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SHEARERS ACCOMMODATION ACT, 1922-1967¹

being

Shearers Accommodation Act, 1922, No. 1543 of 1922 [Assented to 21st December, 1922];

as amended by

Shearers Accommodation Act Amendment Act, 1925, No. 1710 of 1925 [Assented to 6th January, 1926];
 Shearers Accommodation Act Amendment Act, 1942, No. 35 of 1942 [Assented to 26th November, 1942];
 Shearers Accommodation Act Amendment Act, 1947, No. 24 of 1947 [Assented to 20th November, 1947]; as
 amended by Statute Law Revision Act, 1952, No. 42 of 1952 [Assented to 4th December, 1952];
 Shearers Accommodation Act Amendment Act, 1958, No. 20 of 1958 [Assented to 23rd October, 1958]²;

and

Shearers Accommodation Act Amendment Act, 1967, No. 69 of 1967 [Assented to 16th November, 1967]³.

An Act to make better provision for the proper and sufficient accommodation of shearers.

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

1. This Act may be cited as the "Shearers Accommodation Act, 1922-1967". Short title.
Citation
amended by 69,
1967, s. 1 (2).

2. The Shearers Accommodation Act, 1905, and the Shearers Accommodation Act Amendment Act, 1916, are hereby repealed. Repeal of Acts
Nos. 887 of
1905 and 1241
of 1916.

3. This Act shall not apply— Exception.
 - (a) until the expiration of two years from the commencement of the Shearers Accommodation Act Amendment Act, 1967, to accommodation provided in respect of any shearing-shed in or about which fewer than six shearers are for the time being employed and thereafter to accommodation provided in respect of any shearing-shed in or about which fewer than four shearers are for the time being employed; Para. (a)
substituted by
69, 1967, s. 3.
 - or
 - (b) to accommodation provided for shearers engaged in the shearing of sheep in any city, town or township; Para. (b)
substituted by
69, 1967, s. 3.
 - or
 - (c) to accommodation provided by an employer in any hotel, motel, boarding or lodging house in any city, town or township, or in his own homestead. Para. (c)
inserted by 69,
1967, s. 3.

¹ This Act will be repealed by s. 4 (1) of the Shearers Accommodation Act, 1975, when the last mentioned Act comes into operation.

² Came into operation 27th August, 1959: *Gaz.* 27th August, 1959, p. 513. (See 20, 1958, s. 2).

³ Came into operation 16th May, 1968. See Act No. 69, 1967, s. 1 (1).

Interpretation.
Cf. 887, 1905,
s. 3.

Def. substituted
by 69, 1967,
s. 4.

4. In this Act, unless inconsistent with the context—

“employer” includes a manager, foreman, overseer, or other person having control of a shearing-shed or engaged in the superintendence of any shearer and the owner or lessee of, or holder of any estate or interest in, the holding on which the shearing-shed is situated:

“inspector” means inspector appointed by or under this Act:

“shearer” means and includes 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 situated when shearing is not in progress, nor does it include any member of the employer’s family:

“shearing-shed” means any shed or building used in the shearing of sheep or any operation connected therewith.

Governor may
appoint
inspectors.
Cf. 887, 1905,
s. 5.

5. (1) The Governor may appoint inspectors under this Act. Each inspector so appointed shall be furnished by the Minister with a certificate of his appointment, to be produced by him when acting in pursuance of this Act.

(2) (a) Every member of the police force who is in charge of a police district established under the provisions of the Police Act, 1916¹, 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:

(b) A member of the police force so acting as an inspector may authorize in writing under his hand any other member of the police force to carry out any of the duties of an inspector under this Act, and such member so authorized shall, within the limits of his authority, have all the powers of an inspector.

What is proper
and sufficient
accommo-
dation.

Cf. 887, 1905,
s. 7.

Subsec. (1)
amended by 35,
1942, s. 2 (a).

6. (1) Accommodation proper and sufficient for the comfort and health of such shearers as are employed shall be provided by the employer in a building or buildings separate from any shearing-shed, stable, cowshed, pig-sty, or wool scour.

(2) Accommodation in such building or buildings shall not be deemed proper and sufficient for the comfort and health of such shearers if any one of the following conditions is not fulfilled:—

Para. 1
substituted by
1710, 1925,
s. 2 (a);
amended by 20,
1958, s. 3 (1);
substituted by
69, 1967,
s. 5 (a).

