

## New Zealand.



### ANALYSIS.

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### 1919, No. 50.

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| Title.                     | <p>AN ACT to require Employers to provide Suitable Accommodation for Shearers employed by them. <span style="float: right;">[5th November, 1919.]</span></p> <p>BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—</p>                                                                                                                                                                                                                                                                                                 |
| Short Title.               | <p>1. This Act may be cited as the Shearers' Accommodation Act, 1919, and shall commence on the thirtieth day of June, nineteen hundred and twenty.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Interpretation.            | <p>2. In this Act—</p> <p>“Employer” includes every person having the control or superintendence of any shearing-shed or of any shearer, and also includes, in any case where shearing is performed by a contractor, the person who has let the contract:</p> <p>“Shearer” includes all persons engaged in or about a shearing-shed:</p> <p>“Shearing-shed” means any building used for the purpose of the shearing of sheep, or for any operation connected with shearing, and includes all buildings and premises connected therewith or adjacent thereto where shearers are accommodated.</p> |
| Appointment of Inspectors. | <p>3. (1.) Every Inspector appointed under the Factories Act, 1908, and for the time being in office shall be deemed to have been appointed as an Inspector under and for the purposes of this Act.</p> <p>(2.) Every Inspector heretofore appointed under the Shearers' and Agricultural Labourers' Accommodation Act, 1908, and in office</p>                                                                                                                                                                                                                                                  |

at the commencement of this Act shall be deemed to have been appointed as an Inspector under and for the purposes of this Act.

(3.) There may from time to time be appointed such other Inspectors under and for the purposes of this Act as may be required.

4. (1.) Every Inspector under this Act shall, for the purpose of carrying out the provisions of this Act, have free right of ingress and egress to and from any shearing-shed or other place in which any shearers may be employed, or to and from any place which may be provided for the accommodation of shearers under this Act.

Powers of Inspectors in the exercise of their duties.

(2.) Every Inspector exercising the powers conferred on him by this section shall, on demand by any employer, produce to the employer a certificate or other evidence of his appointment as an Inspector of Factories or of his appointment for the purposes of this Act.

(3.) Every person who wilfully obstructs or interferes with any Inspector in the lawful exercise of his duty or powers under this Act shall be liable on summary conviction to a fine of twenty pounds.

Penalty.

5. It shall be the duty of every employer to provide sufficient and suitable accommodation, in accordance with this Act, for all shearers employed by him.

Accommodation to be provided for shearers.

6. Accommodation under the last preceding section shall not be deemed to be sufficient and suitable unless the following conditions are complied with, that is to say:—

Details of accommodation to be provided.

- (a.) There shall be separate sleeping-quarters and dining-quarters:
- (b.) There shall be a sufficient supply of furniture and necessary utensils, and sufficient provision shall be made for a supply of drinking-water and of washing-water, and for lighting, heating, ventilation, and sanitation:
- (c.) The sleeping-quarters shall contain at least four hundred and eighty cubic feet of air-space for each person to be accommodated therein:
- (d.) Immediately prior to the employment of shearers in any season the shearers' quarters shall be fumigated or disinfected by the employer to the satisfaction of an Inspector:
- (e.) Suitable provision shall be made for storing meat and other perishable provisions:
- (f.) Suitable provision shall be made for the drying of clothes:
- (g.) Suitable first-aid appliances shall be provided.

7. (1.) Any Inspector may, by notice in writing to the employer, dispense with or modify any of the foregoing requirements of this Act in any of the following cases, namely:—

Inspector may modify requirements in special cases.

- (a.) In the case of any accommodation that is already provided before the coming into operation of this Act;
- (b.) In any case where he is satisfied that owing to special circumstances it is or has been impracticable to provide the accommodation required by this Act to be provided; or
- (c.) In any case where he is satisfied that any such requirement is unnecessary.

(2.) Any notice under this section may be at any time in like manner revoked, or may be at any time revoked by the Minister of Labour.

Inspector to serve notice on employer making default.

8. (1.) If in any case no provision is made for the accommodation of shearers, or if the provision made is deemed by an Inspector to be inadequate or not in accordance with the requirements of this Act, he may give notice in writing to the employer to provide accommodation in accordance with the said requirements within a reasonable time to be specified in that notice.

(2.) Such notice may be served on the employer personally, or by leaving it at his usual or last-known place of residence or business, or by posting it by registered letter to that address.

Employer to have right of appeal to Magistrate.

(3.) If the employer considers any such notice to be unreasonable or impracticable, he may, within fourteen days after service thereof, file in the office of the Magistrate's Court nearest to the shearing-shed, or, with the consent of the Inspector, in the office of any other Magistrate's Court, a notice of appeal setting out with reasonable particularity the grounds of the appeal :

Provided that if the Inspector states in his notice that the requirements are urgently needed for the protection of the health of any shearers there shall be no right of appeal.

(4.) On the filing of any such notice of appeal the Magistrate shall fix a time for the hearing of the appeal, and the Clerk of the Court shall notify the appellant and the Inspector of the time so fixed.

(5.) On the hearing of the appeal the Magistrate may by order confirm, modify, or cancel the notice as he thinks fit, and may by such order award the costs of the hearing or any part of such costs to either party to the appeal, and every such order shall be final and binding on both parties.

Penalty for failure by employer to provide proper accommodation.

(6.) If the employer within the time specified in the notice, or, in the case of an appeal, within the time specified in the order of the Magistrate, fails to comply with any such notice or order he shall be liable to a fine of twenty-five pounds, and to a further fine of two pounds for every day during which such failure continues.

Wilful damage by shearers.

9. (1.) If any shearer wilfully or negligently causes or suffers any damage to be done to any accommodation provided under this Act he shall be liable on summary conviction to a fine of five pounds.

(2.) A Court convicting under this section may further order that the person convicted shall pay, by way of compensation to the person whose property is damaged, such sum of money as the Court ascertains to be reasonable.

Shearers to keep accommodation clean.

10. The shearers employed at any shearing-shed shall keep the rooms occupied by them clean, and if they fail so to do the employer may employ some other person to do the work, and may deduct the cost of such work from any moneys due or accruing due to the shearers occupying such rooms.

Regulations.

11. (1.) The Governor-General may from time to time, by Order in Council, make regulations prescribing the details of the accommodation to be provided under this Act and for the maintenance of such accommodation in a clean and sanitary condition.

(2.) Any such regulations may be general in their application, or may be limited to particular localities or premises, and may vary for different times of the year.

(3.) All regulations under this Act shall be laid before Parliament within fourteen days after the gazetting thereof if Parliament is then sitting, or, if not, then within fourteen days after the commencement of the next ensuing session.

12. Every person who commits an offence against this Act or any regulations thereunder for which no penalty is otherwise provided shall be liable to a fine of twenty-five pounds. General penalty.

13. The Shearers' and Agricultural Labourers' Accommodation Act, 1908, is hereby amended as follows:— Consequential amendments and repeals.

(a.) By omitting from the Title and Short Title the words "Shearers and";

(b.) By omitting from the definition of "employer" in section two the words "or the control of any shearing-shed, or engaged in the superintendence of any shearer";

(c.) By repealing the definition of "shearer" and "shearing-shed" in section two;

(d.) By omitting from subsection one of section four the words "and to and from every shearing-shed"; and

(e.) By repealing sections five to nine thereof.

14. This Act does not apply to shearing-sheds in which the total number of shearers employed is less than five, 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. Act not to apply in certain cases.