

Queensland



WORKERS' ACCOMMODATION ACT 1952

**Reprinted as in force on 8 November 2000
(includes amendments up to Act No. 46 of 2000)**

Reprint No. 2B

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Information about this reprint

This Act is reprinted as at 8 November 2000. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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WORKERS' ACCOMMODATION ACT 1952

[as amended by all amendments that commenced on or before 8 November 2000]

An Act to consolidate and amend the law relating to the provision of accommodation for workers

Short title

1. This Act may be cited as the *Workers' Accommodation Act 1952*.

Repeals and savings

3.(1) The *Workers' Accommodation Act 1915* (the “**repealed Act**”) is hereby repealed.

(2) However, but without limiting the operation of the *Acts Interpretation Act 1954*—

(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order in council, regulation, order, notice, permit, or other act of authority made, issued, given or done under the repealed Act and in force at the commencement of this Act, shall, subject as hereinafter provided, continue in force for the purposes of this Act until it expires by effluxion of time or is repealed, amended, or otherwise modified, revoked, cancelled, or suspended under this Act;

however, 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(b) all penalties and forfeitures imposed under the repealed Act and not recovered at the commencement of this Act may be enforced and applied as if this Act had not come into operation;

(c) all actions and proceedings of whatever nature commenced or pending at the commencement of this Act under the repealed Act

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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 anything in this Act contained;

- (d) all inspectors and all other officers appointed under the repealed Act 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 Act, 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.

Definitions

4. In this Act—

“chief inspector” means the Chief Inspector of Workers' Accommodation, and includes any person for the time being occupying the office or performing the duties of chief inspector.

“construction work” includes all work in or in connection with the construction, reconstruction, 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.

“dock” includes any harbour, wharf, pier, jetty, or other place in or at which vessels can ship or unship goods or passengers.

“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 forewoman, 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.

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“inspector” means the chief inspector or any other inspector appointed or deemed to be appointed under and for the purposes of this Act.

“meatworks” means any building or other premises, including its appurtenances, used in or in connection with the slaughter of any animals for the food of human beings.

“owner”, in relation to any premises, means 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 unallocated State land, including under an occupation license under and within the meaning of the *Land Act 1994*, and includes the person, other than Her Majesty, who is for the time being entitled to receive the rent or profits of those premises and any person specifically authorised by the owner to act on the owner’s behalf in the general management or control of those premises.

“premises” means 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.

“sawmill” means any premises, including its appurtenances, used in or in connection with the preparation from the log of timber for sale.

“sugar farm” means any plantation, farm, or other premises, including its appurtenances, used in or in connection with the growing of sugarcane for the manufacture of sugar.

“sugar worker” means any person employed on, in, or about any sugar farm or sugar works.

“sugar works” means any premises, including its appurtenances, used in connection with the manufacture of sugar.

“work” means any construction work performed by workers or any work performed by workers on, in, about or in connection with—

- (a) any meatworks; or
- (b) any sawmill; or
- (d) any sugar farm; or
- (e) any sugar works;

with respect to any trade, calling or industry, and 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**” means a person performing work under—

- (a) a contract of service; or
- (b) an apprenticeship contract or a traineeship contract under the *Training and Employment Act 2000*.

Application of Act

5.(1) This Act shall be in force throughout the State 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.

(1A) However, 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.

(1B) 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.

Administration 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.

Inspectors appointed under Public Service Act

7.(1) The chief inspector of workers' accommodation and other inspectors necessary for this Act are to be employed under the *Public Service Act 1996*.

Inspectors may act in any part of the State

(2) Any inspector may exercise and discharge the inspector's 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 appointment

(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.

Orders in council

8. The Governor in Council may from time to time by order 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;
 - (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.

Powers of inspectors

9. Any inspector may at any time—

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- (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 the inspector has reason to believe that any worker is employed or accommodated; and
- (b) ask a health inspector or anyone else the inspector considers can help, to help the inspector exercise the inspector's powers; and
- (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; and
- (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 the inspector 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 or her 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 the inspector's powers and the discharge of the inspector's duties under this Act.

Obstructing an inspector etc.

11.(1) A person shall not—

- (a) assault, resist, or obstruct an inspector in the exercise of the inspector's powers or in the discharge of the inspector's duties under this Act, or attempt so to do; or
- (b) fail to answer any question put to the person in pursuance of this Act by an inspector or give any false or misleading answer to any

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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
- (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.