1. Each room or compartment provided as sleeping accommodation for shearers shall contain not less than four hundred and eighty cubic feet of air space for each person sleeping therein and for the purpose of calculating such air space no allowance shall be made in respect of air space at a greater height than eleven feet from the floor but a room or compartment constructed before the commencement of the Shearers Accommodation Act Amendment Act, 1958, shall during a period of two years after the commencement of the Shearers Accommodation Act Amendment Act, 1967, but not thereafter, be deemed to comply with this paragraph if it contains not less than three hundred cubic feet of air space for each person sleeping therein, no allowance being made, for the purpose of calculating such air space, in respect of any air space at a greater height than fourteen feet from the floor:

¹ The Police Act, 1916, and its amendments, were repealed and superseded by the Police Act, 1936, which was in turn repealed by the Police Act Repeal Act, 1973.

* * * * *

Para. II
amended by
1710, 1925,
s. 2 (b); struck
out by 69, 1967,
s. 5 (b).

IIa. Any building provided as sleeping accommodation for shearers shall comply with the regulations and shall be divided into compartments to accommodate not more than two persons in each compartment but a building erected before the commencement of the Shearers Accommodation Act Amendment Act, 1967, shall during a period of two years after the commencement of that Act but not thereafter, be deemed to comply with this paragraph if the building complies with the regulations and is divided into compartments to accommodate not more than three persons in each compartment:

Para. IIa
inserted by 35,
1942, s. 2 (b);
amended by 24,
1947,
s. 2 (1) (a)¹; 20,
1958, s. 3 (2);
substituted by
69, 1967,
s. 5 (c).

IIb. Separate sleeping accommodation that complies with the regulations shall be provided for cooks and cooks' assistants and if a female cook is employed, suitable and separate sleeping and sanitary accommodation and bathroom shall be provided:

Para. IIb
inserted by 35,
1942, s. 2 (b);
amended by 24,
1947,
s. 2 (1) (b)¹;
substituted by
20, 1958,
s. 3 (3); 69,
1967, s. 5 (d).

IIc. Each shearer shall be provided with a bed that complies with the regulations:

Para. IIc
inserted by 35,
1942, s. 2 (b);
amended by 20,
1958, s. 3 (4);
69, 1967,
s. 5 (e).

IId. Each shearer shall be provided with a clean and dry mattress and pillow either filled with woolflock, flock or kapok or of a prescribed type or kind and with a washable cover to the mattress and pillow. Mattresses supplied under this paragraph shall be approximately four inches in depth:

Para. IId
inserted by 35,
1942, s. 2 (b);
substituted by
24, 1947,
s. 2 (1) (c)¹;
amended by 20,
1958, s. 3 (5);
69, 1967, s. 5 (f).

IIe. Each sleeping compartment shall be provided with a table, wardrobe and at least one chair each of which shall be of sturdy construction, and with electric light or where there is no electric light available, with power lights:

Para. IIe
inserted by 35,
1942, s. 2 (b);
amended by 24,
1947,
s. 2 (1) (d)¹; 20,
1958, s. 3 (6);
69, 1967,
s. 5 (g).

III. A compartment or room used for sleeping shall not be used for the preparation or serving of meals, and a kitchen shall be separated from a dining room: Provided that, where both kitchen and dining room are under the same roof a partition shall be built from floor to ceiling between such rooms, which said partition shall (unless constructed of brick, stone, concrete or like material) be constructed with wood or fibrous sheeting or other substantial material approved in writing by an inspector as equally suitable for the purpose. In every such partition a door shall be provided and a serving window or counter may be provided:

Para. III
substituted by
20, 1958,
s. 3 (7).

IIIA. Where there is a sufficient supply of water, a bathroom with equipment which supplies hot water shall be provided for the use of the shearers. If not more than seven shearers are employed at least one shower or plunge bath shall be provided in the bathroom. If more than seven but not more than fifteen shearers are employed at least two such baths shall be so provided. If more than fifteen but not more than thirty shearers are employed, at least three such baths shall be so provided. If more than thirty

Para. IIIa
inserted by 35,
1942, s. 2 (c);
amended by 20,
1958, s. 3 (8).

¹ S. 2 (2) of Act No. 24 of 1947, as amended by 42, 1952, s. 3 (sched.), provides as follows:—

(2) The amendments made by this section shall not come into force until after the expiration of six months after the conclusion of the war in which His Majesty has recently been engaged. For the purposes of this subsection and of subsection (4) of section 6 of the principal Act, the war mentioned in each subsection shall be deemed to continue until the day declared by the Governor by proclamation to be the day on which the war shall be deemed to cease.

shearers are employed at least three baths shall be so provided together with one such additional bath for every fifteen shearers or fraction thereof employed in excess of thirty:

Para. IV
amended by 20,
1958, s. 3 (9);
substituted by
69, 1967,
s. 5 (h).

