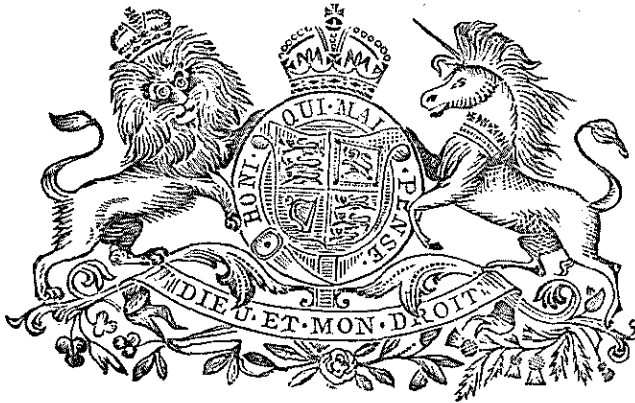


WESTERN AUSTRALIA.



ANNO TERTIO

GEORGII QUINTI REGIS,

XXIV.

No. 43 of 1912.

AN ACT to provide for the proper and sufficient
Accommodation of Shearers and Shed-hands.

[Assented to 24th December, 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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.—PRELIMINARY.

1. This Act may be cited as the *Shearers' Accommodation Act*, 1912, and shall come into operation on the first day of January, one thousand nine hundred and fourteen.

Short title and commencement.

2. This Act shall not apply—

Savings.

- i. To buildings provided for the accommodation of shearers in cases where the total number of shearers employed in the shearing-shed is less than eight; nor
- ii. To shearers whose residences are in the immediate neighbourhood of the shearing-shed in which they are employed, and who sleep at their own homes; nor
- iii. In cases where the work of shearing is performed solely by members of the family; nor

- iv. To temporary buildings or structures reasonably suitable and used in connection with shearing travelling sheep or sheep which from some unavoidable cause cannot be shorn at the usual shearing place on the run or holding.
- v. To the shearing of sheep in any city, town, or municipality.

Definition.

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:

“Minister” means the responsible Minister of the Crown for the time being charged with the administration of this Act:

“Shearer” means any 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, nor does it include any member of the employer’s family, woolclasser, or expert quartered and dining apart from shearers, or any aboriginal native.

“Shearing-shed” means and includes any building used for the purpose of shearing sheep or for the scouring, sorting, or pressing of wool, or for any operation connected with such shearing, scouring, sorting, or pressing.

“This Act” includes the regulations made thereunder:

Appointment of districts.

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

(2.) This Act shall not apply to or in respect of shearers or shearing-sheds not within the limits of any district.

Appointment of Inspectors

5. The Governor may appoint inspectors under this Act and may define the district or districts over which they shall respectively exercise supervision. Each inspector shall be furnished by the Minister with a certificate of his appointment, to be produced by him in pursuance of this Act.

PART II.—ACCOMMODATION OF SHEARERS.

6. (1.) Every employer shall provide proper, adequate, and sufficient accommodation for the comfort and health of the shearers, in buildings separate from the shearing-shed, as hereinafter provided. Sufficient accommodation in other building.

(2.) Such accommodation shall not be deemed proper or sufficient for the comfort and health of shearers if any of the following conditions are not fulfilled: What is proper and sufficient accommodation.

- i. All such buildings shall be distant at least fifty yards from the shearing-shed: Provided that this restriction as to distance shall not apply to any such building erected prior to the commencement of this Act at a distance from the shearing-shed less than fifty yards, and which the Minister, on the recommendation of an inspector, declares shall be exempt therefrom.
- ii. The sleeping rooms shall be made to accommodate not more than four persons, or shall be divided into compartments to accommodate not more than four persons.
- iii. The employer shall provide in each compartment a suitable bunk or stretcher for each and every shearer.
- iv. Not less than three hundred and sixty cubic feet of air space shall be allowed to each person sleeping in any such building;
- v. No room used for sleeping shall be used for the cooking or serving of meals;
- vi. 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;
- vii. Sufficient latrine accommodation shall be provided, situate not less than twenty-five yards from any building used for sleeping or cooking, or serving meals, and so as to preclude any probability of pollution of any water supply;
- viii. A sufficient supply of good drinking water shall be provided;
- ix. Each sleeping and dining room shall be supplied with sufficient light and ventilation;
- x. Each sleeping and dining room shall be provided with a proper and suitable floor;
- xi. Proper cooking and washing utensils and vessels and water shall be provided by the employer; the minimum provision hereunder to be one washing basin for every five shearers employed, and one bath for every shearing shed;
- xii. The employer or his agent shall provide suitable receptacles for refuse, and the employer or his agent or if the shearing is done by contract the contractor shall cause such

receptacles to be emptied periodically, or whenever filled, and such refuse to be burned or buried not less than two hundred yards from any building used for sleeping, cooking, or serving meals.

Tent
accommodation.

7. Notwithstanding anything hereinbefore contained, the requirements of paragraph two of subsection two of section six shall be deemed to have been sufficiently complied with if the shearers are provided with tent accommodation to the satisfaction of the inspector.

