

1 ELIZ. II. No. 5, 1952. *Workers' Accommodation Act.*

## An Act to Consolidate and Amend the Law Relating to the Provision of Accommodation for Workers.

1 ELIZ. II.  
No. 5.  
THE  
WORKERS'  
ACCOMMO-  
DATION ACT OF  
1952.

[ASSENTED TO 17TH APRIL, 1952.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. (1.) This Act may be cited as "*The Workers' Accommodation Act of 1952.*" Short title.

\*(2.) Except as herein otherwise provided, this Act shall come into operation upon a date to be fixed by the Governor in Council by Proclamation published in the *Gazette*. Commence-  
ment of  
Act.

2. This Act, including every Proclamation, Order in Council, and regulation made hereunder, shall be read and construed so as not to exceed the legislative power of the State to the intent that, where any enactment hereof or provision of any such Proclamation, Order in Council, or regulation would but for this section have been construed as being in excess of that power, it shall nevertheless be a valid enactment or provision to the extent to which it is not in excess of that power. Construction  
of Act.

3. † "*The Workers' Accommodation Acts, 1915 to 1946*" (herein referred to as "the repealed Acts") are hereby repealed: Repeals and  
savings.

Provided that, but without limiting the operation of ‡ "*The Acts Shortening Acts*"—

(a) Unless herein otherwise expressly provided, every Order in Council, regulation, order, notice, permit, or other act of authority made, issued, given or done under the repealed Acts and in force at the commencement of this Act, shall, subject as hereinafter provided, continue in force for the purposes of this Act until it expires by effluxion of time or is repealed, amended, or otherwise modified, revoked, cancelled, or suspended under this Act:

\* Commenced May 12th, 1952 (Proclamation published in *Gazette of May 10th, 1952, page 90*).

† 6 G. 5 No. 30 and amending Acts.

‡ 31 V. No. 6 and amending Acts.

Provided that every such Order in Council, regulation, order, notice, permit, and other act of authority shall be read and construed subject to this Act ;

- (b) All penalties and forfeitures imposed under the repealed Acts and not recovered at the commencement of this Act may be enforced and applied as if this Act had not come into operation ;
- (c) All actions and proceedings of whatever nature commenced or pending at the commencement of this Act under the repealed Acts may be carried on and prosecuted as if this Act had not come into operation, and no such action or proceeding shall abate or be discontinued or prejudicially affected by any thing in this Act contained ;
- (d) All inspectors and all other officers appointed under the repealed Acts and in office at the commencement of this Act shall be deemed to have been appointed to their respective offices under and for the purposes of this Act and, subject to this Act, shall continue to hold those offices respectively in terms of their appointment without further or other appointment under this Act ;
- (e) When in any other Act reference is made to the repealed Acts, or to any provision thereof, it shall be taken, unless the context otherwise indicates or requires, that that reference is to this Act or, as the case requires, to the corresponding provision of this Act, and that reference shall be read and construed accordingly.

Meaning of terms.

4. (1.) In this Act, unless the context otherwise indicates or requires, the following terms shall have the meanings set against them respectively, that is to say :—

Chief Inspector.

“ Chief Inspector ”—The Chief Inspector of Workers' Accommodation : The term includes any person for the time being occupying the office or performing the duties of Chief Inspector ;

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- “Construction work”—Includes all work in or in connection with the construction, re-construction, alteration, repair, addition, demolition, or maintenance of, or of any part of, any railway, tramway, dock, or bridge, and all other work declared by the Governor in Council by Order in Council to be construction work under and for the purposes of this Act ; <sup>Construction work.</sup>
- “Dock”—Includes any harbour, wharf, pier, jetty, or other place in or at which vessels can ship or unship goods or passengers ; <sup>Dock.</sup>
- “Employer”—In relation to any worker includes any master or other person employing or having the control or superintendence of that worker, the agent, manager, foreman, or superintendent of such person, and any person having the control or supervision of the work in, about, or in connection with which that worker is employed ; <sup>Employer.</sup>
- “Inspector”—The Chief Inspector or any other inspector appointed or deemed to be appointed under and for the purposes of this Act ; <sup>Inspector.</sup>
- “Meatworks”—Any building or other premises, including its appurtenances, used in or in connection with the slaughter of any animals for the food of man ; <sup>Meatworks.</sup>
- “Minister”—The Secretary for Labour and Industry or other Minister of the Crown for the time being charged with the administration of this Act ; <sup>Minister.</sup>
- “Owner”—In relation to any premises, the person holding the land comprising those premises or on which those premises are situate, in fee simple or, if that land is not freehold, the person holding from the Crown that land under any tenure relating to the occupation, leasing or alienation of Crown land, including under an occupation license under and within the meaning of \* “*The Land Acts, 1910 to 1951*” : <sup>Owner.</sup>

The term includes the person, other than Her Majesty, who is for the time being

\* 1 G. 5 No. 15 and amending Acts.

entitled to receive the rent or profits of those premises and any person specifically authorised by the owner to act on his behalf in the general management or control of those premises ;

Pastoral work.

