



Western Australia

## **Shearers' Accommodation Act 1912**

This Act was repealed by the *Occupational Safety and Health Legislation Amendment and Repeal Act 2004* s. 116 (No. 51 of 2004) as at 1 Jan 2005 (see s. 2 and *Gazette* 14 Dec 2004 p. 5999-6000).



## Shearers' Accommodation Act 1912

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Western Australia

## **Shearers' Accommodation Act 1912**

**An Act to provide for the proper and sufficient accommodation of shearers and shed-hands, and for incidental and other purposes.**

*[Long title amended by No. 75 of 1974 s. 3.]*

## **Part I — Preliminary**

### **1. Short title and commencement**

This Act may be cited as the *Shearers' Accommodation Act 1912*<sup>1</sup>, and shall come into operation on 1 January 1914.

### **2. Savings**

This Act other than section 6A shall not apply —

- (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 5; 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 to shearers who are accommodated in the residence of the employer on the holding on which the shearing-shed is situate; 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 or town.

*[Section 2 amended by No. 54 of 1957 s. 3; No. 75 of 1974 s. 4.]*

### **3. Definitions**

In this Act, unless the context otherwise indicates —

**“employer”** includes the 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;

“**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.

*[Section 3 amended by No. 75 of 1974 s. 5; No. 41 of 1987 s. 31.]*

*[4. Repealed by No. 75 of 1974 s. 6.]*

## **5. Inspectors**

- (1) There may be appointed such number of inspectors as the Minister considers necessary for carrying out the provisions of this Act.
- (2) Every inspector shall be furnished with a certificate of appointment signed by the Minister or the chief executive officer<sup>2</sup>.
- (3) Upon entering any place or premises for the purposes of this Act an inspector shall if so required produce his certificate of appointment to the employer or any person to whom a direction is given under this Act.
- (4) A person who falsely misrepresents himself to be an inspector commits an offence.

*[Section 5 inserted by No. 75 of 1974 s. 7; amended by No. 41 of 1987 s. 32.]*

## **Part II — Accommodation of shearers**

### **6. Sufficient accommodation**

(A1) For the purposes of this section —

**“approved”** means approved by an inspector.

(1) Every employer shall provide proper, adequate, and sufficient accommodation for the comfort and health of the shearers.

(2) Accommodation shall be deemed not to conform to the requirements of subsection (1) unless —

(a) the buildings for the accommodation of shearers are —

(i) provided with proper and sufficient drainage for carrying away all surface, rain and waste water; and

(ii) situate at a distance exceeding 60 metres from any shearing-shed, stable, cow-shed, pig-sty or wool scour;

(b) the sleeping quarters for shearers —

(i) are divided into compartments that accommodate not more than 2 shearers, but sleeping quarters for cooks shall be in a separate building from the sleeping quarters used by shearers or where the same building is used as sleeping quarters for shearers and cooks the rooms used by cooks shall be separated from the rooms used by shearers by partitions that extend to the height of the ceiling;

(ii) are provided with a bedstead, stretcher or bunk for each shearer or cook that —

(A) is not less than 1.9 metres in length and 760 millimetres in width;

(B) has a mattress that —

(I) when manufactured is not less than 1.9 metres in length and



- 760 millimetres in width and  
100 millimetres in depth;
- (II) has boxed sides; and
- (III) is properly filled with an approved material;
- (iii) are provided, in each compartment, with an electric or gas light that gives a sufficient and efficient illumination in the compartment;
- (iv) provide not less than 13.5 cubic metres of air space for each person sleeping therein; and, for the purpose of calculating the volume of air space required under this subparagraph no allowance shall be made in respect of air space that is at a height exceeding 3.35 metres from the floor;
- (v) are ventilated by —
  - (A) openable windows that —
    - (I) have an area not less than 0.5 square metre for each 10 square metres of floor area;
    - (II) are at their highest part within 457 millimetres from the ceiling line; and
    - (III) provide direct uncontrolled ventilation to the external air;
  - (B) permanent ventilation consisting of 0.017 square metre of uncontrolled ventilation for each 10 square metres of floor area; or
  - (C) a system of mechanical changes that gives not less than 6 changes of air per hour;
- (vi) have a floor of approved materials;

