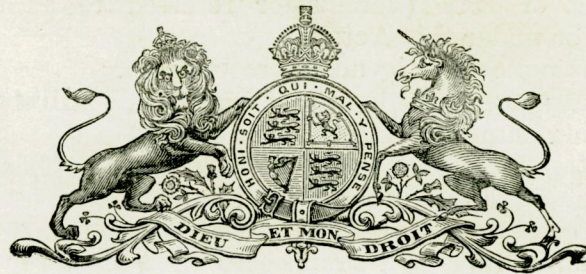


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 10 October, 1912.* }

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

New South Wales.



ANNO TERTIO

GEORGII V REGIS.

Act No. , 1912.

An Act to provide for the accommodation of shearers, sugar workers, and agricultural labourers; to repeal the Shearers' Accommodation Act, 1901; 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:—

5 **1.** (1) This Act may be cited as the "Shearers and Agricultural Labourers' Accommodation Act, 1912." Short title and repeal.

(2) The Shearers' Accommodation Act, 1901, is hereby repealed.

Shearers and Agricultural Labourers' Accommodation.

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

Definitions.

“Agricultural labourer” includes every person employed by an employer in agricultural or pastoral work of any kind, or in or about any woolscour on any pastoral holding, but does not include a shearer.

N.Z. Act, No. 177,
1908, s. 2.

5

“District” means district notified in pursuance of this Act.

“Employer” includes every master, manager, foreman, overseer, or other person having the control or superintendence of any agricultural labourer or sugar worker, or the control of any shearing-shed, or engaged in the superintendence of any shearer.

10

“Governor” means Governor, with the advice of the Executive Council.

15

“Inspector” means an inspector appointed under the Factories and Shops Act of 1896 (hereinafter referred to as the Factories Act), or under this Act.

“Magistrate” means police or stipendiary magistrate.

“Minister” means Minister of Labour and Industry, or Minister for the time being administering the Act.

20

“Shearer” includes all employees in or about shearing-sheds.

“Shearing-shed” means any building used for the purpose of shearing sheep, or for any operation connected with shearing; and includes all buildings and premises connected therewith or adjacent thereto wherein shearers sleep or take their meals.

25

“Sugar worker” means and includes any person working on or about any sugar plantation or sugar mill.

“Tenement” means any land, building, or place on or in which any agricultural labourer or sugar worker is employed, and includes all buildings and premises wherein any agricultural labourer is accommodated.

30

3. The Governor may from time to time appoint inspectors under this Act.

Inspectors.

4. Inspectors appointed under the 1901 Act shall be inspectors under this Act.

Inspectors under
1901 Act.

5. 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.

Act to apply only to
declared districts.

6. Districts appointed under the 1901 Act shall be districts under this Act.

Districts under
1901 Act.

7. Every inspector shall have power—

Powers of
inspectors.

(1) to enter, inspect, and examine, at all reasonable hours by day, any shearing shed or tenement, or any part thereof, when he has reasonable cause to believe that any person is employed

45

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employed therein, and to enter by day any place which he has reasonable cause to believe is used as a shearing shed or tenement;

- 5 (2) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are complied with;
- (3) to exercise all other powers that may be necessary for carrying out the provisions of this Act.

10 **8.** Every employer, his agents, and servants shall, when required by an inspector, furnish the means necessary for an entry, inspection, examination, and inquiry, or the exercise of his powers under this Act in relation to his shearing shed or tenement. Occupiers to allow entry and inspection.

15 **9.** Every person who wilfully delays, or prevents, or attempts so to delay or prevent, an inspector in the exercise of any power under this Act, or who fails to comply with a requisition of an inspector, made under any such power as aforesaid, shall be deemed to obstruct an inspector. Obstruction of inspector.

20 **10.** For the purpose of carrying out the provisions of this Act every inspector shall have the free right of ingress and egress to and from every shearing shed or tenement. Inspector's rights of ingress and egress.

11. Every person who obstructs any inspector in the exercise of his duty, or refuses him ingress or egress as aforesaid, shall be liable to a penalty not exceeding twenty pounds. Penalty for obstructing an inspector.

25 **12.** 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.

30 **13.** (1) Proper and sufficient accommodation for the comfort and health of shearers, agricultural labourers, and sugar workers, shall be provided by the employer in manner as prescribed by regulation, and in any case, where no provision is made, or where the provision made is deemed by an inspector to be inadequate, he shall require the employer to provide, amend, or enlarge the same, in accordance with the requirements of this Act, within a time to be specified in a notice in writing in that behalf. Accommodation in shearing sheds. N.Z. Act, No. 177, 1908, s. 6.

35 (2) Such notice shall be served either on the employer personally, or by leaving the same at his usual or last known place of residence.

40 (3) If any employer neglects to comply with the terms of such notice, he shall be deemed to be guilty of an offence against this Act.