“ Pastoral work ”—Includes all work in or in connection with the management, rearing and grazing of horses, cattle, or sheep (including all general labour incidental thereto), and all other work upon pastoral holdings or farms declared by the Governor in Council by Order in Council to be pastoral work under and for the purposes of this Act ;

Person.

“ Person ”—Includes a corporation ;

Premises.

“ Premises ”—Any land, building or other place (whether open or enclosed) whatsoever, including its appurtenances, on, in, about, or in connection with which any worker is employed ;

Prescribed.

“ Prescribed ”—Prescribed by this Act ;

Regulations.

“ Regulations ”—Regulations continued in force by or made under the authority of this Act ;

Sawmill.

“ Sawmill ”—Any premises, including its appurtenances, used in or in connection with the preparation from the log of timber for sale ;

Shearer.

“ Shearer ”—Any person employed in or about a shearing shed, whether in the shearing or crutching of sheep, the scouring, sorting, or pressing of wool, or otherwise howsoever ;

Shearing shed.

“ Shearing shed ”—Any premises, including its appurtenances, used in or in connection with the shearing or crutching of sheep, or the scouring, sorting, or pressing of wool, or any operation connected with any of the operations hereinbefore specified in this definition ;

Sugar farm.

“ Sugar farm ”—Any plantation, farm, or other premises, including its appurtenances, used in or in connection with the growing of sugar-cane for the manufacture of sugar ;

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- “Sugar worker”—Any person employed on, in, or about any sugar farm or sugar works ; <sup>Sugar worker.</sup>
- “Sugar works”—Any premises, including its appurtenances, used in connection with the manufacture of sugar ; <sup>Sugar works.</sup>
- “This Act”—This Act and all Proclamations, Orders in Council, and regulations continued in force or made hereunder ; <sup>This Act.</sup>
- “Work”—Any construction work or pastoral work performed by workers or any work performed by workers on, in, about or in connection with— <sup>Work.</sup>
- (a) Any meatworks ;
  - (b) Any sawmill ;
  - (c) Any shearing shed ;
  - (d) Any sugar farm ; or
  - (e) Any sugar works.

With respect to any trade, calling or industry, the term includes any work performed by workers which is declared by the Governor in Council by Order in Council to be work under and for the purposes of this Act.

- “Worker”—Any person performing, under a contract of service or of apprenticeship, any work. <sup>Worker.</sup>

(2.) Any reference in this Act to any other Act shall be taken to include a reference to any later Act amending or in substitution for that other Act. <sup>Reference to other Acts.</sup>

5. (1.) This Act shall be in force throughout the State of Queensland excepting that this Act shall not be in force within the Area of the City of Brisbane, the Area of any other City, or the Area of any Town : <sup>Application of Act.</sup>

Provided that the Governor in Council may from time to time by Order in Council declare that, with respect to workers performing within the Area of the City of Brisbane, the Area of any other City, or the Area of any Town, any specified work, or work in any specified trade, calling or industry, this Act shall be in force in all or any of the Areas hereinbefore mentioned in this subsection.

With respect to a trade, calling or industry such an Order in Council may be limited in its application by reference to the premises on, in, about, or in connection with which any work is being performed by workers.

(2.) Under special circumstances the Minister may, in writing, exempt wholly or in part any owner of any premises, person entitled to the immediate possession of any premises, or employer of any worker from the operation of this Act for such period as the Minister may specify in the writing, and such owner, person, or, as the case, may be, employer shall be exempted accordingly.

Administra-  
tion of this  
Act.

6. This Act shall be administered by the Minister and, subject to the Minister, by inspectors and other officers appointed or deemed to be appointed under and for the purposes of this Act.

Officers.

7. (1.) The Governor in Council may from time to time appoint under and for the purposes of this Act a Chief Inspector of Workers' Accommodation and such other inspectors and other officers as he deems necessary for the effectual execution of this Act.

