**SHEARERS ACCOMMODATION BILL 1922**

**Legislative Council, 20 September 1922, pages 604-6**

Second reading

**The MINISTER of AGRICULTURE (Hon T. Pascoe)—**There is already legislation dealing with this subject. The Shearers Accommodation Act, 1905, is amended by an amending Act of 1916, which provides that specified arrangements shall be made by the employers of shearers for their sleeping and eating accommodation. The machinery provided in the Acts for the enforcement of the requirements is cumbrous. The steps to be taken to punish an employer for not providing the statutory accommodation are so circuitous and lengthy that the effective administration of the Acts is almost impossible. The following course must be adopted before any penalty can be imposed on a defaulting employer. An inspector appointed under the Act inspects a station and finds the necessary accommodation for shearers is not provided. The inspector then gives the employer notice to provide the required accommodation within three months. After three months the inspector must satisfy himself that the employer has not complied with the notice before he can take any further action. This will, of course, usually necessitate another inspection. The inspector then makes a complaint to a Justice of the Peace, who will issue a summons to the employer requiring him to appear before a Special Magistrate. The Special Magistrate must then be satisfied by the evidence of the inspector that the employer has not carried out the requirements of the notice. If he is so satisfied, the Special Magistrate may order the employer to supply the necessary accommodation within a period specified by the Special Magistrate. If, after the lapse of that period, the employer has still failed to comply with the requirements of the Act, then, and only then, he is guilty of an offence against the Act and is liable to punishment. These provisions are obviously harassing to the inspectors and other officers administering the Act, and unnecessarily lenient to a defaulting employer, and make the Act almost ineffective. At the time of the introduction of the original Act, i.e., in 1905, most employers had no such accommodation, as the new Act required, provided for their shearers; therefore these circuitous methods were provided in order to give employers ample time to comply with the law without unduly embarrassing them or exposing them to prosecution. As the Act has operated since 1905 every employer should now have his shearing shed equipped with the necessary accommodation, and, therefore, these roundabout provisions are out of date and serve no useful purpose, but prevent the effective administra­tion of the law. Still another weakness of the old Acts is with regard to the inspectors. The Acts are theoretically administered by inspectors appointed by the Minister of Industry, who is the Minister administering the Act. In practice, however, the periodical inspections of the shearing stations have been carried out by members of the police force. The constables have not been appointed inspectors, and have, therefore, been powerless of themselves to secure compliance with the statutory requirements. It is manifestly most convenient that this work of inspection should be carried out by the police force, but it is not desirable that every constable should be an inspector under the Shearers Accommodation Acts. This Bill is therefore brought forward to remedy the defects of the existing legislation. The Shearers Accommodation Acts, 1905 and 1916, are repealed, and their provisions embodied, with certain alterations, in a consolidating and amending measure. The procedure is considerably simplified, and the old Acts are re-drafted in a more convenient and ,clearer form. Clause 3; is. Similar to section 2 of the 1905 Act. The exemption in the section with regard to shearers who sleep at their own homes is dropped from the Bill as being unneces­sary. If the shearers do not desire the accommodation, obviously, the employer need not provide it, but he must be prepared to do so if required. This position is made clear in the Bill, but was somewhat obscure under the 1905 Act. Section 2 also excepts members of the employer’s family. This is dealt with in the definition of shearer in clause .4 of the Bill. Placed here the exemption is outlined more conveniently and clearly, as it entirely excludes these persons from the operation of the Bill, for they are not shearers under the definition. Clause 4 is the definition clause and follows section 3 of the 1905 Act with the addition of the provision just referred to excluding members of the employer’s family, and with the addition of a definition of shearing shed. It will be noted that the word “employer” includes master, manager, foreman, overseer, or other person in control of a shearing shed. Clause 5 is important. It corresponds to section 5 of the 1905 Act. The Governor may appoint any persons to be inspectors, thus far following the old Act. A new provision is inserted by which a police officer in charge of a police district or of a police station is an inspector under the Act ex officio and without further appointment. Such an officer may authorise in writing any other member of the police force to carry out any of the duties of an inspector. The effect of this provision