IV. Sufficient sanitary conveniences shall be provided and shall be so situated, constructed and maintained as to prevent any unpleasant odour and any possibility of the pollution of any water supply and where the effluent from such conveniences does not pass through an efficient septic tank or bacteriolytic tank and is not subjected to any other method of treatment approved by the Central Board of Health, such conveniences shall be not less than one hundred feet from any building used as sleeping quarters or for the preparation or consumption of meals:

Para. IVa
inserted by 35,
1942, s. 2 (d).

IVa. 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:

v. Each kitchen and each sleeping and dining room shall be supplied with sufficient light and ventilation:

Para. VI
amended by 24,
1947,
s. 2 (1) (e)¹.

VI. Each kitchen and each sleeping and dining room shall be provided with a floor of suitable material and each kitchen and each dining room shall be fitted with fly wire screens to all windows and with fly wire doors to all doorways:

Para. VIa
inserted by 20,
1958, s. 3 (10).

VIa. Where there is no electric light available, power lights shall be provided for the kitchen and dining room:

Para. VII
substituted by
35, 1942,
s. 2 (e).

VII. 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:

Para. VIIa
inserted by 35,
1942, s. 2 (e);
amended by 24,
1947,
s. 2 (1) (f)¹.

VIIa. Each kitchen shall be equipped with a brick oven or a stove or range and a sufficient number of tables or benches and each kitchen and pantry shall be equipped with shelves:

Para. VIIaa
inserted by 69,
1967, s. 5 (i).

VIIaa. Each kitchen shall be provided with a kitchen sink of galvanized iron, enamelled iron, stainless steel, plastic or any other material approved in writing by an inspector, and with suitable drainage boards:

Para. VIIb
inserted by 35,
1942, s. 2 (e);
substituted by
69, 1967, s. 5 (j).

VIIb. Each dining room shall be provided with a dining table or tables sufficient to provide a space of two feet for each shearer and every such table shall be of sturdy construction with an upper surface of dressed timber closely cramped or of such other material as an inspector approves in writing and if shearers are to be accommodated on both sides of any such table, it shall be not less than three feet six inches in width:

Para. VIIc
inserted by 35,
1942, s. 2 (e).

VIIc. Each dining room shall be provided with a sufficient number of seats made of sound timber and with a dressed surface:

¹ S. 2 (2) of Act No. 24 of 1947, as amended by 42, 1952, s. 3 (sched.), provides as follows:—

(2) The amendments made by this section shall not come into force until after the expiration of six months after the conclusion of the war in which His Majesty has recently been engaged. For the purposes of this subsection and of subsection (4) of section 6 of the principal Act, the war mentioned in each subsection shall be deemed to continue until the day declared by the Governor by proclamation to be the day on which the war shall be deemed to cease.

viii. A dining room or other room that is available and convenient for use by all shearers shall contain a fire place or efficient room heater sufficient to provide adequate warmth for the shearers and so constructed as not to introduce smoke or any noxious or unpleasant fumes into the room:

Para. viii inserted by 20, 1958, s. 3 (11); substituted by 69, 1967, s. 5 (k).

viii. (1) Between the fifteenth day of October in each year and the fifteenth day of May in the next following year, refrigeration shall be provided on premises for the use of shearers who are then employed and have meals on the premises. Such refrigeration shall be provided and used for the exclusive purpose of storing perishable foodstuffs intended for consumption by such shearers:

Para. viii inserted by 20, 1958, s. 3 (12).

(2) The refrigeration shall be provided by means of—

- (a) a refrigerator or refrigerators of the standard upright household type or of the chest type; or
- (b) a deep freeze unit or units; or
- (c) a cool room of a type designed to store and preserve large quantities of foodstuffs.

Such equipment shall be operated by electricity, gas, kerosene, or other suitable means. Such means of refrigeration shall be installed in the kitchen or dining room, or, in the case of a cool room, within fifty feet of the kitchen:

(3) The amount of refrigeration space to be provided shall be—

- (a) where not more than six shearers who have meals on the premises are employed—not less than four cubic feet;
- (b) where more than six but not more than eleven such shearers are employed—not less than five and a half cubic feet;
- (c) where more than eleven but not more than twenty such shearers are employed—not less than eight cubic feet;
- (d) where more than twenty but not more than thirty such shearers are employed—not less than eleven cubic feet;
- (e) where more than thirty such shearers are employed—not less than fifteen cubic feet:

(4) All means of refrigeration provided pursuant to this section shall at the date of commencement of shearing—

- (a) be in good condition and in efficient working order;
- (b) be kept supplied with sufficient kerosene, gas or other fuel for their efficient operation, or in the case of electrically-operated units be connected to a suitable electricity supply, without cost to the shearers;
- (c) be under the control of the cook or of some other person designated for the purpose by the employer. It shall be the duty of such cook or such other person to control temperatures, defrost, trim wicks, ensure that doors are closed, and otherwise see to the proper use and operation of the equipment:

Para. VIII
amended by 35,
1942, s. 2 (f); 24,
1947, s. 2 (1)
(g)¹.