The Chief Inspector, other inspectors and other officers shall be appointed and hold their respective offices under, subject to, and in accordance with \* " *The Public Service Acts, 1922 to 1950,*" and the regulations thereunder.

The person appointed under that lastmentioned Act before, and holding at, the coming into operation of this Act the office designated in the notification of his appointment as "Chief Inspector of Workers' Accommodation" shall, by virtue of that appointment, be deemed to be continued in office by this Act as the Chief Inspector hereunder.

Inspectors  
may act in  
any part of  
the State.

(2.) Any inspector may exercise and discharge his powers and duties under this Act in any part of the State.

Judicial  
notice of  
notifications.

(3.) Judicial notice shall be taken of every notification published in the *Gazette* under this section.

Certificate of  
appoint-  
ment.

(4.) Every inspector shall be furnished with a certificate of appointment signed by either the Minister or the Chief Inspector and upon entering any place shall, if required, produce such certificate to the occupier of the place.

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8. The Governor in Council may from time to time by Order in Council—

Orders in Council.

- (a) Declare any specified work, or work included in any specified class of work, to be construction work under and for the purposes of this Act ;
- (b) Declare any specified work, or work included in any specified class of work, upon pastoral holdings or farms to be pastoral work under and for the purposes of this Act ;
- (c) Declare any specified work, or work in any specified trade, calling, or industry to be work under and for the purposes of this Act, and may limit any such Order in Council to any specified premises, or premises included in a specified class of premises ;
- (d) Declare that with respect to workers performing within the Area of the City of Brisbane, the Area of any other City, or the Area of any Town, or within all or any such Areas as so declared, any specified work, or work in any specified trade, calling, or industry, this Act shall be in force.

9. Any inspector may at any time—

Powers of Inspectors.

- (a) Enter, inspect, and examine any premises on, in, about, or in connection with which any worker is employed or any place wherein or whereon any worker is accommodated or wherein or whereon he has reason to believe that any worker is employed or accommodated ;
- (b) Call to his aid—
  - (i.) Any member of the police force where he has reasonable cause to apprehend any obstruction in the exercise of his powers or in the execution of his duties ;
  - (ii.) Any health inspector or other person he may think competent to assist him in such inspection and examination ;
- (c) Make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are being complied with in every respect ;

- (d) Question, with respect to matters under this Act, any employer of any worker, any owner of, or person entitled to immediate possession of, any premises and every person whom he finds in or upon any premises, to ascertain whether this Act is being complied with, and require any such person to answer the questions put and to sign a declaration of the truth of his answers; and
- (e) Exercise such other powers and authorities as may be prescribed.

Employers  
to allow  
entry and  
inspection.

10. Every owner of, or person entitled to the immediate possession of, any premises and every employer of any worker shall furnish to any inspector all reasonable assistance and all such information which that owner, person, or as the case may be, employer is capable of furnishing as is required by that inspector with respect to the exercise of his powers and the discharge of his duties under this Act.

Obstructing  
an inspector,  
&c.

11. A person shall not—

- (a) Assault, resist, or obstruct an inspector in the exercise of his powers or in the discharge of his duties under this Act, or attempt so to do; or
- (b) Fail to answer any question put to him in pursuance of this Act by an inspector or give any false or misleading answer to any such question; or
- (c) Fail to comply with the lawful requisition or any part of the lawful requisition of an inspector; or
- (d) When required by or under this Act to furnish any assistance or to furnish any information to an inspector, fail to furnish that assistance or information, as the case may be, or, in the latter case, furnish false or misleading information; or
- (e) Directly or indirectly prevent any person from appearing before or being questioned by an inspector, or attempt so to do; or



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- (f) Use any threat or any abusive or insulting language to any inspector or to any worker with respect to any inspection or examination or questioning :

Provided that no person shall be required under this section or under section nine or section ten of this Act to answer any question, or give any information tending to criminate himself.

In this section the term "inspector" includes any person acting under lawful authority under or pursuant to this Act.

12. (1.) Where workers during their employment reside on the premises on, in, about, or in connection with which they are employed, accommodation proper and sufficient for their comfort and health shall be provided in buildings on those premises. Accommodation to be provided.

