

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Acting Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 27 March, 1916.*

New South Wales.



ANNO SEXTO

GEORGI II V REGIS.

Act No. , 1916.

An Act to provide for the proper and sufficient accommodation of workers; to protect from damage any buildings used for such accommodation; to repeal the Shearers' Accommodation Act, 1901; to amend certain Acts; and for other purposes incidental thereto.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Workers Short title and repeal. Accommodation Act, 1916."

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(2) The Shearers' Accommodation Act, 1901 (hereinafter referred to as "the Act of 1901"), is hereby repealed.

2. In this Act, if not inconsistent with the context,— Definitions

5 "District" means district for the purposes of this Act.

"Employer" means the Crown and any person or corporation employing any worker, and includes managers, foremen, overseers, or other persons
10 having control or superintendence of any worker on behalf of the Crown or such person or corporation.

"Inspector" means an inspector appointed under this Act.

15 "Magistrate" means stipendiary or police magistrate.

"Meat works" includes any building used in connection with the slaughter of animals for the food of man.

20 "Minister" means Minister for Labour and Industry, or Minister for the time being administering this Act.

"Pastoral occupations" means such work in connection with the grazing of horses, cattle,
25 sheep, or other stock as the Governor may declare to be pastoral occupations for the purposes of this Act.

"Premises" means any place wherein or whereon any building works or structure to which this
30 Act extends is or are situated or is or are to be constructed or is or are in course of construction, and includes any road or public reserve.

"Prescribed" means prescribed by or under this Act.

35 "Sawmill" means any building used in connection with the preparation for sale of timber from the log.

40 "Shearing-shed" means any building used for the purpose of shearing sheep, or for the scouring, sorting, or pressing of wool or for any operation connected with such shearing, scouring, sorting, or pressing.

"Sugar

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"Sugar works" means any sugar mill or sugar refinery to which this Act is extended by the Governor by proclamation.

5 "Worker" means any person employed in, upon, or about any of the works, callings, occupations, or industries to which this Act extends.

3. This Act applies only to buildings, structures, works and premises used for or in connection with—

- (a) meat works ;
- 10 (b) pastoral occupations ;
- (c) saw mills ;
- (d) shearing sheds ;
- (e) sugar plantations ; and
- (f) sugar works ;

15 which are situated within the limits of a district.

4. This Act shall apply only to such localities as are declared by the Governor, by proclamation in the Gazette, to be a district or districts for the purposes of this Act, and the Governor may vary or rescind any such proclamation, and alter the boundaries of any district :

20 Provided that unless the Governor by proclamation or otherwise expressly declares, this Act shall not apply to any portion of a district which is comprised within the boundaries of a city or town :

25 Provided further that until altered or varied as aforesaid districts appointed under the Act of 1901 shall be districts under this Act.

5. (1) The Governor may appoint inspectors under this Act.

30 (2) Every inspector may, for the purpose of carrying out the provisions of this Act,—

(a) enter, inspect, and examine, at all reasonable hours by day or night, up to the hour of nine o'clock, any premises, or any part thereof, when he has reasonable cause to believe that any person is employed therein or thereon.

35 (b) take with him in either case an officer of health or inspector of nuisances, or a constable ;

(c)

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- (c) make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are complied with; and
- (d) exercise all other powers that may be necessary for carrying out the provisions of this Act.
- 5 (3) Every employer, his agents and servants, shall, when required by an inspector, furnish the means necessary for the exercise by such inspector of his powers under this section. Occupiers to allow entry and inspection.
- 10 (4) Every person who obstructs or wilfully delays, or attempts to delay, an inspector in the exercise of any such power as aforesaid, or who fails to comply with a requisition of an inspector, made under any such power, shall be guilty of an offence against this Act. Penalty.
- 15 (5) Every inspector shall be furnished with a certificate of his appointment, and on applying for admission to a shearing shed or tenement shall, if required, produce such certificate to the employer. Inspector to produce certificate of appointment.
- 20 **6.** (1) Proper and sufficient accommodation for the comfort and health of such workers as reside on the premises of an employer during their employment shall be provided by the employer in manner as prescribed by regulation, free of all cost to the worker : Accommodation.
- 25 Provided that where any award made under the Industrial Arbitration Act, 1912, or any Act passed in substitution for or amendment of the same declares that any sum may be properly deducted from the remuneration of the employee being a worker in respect of accommodation provided by the employer for such
- 30 employee the terms of such award shall have effect notwithstanding the provisions of this Act :
- 35 Provided further that where premises have been newly established and there has not been a reasonable or sufficient time to erect new buildings, or where accommodation has been destroyed or rendered unfit for use by reason of fire, tempest, flood, disease, or other serious contingency the Minister may permit the use of any temporary, provisional, or emergency accommodation which may in the circumstances appear to him to be
- 40 sufficient but subject to any minimum standard in that regard which may be prescribed.

