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No. , 1911.

A BILL

To provide for the accommodation of shearers and agricultural labourers; to repeal the Shearers' Accommodation Act, 1901; and for other purposes incidental thereto.

[MR. BEEBY ;— *March*, 1912.]

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, 1911." Short title and repeal.

(2) The Shearers' Accommodation Act, 1901, is hereby repealed.

Definitions.

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

- 2.** In this Act, if not inconsistent with the context,—
- “Agricultural labourer” includes every person employed for any period exceeding twenty-four hours by an employer in agricultural or pastoral work of any kind, and includes a shearer.
- “Employer” includes every master, manager, foreman, overseer, 5 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 the Factories and Shops Act of 1896 (hereinafter referred to as the 10 Factories Act), or under this Act.
- “Magistrate” means police or stipendiary magistrate.
- “Minister” means Minister of Labour and Industry.
- “Shearer” includes all employees in or about shearing-sheds.
- “Shearing-shed” means any building used for the purpose of 15 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.

Inspectors.

Ibid. s. 3.

3. The Governor may from time to time appoint inspectors 20 under this Act, and define the districts over which they shall respectively exercise supervision, or may assign the duty of such supervision within such area of New South Wales as he directs to any inspector appointed under the Factories Act.

Inspector's rights of ingress and egress.

Ibid. s. 4.

4. (1) For the purpose of carrying out the provisions of this 25 Act every inspector shall have the free right of ingress and egress to and from any land or place on or in which any agricultural labourer is employed or accommodated, and to and from every shearing shed.

(2) Every person who obstructs any inspector in the exercise of his duty, or refuses him ingress or egress as aforesaid, is 30 liable to a penalty not exceeding *twenty* pounds.

Shearers.

Inspection of shearing sheds.

Ibid. s. 5.

5. It shall be the duty of every inspector to visit and inspect, at least once a year, all shearing-sheds within the district assigned to him, and not later than the thirty-first day of March in every year he 35 shall make a full and detailed report of such inspection to the Minister.

Accommodation in shearing sheds.

Ibid. s. 6.

6. (1) It shall be the duty of the inspector to see that proper and sufficient accommodation is provided at every shearing-shed for the comfort and health of the shearers: and in any case, where no 40 provision is made, or where the provision made is deemed by him 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)

(2) Such notice shall be served not later than the first day of June in each year, 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, the inspector may lay an information, or make complaint of a breach of this Act, and may apply for an order as hereinafter mentioned.

7. Where any persons of the Chinese race are employed in or about any shearing-shed, it shall be incumbent upon the employer to provide for such persons separate and distinct sleeping accommodation from that provided for other shearers, 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 Chinese.

Ibid. s. 7.

8. "Proper and sufficient accommodation" as regards sleeping-room means, in the case of shearers, not less than two hundred and forty cubic feet of air-space for each shearer sleeping in any room or apartment (which room or apartment shall not in any case be the same as that in which meals are provided), but shall not be deemed to require any employer to provide blankets or bedding.

Proper and sufficient accommodation.

Ibid. s. 8.

9. This Act does not apply to shearing-sheds in which the total number of shearers employed is less than six, 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.

Application of Act.

Ibid. s. 9.

Agricultural labourers.

10. (1) In any case where no provision is made for the accommodation of the agricultural labourers employed, or where the provision made is deemed by the 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 reasonable time to be specified in a notice in writing in that behalf.

Accommodation for agricultural labourers.

Ibid. s. 10.

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

(3) If any employer fails to comply with the terms of such notice, the Inspector may lay an information or make complaint of a breach of this Act, and may apply for an order as hereinafter mentioned.

11. Where agricultural labourers are of any Asiatic race, the employer shall provide for such Asiatic labourers separate and distinct sleeping accommodation from that provided for other agricultural labourers, and any 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.

Ibid. s. 11.

12.

Shearers' and Agricultural Labourers' Accommodation.

Application of Act.
Ibid. s. 12.

12. (1) This Act does not apply in the case of 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.

(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.

(3) 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.

Regulations.
Ibid. s. 13.

13. (1) The Governor may make regulations prescribing the nature and extent of the accommodation that shall be deemed to be adequate for the purpose of this Act in the case of agricultural labourers. He may also make regulations for the maintenance of the accommodation of such labourers in a cleanly and sanitary condition, and may in such last mentioned regulations impose a penalty not exceeding *twenty* pounds for any breach thereof :

Provided that no accommodation as a homestead shall be deemed to be adequate unless every room in which agricultural labourers are to be accommodated contains at least two hundred and forty cubic feet of air space for every person to be so accommodated, nor unless, in cases where two or more persons are to be accommodated, separate rooms are provided for sleeping and for meals, and each room provided for meals contains a fireplace or other sufficient means of warming the room.

(2) Such regulations may vary for different parts of New South Wales, and for different times of the year.

(3) 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.

General.

Hearing before
magistrate.
Ibid. s. 14.

14. (1) On application of an inspector for an order under this Act against any employer, a magistrate shall hear and determine the same ; and if, after inquiry into the case, the magistrate finds that no accommodation is provided, or is of opinion that the accommodation provided by the defendant employer is improper or insufficient, he may determine what accommodation or what further accommodation, as the case may be, shall be provided by such employer ; or, if he is of opinion that the accommodation is proper and sufficient, he may dismiss the application, or may make such order as the justice of the case may require ; and may, in his discretion, allow costs either to the inspector or to the defendant employer.

(2) Every employer who fails to comply with any such order within such time as is thereby appointed, is liable on conviction to a penalty not exceeding twenty-five pounds, and to a further penalty not exceeding two pounds per day for every day after such conviction during which such default continues.

15. 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.
Ibid. s. 15.

16. 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.