

SOUTH AUSTRALIA

SHEARERS ACCOMMODATION ACT, 1975

*This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at **15 January 1992**.*

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

SUMMARY OF PROVISIONS

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SHEARERS ACCOMMODATION ACT, 1975

being

Shearers Accommodation Act, 1975, No. 51 of 1975
[Assented to 10 April 1975]¹

as amended by

Shearers Accommodation Act Amendment Act, 1978, No. 110 of 1978 [Assented to 7 December 1978]

¹ Came into operation 1 December 1976: *Gaz.* 16 September 1976, p. 892.

An Act to make provision for the proper accommodation of shearers; to repeal the Shearers Accommodation Act, 1922-1967, and for other purposes.

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title

1. This Act may be cited as the *Shearers Accommodation Act, 1975*.

Commencement

2. This Act shall come into operation on a day to be fixed by proclamation.

Act binds Crown

3. This Act binds the Crown.

Repeal and transitional provision

4. (1) The following enactments are repealed:—

the Shearers Accommodation Act, 1922

the Shearers Accommodation Act Amendment Act, 1925

the Shearers Accommodation Act Amendment Act, 1942

the Shearers Accommodation Act Amendment Act, 1947

the Shearers Accommodation Act Amendment Act, 1958

the Shearers Accommodation Act Amendment Act, 1967

so much of the *Statute Law Revision Act, 1952*, as relates to the *Shearers Accommodation Act Amendment Act, 1947*.

(2) A person holding office as an inspector under the repealed Act immediately before the commencement of this Act shall be deemed to have been appointed an inspector upon the commencement of this Act, and, subject to this Act, shall continue in that office.

Interpretation

5. In this Act, unless the contrary intention appears—

"employer", in relation to a shearer, includes the owner, and any person who has the management or control of, a shearing-shed in which a shearer works in the course of his employment, and the occupier of the land on which the shearing shed is situated:

"inspector" means an inspector under this Act and includes any person exercising powers delegated by an inspector in pursuance of this Act:

"occupier" of land includes any person responsible for the management or control of the land:

"the repealed Act" means the *Shearers Accommodation Act, 1922-1967*, repealed by 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 land on which the shearing-shed is situated when shearing is not in progress, nor any member of the employer's family:

3.

"shearing-shed" means any building used in connection with the shearing of sheep or any related operation.

Accommodation and amenities

6. (1) Subject to this section, where four or more shearers are employed in or about a shearing-shed, it shall be the duty of the employer to provide accommodation and amenities that comply with the prescribed requirements for those shearers.

(2) The prescribed requirements do not apply in respect of—

(a) accommodation provided in any town or township;

or

(b) accommodation provided by an employer in any hotel, motel, boarding house or lodging house or in his own homestead.

(3) The Minister may, by notice in writing, dispense with, or modify any of the prescribed requirements relating to accommodation or amenities if—

(a) the Minister is satisfied that it is or has been impracticable to provide accommodation or amenities that comply with the prescribed requirements;

or

(b) the Minister is satisfied that in the circumstances of the case a prescribed requirement is unnecessary or unreasonable.

(4) A notice under this section may at any time be revoked or varied by the Minister by subsequent notice in writing.

Government may appoint inspectors

7. (1) The Minister may appoint inspectors for the purposes of this Act and each inspector so appointed shall be supplied by the Minister with a certificate of his appointment.

(2) Every member of the police force who is in charge of any police station shall, during such time as he is in charge of that police station, be an inspector under this Act.

(3) A member of the police force who is an inspector under this Act may, by instrument in writing, delegate to any other member of the police force any of the functions and duties of an inspector under this Act, and the delegate shall, within the limits of the delegation, have all the powers of an inspector.

Powers of inspectors

8. (1) Subject to subsection (2) of this section an inspector may at any time enter and inspect any shearing-shed or building used for the accommodation of shearers for the purpose of determining whether any requirement of this Act has been contravened.

4.