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(2) Any agreement between an employer and a worker which stipulates that such worker shall not during his employment in the capacity of a worker reside on the employer's premises shall to that extent be void and inoperative.

(3) If any employer neglects to comply with the requirements of this section he shall be deemed to be guilty of an offence against this Act.

7. Whenever any damage has been done by any workers to any buildings provided for their accommodation, the employer may deduct from wages due by him in parts proportionate to the sums earned during a period not exceeding one week prior to such deduction by the workers, an amount sufficient in his estimate to repair such damage.

Workers not
to damage
buildings.

The amount to be retained by the employer out of the moneys so deducted shall be an amount agreed upon by the employer and a representative of the workers appointed by them for that purpose.

10 If no such amount can be so agreed upon, the employer shall pay the amount deducted into the hands of the clerk of the nearest court of petty sessions.

Such court, on the application of the employer or of any of such workers, or of any industrial union representing one or more of such workers, and subject to any regulations which the Governor is hereby empowered to make with regard to notices and procedure, shall make such order for the payment out and distribution of such amount as to it seems just.

15 8. This Act does not apply to workers whose ordinary residences are in the immediate neighbourhood of the premises upon which they are employed, and who sleep at their own homes.

Application
of Act.

Ibid. s. 9.

Ibid. s. 12.

9. Every employer shall not less than three clear days before the day upon which shearing is started at his shearing-shed or work is commenced on his premises post or cause to be delivered to the inspector of the district at his official address a notice of such fact:

Notice of
commence-
ment of work.

20 Provided that the Minister may excuse the want of such notice in any case where owing to a sudden emergency

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emergency it has become necessary immediately to start such shearing or commence such work, if notice to the inspector is given within twenty-four hours of such starting or commencement.

5 Any employer who fails to give notice as aforesaid shall be deemed to be guilty of an offence against this Act.

10 **10.** Every person who is guilty of an offence against this Act or the regulations thereunder shall on conviction be liable, if no other penalty is provided, to a penalty not exceeding twenty-five pounds. And the magistrate may in addition to or instead of inflicting a penalty, order certain means to be adopted by the employer within some time to be named in the order, 15 for the purpose of bringing his premises, accommodation, or property used in connection therewith into conformity with this Act, or the regulations thereunder, and may upon application enlarge the time so named, and if after the expiration of the time originally named, 20 or enlarged upon subsequent application, the order is not complied with, the employer shall be liable to a penalty not exceeding five pounds for every day that such non-compliance continues.

25 **11.** Without limiting the generality of the powers already conferred, the Governor may, by notice in the Gazette, from time to time, make, alter, and repeal regulations :—

30 (a) For prescribing forms of notices to be given and the particulars to be set forth therein; and the procedure to be followed under this Act, and generally for carrying into effect the provisions of this Act.

35 (b) Prescribing the nature and extent of the accommodation that shall be deemed to be proper and sufficient for the purposes of this Act, and more particularly—

40 requiring the separation of sleeping, dining, and cooking accommodation from each other and from the buildings, works, or places in which the workers follow their occupations or stores are kept ;

requiring

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- requiring any degree of discrimination on racial grounds between workers in occupation of any accommodation ;
- 5 requiring provision for the adequate lighting, heating, ventilation, cleansing, and sanitation of any accommodation ;
- prescribing the quantity and quality of drinking and other water to be provided ;
- 10 requiring the provision of any domestic furniture or equipment to be used in connection with any accommodation ;
- prescribing the materials, construction, and design of and the approach to any accommodation ;
- 15 prescribing the minimum standard of any temporary, provisional, or emergency accommodation which may be permitted by the Minister in terms of section six of this Act.
- (c) Imposing any penalty not exceeding twenty pounds for the breach of any regulation.
- 20 Such regulations may vary for different parts of New South Wales, and for different times of the year.
- All such regulations shall be published in the Gazette and laid before Parliament within ten days after the gazetting thereof if Parliament is then sitting, or if not,
- 25 then within ten days after the commencement of the next coming session.
- 12.** Every information or complaint under this Act Procedure. shall be laid, or made, and heard, and all proceedings consequent thereon, or incidental thereto, shall be had
- 30 and taken, in the manner provided by the Justices Act, 1902, and any acts amending the same, before the magistrate holding a court nearest to the residence of the defendant.

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