

## Act No. 74, 1901.

### **SHEARERS' ACCOMMODATION.** — **An Act to provide for the proper and sufficient accommodation of shearers. [28th December, 1901.]**

**B**E 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:—

#### *Preliminary.*

Commencement and  
short title.

**1.** This Act shall come into force on the first day of January, one thousand nine hundred and two, and may be cited as the "Shearers' Accommodation Act, 1901."

Savings.

**2.** This Act shall not apply to shearing-sheds where less than six shearers are employed. **3.**

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3. In this Act, unless the context otherwise indicates,—

“district” means district notified in pursuance of this Act;

“employer” means master, manager, foreman, overseer, or other person owning or having control of a shearing-shed or engaged in superintending shearing at such shed;

“inspector” means inspector appointed in pursuance of this Act;

“shearer” means person employed in or about a shearing-shed in the shearing of sheep, or in work connected therewith; but does not include a person who is employed on the holding on which the shearing-shed is situate when the shearing is not in progress;

“shearing-shed” means shed or other building used in the shearing of sheep or any operation connected therewith.

Definitions.

4. The Governor, by notification in the Gazette, may appoint districts for the purposes of this Act, and may vary or rescind any such notification and alter the boundaries of any districts.

5. The Governor may appoint an inspector or inspectors (who may be members of the police force or inspectors under the Factories and Shops Act, 1896), in respect of the district or districts mentioned in such appointment.

Each inspector shall be furnished by the Minister with a certificate of his appointment to be produced by him in pursuance of this Act.

*Shearing-sheds and accommodation for shearers.*

6. (1) Accommodation, proper and sufficient for the comfort and health of such shearers as are employed and require it shall be provided by the employer in buildings separate from the shearing-shed.

(2) Accommodation in such buildings shall not be deemed proper or sufficient for the comfort and health of shearers if any of the following conditions be not fulfilled—

(a) all such buildings shall be separate from the shearing-shed, and shall be distant at least fifty yards from the shearing-shed: Provided that buildings erected prior to the commencement of this Act at a distance from the shearing-shed less than fifty yards but containing or which shall be altered so as to contain the accommodation hereinafter defined and recommended by the inspector and approved by the Minister shall be deemed to be proper and sufficient buildings within the meaning of this Act;

(b)

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- (b) where the shearers for whom sleeping accommodation is provided include persons of any Asiatic race, a separate building or separate buildings shall be provided for their sleeping accommodation;
- (c) not less than two hundred and forty cubic feet of air-space shall be allowed to each person sleeping in any such building;
- (d) 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; separate dining accommodation to be provided for all Asiatics employed;
- (e) 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;
- (f) a sufficient supply of good drinking water shall be provided;
- (g) each sleeping and dining room shall be supplied with sufficient light and ventilation;
- (h) each sleeping and eating compartment shall be provided with a floor of approved material;
- (i) proper cooking and washing vessels shall be provided.

**Buildings, other than shearing sheds, to be kept clean by shearers.**

**Shearers not to damage such buildings.**

**Shearers to be responsible for cost of cleaning and repairing.**

**7.** (1) Every building provided by an employer for the accommodation of shearers, not being a shearing-shed, shall be kept clean by the shearers occupying the same during their occupation thereof; and whenever, in the opinion of an inspector, any such building is not being kept clean by the shearers occupying the same, such inspector shall give to the employer a notice in writing to that effect, and such employer may thereupon have such building restored to a clean state, and thenceforward kept so from day to day.

(2) The shearers occupying any such building as aforesaid 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, any damage has been done to any such building or property by such shearers, such inspector shall give to the employer a certificate to that effect, and such employer may have such damage repaired.

(3) 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, or may recover such cost as a debt from such shearers jointly in any competent Court, with reasonable costs of suit.

*Inspection*

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*Inspection and regulation of accommodation.*

**8.** An inspector shall, once in every twelve months, and every <sup>Inspection of</sup> <sub>shearing-sheds and</sub> buildings. <sup>inspector</sup> may whenever he thinks fit, inspect all buildings used for accommodating shearers situate within his district, and every inspector shall, not later than the thirty-first day of March in every year, make a full and detailed report to the Minister of his inspections.

An inspector making any such inspection shall, at the request of any employer produce the certificate of his appointment, and show it to the said employer.

**9.** For the purpose of carrying out the provisions of this Act, every <sup>Entry by inspector.</sup> inspector shall have the right of ingress and egress to and from every shearing-shed and other building used for accommodating shearers.

**10.** Where an inspector, after making such inspection, has <sup>Notice to comply</sup> <sub>with Act.</sub> 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.

**11.** (1) Where an inspector has ascertained that an employer <sup>Complaint to justice</sup> <sub>of failure to comply</sub> <sup>with Act.</sup> 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 <sup>Order on such</sup> <sub>complaint.</sub> of this Act have not been complied with, order the said employer to comply with such requirements, and, if thought desirable, 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 <sup>Penalty on failure to</sup> <sub>carry out order.</sub> 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.

*Supplemental.*

**12.** Any person obstructing an inspector in the exercise of his <sup>Obstruction of</sup> powers under this Act shall be guilty of an offence against this Act, <sup>inspector.</sup> and be liable to a penalty not exceeding twenty pounds.

*Mines Inspection.*

## Notice of shearing.

**13.** 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.

## Hearing of informations.

**14.** Any information for an offence against this Act or any complaint under this Act shall be heard and determined in a summary way by a court of petty sessions held in the district in which the building referred to in the information or complaint is situate.

## Penalties.

All penalties imposed in pursuance of this Act shall, when recovered, be paid into the Treasury and carried to the Consolidated Revenue Fund.