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. A rainwater tank shall be provided at one hut at the shearers' quarters and the tank shall be fitted with gauze to prevent the ingress of insects and with a tap:

Para. VIIIA
inserted by 24,
1947, s. 2 (1)
(h)¹;
substituted by
20, 1958,
s. 3 (13).

VIIIA. Any water supply for a kitchen, bathroom or washing room, shall be so placed that it will not be necessary for any person to carry water to the kitchen, bathroom or washing room, as the case may be:

Para. IX
amended by 35,
1942, s. 2 (g).

IX. 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:

Para. X inserted
by 35, 1942,
s. 2 (h).

X. 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 in proper condition may be provided in lieu thereof:

Para. Xa
inserted by 69,
1967, s. 5 (l).

xa. A washing room shall be provided for the use of the shearers which shall comply with the following specifications:—

(a) it shall have walls of galvanized iron, timber, brick, stone, concrete or other material approved in writing by an inspector;

(b) the walls shall be of a minimum height of eight feet and shall extend to within six inches of the roof;

and

(c) it shall have a concrete floor:

Para. XI
inserted by 35,
1942, s. 2 (h);
amended by 24,
1947, s. 2 (1)
(i)¹; 20, 1958,
s. 3 (14);
substituted by
69, 1967,
s. 5 (m).

XI. Every washing room shall contain tubs for the washing of clothes by shearers in such number that there is not less than one tub for every five shearers, and a water copper for boiling clothes:

Para. XIa
inserted by 69,
1967, s. 5 (m).

xia. Suitable galvanized wire clothes lines shall be provided for the use of shearers, together with suitable props, so that each shearer has at least five feet of clothes line for the drying of clothes:

Para. XIb
inserted by 69,
1967, s. 5 (m).

xib. If the effluent from a bathroom or a washing room does not pass through an efficient septic tank or a bacteriolytic tank, and is not subjected to any other method of treatment approved by the Central Board of Health, the effluent shall be discharged by means of an enclosed drain or pipe at a point not less than thirty feet

¹ S. 2 (2) of Act No. 24 of 1947, as amended by 42, 1952, s. 3 (sched.), provides as follows:—

(2) The amendments made by this section shall not come into force until after the expiration of six months after the conclusion of the war in which His Majesty has recently been engaged. For the purposes of this subsection and of subsection (4) of section 6 of the principal Act, the war mentioned in each subsection shall be deemed to continue until the day declared by the Governor by proclamation to be the day on which the war shall be deemed to cease.

from any building used as sleeping quarters or for the preparation or consumption of meals:

XIC. A bathroom, or if a bathroom is not provided, a washing room shall contain separate basins for the personal ablutions of shearers in such number that there is not less than one basin for every five shearers.

Para. XIc
inserted by 69,
1967, s. 5 (m).

(3) Such building shall be distant at least fifty yards from any shearing shed, pig-sty, cowshed, stable or wool scour and shall be distant less than two hundred yards from the shearing shed in or about which the shearers are employed.

Subsec. (3)
amended by 35,
1942, s. 2 (i);
substituted by
20, 1958, s. 4.

Provided—

(a) that in the case of a building erected prior to the fifth day of October, 1916¹ the fifty yards limit shall not apply where the building in all other respects complies with the provisions of this Act, and where the pig-sty, cowshed, stable or wool scour has not been used for a period of twenty-one days prior to the date of commencement of shearing and has been thoroughly disinfected within the seven days prior to the date of commencement of shearing;

(b) that in the case of a building erected prior to the date on which this Act comes into force, the two hundred yards limit shall not apply where the building in all other respects complies with the provisions of this Act.

* * * * *

Subsec. (4)
inserted by 35,
1942, s. 2 (j);
struck out by 20,
1958, s. 5.

(5) If any mattress or pillow or cover therefor which is provided for any shearer is not returned by the shearer to the employer or is returned in a damaged condition and that damage has been caused wilfully by the shearer or as result of his negligence, the value of the mattress, pillow or cover, as the case may be, shall be a debt due to the employer of the shearer and may be deducted by the employer from any wages due or accruing due to the shearer by the employer.