(2.) Any accommodation provided or purporting to be provided in pursuance of this section for workers shall be deemed to be not proper and sufficient for their comfort and health if, with respect to that accommodation, and any and every building in which it is provided, the following requirements and conditions are not complied with in every respect, that is to say:—

(a) Any and every building in which that accommodation is provided or purports to be provided shall be separated from any building or other structure used for any purpose of or connected with the carrying out or carrying on of the work on which such workers are employed and shall—

- (i.) In the case of any meatworks, sawmill, shearing shed, or sugar works, be distant at least fifty yards from any such other building or structure; or
- (ii.) Subject to the requirements in respect of any shearing shed set out in sub-paragraph (i.) of this paragraph (a), in the case of any pastoral work be distant at least thirty yards from any such other building or structure :

Provided that the requirements of this paragraph with respect to minimum distance shall not apply in respect of any building provided for the accommodation of workers

which, having been erected before the first day of January, one thousand nine hundred and sixteen, complies in all other respects with the requirements and conditions prescribed by this section, and has been approved by the Minister upon the recommendation of an inspector as a proper and sufficient building under and for the purposes of this Act ;

- (b) A building used for sleeping quarters shall be divided into compartments, and not more than two persons shall be accommodated in any one and the same sleeping compartment ;
- (c) Any and every sleeping compartment shall be furnished and fitted as prescribed ;
- (d) Workers of any Asiatic or Pacific Islands race shall be provided with sleeping quarters in a building separate from any building in which sleeping quarters are provided for workers who are not of such a race ;
- (e) Not less than four hundred and eighty cubic feet of air space shall be provided for each person in any sleeping compartment ;
- (f) An upper bunk shall not be permitted in any sleeping compartment under any circumstances ;
- (g) A room or compartment used for sleeping shall not be used for the cooking or serving of meals or for the storage of food ;
- (h) Unless permitted by the regulations in any case included in a prescribed class of cases, a room or compartment used for sleeping shall not adjoin any room used for cooking meals ;
- (i) Sleeping accommodation for cooks and their assistants shall be provided in rooms or compartments separate from the sleeping accommodation for other workers ;
- (j) Where meals are cooked and served in one and the same room, provision shall be made for cooking the meals at one end of the room and for serving them at the other ;

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- (k) Separate accommodation for serving meals to workers of any Asiatic or Pacific Islands race shall be provided ;
- (l) In the case of any sugar works, any accommodation for serving meals or for sleeping shall be at such distance not less than fifty yards as an inspector permits from any open drain for the conveyance of sewage or liquid refuse, and any such drain shall have such fall as an inspector approves ;
- (m) Every building provided or purporting to be provided for the accommodation of workers and every room or compartment into which any such building is divided, including every dining room, kitchen, and room or compartment for sleeping therein, shall be supplied with sufficient light (including artificial illumination) and ventilation, and shall be cleaned and fumigated or disinfected at least once in each and every year on a date to be determined or approved by an inspector ;
- (n) Proper cooking, drinking, and washing vessels and utensils shall be provided ;
- (o) A sufficient supply of good drinking water shall be provided ;
- (p) Baths and an adequate supply of water therefor shall be provided ;
- (q) All tanks or vessels used for the storage of water or to which water is pumped for the use of workers shall be covered and shall be effectively screened to the satisfaction of an inspector in order to prevent access thereto by birds or animals ;
- (r) All buildings shall be provided with a floor of suitable material ;
- (s) A fly-proof safe of suitable dimensions shall be provided for each kitchen and dining room ;
- (t) A refrigerator of a prescribed size and (if so prescribed) prescribed type shall be provided ;
- (u) Proper and sufficient drainage constructed to the satisfaction of an inspector shall be provided ;

- (v) Every kitchen shall, according to the number of workers to be cooked for as hereinafter specified in this paragraph, be provided with a cooking stove or range or cooking stoves or ranges (to be approved by an inspector) as follows, that is to say :—
- (i.) Where not more than eight workers are to be cooked for, a cooking stove or range, having an oven not less in size than fourteen inches by fourteen inches by eighteen inches inside measurement ;
  - (ii.) Where more than eight workers but not more than twelve workers are to be cooked for, a cooking stove or range having an oven not less in size than sixteen inches by fourteen inches by twenty inches inside measurement ;
  - (iii.) Where more than twelve workers but not more than twenty workers are to be cooked for, two cooking stoves or ranges or a double oven cooking stove or double oven range each such stove or range having an oven (or, in the case of such a double oven stove or range, each oven thereof being) not less in size than fourteen inches by sixteen inches by sixteen inches inside measurement ; and
  - (iv.) Where more than twenty workers are to be cooked for, two cooking stoves or ranges or a double oven cooking stove or a double oven range, each such stove or range having an oven (or, in the case of such a double oven stove or range, each oven thereof being) not less in size than nineteen inches by nineteen inches by sixteen inches inside measurement ;
- (w) Any and every door, window or other opening in or to any kitchen, dining room, store room or meathouse shall be screened with wire gauze in a manner effective to prevent the entry thereby of flies and all such screening shall be constructed to the satisfaction of an inspector ;

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- (x) Sufficient and proper earth-closet on the pan system or water-closet shall be provided.

