



Australian Capital Territory

Rural Workers Accommodation Act 1938

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The republished law

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RURAL WORKERS ACCOMMODATION ACT 1938

This consolidation has been prepared by the ACT Parliamentary Counsel's Office

Reprinted as at 28 February 1995

TABLE OF PROVISIONS

Section

1. Short title
 2. Repeal of *Shearers Accommodation Act 1901*
 3. Interpretation
 4. Inspectors
 - 4A. Identity cards
 5. Powers of Inspectors
 6. Accommodation to be provided
 7. Obligation on rural workers to keep accommodation clean
 9. Notice to comply with requirements of Act
 10. Notice of commencement of work
 11. Offences
 12. Penalties for offences
 13. Exemption
 14. Regulations
-

An Act relating to the Provision of Accommodation for Rural Workers

Short title

1. This Act may be cited as the *Rural Workers Accommodation Act 1938*.¹

Repeal of *Shearers Accommodation Act 1901*

2. The *Shearers Accommodation Act 1901* of the State of New South Wales shall cease to apply to the Territory.

Interpretation

3. In this Act, unless the contrary intention appears—

“Accommodation” includes buildings, equipment and facilities for use in connexion with accommodation or with the supply, preparation or consumption of meals;

“Agricultural occupation” includes all work in connexion with dairying and the sowing, raising and harvesting of crops of grain, fodder, fruit or any farm produce on agricultural holdings, farm and orchards and such other work thereon as is prescribed;

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

“Industrial award” means an award or determination of a tribunal authorized to fix wages and conditions of employment of rural workers in the Territory;

“inspector” means an inspector under section 4;

“Owner” includes the person entitled to the receipt of the rents or profits of, and a lessee of, any premises;

“Pastoral occupation” includes all work in connexion with the management, rearing and grazing of horses, cattle or sheep, all operations in connexion 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 or farms as is prescribed;

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

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

Inspectors

4. (1) There may be 1 or more inspectors for the purposes of this Act.

(2) The Chief Executive shall create and maintain 1 or more offices in the Government Service the duties of which include performing the functions of an inspector.

(3) An inspector shall be any public servant for the time being performing the duties of a Government Service office referred to in subsection (2).

Identity cards

4A. (1) The Chief Executive shall issue to an inspector an identity card that specifies the inspector's name and office, and on which appears a recent photograph of the inspector.

(2) Upon ceasing to occupy, or to act in, the office of inspector, a person shall not, without reasonable excuse, fail to return his or her identity card to the Chief Executive.

Penalty: \$100.

Powers of Inspectors

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

- (a) enter, inspect and examine any land, building or place in which he has reason to believe a rural worker is accommodated;
- (b) be accompanied on an inspection by a police officer or an Environmental Health Officer under the *Public Health Act 1928*;
- (c) make any inquiry or examination that is necessary to ascertain whether any person is complying with the provisions of this Act; and
- (d) exercise all other powers necessary for securing the carrying out of 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 which an inspector is authorized by this Act to inspect.

(3) An inspector, upon applying for admission to any premises, shall, upon request by the owner or person in charge of those premises, produce his or her identity card.

Accommodation to be provided

6. (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 so provided for him, that determination shall, notwithstanding any provision to the contrary in this Act, be given effect while the award is in force.

(2) Proper and sufficient accommodation shall be deemed not to have been provided for rural workers unless—

- (a) not more than two persons are accommodated in any sleeping compartment;
- (b) there is provided for each person in each sleeping compartment not less than 11 cubic metres of air space measured below a height of 2.40 metres above the surface of the floor;
- (c) beds, bedding and furniture for sleeping compartments are provided as prescribed;
- (ca) kitchen and cooking utensils and equipment and eating utensils are provided as prescribed;
- (cb) the accommodation is in accordance with the requirements of the regulations, and is equipped and used as prescribed; and

unless, in cases where five or more rural workers are provided with accommodation—