14. The shearers, agricultural labourers, or sugar workers occupying any building provided by an employer for the accommodation of shearers, agricultural labourers, or sugar workers, shall not cause or suffer any damage to be done to such building, or to any property of an employer contained therein; and whenever, in the opinion of an inspector Shearers not to damage such buildings.

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inspector, any damage has been done to any such building or property by such shearers, agricultural labourers, or sugar workers, such inspector shall give to the employer a certificate to that effect, and such employer may have such damage repaired.

- 5 The employer may, in any such case as aforesaid, deduct the cost of any work necessary for either of the aforesaid purposes in equal parts from the wages due, or accruing due, to such shearers, agricultural labourers, or sugar workers, or may recover such cost as a debt from such shearers, agricultural labourers, or sugar workers jointly in
10 any competent court with reasonable costs of suit.

Shearers to be responsible for cost of cleaning and repairing.

- 15 **15.** Where any persons of the Asiatic race are employed in or about any shearing-shed or tenement, it shall be incumbent upon the employer to provide for such persons separate and distinct sleeping accommodation from that provided for other shearers, agricultural
labourers, or sugar workers, if any; and every employer who fails so
to do is liable on conviction to a penalty not exceeding ten pounds, and to a further penalty not exceeding one pound for every day after such conviction during which such default continues.

Separate sleeping accommodation for Asiatics.
N.Z. Act No. 177, 1908, s. 7.

- 20 **16.** This Act does not apply to—
(a) shearing-sheds in which the total number of shearers employed is less than four, nor to shearers whose ordinary residences are in the immediate neighbourhood of the shearing-shed in which they are employed, and who sleep at their own homes.
25 (b) To any employer who does not employ at least four agricultural labourers or sugar workers for six months in any one year, or any agricultural labourer or sugar worker or whose ordinary residence is in the immediate neighbourhood of the land on which they are employed and who sleep at their own homes or otherwise provide their own sleeping
30 accommodation.

Application of Act.
Ibid. s. 9.

Ibid. s. 12.

- 35 **17.** An employer shall within three clear days of the day upon which shearing is started at his shearing-shed post or cause to be delivered to the inspector of the district at his official address a notice of such fact:

Notice of shearing.

- 35 Provided that an inspector may excuse the want of such notice in any case where owing to a sudden emergency it has become necessary to immediately commence work at a shearing shed if notice that work has commenced is given as aforesaid within twenty-four hours thereafter.

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

General.

- 18.** Every employer who is guilty of an offence against this Act or the regulations thereunder, or who fails to comply with the requirements

Penalty.

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requirements of an inspector, 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
 5 to be named in the order for the purpose of bringing his shearing shed or tenement into conformity with this Act, and may upon application enlarge the time so named, and if after the expiration of the time originally named, or enlarged upon subsequent application, the order is not complied with, the employer shall be liable to a penalty not
 10 exceeding two pounds for every day that such non-compliance continues. No proceedings for a breach of this Act shall be taken without the consent of the Minister.

19. In addition to the powers already conferred, the Governor
 may, by notice in the Gazette, from time to time, make, alter, and
 15 repeal regulations:—

- (1) For prescribing forms of notices to be given under this Act, and the particulars to be set forth therein; and generally for carrying into effect the provisions of this Act.
- 20 (2) Prescribing the nature and extent of the accommodation that shall be deemed to be adequate for the purpose of this Act for shearers, agricultural labourers, and sugar workers. Regulations. N.Z. Act No. 177, 1908, s. 13.
- (3) Requiring separate accommodation to be provided for sleeping and for meals and for stores, in buildings apart from shearing sheds or tenements.
- 25 (4) Requiring that each room provided for meals contains a fire-place or other sufficient means of warming the room.
- (5) Prescribing the floor space, internal height, and amount of light and ventilation necessary in any room provided for sleeping or for meals, to prevent the overcrowding of persons using such room.
- 30 (6) For the maintenance of the accommodation in a cleanly and sanitary condition, and to impose on certain persons the duty of seeing that such sanitary condition is maintained.
- 35 (7) Prescribing the closet accommodation to be provided with regard to the number, situation, design, and construction of such accommodation.
- (8) Prescribing the materials, construction, design, and approach of buildings provided for sleeping and for meals.
- 40 (9) Requiring the provision of a sufficient supply of good drinking water, cooking vessels, washing vessels, and the facilities for washing clothes.
- (10) Prescribing the materials of the flooring of the rooms provided for sleeping and for meals.
- 45 (11) Imposing any penalty not exceeding twenty pounds for the breach of any regulation.

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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, then within ten days after the commencement of the next coming session.

But if either House of Parliament passes a resolution of which notice has been given at any time within thirty sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

20. Every information or complaint under this Act shall be laid, or made and heard, and all proceedings consequent thereon, or incidental thereto, shall be had 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 employer.

Procedure.
N.Z. Act No. 177,
1908, s. 15.

Sydney: William Applegate Gullick, Government Printer.—1912.

[6d.]