(2) Where an inspector proposes to carry out an inspection under this section—

(a) he shall, before entering the land on which he proposes to carry out the inspection, give reasonable notice, orally or in writing, to the occupier of the land of his intention to carry out the inspection;

or

(b) if it is not reasonably practicable for him to give notice before he enters the land, he shall, as soon as practicable after doing so inform the occupier that he is an inspector and that he intends to carry out the inspection.

(2a) An inspector may, in the course of an inspection under this section—

(a) examine any building or object;

(b) after informing the owner or occupier of the land on which he is carrying out the inspection of his intention to do so, photograph any building or object relevant to the inspection;

(c) require any person to answer any question put to him by the inspector.

(3) Every inspector who is a member of the police force shall not later than the thirty-first day of March in every year make a full and detailed report to the Minister of all inspections made by him during the preceding year.

(4) An inspector shall at the request of an employer produce for inspection the certificate of his appointment, or, where the inspector is a member of the police force, his warrant card.

(5) A person who obstructs an inspector acting in the exercise of powers conferred by this section shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

(6) Subject to subsection (7) of this section, a person who refuses or fails to answer any question to the best of his knowledge, information and belief when required to do so in pursuance of this section shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

(7) A person is not obliged to answer a question put to him under this section if the answer to the question would tend to incriminate him of an offence.

Notice to comply with prescribed requirement

9. (1) Where an inspector, after making an inspection finds that any prescribed requirement has not been complied with he shall give notice to the employer concerned directing him within a period specified in the notice (not exceeding twelve months) to comply with the requirement.

(2) The Minister may, upon the application of a person to whom a notice has been given under this section, extend for a further period not exceeding twelve months the time specified in the notice as the time within which the requirement must be complied with.

(3) The notice shall specify in what respect the prescribed requirements have not been complied with.

5.

(4) The notice shall be in writing and may be served on the employer personally or by post or by being left at his usual or last known place of residence or of business with a person apparently resident therein or employed thereat and apparently not less than eighteen years of age.

(5) A person to whom a notice is given under this section may, within one month after the date on which the notice is given, by instrument in writing, appeal to the Minister against any requirement contained in the notice.

(6) The Minister shall give proper consideration to any such appeal and may confirm, vary or revoke the requirement.

(7) Any employer who has been served with a notice under this section and who fails to comply with the requirements of the notice, shall, unless he satisfies the court that he has attempted with all due diligence to comply with the notice, be guilty of an offence against this Act and liable to a penalty not exceeding five hundred dollars.

Proceedings

10. (1) All proceedings in respect of offences against this Act shall be disposed of summarily.

(2) An allegation in a complaint of an offence against this Act that the complainant is an inspector shall be accepted as proved in the absence of proof to the contrary.

Regulations

11. (1) The Governor may make regulations prescribing requirements in relation to accommodation and amenities to be provided for shearers and, in particular—

- (a) prescribing the amenities to be provided for shearers and minimum standards with which those amenities must conform;
- (b) prescribing minimum standards for the design, construction and situation of accommodation required to be provided for shearers under this Act;
- (c) requiring the cleansing, disinfection, fumigation and maintenance, in accordance with the regulations, of accommodation provided for shearers.

(2) The regulations may also prescribe forms for the purposes of this Act and provide for any other matters that are necessary for giving full effect to the provisions of this Act and the due administration thereof.

(3) The regulations may provide for the recovery by an employer of compensation from a shearer in respect of damage caused wilfully or negligently by the shearer to accommodation or amenities provided under this Act.

(4) The regulations may be of general in application or may be limited to particular localities or premises and may prescribe varying standards and requirements according to the time of year at which shearers are employed.

(5) The regulations may provide a penalty not exceeding two hundred dollars for any breach of a regulation.

6.

APPENDIX

Legislative History

Section 8(2a):
Section 8(5):
Section 8(6) and (7):

inserted by 110, 1978, s. 2(a)
substituted by 110, 1978, s. 2(b)
inserted by 110, 1978, s. 2(b)