Each closet shall be—

- (i.) Situated in a position to be approved by an inspector being not less than twenty-five yards from any building for providing accommodation and not less than one hundred yards from the water supply ; and
- (ii.) Made fly-proof and all seats provided with self-closing lids.

A sufficient supply of disinfectant shall be kept in each and every closet for immediate use.

Under special circumstances and with the prior permission in writing of the Minister, earth-closet on the cesspit system may be provided if, but only if, any and every cesspit is not less than eight feet in depth, is made fly-proof, and is constructed as required by an inspector ;

- (y) Any other requirements and conditions prescribed for the purposes of this subsection shall be complied with ;
- (z) All accommodation under and for the purposes of this Act, including all matters and things pertaining to any such accommodation, shall be maintained in a reasonable state of repair to the satisfaction of an inspector.

(3.) (a) The duty of providing buildings for the accommodation of workers, in compliance in every respect with requirements of this section, is hereby imposed upon the owner of the premises in question as well as upon the person entitled to the immediate possession of those premises.

(b) The duty of complying in every respect with the other requirements of this section relating to the accommodation, and the matters and things pertaining to the accommodation, of workers on any premises is hereby imposed upon the owner of those premises, the person entitled to the immediate possession of those premises, and also the employer of those workers :

Provided that where the employer is a person (other than the owner or person entitled to the immediate possession of the premises in question) who, by agreement

with such owner or lastmentioned person, is carrying out work in connection with the shearing or crutching of sheep on the premises on behalf of such owner or person, the obligation specified in this paragraph shall not be deemed to be hereby imposed upon that employer.

(c) Where the employment of any workers on, in or about or in connection with any construction work requires accommodation for those workers during that employment and the ownership of the premises on, in, about, or in connection with which those workers are employed pursuant to that employment is not ascertainable by reference to the meaning assigned to the term "owner" by this Act, then for the purposes of paragraphs (a) and (b) of this subsection those premises shall be deemed to be owned by the person, authority or instrumentality by or on behalf of whom or which that construction work is being carried out.

(d) A person guilty in any respect of a breach of his duty under this section shall be guilty of an offence against this Act.

Tenancies,  
trusts and  
life  
interests.

**13.** (1.) A person entitled to the immediate possession of any premises who, in order to comply with the requirements of this Act or of any notice hereunder, provides upon those premises any building for the accommodation of workers, shall be entitled to a charge upon those premises for such amount as at the termination of the tenancy represents the value of the building :

Provided that every such person shall, before commencing the erection of the building, give to the owner notice in writing in or to the effect of the prescribed form of his intention to so erect the building.

(2.) Where the person entitled to the immediate possession of any premises is so entitled for an estate determinable upon his death or upon the happening of some event, he or his legal representatives, as the case may be, upon the determination of such estate shall be entitled to a charge upon those premises for the amount which then represents the value of any building thereon for the accommodation of workers provided by that person in order to comply with the requirements of this Act or of any notice hereunder.

(3.) Where the owner or the person entitled to the immediate possession of any premises is a trustee, whether for an infant or any persons in succession or

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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 or of any notice hereunder.

**14. (1.) Where—**

- (a) Any building on any premises provided for the accommodation of 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 other similar cause; or
- (b) Any premises have been newly established; or
- (c) Workers are employed on, in, about, or in connection with any premises for work of a temporary nature (not being work of a seasonal or periodic nature); or
- (d) With respect to any premises any other circumstances justify in his opinion the exercise of his powers under this section,

Temporary  
accommoda-  
tion.

the Chief Inspector may in writing permit the provision of temporary accommodation for workers upon the premises in question.

(2.) The regulations may prescribe the nature and extent of the temporary accommodation, including the matters and things pertaining to the temporary accommodation, which may be permitted under this section on any premises or premises included in any defined class of premises.

