

740

No. , 1914.

A BILL

To provide for the accommodation of shearers and agricultural labourers ; 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 "Shearers and Agricultural Labourers' Accommodation Act, 1914." Short title and repeal.

(2) The Shearers' Accommodation Act, 1901 (hereinafter referred to as "the Act of 1901"), is hereby repealed.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.
- “Agricultural labourer” includes every person N.Z. Act,
No. 177,
1908, s. 2. employed for any period exceeding twenty-four hours by an employer in agricultural or pastoral work of any kind.
- “District” means district for the purposes of this Act.
- “Employer” includes every master, manager, foreman, overseer, or other person having the control or superintendence of any agricultural labourer, or the control of any shearing-shed, or engaged in the superintendence of any shearer.
- “Inspector” means an inspector appointed under this Act.
- “Magistrate” means stipendiary or police magistrate.
- “Minister” means Minister of Labour and Industry, or Minister for the time being administering this 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.
- “Tenement” means any land, building, or place on or in which any agricultural labourer is employed, and includes all buildings and premises wherein any agricultural labourer is accommodated.
- 3.** (1) The Governor may appoint inspectors under Inspectors. this Act.
- (2) Inspectors appointed under the Act of 1901 shall be inspectors under this Act.
- 4.** This Act shall apply only to such localities as are Act to apply
only to
declared
districts. 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:
Provided

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

5. (1) Every inspector may—

Powers of inspectors.

- (a) enter, inspect, and examine, at all reasonable hours by day or night, any shearing shed or tenement, or any part thereof, when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe is used as a shearing shed or tenement;
- (b) take with him in either case an officer of health or inspector of nuisances, or a constable;
- (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.

(2) 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.

(3) 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 liable to a penalty not exceeding twenty pounds.

(4) 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.

6. (1) Proper and sufficient accommodation for the comfort and health of shearers and agricultural labourers, 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.

(2)

Shearers and Agricultural Labourers' Accommodation.

(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.

7. The shearers or agricultural labourers occupying any building provided by an employer for the accommodation of shearers or agricultural labourers shall not cause or suffer any damage to be done to such building, or to any property of an employer contained therein.

Shearers not to damage such buildings.

Whenever any damage has been done to any such building or property by such shearers or agricultural labourers, the employer may deduct, in parts proportionate to the sums earned during a period not exceeding three weeks prior to such deduction by the shearers and agricultural labourers, an amount sufficient in his estimate to repair such damage.

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 shearers and agricultural labourers; appointed by them for that purpose.

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 shearers and agricultural labourers, or of any industrial union representing one or more of such shearers or agricultural labourers, 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.

8. Where any persons of the Chinese 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 or agricultural labourers, if any; and every employer who fails so to do is liable on conviction to a penalty not exceeding

Separate sleeping accommodation for Chinese.

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

ten

ten pounds, and to a further penalty not exceeding one pound for every day after such conviction during which such default continues.

9. (1) This Act does not apply 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; nor to agricultural labourers whose ordinary residences are 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 accommodation.

Application of Act.

Ibid. s. 9.

Ibid. s. 12.

(2) Nothing in this Act shall require any person to provide accommodation for any agricultural labourer—

- (a) who is not regularly employed by him; or
- (b) who is employed by a contractor for agricultural work.

In any case where agricultural labourers are employed by a contractor as aforesaid, such accommodation as may be prescribed by regulations shall be provided by the contractor for such labourers.

10. Every 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.

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.

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

General.

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

Governor to have power to make regulations.

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.

12. 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.

- (a) 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.
- (b) Prescribing the nature and extent of the accommodation that shall be deemed to be adequate for the purpose of this Act for shearers and agricultural labourers.
- (c) Requiring separate accommodation to be provided for sleeping and for meals and for stores, in buildings apart from shearing sheds or tenements.
- (d) Requiring that each room provided for meals contains a fire-place or other sufficient means of warming the room.
- (e) 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.
- (f) 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.
- (g) Prescribing the closet accommodation to be provided with regard to the number, situation, design, and construction of such accommodation.

(h)

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- (h) Prescribing the materials, construction, design, and approach of buildings provided for sleeping and for meals.
- (i) Requiring the provision of a sufficient supply of good drinking water, cooking vessels, washing vessels, and the facilities for washing clothes.
- (j) Prescribing the materials of the flooring of the rooms provided for sleeping and for meals.
- (k) 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.

13. 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.

14. Notwithstanding anything in any Act there shall be no right of appeal to the Supreme or any other court from the order or determination of any magistrate made under this Act. No appeal.
Ibid. s. 16.