- (d) the building used is separated from any building used for agricultural or pastoral occupations or purposes and is distant at least 45 metres from any pig-sty, stable, fowl pen, cow yard, cow bail, sheep dip, dog kennel, shearing shed, boiling down or digester plant or wool scour;
- (e) except as prescribed, no room used for sleeping or which adjoins a room used for sleeping or which adjoins a room used for sleeping is used for cooking or serving of meals or the storage of food;
- (f) separate rooms are used for the cooking of meals and for dining;

- (g) the sleeping accommodation provided for cooks and their assistants is separate from that provided for other workers;
- (h) a sufficient and proper water-closet or earth-closet on the pan system is provided;
- (i) all accommodation has sufficient lighting (including artificial lighting) and ventilation;
- (j) all buildings are provided with a floor of wood or of other prescribed material;
- (k) proper cooking, drinking and washing vessels and utensils are provided;
- (l) proper and sufficient drainage is provided;
- (o) the buildings are thoroughly cleansed by scrubbing and are fumigated or disinfected at least once in each year and, in the case of seasonal or periodic workers, such as shearers or harvesting hands, immediately prior to the buildings being made available for occupation.

(3) The obligation to provide buildings as prescribed by or under this section shall lie upon the owner of the premises (other than the Territory) as well as upon the person entitled to the immediate possession thereof; and the obligation to comply with any 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.

(4) Where the person entitled to the immediate possession of the premises is a lessee or tenant, and he, in order to comply with this Act or the regulations thereunder, provides any building for the accommodation of rural workers such amount as, at the termination of the tenancy, represents the value of the building shall, on that termination, be a debt due to him by the owner (including the Territory if the Territory is the sole owner) of the premises and recoverable in any court of competent jurisdiction.

(5) 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, the amount which, upon the determination of the estate, represents the value of such buildings as that person has provided in compliance with any requirement of this Act shall be a debt due to him or his legal representative, as the case may be, by the person in whom the estate has vested and recoverable in any court of competent jurisdiction.

(6) 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 in compliance with any requirement of this Act.

Obligation of rural workers to keep accommodation clean

7. (1) The persons occupying any building, tent, structure or room provided for the accommodation of rural workers shall, subject to any provision to the contrary in any industrial award, keep the same clean while they are in occupation thereof.

(2) Where any persons fail to comply with the requirements of the last preceding subsection, their employer may cause the accommodation occupied by them to be restored to a clean condition and may deduct from any moneys due from him to those persons, or may recover from those persons in any court of competent jurisdiction, the amount of the expense incurred by him in pursuance of this subsection.

Notice to comply with requirements of Act

9. (1) Where an inspector is of opinion that any person has not complied with the requirements of this Act he shall, by notice in writing to that person, direct him to fulfil within the time specified in the notice such of those requirements as have not been fulfilled and as are specified in the notice.

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

Notice of commencement of work

10. (1) Every employer shall, not less than seven days before the commencement of any work of a seasonal or periodic nature and in connexion with which he proposes to employ workers not regularly and continuously employed by him and in respect of whom the provisions of paragraphs (d) to (p) of subsection (2) of section six of this Act have application, forward by post or deliver to the Chief Executive notice of the date of the proposed commencement of the work and particulars of its nature:

Provided that, in the case of an emergency where the work is commenced unexpectedly, notice of the commencement of the work shall be given within twenty-four hours after such commencement.

Offences

11. Any person who—

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

he shall be guilty of an offence.

Penalty: Two hundred dollars.

Penalties for offences

12. (1) Any person who contravenes or fails to comply with any provision of this Act or fails to carry out any obligation imposed on him by any provision of this Act, shall be guilty of an offence against this Act.

(2) Unless it is otherwise expressly provided, any person who is guilty of an offence against this Act shall be liable to penalty not exceeding Two hundred dollars.

(3) Where any person is convicted of an offence against this Act in respect of his failure to provide accommodation required by this Act to be provided for rural workers, the Court may, instead of, or in addition to, any penalty make an order requiring that person to make, within such time as is specified in the order, such provision in respect of prescribed accommodation for rural workers, as the Court thinks fit.

