

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE, 7TH JULY, 1898.]

[BILL OF SESS. II., 1897.]

Hon. Major Steward.

SHEARERS' ACCOMMODATION.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Interpretation. 3. Appointment of Inspectors. 4. Inspection of shearing-sheds, &c. 5. Penalty for obstructing an Inspector. 6. Proper accommodation to be provided. | <ol style="list-style-type: none"> 7. Stipendiary Magistrate may make order. 8. Separate sleeping-accommodation for Chinese. 9. Accommodation. 10. Information for penalty, &c., to be laid in nearest Stipendiary Magistrate's Court. 11. No appeal from Stipendiary Magistrate. 12. Act not to apply in certain cases. 13. Section 52 of the Factories Act repealed. |
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A BILL INTITULED

AN ACT to provide for the Proper Accommodation of Shearers. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

1. The Short Title of this Act is "The Shearers' Accommodation Act, 1898." Short Title.

2. In this Act the word "shearer" includes all employés in or about shearing-sheds : Interpretation.

10 "Employer" means and includes any master, manager, foreman, overseer, or other person having the control of any "shearing-shed," or engaged in the hiring or superintendence of any "shearer," as in this Act respectively defined :

15 "Inspector" means an Inspector appointed under "The Factories Act, 1894" (hereinafter referred to as "the Factories Act"), or under this Act :

20 "Shearing-shed" means and includes any building used for the purpose of shearing sheep, for sorting, baling, or pressing wool, or for any operation connected with shearing ; and all buildings and premises connected therewith, or adjacent thereto, wherein shearers sleep or take their meals.

3. The Governor may appoint Inspectors under this Act, and define the districts over which they shall respectively exercise super- Appointment of Inspectors.

vision, or may assign the duty of such supervision, within such area of the colony as he shall direct, to any Inspector appointed under the Factories Act.

Inspection of shearing-sheds, &c.

4. It shall be the duty of every Inspector to visit and inspect at least once a year all shearing-sheds within the district assigned to him, and, not later than the thirty-first day of March in every year, he shall make a full and detailed report of such inspection to the Minister of Labour. 5

Penalty for obstructing an Inspector.

5. 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 any person obstructing any Inspector in the exercise of his duty, or refusing him ingress or egress, shall be liable to a penalty of not exceeding *twenty* pounds. 10

Proper accommodation to be provided.

6. It shall be the duty of the Inspector to see that proper and sufficient accommodation shall be provided at every shearing-shed for the comfort and health of the shearers; and, in any case where the provision made is deemed by him to be inadequate, he shall require the employer to amend or enlarge the same, in ~~such manner as he shall direct~~, *accordance with the requirements of this Act*, within a time to be specified in a notice in writing in that behalf, which notice may be served on the employer personally, or by leaving the same at his usual or last-known place of residence; and if any employer shall neglect to comply with the terms of such notice, the Inspector may lay an information or make complaint of a breach of this Act, and may apply for an order as hereinafter mentioned: *Provided always that such notice shall be served not later than the first day of June in each year.* 15 20 25

Stipendiary Magistrate may make order.

7. Upon application of an Inspector for an order under this Act against any employer, a Stipendiary Magistrate shall hear and determine the same; and, if after inquiry into the case the Stipendiary Magistrate shall be of opinion that the accommodation provided by the defendant employer is improper or insufficient, he may determine as to what further accommodation shall be provided by such employer, or, if he be of the opinion that the accommodation is proper and sufficient, he may dismiss the application, ~~and~~ *or* may make such order as the justice of the case may require; and may, in his discretion, allow costs either to the Inspector or to the defendant employer. And any employer who shall fail to comply with any such order within such time as shall be thereby appointed shall be liable to a penalty of not exceeding *twenty-five* pounds, and to a further penalty of not exceeding *two* pounds per day for every day during which such default shall continue. 30 35 40

Separate sleeping-accommodation for Chinese.

8. When any person or persons of the Chinese race is or are employed in or about any shearing-shed, it shall be incumbent upon the employer to provide for such person or persons separate and distinct sleeping-accommodation from that provided for other shearers, if any; and any employer who shall fail so to do shall be liable to the penalties set forth in the *last-preceding* section. 45

Accommodation.

9. Proper and sufficient accommodation shall, as regards sleeping-room, mean not less than two hundred and forty cubic feet of space for each shearer sleeping in any room or apartment (which room or apartment shall not in any case be the same as that in which meals are provided), and shall not be deemed to require any owner to provide blankets or bedding. 50

10. Every information or complaint under this Act shall be laid or made and heard, and all proceedings consequent thereon or incidental thereto shall be had and taken, in the manner provided by "The Justices of the Peace Act, 1882," before the Stipendiary Magistrate holding a Court nearest to the residence of the defendant employer.

Information for penalty, &c., to be laid in nearest Stipendiary Magistrate's Court.

11. Notwithstanding anything to the contrary in any Act contained, there shall be no right of appeal to the Supreme or any other Court from the order or determination of any Stipendiary Magistrate made under this Act.

No appeal from Stipendiary Magistrate.

12. This Act shall not apply to shearing-sheds in which the total number of shearers employed, *and who do not provide their own accommodation*, is less than four, ~~or where~~ *nor where all* the shearers employed provide their own accommodation.

Act not to apply in certain cases.

13. Section fifty-two of "The Factories Act, 1894," is hereby repealed.

Section 52 of the Factories Act repealed.