(2) However, no person shall be required under this section or under section 9 or 10 to answer any question, or give any information tending to criminate himself or herself.

(3) In this section—

“**inspector**” includes any person acting under lawful authority under or pursuant to this Act.

Accommodation to be provided

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.

(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—

- (a) any or 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

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are employed and shall be distant at least 45 m from any such other building or structure;

however, 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 1 January 1916, 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 2 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;
- (e) not less than 13.5 m³ 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 1 end of the room and for serving them at the other;
- (l) in the case of any sugar works—any accommodation for serving meals or for sleeping shall be at such distance not less than 45 m 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;

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- (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—
 - (i) where not more than 8 workers are to be cooked for—a cooking stove or range, having an oven not less in size than 355 mm by 355 mm by 455 mm inside measurement;
 - (ii) where more than 8 workers but not more than 12 workers are to be cooked for—a cooking stove or range having an oven not less in size than 405 mm by 355 mm by 510 mm inside measurement;

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- (iii) where more than 12 workers but not more than 20 workers are to be cooked for—2 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 355 mm by 405 mm by 405 mm inside measurement;
- (iv) where more than 20 workers are to be cooked for—2 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 482 mm by 482 mm by 405 mm inside measurement;
- (w) any and every door, window or other opening in or to any kitchen, dining room, storeroom, or meat house 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;
- (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 25 m from any building for providing accommodation and not less than 90 m 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 240 cm 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,

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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) 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.

(4) 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.

(5) 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 subsections (3) and (4) 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.

(6) A person guilty in any respect of a breach of the person's 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 notion 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.

(1A) However, 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 the person's intention to so erect the building.

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(2) Where the person entitled to the immediate possession of any premises is so entitled for an estate determinable upon the person's death or upon the happening of some event, the person or the person's 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 thereupon 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 otherwise, he or she 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.

Temporary accommodation**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 the chief inspector's opinion the exercise of the chief inspector's powers under this section;

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.

(2A) In so far as not so prescribed any permit under this section may

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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 the person's 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 the chief inspector's discretion extend that period from time to time.

(6) 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

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 Relations Act 1999* 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 the worker's employment by that employer reside on the premises on, in, about, or in connection with which the worker 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, the inspector 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.

(1A) An inspector shall in such a notice specify the matters and things with respect to which the inspector considers the said requirements have not been complied with.

(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.

Duties of workers accommodated

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 Relations Act 1999*, 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.

(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 the employer 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 1 person more than \$10 in respect of such expenses.

Notice of commencement of work

18.(1) Every owner or person entitled to the immediate possession of any premises shall, not less than 14 days before the commencement on those premises, of any work of a seasonal or periodic nature 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 or her, 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 24 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 \$200.

(2A) If default in complying with any lawful order of an inspector under this Act is continued after his or her 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 \$10 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.

(3A) Appeals from the decisions of industrial magistrates on any such complaints shall be made to the Industrial Court.

(3B) 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 Relations Act 1999*, in respect of the place for hearing and proceedings on complaints and appeals under that Act.

(4) Where the employment of any workers is subject to any award or industrial agreement made under the *Industrial Relations Act 1999*, or under any law of the Commonwealth 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.

(5) However, 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.

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

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.

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

(2A) 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.

(2B) Any amount of moneys payable to the Crown under subsection (2A) 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 Proceedings Act 1980*, or by the inspector concerned in the inspector's official name by action in any court of competent jurisdiction against the person made liable therefor by subsection (2A).

(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.

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

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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 or her 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.

(1A) However, subsection (1) 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 or her manager, foreman or forewoman, or agent) personally; or
- (b) by prepaid post letter containing that notice, order or other document and addressed to that owner or employer or person at his or her 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 or her manager, foreman or forewoman, 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.

Orders in council

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

(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.

Regulations

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.

(1A) 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;

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- (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 \$200 or, in the case of a daily penalty, \$10 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) 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 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.

(2A) 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.

(2B) 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.

Publication of proclamations, orders in council, regulations

25.(1) Every proclamation, order in council, and regulation made under this Act shall—

- (a) be published in the gazette; and
- (b) upon its publication in the gazette, be judicially noticed and such publication shall be conclusive evidence of the matters contained therein; and
- (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 14 sitting days after such publication if Parliament is in session, and if not, then within 14 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 14 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—

“sitting days” means days upon which the house actually sits for the dispatch of business.