(4) The Court may, upon application by the person named in an order made under this section and upon cause being shown, enlarge the time specified in the order.

(5) Any person who fails within the time specified in an order, or within such time as specified in an enlarged order, under this section, to comply with that order shall be liable to a penalty of Four dollars per day in respect of each day during which his non-compliance with the order continues.

Exemption

13. The Minister may, by notice published in the *Gazette*, exempt, to the extent, and during the time, specified in the notice, any person from compliance with any of the requirements of this Act in any case where he is of the opinion, in the circumstances, that the provision made by that person in respect of the accommodation of rural workers is satisfactory.

Regulations

14. The Executive may make regulations not inconsistent with this Act prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act and, in particular, for prescribing—

- (a) the materials, design, construction and situation of buildings to be used by rural workers for sleeping, dining and cooking;
 - (b) the equipment and utensils to be provided for rural workers;
 - (ba) the facilities for the provision of drinking water;
 - (bb) the facilities to be provided for washing and bathing;
 - (bc) the facilities to be provided for the storing and protection of food;
 - (c) the provision to be made for sanitation and cleanliness with respect to accommodation provided for rural workers; and
 - (d) penalties not exceeding Two hundred dollars for offences against the regulations.
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NOTE

1. The *Rural Workers Accommodation Act 1938* as shown in this reprint comprises Act No. 18, 1938 amended as indicated in the Tables below.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

Table 1
Table of Ordinances

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Rural Workers Accommodation Ordinance 1938</i>	18, 1938	13 Apr 1938	13 Apr 1938	
<i>Rural Workers Accommodation Ordinance 1942</i>	11, 1942	21 May 1942	21 May 1942	—
<i>Rural Workers Accommodation Ordinance 1951</i>	16, 1951	14 Dec 1951	14 Dec 1951	—
<i>Rural Workers Accommodation Ordinance 1962</i>	6, 1962	31 May 1962	31 May 1962	—
<i>Ordinances Revision (Decimal Currency) Ordinance 1966</i>	19, 1966	23 Dec 1966	23 Dec 1966	—
	as amended by			
	36, 1967	30 Nov 1967	23 Dec 1967	—
<i>Ordinances Revision (Metric Conversion) Ordinance 1977</i>	64, 1977	22 Dec 1977	22 Dec 1977	—
<i>Self-Government (Consequential Amendments) Ordinance 1989</i>	38, 1989	10 May 1989	Ss. 1 and 2: 10 May 1989 Remainder: 11 May 1989 (see s. 2 (2) and <i>Gazette</i> 1989, No. S164)	—

Self-Government day 11 May 1989

NOTE—continued

Table 2

Table of Acts

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Public Sector Management (Consequential and Transitional Provisions) Act 1994</i>	38, 1994	30 June 1994	Ss. 1 and 2: 30 June 1994 Remainder: 1 July 1994 (see <i>Gazette</i> 1994, No. S142, p. 2)	Ss. 3, 5-12, 15 and 19
<i>Statutory Offices (Miscellaneous Provisions) Act 1994</i>	97, 1994	15 Dec 1994	Ss. 1 and 2: 15 Dec 1994 Remainder: 15 Dec 1994 (see <i>Gazette</i> 1994, No. S293)	Part III (ss. 4-9)

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
S. 3	am. No. 11, 1942; No. 16, 1951; Act No. 97, 1994
S. 4	rs. Act No. 97, 1994
S. 4A	ad. Act No. 97, 1994
S. 5	am. Act No. 97, 1994
S. 6	am. No. 11, 1942; No. 16, 1951; No. 6, 1962; No. 64, 1977; No. 38, 1989
S. 8	rep. No. 16, 1951
S. 10	am. No. 38, 1989; Act No. 38, 1994
Ss. 11, 12.....	am. No. 19, 1966 (as am. by No. 36, 1967)
S. 14	am. No. 6, 1962; No. 19, 1966 (as am. by No. 36, 1967)