- (c) the kitchen —
  - (i) is fitted with fly-wire screens at the windows, doorways and other openings to exclude flies and other insects;
  - (ii) is ventilated by —
    - (A) natural ventilation consisting of openable windows that —
      - (I) are placed in an external wall;
      - (II) have an area equal to not less than one-twentieth of the floor area; and
      - (III) extend not less than 2 metres above the floor level;and, for the purposes of this item the top half of a door that opens to the external air and that is openable independently of the lower half and that extends not less than 2 metres from the floor level shall be deemed to be a window; or
    - (B) a system of mechanical ventilation that gives not less than 15 complete changes of air per hour;
  - (iii) has fitted, over every stove therein, a hood that is connected to a ventilation shaft sufficient to carry away all steam and cooking odours;
  - (iv) has proper facilities for washing crockery, cutlery and cooking utensils including a stainless steel sink and a stainless steel wash trough and an adequate supply of hot water;
  - (v) has food preparation tables that have smooth impervious surfaces;
  - (vi) has a brick oven or a stove or range which if fired by wood shall be either sealed against the

- wall or positioned not less than 75 millimetres away from it;
- (vii) has sufficient seating facilities that are at least 400 millimetres from the level of the floor;
  - (viii) has smooth washable surfaces on walls and ceilings;
  - (ix) has a sufficient number of cupboards and other fixtures that have smooth washable surfaces;
  - (x) is provided with cooking utensils including urns and pots that have tight fitting lids and spouts or taps for the distribution of tea and coffee and such other utensils as are in the opinion of an inspector necessary;
  - (xi) is provided with —
    - (A) where the number of shearers accommodated does not exceed 10, a fly-proof safe for the storage of cooked food and a fly-proof safe for the storage of fresh meat; or
    - (B) where the number of shearers accommodated exceeds 10, a meat house that has the following dimensions —
      - width: 1.82 metres
      - length: 1.82 metres
      - height: 2.74 metres;
  - (xii) has in or adjacent to it, storage facilities that consist of a storeroom that —
    - (A) is lighted and ventilated to the satisfaction of an inspector;
    - (B) has sufficient shelving capacity according to the number of the persons accommodated; and

- (C) has a lockable door for which a key is supplied;
- (xiii) has cool rooms or refrigerators that provide the capacity in accordance with the table below —

**Table**

For any number of shearers not exceeding 5 .....	0.20 cubic metre
For any number of shearers exceeding 5 but not exceeding 10	0.40 cubic metre
For any number of shearers exceeding 10 but not exceeding 15	0.50 cubic metre
For any number of shearers exceeding 15 but not exceeding 20	0.70 cubic metre
For any number of shearers exceeding 20 but not exceeding 25	0.80 cubic metre

- (xiv) has a floor of approved materials; and
- (xv) is provided with electric or gas light that gives sufficient and efficient illumination;
- (d) the dining room —
  - (i) is, if used by shearers during any period commencing from 1 May in any year until 31 October next following, suitably and adequately warmed;
  - (ii) is provided with a dining table that —
    - (A) if constructed of dressed timber, has a closely cramped and even surface without crevices or is covered with a material, other than linoleum, that has a smooth, impervious washable surface; and
    - (B) if it is intended to be used by 2 persons on opposite sides of the table, is not less than 1 metre in width;

- (iii) has a sufficient number of movable tables and seating facilities that are at least 400 millimetres from the level of the floor;
- (iv) has, for each person to be accommodated, crockery and cutlery that conforms to the table below —

**Table**

2 knives, 2 forks, 2 spoons, 1 mug (other than enamel) or cup, 2 delf or china plates;

- (v) is ventilated by —
    - (A) controllable ventilation and permanent ventilation consisting of 0.017 square metre of uncontrolled ventilation for every 10 square metres of floor area; or
    - (B) a system of mechanical ventilation that gives not less than 8 complete changes of air per hour;
  - (vi) is lined and ceiled;
  - (vii) has walls that have a smooth washable surface to a height of not less than 1.8 metres from floor level;
  - (viii) has a window area equal to 1 square metre for every 10 square metres of floor area;
  - (ix) is provided with electric or gas light that gives sufficient and efficient illumination;
  - (x) has a floor of approved materials; and
  - (xi) is fitted at the doors, windows and other openings with fly-screens;
- (e) the tanks and vessels used for the storage of water are so constructed as to provide a sufficient supply of potable water and prevent contamination and pollution;