In so far as not so prescribed any permit under this section may require the temporary accommodation, and any matters and things pertaining to the temporary accommodation, thereby permitted to be of the nature and extent thereby specified.

(3.) The duty of providing temporary accommodation permitted under this section in compliance in every respect with requirements of the regulations made under this section or, in so far as not prescribed by those regulations, the permit in question is hereby imposed upon the employer of the workers in respect of whom that permit has been issued, the owner of the premises to which that permit relates and the person, if any, entitled to immediate possession of those premises.

(4.) A person guilty in any respect of a breach of his duty under this section shall be guilty of an offence against this Act.

(5.) A permit under this section may be issued for such limited period of time as may be specified therein, but the Chief Inspector may at his discretion extend that period from time to time.

Accommodation for workers provided in compliance with any permit issued under this section shall be and be deemed to be proper and sufficient accommodation for all purposes of this Act at all times during the period during which the permit remains in force or any extension in pursuance of this Act of that period.

Accommodation to be free of cost to workers accommodated, &c.

**15.** (1.) Any accommodation (including buildings) provided in compliance with or in pursuance of this Act shall, subject to any contrary provision of any award or industrial agreement made under \* "*The Industrial Conciliation and Arbitration Acts, 1932 to 1948,*" or under any Act of the Commonwealth relating to conciliation and arbitration, be free of all cost to the workers accommodated thereby.

(2.) Any agreement between an employer and a worker which, if it were valid, would have the effect of requiring that that worker should not during his employment by that employer reside on the premises on, in, about, or in connection with which he is employed, shall to that extent be void and of no legal effect whatsoever.

Notice to comply with Act.

**16.** (1.) Where an inspector has reason to believe that the requirements of this Act have not been complied with by the owner or the person entitled to the immediate possession of any premises or the employer of any worker, he may give to that owner, person, or as the case may be, employer, a notice in writing (which notice shall also have the effect of a continuing notice to comply with the requirements of this Act) requiring the person to whom the notice is given, within the period of time stated in that notice, to comply with such requirements.

An inspector shall in such a notice specify the matters and things with respect to which he considers the said requirements have not been complied with.

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\* 23 G. 5 No. 36 and amending Acts.



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(2.) Any person to whom a notice is given under this section shall, within the period of time specified in the notice, comply in every respect with the requirements of that notice.

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

17. (1.) Every building, tent, structure, and compartment provided for the purposes of this Act by an employer for the accommodation of workers shall, unless it is otherwise agreed or determined by any award or industrial agreement made under \* "*The Industrial Conciliation and Arbitration Acts, 1932 to 1948,*" or under any Act of the Commonwealth relating to conciliation and arbitration, 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 such building, tent, structure, or compartment restored to a clean state, at the expense of the occupiers.

Duties of  
workers  
accommo-  
dated.

(2.) No person occupying any such building, tent, structure, or compartment shall cause or suffer any damage or defacement to be done to it or to any property of an employer contained therein; and such employer may have such damage or defacement repaired.

(3.) The employer may in any such case as aforesaid, and without prejudice to any other remedies to which he may be entitled, deduct the expenses of any work necessary for either of the aforesaid purposes from the wages due or accruing due to the person or in equal parts from the wages due or accruing due to the persons offending, or may recover such expenses as a debt from such person or from such persons jointly in any court of competent jurisdiction, together with reasonable costs of the action, but so that the employer shall not be entitled to recover from any one person more than five pounds in respect of such expenses.

18. (1.) Every owner or person entitled to the immediate possession of any premises shall, not less than fourteen days before the commencement on those premises, of any work of a seasonal or periodic nature

Notice of  
commence-  
ment of  
work.

\* 23 G. 5 No. 36 and amending Acts.

to which the provisions of this Act extend, and in connection with which it is proposed to employ workers not regularly and continuously employed by him, deliver to the Chief Inspector or other inspector a notice in writing of such intended commencement stating the nature of that work and the proposed date of commencement.

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

Offences.

19. (1.) Any person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence.

General penalty.

(2.) Any person guilty of an offence against any provision of this Act shall be liable to a penalty not exceeding one hundred pounds.

If default in complying with any lawful order of an inspector under this Act is continued after his conviction by any person who has been convicted of the offence of failing to comply with that order, that person shall be deemed to commit a continuing offence, and shall be liable to a penalty of not more than five pounds for each and every day during which that offence is continued.

Summary proceedings.

(3.) Proceedings for offences against this Act shall be by complaint heard and determined in a summary way by an industrial magistrate.