Subsec. (5)
inserted by 24,
1947,
s. 2 (1)(j)².

7. (1) Every building provided by an employer for the accommodation of shearers shall be cleaned and fumigated or disinfected by the employer at least once in every twelve months, and shall be handed over to the shearers in good order and clean condition.

Buildings to be
kept clean.
Cf. 887, 1905,
s. 7 (1).

(2) Such building shall be kept clean by the shearers occupying the same during the period of their occupancy.

(3) Whenever the shearers occupying such building fail to keep such building clean, the employer may restore such building to and keep it in a clean state, and may deduct the cost of any work necessary for cleaning in equal parts from wages due or accruing due to such shearers by him.

(4) Every employer shall provide in every room used for dining or cooking receptacles in which refuse may be placed and shall cause the receptacles to be

Subsec. (4)
inserted by
1710, 1925, s. 3.

¹ Reference to the year nineteen hundred and sixteen altered to 1916 pursuant to s. 7 (1) of the Acts Republication Act, 1967, as amended.

² S. 2 (2) of Act No. 24 of 1947, as amended by 42, 1952, s. 3 (sched.), provides as follows:—

(2) The amendments made by this section shall not come into force until after the expiration of six months after the conclusion of the war in which His Majesty has recently been engaged. For the purposes of this subsection and of subsection (4) of section 6 of the principal Act, the war mentioned in each subsection shall be deemed to continue until the day declared by the Governor by proclamation to be the day on which the war shall be deemed to cease.

emptied at least once in every twenty-four hours. No such refuse shall be deposited, buried, or otherwise disposed of at any distance within one hundred yards of any buildings provided for the accommodation of shearers.

Inspectors to have right of entry.

8. For the purposes of carrying out the provisions of this Act every inspector shall, at all reasonable times, have the free right of ingress to and egress from every shearing-shed and building used for accommodating shearers.

Inspection of buildings.
Cf. 887, 1905, s. 8.
Subsec. (1) amended by 20, 1958, s. 6.

9. (1) All buildings, other than shearing sheds, used for accommodating shearers may be inspected by an inspector from time to time.

(2) Every inspector 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 calendar year.

(3) An inspector, other than a member of the police force, making any inspection shall, at the request of an employer, produce the certificate of his appointment and show it to the said employer.

Notice to comply with Act.
Cf. 887, 1905, s. 9.
Subsec. (1) substituted by 1710, 1925, s. 4.

10. (1) Where an inspector, after the making of an inspection, has reason to believe that any requirement of this Act has not been complied with, he shall give notice to the employer concerned directing him within a time mentioned in the notice, but in no case longer than three months, to comply with such requirement.

(2) Such notice shall specify in what respects the said requirements have not been complied with.

(3) Such 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 with some adult person apparently an inmate thereof.

Penalty on failure to carry out requirements of notice.
Cf. 887, 1905, s. 10.
S. 11 amended by 69, 1967, s. 6 (a), (b).

11. Any employer who has been served with a notice pursuant to section 10 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 twenty dollars, and for every day during his default to a further penalty of four dollars.

Minister may grant exemptions.
Cf. 887, 1905, s. 11.

12. The Minister may, if special and unavoidable circumstances exist to prevent compliance with any of the conditions for proper accommodation prescribed by this Act, grant an exemption from any or all of such conditions for such period, not exceeding twelve months at any one time, as the Minister thinks proper, and may, if sufficient reason is shown, grant a further exemption for any period not exceeding twelve months.

Obstruction of inspector.
Cf. 887, 1905, s. 12.
S. 13 amended by 69, 1967, s. 7.

13. 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 to a penalty not exceeding twenty dollars.

Summary proceedings for offences.

14. All proceedings in respect of offences against this Act shall be disposed of summarily.

Inspector to prosecute.

15. Complaints for offences against this Act shall be made by an inspector.

16. Evidence of the appointment of any inspector, pursuant to subsection (1) of section 5, may be given in all courts by the production of a certificate of appointment of such inspector purporting to be signed by the Minister.

Certificate of appointment of inspector to be evidence.

17. (1) The Governor may make any regulations which may be necessary or convenient for carrying out any of the provisions of this Act, or for better effecting the objects or purpose of this Act.

Regulations.

(2) Such regulations may be general in their application or may be limited to particular localities or premises.

(3) Such regulations may provide a penalty not exceeding twenty dollars for any breach thereof.

Subsec. (3) amended by 69, 1967, s. 8.