will be that the Act will be administered almost entirely by the police force. The various officers in charge of police stations and districts will be the inspectors, and they are empowered to instruct their subordinates to carry out the duties of inspection and the other duties demanded by the Act, reporting through their superiors to the Minister. This will clothe the police force with the necessary power to administer the Act effectively. The system of districts provided for under section 4 of the 1905 Act is abandoned as unnecessary. It may be noted that there is power for the Governor to appoint a person to be an inspector even though he may not be a member of the police force, but it is expected that it will not be necessary to exercise this power except under very special circumstances. Clause 6 is an amalgamation of section 7 of the 1905 Act and section 3 of the 1916 Act. It sets out at length-the accommodation an employer must provide for his shearers. The clause does not depart in any material way from the requirements as defined in the two sections of the old Acts just mentioned. The requirements are definite and need no explanation. The buildings in which accommodation is provided must, be at least 50 yards from the shearing shed, but this does not apply to buildings otherwise suitable which were erected prior to October 5, 1916}, the date when the 1916 Act came into force. Clause 7 amplifies the provisions of subsection (1) of section 7 of the 1905 Act. The buildings in which shearers’ accommodation is provided must be fumigated annually. They are to be handed over to the shearers in clean condition and must be thus maintained by the shearers during their occupancy. If the shearers allow the buildings to become dirty, the employer may clean them and keep them clean, and may deduct the cost of so doing from any wages due to the shearers by him. This cost is to be apportioned among the shearers in equal shares. Clause 8 is new and gives all inspectors powers of ingress to and egress from all shearing sheds and buildings used for the accommodation of shearers. Clauses 9, 10, and 11 depart materially from the corresponding sections 8, 9, and 10 of the 1905 Act. By clause 9 inspectors are required to make periodical inspections and to report to the Minister. All buildings are to be inspected at least once in every year. An employer may demand to see the certificate of appointment of any inspector other than a police officer. Clause 10 provides that where an inspection discloses non-compliance with the Act, the inspector is to forthwith report to the Minister. The Minister may thereupon serve a notice on the employer requiring him within three months to provide the accommodation necessary to comply with the Act. The notice is to sort out in what ways accommodation is required. If after three months the employer is still in default, then he is guilty of an offence and liable to a penalty of £10 and of a further £2 for every day of default, i.e., for every day after the expiration of the three months that the requisite accommodation is not provided. Clauses 9, 10, and 11 provide an effective and convenient way of securing compliance with the law. It will impose no hardship upon the employers, for an employer will have at least three months’ notice to comply with the law before he is proceeded against. Further, every ease will be dealt with on its merits by the Minister who alone can give the necessary notice required by clause 10, which brings the employer within the scope of clause 11. An additional protection is afforded to employers by clause 12, which follows section 11 of the 1905 Act. The Minister may, if special and unavoidable circumstances exist, grant an exemption to an employer from all or any of the conditions required for the provision of accommodation, for any period not exceeding 12 months. This exemption may be extended for a further period of 12 months. Thus an exemption may be granted for two years, which period should be ample to enable every employer to make the necessary arrangements for providing the required accommodation. Clause 13 gives the necessary protection to inspectors carrying out their duties. Clause 14 provides that all proceedings shall be disposed of summarily. Section 13 of the 1905 Act required all offences to be tried by a Special Magistrate. This has been found inconvenient, as a Special Magistrate is not always available in the outback country, to hear the cases. Under clause 14 proceedings may be taken before a Court composed of two Justices of the Peace in accordance with the Justices Act, 1921. By clause 15 all proceedings in respect of offences must be instituted by an inspector, and clause 16 provides that the production of a certificate of appointment as inspector purporting to be. signed by the Minister is evidence of the appointment. Honorable members will see that comparing this with the two existing Acts there are no very material differences. This legislation will be more convenient than the present laws. In some instances it is more liberal towards the employer than the existing Acts, and its administration will be less cumbersome and there will be less friction. I move the second reading of the Bill.

The Hon. W. G. DUNCAN secured the adjournment of the debate until September 21.