Appeals from the decisions of industrial magistrates on any such complaints shall be made to the Industrial Court.

The place for hearing and the proceedings on such complaints and appeals shall be such as may be directed by the Industrial Court or as are prescribed by the Rules of Court under \* "*The Industrial Conciliation and Arbitration Acts, 1932 to 1948*", in respect of the place for hearing and proceedings on complaints and appeals under those Acts.

(4.) Where the employment of any workers is subject to any award or industrial agreement made under \* "*The Industrial Conciliation and Arbitration Acts, 1932 to 1948*", or under any law of the Commonwealth

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relating to industrial conciliation and arbitration, and that award or industrial agreement provides for the accommodation to be provided for those workers, then a person shall not be convicted for any offence against this Act in relation to that accommodation :

Provided that a person shall be bound to comply with any and every requirement of this Act where so indicated or specified by the applicable award or industrial agreement.

20. (1.) Upon convicting for an offence against this Act any person complained against for failure to comply in every respect with a notice under this Act given by any inspector, an industrial magistrate may, in addition to punishing that offence, make an order authorising the inspector who gave the notice or any other inspector to take and do all such steps, matters and things as are required to be taken or done for compliance in every respect with the requirements of that notice.

Power of industrial magistrate to order cause of contravention to be remedied.

(2.) (a) An inspector may take and do steps, matters and things according to the authority conferred upon him by an order under this section and for that purpose may enter and remain, with such assistants as he deems necessary, upon any premises in question.

(b) The person convicted for an offence against this Act for failure to comply in every respect with the requirements of the notice in question shall be liable to repay to the Crown all sums expended in respect of the taking and doing of those steps, matters and things.

(c) Any amount of moneys payable to the Crown under paragraph (b) of this subsection shall be recoverable and may be recovered as a debt due to Her Majesty either by the Crown pursuant to the provisions of \* " *The Crown Remedies Acts, 1874 to 1930* ", or by the inspector concerned in his official name by action in any court of competent jurisdiction against the person made liable therefor by paragraph (b) of this subsection.

(3.) Where by authority of an order under this section of an industrial magistrate any steps, acts, matters or things are taken or done by an inspector in relation to any premises, all sums expended and not repaid to or recovered by the Crown with respect to so taking or doing those steps, matters and things shall be and remain a charge upon those premises notwithstanding any change in the ownership thereof.

\* 38 V. No. 13 and amending Act.

Facilitation  
of proof.

**21.** In a proceeding under or for a purpose of this Act—

- (a) It shall not be necessary to prove the appointment of the Chief Inspector or of any other inspector, or the authority of the Chief Inspector or of any other inspector to do any act or to give any notice or order ;
- (b) A signature purporting to be that of the Chief Inspector or of any other inspector shall be taken to be the signature it purports to be until the contrary is proved ;
- (c) A document purporting to be a duplicate or copy of a notice, order, or permit given, made or issued under this Act by the Chief Inspector or by any other inspector shall, upon its production in evidence, be evidence of that notice, order or, as the case may be, permit and in the absence of evidence in rebuttal thereof shall be conclusive evidence thereof.

Services of  
notices and  
orders.

**22.** (1.) Where a provision of this Act requires a notice or other document to be served upon, or given or delivered to, the Chief Inspector or any other inspector, that notice or other document shall be deemed to be so served, given or delivered upon the receipt by the Chief Inspector or other inspector in question of a prepaid post letter addressed to him and containing the same, or if the person responsible for so serving, giving or delivering that notice or other document produces the proper receipt from a post office for a prepaid registered letter addressed to the Chief Inspector or other inspector in question, as the case requires, and containing the same then, until the contrary is proved, when that letter would have been received in the ordinary course of post :

Provided that this subsection shall be construed so as not to prejudice the power to serve, give or deliver such a notice or other document by personal delivery.

(2.) A notice, order or other document empowered, authorised or required by a provision of this Act to be served upon, or given or delivered to, an owner, employer, or other person by the Chief Inspector or any other inspector may be so given, delivered or served—

- (a) By delivering the same to that owner, employer, or other person (or his manager, foreman, or agent) personally ;

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- (b) By prepaid post letter containing that notice, order or other document and addressed to that owner or employer or person at his business or residential address, in which case it shall be deemed to be so served, given or delivered upon the receipt by that person of that letter ; or
- (c) By prepaid registered letter containing that notice, order or other document and addressed as aforesaid, in which case the production in evidence of the proper receipt from a post office for that letter shall, until the contrary is proved, be sufficient proof that it was so served, given or delivered upon the date when that letter would have been received by the person concerned in the ordinary course of post.