- (f) the buildings are provided with refuse receptacles with tight fitting lids;
- (g) the buildings are provided with sanitary facilities as set out below —
  - (i) toilets: one for every 8 shearers or: part of 8: Every toilet other than a toilet that is connected to a water system carriage of disposal or a chemical toilet shall be situated not less than 22 metres from buildings used to accommodate shearers and in addition if a toilet is an earth toilet it shall be not less than 90 metres distant from any underground water supply;
  - (ii) showers: one for every 6 shearers or part of 6;
  - (iii) washbasins: one for every 4 shearers or part of 4;
  - (iv) washing units (consisting of a copper and 2 troughs or of a washing machine and one trough): one for every 6 shearers or part of 6;
  - (v) water: hot and cold water located conveniently to each shower, washbasin and washing unit.
- (3) A person shall not prepare or be permitted to prepare a meal in any building used as sleeping quarters.
- (4) A person shall not partake of a meal or be permitted to partake of a meal in any sleeping quarters unless he is confined to the sleeping quarters because of ill health.
- (5) Where shearers are engaged by an employer —
  - (a) at any time of the year in the Kimberley, North-West and Eastern Divisions of the State as defined by the *Land Administration Act 1997*; or
  - (b) at any time in the period commencing on 1 August in any year and ending on 30 April in the year next following in the South-West and Eucla Divisions of the State as defined by the *Land Administration Act 1997*,

the employer shall provide refrigeration for the preservation of food.

- (6) It is the duty of the cook to take charge of the refrigerator or cool room and to attend to the control of its temperature, defrosting and proper functioning.
- (7) An employer, or where shearing is being done under contract, a contractor, shall cause all refuse receptacles to be emptied not less than once in every 24 hours and shall cause all refuse to be burned or buried at a distance that is not less than 180 metres from any building used for sleeping, cooking or serving meals and where refuse is buried the employer shall ensure that it is covered by a depth of soil of not less than 250 millimetres.
- (8) An employer, or where shearing is being done under contract, a contractor, shall provide and apply or cause to be applied daily a sufficient quantity of disinfectant for toilets and drains while they are in use.

*[Section 6 inserted by No. 47 of 1944 s. 3; amended by No. 54 of 1957 s. 4; No. 94 of 1972 s. 4(1); No. 75 of 1974 s. 8; No. 31 of 1997 s. 141]*

**6A. Water facilities at shed**

Where a shearing-shed is located more than 100 metres from the facilities prescribed under section 6(2)(g) the shearing-shed shall be provided with an adequate supply of water.

*[Section 6A inserted by No. 75 of 1974 s. 9.]*

**7. Tent accommodation**

Notwithstanding anything hereinbefore contained, where through fire, storm, flood, or other catastrophe, the buildings referred to therein have been destroyed or rendered useless, or where because of drought or flood conditions shearing cannot be carried out at the shearing-shed which otherwise would be used, then and in those cases only, the requirements of section 6(2) shall be deemed to have been sufficiently complied

with if the shearers are provided with alternative accommodation to the satisfaction of an inspector.

*[Section 7 amended by No. 54 of 1957 s. 5; No. 75 of 1974 s. 10.]*

**8. Care of buildings other than shearing-sheds**

- (1) Every room, 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.
- (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.
- (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 \$10 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.

*[Section 8 amended by No. 47 of 1944 s. 5; No. 113 of 1965 s. 8.]*



[9. *Repealed by No. 75 of 1974 s. 11.*]

### **Part III — General**

*[10. Repealed by No. 75 of 1974 s. 12.]*

**11. Entry by inspector**

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.

**12. Notice to comply with Act**

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.

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.

Any notice given under this section may be varied or revoked by the inspector or by the chief executive officer<sup>2</sup>.

*[Section 12 amended by No. 75 of 1974 s. 13; No. 41 of 1987 s. 32.]*

**13. Contravention of s. 12 notice**

Any employer who has been served with a notice pursuant to section 12 and who fails to comply with the requirements of such notice, shall, unless he satisfies the Court that he has used all due diligence to comply with the requirements of such notice, be guilty of an offence against this Act, and be liable to a penalty not exceeding \$50 and for every day during his default after such conviction, to a further penalty not exceeding \$10.

*[Section 13 inserted by No. 47 of 1944 s. 6; amended by No. 75 of 1974 s. 14.]*

**14. Other offences**

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 \$50.

*[Section 14 amended by No. 75 of 1974 s. 15.]*

**14A. Prosecutions for offences**

No prosecution for an offence against this Act shall be commenced without the written consent of the chief executive officer<sup>2</sup>.

*[Section 14A inserted by No. 75 of 1974 s. 16; amended by No. 41 of 1987 s. 32.]*

**15. Saving**

- (1) Where a building or other thing conformed to the provisions of this Act as in force immediately before the coming into operation of the *Shearers' Accommodation Act Amendment Act 1974* that building or other thing shall not be regarded as failing to conform to the provisions of this Act by reason only of an amendment to this Act effected by the *Shearers' Accommodation Act Amendment Act 1974*.
- (2) For the purposes of subsection (1), “**building**” includes a building that was in the course of erection immediately before the coming into operation of the *Shearers' Accommodation Act Amendment Act 1974*.

