix) all buildings, rooms, compartments, fittings and utensils shall be in good order and condition and thoroughly clean at the time when the workers commence to occupy and use the same;
- (xv) by omitting from paragraph (x) of the same subsection the words “a sufficient supply of good drinking water, and”;
- (xvi) by omitting paragraphs (xi) and (xiii) of the same subsection;
- (xvii)

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(xvii) by inserting next after the same subsection the following new subsection:—

(3A) Notwithstanding the provisions of this section 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.

(xviii) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection:—

(4) (a) 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 owner of the premises, the person entitled to the immediate possession of the premises and also the employer of the rural workers, except where such employer is a person other than the owner or person entitled to the immediate possession of the premises, who, by agreement with such owner or person, is carrying out work in connection with the shearing or crutching of sheep on the premises on behalf of such owner or person.

(b)

(b) The Minister may, by notice in writing, exempt either wholly or partly and upon such conditions as he may deem fit an owner or person entitled to the immediate possession of premises or employer from the provisions of this section in cases where not less than five rural workers are employed on the premises but do not reside thereon. No. 4, 1951.

(c) The owner or person entitled to immediate possession of any accommodation may apply for a certificate of compliance as to the structural requirements of this Act and upon such application being made, an inspector shall within reasonable time inspect the accommodation and, if the accommodation complies with the structural requirements of this Act, shall give the applicant a certificate to that effect. No action shall lie against any owner or person entitled to immediate possession for breach of any structural provisions of this Act in respect of any accommodation with regard to which such a certificate has been issued unless not less than three months' notice has been given to the owner or such person by the Department administering this Act of the structural alterations required to be made to bring the accommodation into compliance with the Act.

(xix) by inserting in subsection five of the same section after the words "this Act" the words "or the regulations thereunder";

(xx) by omitting from the same subsection the words "Rural Tenants Improvements Act, 1916, other than section four thereof" and by inserting in lieu thereof the words "Agricultural Holdings Act, 1941";

(b) by omitting section nine and by inserting in lieu thereof the following section:— Substituted
sec. 9.

9. (1) An employer of rural workers for work of a temporary nature shall provide and supply for Employment
on tem-
porary
work.

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for all such workers such temporary accommodation as may be necessary in execution of the work.

(2) Such accommodation shall, subject to any contrary provision contained in any award or industrial agreement made under any Act or Commonwealth Act relating to industrial arbitration, be free of all cost to the workers.

(3) The regulations may prescribe the nature and extent of the temporary accommodation to be supplied by the employer, so that in all respects the comfort and health of such workers may be safeguarded.

(4) (a) Except as provided in paragraph (b) of this subsection, the provisions of this section shall not apply to work of a seasonal or periodic nature.

(b) Any operation connected with the cutting of sugar cane or its conveyance to a mill shall, until a date (being not prior to the thirtieth day of June one thousand nine hundred and fifty-two), to be appointed by the Governor and notified by proclamation published in the Gazette, be deemed for the purposes of this section to be work of a temporary nature.

(5) All regulations made under the provisions of the section which this section replaces and in force immediately before the commencement of the Rural Workers Accommodation (Amendment) Act, 1951, shall be deemed to have been made under the provisions of this section.

Further
amendment
of Act No.
3, 1926.

Sec. 11.
(Notice to
comply
with Act.)

4. The Rural Workers Accommodation Act, 1926, is further amended—

- (a) (i) by inserting in subsection one of section eleven after the word "Act" wherever occurring the words "or of the regulations thereunder";
- (ii) by inserting in the same subsection after the word "owner" the words "or the person entitled to the immediate possession of the premises";
- (iii)

(iii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection:—

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(2) The notice may be served—

- (a) personally; or
- (b) by being left at, or forwarded by registered post addressed to the usual or last-known place of abode of the owner or person entitled to the immediate possession of the premises or employer, as the case may be; or
- (c) where the notice is to an owner or person entitled to the immediate possession of the premises, by serving it on the person apparently in charge of the premises; or
- (d) where the notice is to an employer, by serving it on the person having apparent superintendence of the rural workers.

(iv) by inserting at the end of the same section the following new subsection:—

(3) The fact that a notice has not been given pursuant to this section in relation to any matter shall not be a defence to any prosecution for an offence against or failure to comply with the provisions of this Act or the regulations thereunder.

(b) by inserting next after the same section the following new section:—

New sec.
11A.

11A. No person shall commence to erect a building intended to be used by rural workers for dining, cooking, sleeping or bathing unless he has, not less than one month before so commencing, given to the Under Secretary written notice on the prescribed form, accompanied by such other information as may be prescribed, of his intention so to do by posting such notice to the Under Secretary or leaving it at such address as the Minister may, by notice in the Gazette, direct.

Notice of
intention
to erect
buildings.

(c)

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Sec. 12.
(Notice of
commence-
ment of
work.)

