

SHEARERS' ACCOMMODATION.

No. 43 of 1912.

[As amended by Acts:

No. 47 of 1944, assented to 24th January, 1945;

No. 54 of 1957,¹ assented to 6th December, 1957;

and reprinted pursuant to the Amendments Incorporation Act, 1938.]

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 the 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, 1912-1957*, and shall come into operation on the first day of January, one thousand nine hundred and fourteen.

Short title
and com-
mencement.
Amended by
No. 54 of 1957,
s. 1.

2. This Act 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 five; 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

Savings.
Amended by
No. 54 of 1957,
s. 3.

¹ Came into operation on 4th July, 1958. See *Gazette* 4/7/58, p. 1426.

- (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.

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.

Appointment
of districts.

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

5. (1) 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.

Appointment
of Inspectors.
Amended by
No. 47 of 1944,
s. 2.

(2) Every member of the police force who is in charge of a police district established under the provisions of the Police Act, 1892, or of any police station, shall during such time as he is in charge of such police district or police station, be an inspector under this Act without any further appointment.

A member of the police force so acting as an inspector may authorise in writing under his hand any other member of the police force to carry out any duties of an inspector under this Act, and any member so authorised shall, within the limits of his authority, have all the power of an inspector, such authority to be produced by him in pursuance of this Act.

PART II.—ACCOMMODATION OF SHEARERS.

Sufficient accommodation in other building.
Repealed and re-enacted by No. 47 of 1944, s. 3.
Amended by No. 54 of 1957, s. 4.

What is proper and sufficient accommodation.

6. (1) Every employer shall provide proper, adequate, and sufficient accommodation for the comfort and health of the shearers, in buildings separate from any shearing-shed, stable, pig-sty or wool scour.

(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:—

- (ai) Buildings for the accommodation of shearers shall be provided with proper and sufficient drainage for carrying from the buildings all surface, rain, and waste, water.
- (i) All such buildings shall be distant at least fifty yards from any shearing-shed, stable, cow-shed, pig-sty or wool scour: 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 any shearing-shed, stable, cow-shed, pig-sty or wool scour less than fifty yards, and which the Minister on the recommendation of an inspector, declares shall be exempt therefrom.
- (ii) Any building provided for sleeping accommodation at the passing of this Act, or any such building which is in the course of erection at the time of the said passing or erected thereafter shall be divided into compartments to accommodate not more than three shearers in each compartment, but where the erection of such a building is commenced after the coming into operation of the Shearers' Accommodation Act Amendment Act, 1957, it shall be divided into compartments to accommodate not more than two shearers in each compartment.

Separate sleeping accommodation shall be provided for cooks and their assistants in a compartment or compartments separate from the sleeping compartments provided for other shearers, but where the erection of any building to accommodate cooks and their assistants is commenced after the coming into operation of the Shearers' Accommodation Act Amendment Act, 1957, separate sleeping accommodation shall be provided for cooks in a building which is separate from and not adjoining a building used for sleeping accommodation for other shearers, and which complies in all other respects with the conditions prescribed by paragraphs (ai) and (i) of this subsection.

- (iii) Each shearer shall be provided with a bedstead, stretcher or bunk and every bedstead, stretcher or bunk which is provided after the passing of this Act shall be not less than six feet three inches in length and not less than two feet six inches in width.

Each shearer shall be provided with a mattress which shall when manufactured be not less than six feet and three inches long, not less than two feet and six inches wide, and not less than four inches deep, and which shall have boxed sides, and which shall be properly filled with kapok, flock, slumber wool, or a mixture of such materials, but any mattress purchased by the employer for the use of shearers before the coming into operation of the Shearers' Accommodation Act Amendment Act, 1957, shall be deemed to comply with the requirements of this subsection if it is properly filled with kapok, flock, slumber wool, or a mixture of such materials, unless an inspector declares to the contrary, and with the mattress ticking in a clean and proper condition.

Each sleeping compartment shall be provided with a lamp sufficient efficiently to illuminate that compartment together with any necessary kerosene, oil or other illuminant. Every such lamp shall be a wall lamp or a lamp capable of being suitably suspended.

- (iv) Not less than three hundred and sixty cubic feet of air space shall be allowed to each person sleeping in any such building. In calculating air space pursuant to this paragraph, no allowance shall be made in any respect of any air space at a greater height than fourteen feet from the floor but where the erection of such a building is commenced after the coming into operation of the Shearers' Accommodation Act Amendment Act, 1957, not less than four hundred and eighty cubic feet of air space shall be allowed to each person sleeping in the building, and in calculating the lastmentioned air space no allowance shall be made in any respect of air space at a greater height than eleven feet from the floor.
- (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, and a partition shall be erected so as to divide the portion of the room used for cooking from the portion used for serving of meals.
- (via) Where shearers are conducting shearing operations during any part of a period commencing on the first day of May in any year and ending on the thirty-first day of the next following August, suitable and adequate warmth shall be provided in the dining quarters provided for them, whether in a fire place or by other suitable alternative warming facilities in the dining quarters.