*[Section 15 inserted by No. 75 of 1974 s. 17.]*

**15A. Exemption**

The Minister, having regard to any special circumstances, may by written notice exempt a building or a building of a class from

**s. 16**

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the provisions of this Act and may vary or revoke any such exemption.

*[Section 15A inserted by No. 75 of 1974 s. 17.]*

**16.      Obstruction of inspector**

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 \$50.

*[Section 16 amended by No. 75 of 1974 s. 18.]*

**17.      Governor may make regulations**

- (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to 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 \$50 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 be questioned in any proceedings whatsoever.

*[Section 17 amended by No. 47 of 1944 s. 8; No. 75 of 1974 s. 19; No. 73 of 1994 s. 4.]*

**[18.      Repealed by No. 75 of 1974 s. 20.]**

### Notes

- <sup>1</sup> This is a compilation of the *Shearers' Accommodation Act 1912* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

#### Compilation table

Short title	Number and year	Assent	Commencement
<i>Shearers' Accommodation Act 1912</i>	43 of 1912	24 Dec 1912	1 Jan 1914 (see s. 1)
<i>Shearers' Accommodation Act Amendment Act 1944</i>	47 of 1944	24 Jan 1945	24 Jan 1945
<i>Shearers' Accommodation Act Amendment Act 1957</i>	54 of 1957	6 Dec 1957	4 Jul 1958 (see s. 2 and <i>Gazette</i> 4 Jul 1958 p. 1426)
<b>Reprint of the <i>Shearers' Accommodation Act 1912</i> approved 8 Apr 1963 in Vol. 17 of Reprinted Acts</b> (includes amendments listed above)			
<i>Decimal Currency Act 1965</i>	113 of 1965	21 Dec 1965	s. 4-9: 14 Feb 1966 (see s. 2(2)); balance: 21 Dec 1965 (see s. 2(1))
<i>Metric Conversion Act 1972</i>	94 of 1972	4 Dec 1972	Relevant amendments (see First Sch. <sup>3</sup> ) took effect on 1 Oct 1973 (see s. 4(2) and <i>Gazette</i> 21 Sep 1973 p. 3550)
<i>Shearers' Accommodation Act Amendment Act 1974</i>	75 of 1974	10 Dec 1974	17 Jan 1975 (see s. 2 and <i>Gazette</i> 17 Jan 1975 p. 105-6)
<b>Reprint of the <i>Shearers' Accommodation Act 1912</i> approved 28 Nov 1978</b> (includes amendments listed above)			
<i>Acts Amendment (Occupational Health, Safety and Welfare) Act 1987 Pt. II</i>	41 of 1987	6 Jul 1987	16 Sep 1988 (see s. 2 and <i>Gazette</i> 16 Sep 1988 p. 3757)
<i>Statutes (Repeals and Minor Amendments) Act 1994 s. 4</i>	73 of 1994	9 Dec 1994	9 Dec 1994 (see s. 2)
<i>Acts Amendment (Land Administration) Act 1997 s. 141</i>	31 of 1997	3 Oct 1997	30 Mar 1998 (see s. 2 and <i>Gazette</i> 27 Mar 1998 p. 1765)
<b>Reprint 3: The <i>Shearers' Accommodation Act 1912</i> as at 7 Nov 2003</b> (includes amendments listed above)			

## Shearers' Accommodation Act 1912

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Short title	Number and year	Assent	Commencement
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**This Act was repealed by the *Occupational Safety and Health Legislation Amendment and Repeal Act 2004* s. 116 (No. 51 of 2004) as at 1 Jan 2005 (see s. 2 and *Gazette* 14 Dec 2004 p. 5999-6000)**

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- <sup>2</sup> Under the *Acts Amendment (Public Service) Act 1987* s. 31(1)(f) a reference in a written law to the Permanent Head is, unless the contrary intention appears, to be construed as if it had been amended to be a reference to the chief executive officer. This reference was amended under the *Reprints Act 1984* s. 7(5)(a).
- <sup>3</sup> The Schedule to the *Metric Conversion Act 1972* was redesignated as the First Schedule by the *Metric Conversion Act Amendment Act 1973*.

## Defined terms

*[This is a list of terms defined and the provisions where they are defined.*

*The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
approved .....	6(A1)
building .....	15(2)
employer .....	3
inspector .....	3
Minister .....	3
shearer .....	3
shearing-shed .....	3
this Act .....	3