- (c) (i) by omitting from subsection one of section twelve the word "employer" and by inserting in lieu thereof the words "owner or person entitled to the immediate possession of premises";
- (ii) by omitting from the same subsection the words "a week" and by inserting in lieu thereof the words "fourteen days";
- (iii) by omitting from the same subsection the words "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" and by inserting in lieu thereof the words "give to the Under Secretary a notice in writing of such intended commencement stating the nature of such work and the proposed date of commencement, by posting such notice to the Under Secretary or leaving it at such address as the Minister may, by notice in the Gazette, direct";
- (iv) by omitting from subsection two of the same section the word "addressed" and by inserting in lieu thereof the word "given";

New sec.
12A.

Rural
Workers
Accommoda-
tion
Advisory
Committee.

- (d) by inserting next after the same section the following new section:—

12A. (1) There shall be constituted a Rural Workers Accommodation Advisory Committee which shall have and may exercise the powers and functions conferred upon it by or under this section.

(2) (a) The Committee shall consist of three members appointed by the Governor.

(b) Of the members so appointed—

- (i) one member shall be nominated by the Minister to be chairman;
- (ii) one member shall be representative of the persons required by this Act to provide accommodation for rural workers; and

(iii)

(iii) one member shall be representative of rural workers. **No. 4, 1951.**

(c) If the chairman is unable to attend any meeting of the Committee he may appoint a person to attend and act for him at such meeting and for all purposes such person when so acting shall be deemed to be the chairman of the Committee.

(d) Subject to this section—

- (i) each member shall hold office for a term of five years; and
- (ii) a member shall be eligible from time to time for re-appointment upon the expiration of his term of office.

(e) Members shall be entitled to receive such remuneration or fees for their services as may be fixed from time to time by the Governor.

Each member shall be entitled to receive travelling expenses at such rate as the Governor may from time to time determine.

(f) On the occurrence of a vacancy in the office of a member a person appointed to fill the vacant office shall, subject to this section, hold office for the remainder of the unexpired term of the vacant office.

(g) In the case of illness or absence of a member, other than the chairman, the Governor may appoint a deputy to act in the place of such member during his illness or absence. Any deputy appointed under this paragraph whilst acting as such deputy shall have and may exercise all the powers, duties and functions of the member in whose place he acts.

(h) The Governor may remove from office or suspend any member.

(3) The Committee shall have power to—

- (a) investigate and make recommendations to the Minister in respect of special measures necessary for the proper accommodation of rural workers;

(b)

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- (b) review, when required by the Minister, applications for exemption, wholly or in part, from compliance with this Act and the regulations thereunder and make recommendations to the Minister in connection therewith; and
- (c) investigate and furnish to the Minister a report and recommendation with respect to any matter or matters relative to the accommodation of rural workers which may be referred to the Committee by the Minister.

Sec. 15.
(Procedure.)

- (e) (i) by omitting subsection one of section fifteen and by inserting in lieu thereof the following subsection:—

(1) All proceedings for offences against or failures to comply with the provisions of this Act or the regulations thereunder shall be disposed of summarily before a court of petty sessions holden before a stipendiary magistrate.

- (ii) by inserting in subsection two of the same section after the word "Act" the words "and the regulations thereunder";

- (iii) by inserting at the end of the same section the following new subsections:—

(3) Proceedings for the recovery of any penalty imposed by this Act may be taken and prosecuted by an inspector acting with the authority of the Minister or by the secretary of an industrial union of employers or employees registered under the Industrial Arbitration Act, 1940-1950, or any Act amending or replacing the same, whose members are engaged in the agricultural or pastoral occupation concerned.

(4) In any prosecution for an offence against or a failure to comply with the provisions of this Act or the regulations thereunder—

- (a) an authority to prosecute purporting to be signed by the Minister shall be evidence

evidence of such authority without ^{No. 4, 1951.}
proof of the Minister's signature;

(b) a certificate purporting to be signed by the Minister certifying to the appointment of an inspector shall be prima facie evidence of the facts stated therein without proof of the Minister's signature.

(f) (i) by inserting next after paragraph (e) of subsection one of section sixteen the following new paragraphs:— <sup>Sec. 16.
(Regulations.)</sup>

(e1) the facilities to be provided for washing and bathing and for the storing and protection of food;

(e2) the provision of drinking water;

(ii) by inserting at the end of subsection two of the same section the words "or to particular agricultural or pastoral occupations or combinations, arrangements or groupings thereof";

(iii) by inserting after subsection two of the same section the following new subsection:—

(2A) No regulation altering structural specifications in respect of which a certificate of compliance has been issued, shall, in respect of accommodation which immediately prior to its gazettal complied with this Act and the regulations thereunder in respect of the subject matter of such regulation, take effect for a period of three years after the date of the gazettal of such regulation.