- (vii) Sufficient and proper earth closets in either the cesspit, pan, or water, system shall be provided. Every closet other than a septic system closet shall be
 - (a) situated in a position not less than twenty-five yards from any building providing accommodation, and not less than one hundred yards from the water supply;
 - (b) made fly-proof, with all seats provided with lids; and
 - (c) in the case of a cesspit—not less than eight feet in depth.
- (viii) A sufficient supply of good drinking water shall be provided. All tanks and vessels used for the storage of drinking water shall be so constructed and covered as to prevent water stored therein from becoming polluted or contaminated.
- (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, drinking, and washing utensils shall be provided. Such utensils shall include proper urns or pots with tight-fitting lids and spouts or taps for the distribution of tea and coffee, and such other utensils as, in the opinion of an inspector, are required. No kerosene tin or benzine tin shall be supplied as a utensil for the preparation or cooking of food.
- (xii) The employer or his agent shall provide suitable receptacles with close fitting lids 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 at least once in every twenty-four hours, and such refuse to be burned or buried not less than two hundred yards from any building used for sleeping, cooking, or serving meals, and if the refuse is buried it shall be buried to such depth as to be completely covered by a depth of soil of not less than three feet.

(xiii) The following facilities for bathing and laundering shall be provided:—

- (a) *Showers*: One shower in a separate cubicle shall be provided for every six shearers, any number in excess of six or a multiple of six but not being a complete multiple of six to be regarded as six.
- (b) *Washbasins*: One washbasin shall be provided for every four shearers, any number in excess of four or a multiple of four but not being a complete multiple of four to be regarded as four.
- (c) *Washtubs*: One laundry washtub shall be provided for every three shearers, any number in excess of three or a multiple of three but not being a complete multiple of three to be regarded as three.
- (d) *Water*: An adequate supply of water shall be provided for each shower and washbasin, and for laundering purposes. One suitable utensil of a capacity of not less than twenty gallons for use for boiling clothing shall be provided for every ten shearers, any number in excess of ten or a multiple of ten, but not being a complete multiple of ten to be regarded as ten.

- (xiv) There shall be provided in each kitchen at least one fly-proof safe for the storage of cooked food and there shall be provided at least one fly-proof safe or fly-proof meat house for the storage of fresh meat but where more than ten shearers are engaged in shearing operations there shall be provided for the storage of fresh meat, a meat house the dimensions of which shall be not less than six feet in width, six feet in depth, and nine feet in height. Each kitchen shall be equipped with a brick oven or a stove or range and a sufficient number of tables or benches. For the storage of provisions, there shall be provided in or adjacent to the kitchen a storeroom which shall be provided with light and ventilation to the satisfaction of the inspecting authority, which shall be filled with strongly built timber shelving surrounding the internal walls of the storeroom, and for which an efficient locking device and key shall be supplied. Where more than ten shearers are engaged in shearing operations during any part of a period commencing on the first day of October in any year and ending on the thirtieth day of the next following April, there shall be provided for the preservation of foodstuffs which are intended for food for the shearers, refrigerators or cool rooms which are approved by the inspecting authority, and which shall provide refrigerated space of not less than seven cubic feet if the number of shearers to be served with meals is not less than eleven and not more than twenty; or of not less than twelve cubic feet where that number exceeds twenty. It shall be 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 functioning of the cooling unit. Each dining room shall be provided with a dining table or tables sufficient to accommodate the shearers for whose use it is provided

and so as to allow a space of at least two feet for every person seated at such table. Every such table, the upper surface of which is not of dressed timber closely cramped with an even surface and without crevices, shall be covered with linoleum or other similar covering. If any table is to be used by shearers seated at both sides thereof, the table shall not be less than three feet three inches in width.

(xv) A sufficient quantity of disinfectant shall be provided for application to all latrines or drains which are in daily use. The disinfectant shall be applied in sufficient quantities to such latrines and drains.

(xvi) For each shearer one knife, one fork, one spoon, one enamel mug or cup of one pint measure, and two delf or china plates shall be provided. If the supply of such plates becomes insufficient, otherwise than by reason of the failure of the employer to provide the required quantity thereof at the beginning of the employment, metal or other plates may be provided in lieu thereof.

Alterations
to buildings
erected before
passing of
this Act not
required until
expiration of
twelve
months
after war.
Added by
No. 47 of 1944,
s. 4.

6A. If any building provided by any employer for the accommodation of shearers was erected before the passing of this Act, then notwithstanding the provisions of the preceding section, the employer shall not be required to alter the building so that it complies with the said provisions until after the expiration of twelve months after the conclusion of the war in which His Majesty was engaged at the time of the said passing, but nothing in this section shall apply to any building which was in the course of erection at or is erected after the said passing: Provided always that the Minister on the application of the employer may extend such time for alteration of the building for such further period as the Minister thinks fit.

7. 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 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.

Tent accommodation.
Amended by
No. 54 of 1957,
s. 5.

8. (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.

Buildings other than shearing sheds to be kept clean by shearers.
Amended by
No. 47 of 1944,
s. 5.

(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 not to damage such building.

(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

Shearers to be responsible for cost of cleaning and repairing.

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.

Inspection of
shearing
sheds and
buildings.

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.

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.

Entry by
inspector.

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.

Notice to
comply with
Act.

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.

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. Any employer who has been served with a notice pursuant to section twelve of this Act 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 ten pounds and for every day during his default after such conviction, to a further penalty not exceeding one pound.

Offences.
Repealed and
re-enacted by
No. 47 of 1944,
s. 6.

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.

Offences.

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.

Exemption.
Amended by
No. 47 of 1944,
s. 7.

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

(3) [*Deleted by Act No. 47 of 1944, s. 7.*]

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.

Obstruction
of inspector.

Governor
may make
regulations.
Amended by
No. 47 of 1944,
s. 8.

17. (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 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.

Regulations,
how made.

18. Any regulations made under this Act shall—

- (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.

Either House
may disallow
any
regulation.

(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.