

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 18 of 1938.

AN ORDINANCE

Relating to the Provision of Accommodation for Rural Workers.

BE it ordained by the Administrator of the Government of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909* and the *Seat of Government (Administration) Act 1910-1933*, as follows:—

1. This Ordinance may be cited as the *Rural Workers Accommodation Ordinance 1938*. Short title.

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

3. In this Ordinance, unless the contrary intention appears— Definitions.

“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 appointed under this Ordinance;

“Owner” includes the person entitled to the receipt of the rents or profits 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;

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

Appointment
of Inspectors.

4.—(1.) The Minister may appoint persons to be inspectors under this Ordinance.

(2.) Every inspector shall be furnished with a certificate of his appointment.

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) take with him, upon any inspection, a member of the police force or an inspector appointed under the *Public Health Ordinance 1928-1930*;
- (c) make any inquiry or examination that is necessary to ascertain whether any person is complying with the provisions of this Ordinance; and
- (d) exercise all other powers necessary for securing the carrying out of the provisions of this Ordinance.

(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 Ordinance 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 to him his certificate of appointment.

Accommodation
to be provided.

6.—(1.) Subject to this Ordinance, accommodation proper and sufficient for the comfort and health of the rural workers who are employed and reside on the premises of their employer 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 for him by his employer, that determination shall, notwithstanding any provision to the contrary in this Ordinance, 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) not less than four hundred and eighty cubic feet of air space are provided for each person in each sleeping compartment;

(c) wire stretchers approved by an inspector are provided as beds; 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 fifty yards from any pig-sty, stable, shearing shed, boiling down or digester plant or wool scour;

(e) no room used for sleeping or which adjoins a room used for sleeping is used for the 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) baths and an adequate supply of water are provided where there is a sufficient supply of water available;

(l) proper and sufficient drainage is provided;

(m) a sufficient supply of good drinking water and proper cooking, drinking, eating and washing vessels and utensils are provided;

(n) a fly-proof safe of suitable dimensions is provided for each kitchen and dining room;

(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;

(p) the accommodation to be provided is, in all other respects, constructed in the manner and of the materials prescribed, and is equipped and used as prescribed.

(3.) The obligation to provide buildings as prescribed by or under this section shall lie upon the owner of the premises (other than the Commonwealth) 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 Ordinance 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 Commonwealth if the Commonwealth 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 Ordinance 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 Ordinance.

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 sub-section, 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 sub-section.

Inspection of premises.

8.—(1.) Where an inspector is satisfied that the accommodation required by this Ordinance to be provided on any premises for rural workers has been provided, he shall give to the owner or occupier, upon being requested so to do, a certificate that the accommodation is as prescribed.

(2.) Where an inspector gives a certificate in pursuance of the last preceding sub-section he shall include in the certificate a statement regarding the cleanliness or otherwise of the accommodation.

(3.) A certificate given under this section shall be *prima facie* evidence of the matters stated therein.

(4.) Every inspector shall furnish to the Secretary, Department of the Interior, not later than the thirty-first day of March in each year, a detailed report of inspections made by him in the preceding year.

9.—(1.) Where an inspector is of opinion that any person has not complied with the requirements of this Ordinance 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.

Notice to
comply with
requirements
of Ordinance.

(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.

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 sub-section (2.) of section six of this Ordinance have application, forward by post or deliver to the Secretary to the Department of the Interior, Canberra, notice of the date of the proposed commencement of the work and particulars of its nature:

Notice of
commencement
of work.

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.

11. Any person who—

Offences.

- (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 Ordinance he is required to give,

shall be guilty of an offence.

Penalty: One hundred pounds.

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

Penalties for
offences.

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

(3.) Where any person is convicted of an offence against this Ordinance in respect of his failure to provide accommodation required by this Ordinance 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 Two pounds 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 Ordinance in any case where he is of opinion, in the circumstances, that the provision made by that person in respect of the accommodation of rural workers is satisfactory.

Regulations.

14. The Minister may make regulations not inconsistent with this Ordinance 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 Ordinance 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;
- (c) the provision to be made for sanitation and cleanliness with respect to accommodation provided for rural workers; and
- (d) penalties not exceeding One hundred pounds for offences against the regulations.

Dated this twelfth day of April, 1938.

HUNTINGFIELD

Administrator.

By His Excellency's Command,

J. McEWEN

Minister of State for the Interior.