(3.) An owner, employer, or other person or his manager, foreman, or agent shall, if thereunto required by an inspector, acknowledge, by signing a duplicate copy thereof, a notice, order or other document under this Act served upon, or given or delivered to that owner, employer or other person by that inspector.

**23.** (1.) When under this Act the Governor in Council has power to make any Order in Council he shall have power to make one or more Orders in Council as appears to him necessary or expedient in the circumstances, and either at one and the same time or from time to time.

Orders in Council.

(2.) The Governor in Council may by any Order in Council revoke, amend, alter, vary or otherwise modify any other Order in Council made under this Act or any Order in Council continued in force under the authority of this Act.

(3.) No misnomer, inaccurate description, or omission in or from any Order in Council shall in any wise prevent or abridge the operation of this Act with respect to the subject matter of that misnomer, inaccurate description, or omission provided the same is designated so as to be understood.

**24.** (1.) The Governor in Council may from time to time make regulations providing for all or any purposes, whether general or to meet particular cases, that may be convenient for the administration of this Act or that may be necessary or expedient to carry out the objects and purposes of this Act.

Regulations.

Without limiting the generality of the foregoing provisions of this section, regulations may be made for or in respect of all or any of the following purposes, matters, and things—

- (a) Prescribing, providing for, regulating and controlling the powers and duties of the Chief Inspector, other inspectors, and other officers including the exercise and discharge of those powers and duties so as not to unreasonably or unduly interfere with the work or processes being carried on in any place ;
- (b) Forms under this Act and the respective purposes for which such forms shall be used ;
- (c) The materials, construction, design, lighting (including artificial illumination), and ventilation of buildings or portions of buildings for sleeping, for dining, and for cooking of meals respectively ;
- (d) The furnishing, fitting, and equipping of rooms or compartments for sleeping, of dining rooms, and of rooms for cooking respectively ;
- (e) The equipment and utensils to be provided ;
- (f) The facilities to be provided for washing and bathing and for the storing and protection of food ;
- (g) The provision of supplies of water for drinking and for washing and bathing respectively ;
- (h) The maintenance of good order and control and the proper, safe, and sanitary use of all accommodation, including all matters and things pertaining to accommodation, provided under this Act ;
- (i) Prescribing the amount of the pecuniary penalty for any offence against any of the regulations, but so that such penalty shall not in any case exceed one hundred pounds or, in the case of a daily penalty, five pounds per day ;
- (j) All matters required or permitted by this Act to be prescribed excepting such a matter so required to be prescribed otherwise than by regulation.

(2.) (a) The power to make any regulation under this Act shall include power to make that regulation so that it shall be limited in its application to any prescribed accommodation, or any accommodation included in any

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prescribed class of accommodation, or to any prescribed locality, or to any prescribed work, or any work included in any prescribed class of work, or otherwise as to time, place or circumstances as is prescribed.

(b) The power to make regulations under this Act shall include power to make different regulations with respect to different work, or work performed in different trades, callings, or industries.

(c) The power to make regulations under this Act shall include power to repeal, amend or otherwise modify any regulation in force at the coming into operation of this Act and continued in force by virtue of any provision of this Act.

(3.) Regulations may be made under this Act at any time after the passing hereof.

**25.** (1.) Every Proclamation, Order in Council, and regulation made under this Act shall—

- Publication  
of Proclama-  
tions, Orders  
in Council,  
regulations,  
&c.
- (a) Be published in the *Gazette* ;
  - (b) Upon its publication in the *Gazette*, be judicially noticed and such publication shall be conclusive evidence of the matters contained therein ;
  - (c) Take effect from the date of such publication, unless, in the case of any such regulation, a later date is specified in that or any other regulation for its commencement when in such event it shall take effect from that later date ; and
  - (d) Be laid before Parliament within fourteen sitting days after such publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

(2.) If Parliament passes a resolution of which notice has been given at any time within fourteen sitting days after any such Proclamation, Order in Council, or regulation has been laid before Parliament disallowing such Proclamation, Order in Council, or regulation or part thereof, that Proclamation, Order in Council, or regulation or part shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime or to the making of a further Proclamation, Order in Council, or regulation.

(3.) In this section the term "sitting days" means days upon which the House actually sits for the despatch of business.