1913.

Legislative Council.

# SHEARERS' AND AGRICULTURAL LABOURERS' ACCOMMODATION BILL.

(*Amendments to be moved in Committee.*)

Page 3, clause 13. *Omit* clause *insert* new clauses as follows :—

13. (1) Accommodation, proper and sufficient for the comfort and health of such shearers, agricultural labourers, and sugar workers as are employed, shall be provided by the employer in buildings separate from any shearing-shed.

(2) Accommodation in such buildings shall not be deemed proper or sufficient if any of the following conditions be not fulfilled :—

(a) All such buildings shall be distant at least fifty yards from any shearing shed.

(b) Not less than two hundred and forty cubic feet of air space shall be allowed to each person sleeping in any such building.

(c) No room used for sleeping shall be used for the cooking or serving of meals, and when meals are cooked and served in the same room, provision shall be made for cooking the meals at one end of the room and for serving them at the other.

(d) Sufficient latrine accommodation shall be provided, situate not less than twenty-five yards from the buildings and not less than fifty yards from the water supply.

(e) A sufficient supply of good drinking-water shall be provided.

(f) Each sleeping and dining-room shall be supplied with sufficient ventilation, and shall be lighted by hanging or fixed lamps, or other suitable lighting appliances, and each dining-room shall contain a fireplace.

(g) Each sleeping and eating compartment shall be provided with a floor of approved material.

(h) Proper cooking and washing vessels shall be provided.

(i) Bathing accommodation and facilities for washing clothes shall be provided.

(j) Sleeping accommodation for the cook shall be provided in a room separate from that occupied for sleeping purposes by the shearers, agricultural labourers, and sugar workers.

(k) A separate room for stores shall be provided.

(l) A lumber room for bicycles, saddles, &c., shall be provided.

(m) A room for meat capable of being rendered as far as possible fly-proof shall be provided.

13A. Where an inspector, after making an inspection, has reason to believe that the requirements of this Act have not been complied with he shall so notify an employer, directing him within a time therein mentioned to comply with such requirements. He shall also in the notice specify in what respects he considers the said requirements have not been complied with.

The notice shall be in writing and may be served on the employer personally or by being left at his usual or last known place of residence.

13B. (1) Where an inspector has ascertained that an employer served with such notice has neglected to comply with any of the requirements of this Act, such inspector may make complaint to a justice of the peace, and such justice shall thereupon issue a summons requiring the said employer to appear before a court of petty sessions.

(2) The court may, if satisfied that any of the requirements of this Act have not been complied with, order the said employer to comply with such requirements, and, if thought desireable, may in the order specify what things shall be done by the employer, and the time within which the order shall be carried out, or may dismiss the complaint; and in any case the court may award costs to the inspector or the employer.

(3) If the said employer fails to carry out an order made as aforesaid, he shall, unless he satisfies the Court that he has used all due diligence to carry out the order, be guilty of an offence against this Act, and be liable to a penalty not exceeding twenty-five pounds, and for every day during his default to a further penalty not exceeding one pound.

Page 3, clause 14. *After* "sugar workers" where secondly occurring in the clause *insert* "shall keep such building clean, and"

Page 3, clause 14. *After* "in the opinion of an inspector" *insert* "such building is not being kept clean, or"

Page 3, clause 14. *After* "such employer may have" *insert* "the "building restored to a clean state and"

Page 4, clause 17. *Omit* "an employer shall within three clear "days of" *insert* "an employer shall at least three days "before"

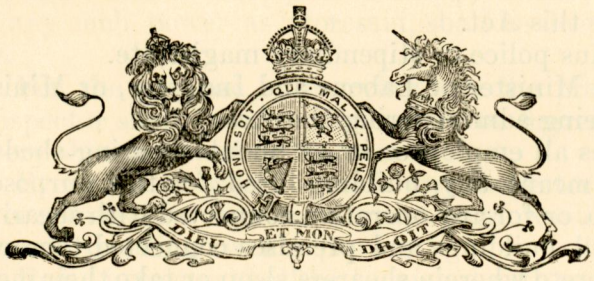
Pages 5 and 6, clause 19. *Omit* clause from commencement down and including the words "for different times of the year" *insert* "The Governor may make regulations prescribing the "various forms of notices to be given under this Act, the "particulars to be set forth therein; and generally for "carrying out the provisions of this Act."

*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.

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## 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' Acommodation Act, 1901, is hereby repealed.

**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.

"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.

"Governor" means Governor, with the advice of the Executive Council.

"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.

"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.

"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.

**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

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

(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.

Occupiers to allow entry and inspection.

**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.

Obstruction of inspector.

**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.

Inspector's rights of ingress and egress.

**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.

Penalty for obstructing an inspector.

**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.

Inspector to produce certificate of appointment.

**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.

Accommodation in shearing sheds.

N.Z. Act, No. 177, 1908, s. 6.

**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.

(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.

(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.

Shearers not to damage such buildings.

**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

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.

Shearers to be responsible for cost of cleaning and repairing.

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.

Separate sleeping accommodation for Asiatics.

N.Z. Act No. 177, 1908, s. 7.

**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 15 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.

Application of Act.

*Ibid.* s. 9.

**16.** This Act does not apply to—

20 (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.

*Ibid.* s. 12.

(b) To any employer who does not employ at least four 25 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.

Notice of shearing.

**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:

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.*

Penalty.

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

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 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 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.

Governor to have power to make regulations.

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

Regulations. N.Z. Act No. 177, 1908, s. 13.

(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.

(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.

(3) Requiring separate accommodation to be provided for sleeping and for meals and for stores, in buildings apart from shearing sheds or tenements.

(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.

(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.

(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.

(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.

(11) Imposing any penalty not exceeding twenty pounds for the breach of any regulation.

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.

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

**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.

Sydney: William Applegate Gullick, Government Printer.—1913.

[6*d*.]