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

8. (1.) Every room, tent, latrine, or other building or structure provided by the employer for the accommodation of shearers, not being a shearing shed, shall be handed over to the shearers in good order and clean condition, and all the shearers using or occupying or entitled to use or occupy the same shall be responsible for the maintenance of the same in the like order and condition, and whenever any such building or structure is not being maintained as aforesaid, the employer may thereupon cause the same to be restored to good order and clean condition from day to day.

Shearers not to
damage such
building.

(2.) The shearers aforesaid shall not damage or cause or suffer any damage to be done to such building or structure, or to any property of the employer contained therein; and whenever, in the opinion of an inspector, any damage has been done to any such building, structure or property by any such shearers, the inspector shall give to the employer a notice in writing to that effect, and such employer may have such damage repaired or made good.

Shearers to be
responsible for
cost of cleaning
and repairing.

(3.) The shearers aforesaid shall be jointly and severally liable to the employer for the cost of any cleansing, reparation, or other work done by him pursuant to this section, and the employer may deduct any amount due by a shearer hereunder from any wages at any time due to such shearer: Provided that no shearer shall have deducted from his wages or be otherwise compelled to pay more than five pounds in respect of the cost of any such work done on any one occasion and execution on any judgment recovered hereunder shall be limited accordingly.

Notice of
shearing.

9. (1.) Every employer shall, at least three clear days before the day upon which shearing is to be started at any shearing-shed owned by him or under his control, post or cause to be delivered to the inspector of the district at his official address a notice of the proposed shearing and the date fixed for starting same.

(2.) A contravention of this section by any employer shall be punishable on summary conviction by a fine not exceeding Five pounds.

PART III.— GENERAL.

10. An inspector shall, once in every twelve months, and every inspector may, whenever he thinks fit, inspect all buildings used for the accommodation of shearers situate within his district.

Inspection of shearing-sheds and buildings.

Every inspector shall annually, on or before a date to be fixed by the Minister, forward to the Minister a detailed report of his inspection.

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.

11. For the purpose of carrying out the provisions of this Act every inspector shall have the right of ingress and egress to and from every shearing-shed and every building used for the accommodation of shearers.

Entry by inspector

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

Notice to comply with Act.

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.

13. (1.) Any two justices may, on the complaint of an inspector, if satisfied that any of the requirements of this Act have not been complied with by any employer, 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 said employer, and the time within which the order shall be carried out, or may dismiss the complaint.

Order on such complaint

(2.) If the said employer fails to carry out an order made as aforesaid, he shall be guilty of an offence against this Act and be liable, on summary conviction, to a penalty not exceeding Ten pounds, and for every day during which or any part of which his default shall continue after such conviction he shall be liable to a further penalty not exceeding One pound.

Penalty on failure to carry out order.

(3.) No order for costs shall be made against an employer in any proceedings under subsection one, unless he has failed for an unreasonable time to comply with a notice given to him under section twelve, in respect of the requirements non-compliance with which is complained of in such proceedings.

Offences.

14. Any person who contravenes any provision of this Act, whether by act or omission, shall, if no other provision is made by this Act for dealing with the contravention, be guilty of an offence against this Act, and shall be liable on summary conviction to a penalty not exceeding five pounds.

Exemption.

15. (1.) Under special circumstances the Minister may, by order, wholly or partly exempt any employer from the operation of this Act, for such period as may be fixed by the order.

(2.) The Minister may at any time revoke any order made under this section.

(3.) The Minister may delegate to any inspector any powers vested in the Minister by this section.

Obstruction of
inspector.

16. Any person obstructing an inspector in the exercise of his powers under this Act shall be guilty of an offence against this Act, and be liable, on summary conviction, to a penalty not exceeding Twenty pounds.

Governor may
make regulations.

17. (1.) The Governor may, subject to this Act, from time to time, make regulations prescribing the nature and extent of the accommodation for shearers that shall be deemed to be proper, adequate, or sufficient for the purpose of this Act, and for the maintenance of the same in a cleanly and sanitary condition, and for any purposes which in his opinion are necessary to give effect to the purposes and intention of this Act.

(2.) Such regulations—

(a) may be general in their application or may be limited to particular districts, localities, premises, or shearing sheds;

(b) may impose a penalty not exceeding twenty pounds for any breach thereof;

(c) upon publication in the *Government Gazette* shall have the same effect as if enacted in this Act, except in so far as they may be in conflict with the express provisions of this or any other Act; and

(d) shall be judicially noticed and shall not, subject as hereinafter provided, be questioned in any proceedings whatsoever.

18. Any regulations made under this Act shall—

Regulations, how made.

- (i.) be published in the *Gazette*;
- (ii.) take effect from the date of publication or from a later date to be specified in such regulations;
- (iii.) be laid before both Houses of Parliament within seven days after publication if Parliament is in session, and if not, then within seven days after the commencement of the next session.

(2.) If either House of Parliament passes a resolution at any time within twenty days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

Either House may disallow any regulation.