ENDNOTES**1 Index to endnotes**

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 8 November 2000. Future amendments of the Workers' Accommodation Act 1952 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
amdt	=	amendment	prov	=	provision
ch	=	chapter	pt	=	part
def	=	definition	pubd	=	published
div	=	division	R[X]	=	Reprint No.[X]
exp	=	expires/expired	RA	=	Reprints Act 1992
gaz	=	gazette	reloc	=	relocated
hdg	=	heading	renum	=	renumbered
ins	=	inserted	rep	=	repealed
lap	=	lapsed	s	=	section
notfd	=	notified	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
om	=	omitted	SIA	=	Statutory Instruments Act 1992
orig	=	original	SIR	=	Statutory Instruments Regulation 1992
p	=	page	SL	=	subordinate legislation
para	=	paragraph	sub	=	substituted
prec	=	preceding	unnum	=	unnumbered
pres	=	present			
prev	=	previous			

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to Act No. 39 of 1980	20 February 1996
1A	to Act No. 37 of 1996	21 March 1997
2	to Act No. 5 of 2000	7 April 2000
2A	to Act No. 23 of 2000	28 September 2000

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed citations and remade laws	1
Changed names and titles	1
Obsolete and redundant provisions	1
Renumbered provisions	1

6 List of legislation

Workers' Accommodation Act 1952 1 Eliz 2 No. 5

date of assent 17 April 1952

commenced 12 May 1952 (proc pubd gaz 10 May 1952 p 90)

as amended by—

Aliens Act 1965 No. 19 s 4 sch 2

date of assent 27 April 1965

commenced on date of assent

Metric Conversion Act 1972 No. 31 pt 2 sch 1

date of assent 21 December 1972

commenced 22 June 1974 (proc pubd ind gaz 15 June 1974 p 734)

Workers' Accommodation Act Amendment Act 1980 No. 39

date of assent 26 May 1980

commenced 1 January 1981 (proc pubd ind gaz 4 October 1980 p 80)

Public Service Act 1996 No. 37 ss 1–2, 147 sch 2

date of assent 22 October 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 1996 (1996 SL No. 361)

Police Powers and Responsibilities Act 2000 No. 5 ss 1–2(1)–(2), 373 sch 2

date of assent 23 March 2000

commenced on date of assent (see s 2(1)–(2))

Training and Employment Act 2000 No. 23 ss 1, 2(3), 293 sch 2

date of assent 27 June 2000

ss 1–2 commenced on date of assent

remaining provisions commenced 28 September 2000 (2000 SL No. 248)

Statute Law (Miscellaneous Provisions) Act 2000 No. 46 ss 1, 3 sch

date of assent 25 October 2000

commenced on date of assent

7 List of annotations

Short title

s 1 amd R1 (see RA s 37)

Construction of Act

s 2 om R1 (see RA s 39)

Definitions

prov hdg sub 2000 No. 23 s 293 sch 2

s 4 amd R1 (see RA s 39)

def “**Minister**” om R1 (see RA s 39)

def “**Pastoral work**” om 1980 No. 39 s 3(a)

def “**person**” om R1 (see RA s 39)

def “**prescribed**” om R1 (see RA s 39)

def “**regulations**” om R1 (see RA s 39)

def “**Shearer**” om 1980 No. 39 s 3(a)

def “**Shearing shed**” om 1980 No. 39 s 3(a)

def “**this Act**” om R1 (see RA s 39)

def “**work**” amd 1980 No. 39 s 3(b)

def “**worker**” sub 2000 No. 23 s 293 sch 2

Inspectors appointed under Public Service Act

s 7 amd R1 (see RA s 38); 1997 No. 37 s 147 sch 2

Orders in council

s 8 amd 1980 No. 39 s 4

Powers of inspectors

s 9 amd 2000 No. 5 s 363 sch 2

Accommodation to be provided

s 12 amd 1965 No. 19 s 4 sch 2; 1972 No. 31 s 6 sch 1; 1980 No. 39 s 5

Accommodation to be free of cost to workers accommodated

s 15 amd 2000 No. 46 s 3 sch

Duties of workers accommodated

s 17 amd 2000 No. 46 s 3 sch

Offences

s 19 amd 2000 No. 46 s 3 sch