SHEARERS ACCOMMODATION ACT AMENDMENT BILL 1967

Legislative Council, 24 October 1967, page 2875

Second reading

**The Hon. A. F. KNEEBONE (Minister of Labour and Industry)** obtained leave and introduced a Bill for an Act to amend the Shearers Accommodation Act, 1922-1958. Read a first time.

The Hon. A. F. KNEEBONE: I move:

*That this Bill be now read a second time.*

It makes a number of amendments to the Shearers Accommodation Act, 1922-1958, in respect of the minimum standard of accommodation to be provided for shearers. The Act was last amended in 1958 to give effect to the terms of an agreement that had then been reached between the Stockowners Association of South Australia and the Australian Workers Union (South Australian Branch), which were the principal organizations concerned. Last year the Government received a request from the Australian Workers Union for a number of further alterations to be made to the Act. The views of the Stockowners Association of South Australia were sought on the amendments requested by the union, and that association subsequently indicated its agreement to all but one of those requests. Following discussions with both organizations, complete agreement was reached between them.

Most of the matters contained in the Bill concern the standard of accommodation to be provided for shearers. Of those that deal with other matters, the amendment to section 3 is the most important. This section now provides that the Act does not apply in respect of any shearing shed in or about which fewer than six shearers are employed. Having regard to the definition of “shearer”, which excludes members of the employer’s family as well as persons who are employed on the property when shearing is not in progress, the Bill gives effect to the request of the Australian Workers Union, agreed to by the Stockowners Association of South Australia, that accommodation for shearers on properties where more than two shearers are employed should comply with the provisions of the Act. This provision is inserted in the principal Act by clause 3 but, to enable the owners of those properties that will be subject to the Act for the first time to have a reasonable time to conform with it, the terms of the amendment are such that the provision extending the operation of the Act will not apply until two years after the Act comes into operation. The definition of “employer”, which has remained unaltered since 1905, has been amended, by clause 4, to express it in terms of current conditions, and penalties provided in the Act have been expressed in decimal currency by clauses 6 and 7.

The provision of the present Act that requires separate sleeping and dining accommodation to be provided for persons of any Asiatic race is a relic of the past and out of keeping with modern thinking throughout the world. This has been removed by the Bill. Apart from these matters, all of the other provisions of the Bill concern the accommodation to be provided for shearers, and for the first time provision has been made for details of certain matters to be prescribed by regulation rather than set out in detail in the Act.

As the Bill provides for an extension of the operation of the Act to smaller properties, the views of the United Farmers and Graziers Association of South Australia were sought. Although that organization does not object to the widening of the scope of the Act to some extent, it has expressed disagreement with the extent of the alteration contained in the Bill. However, it does not object to the other provisions of the Bill on the understanding that it will be given the opportunity to comment on the regulations when drafted and before they come into force. I might add that, although provision has existed in the Act since 1905 for inspections to be made to ensure compliance with the Act, no inspector has ever been appointed specifically for the purpose of policing the Act and all inspections have been undertaken by members of the Police Force . Although police officers have undertaken inspections whenever required of them, there is no system of regular inspection, and with the frequent changes of police officers from one station to another many of the officers are not familiar with the provisions of the Act. The Government has therefore decided to appoint a full-time inspector to ensure that the Act is complied with. Provision has been made in the Estimates of Expenditure for the current financial year for such an appointment to be made, and I expect that an inspector will be appointed and commence duty early in the new year.

I now come to the provisions of the Bill in detail. Clause 1 is formal and provides that the Bill will not come into operation until the expiration of six months from the day on which it is assented to. This will give persons who are at present subject to the Act a reasonable opportunity to conform with the amendments. Clause 2 is merely formal. Clause 3 provides that, after the expiration of two years from the commencement of the amending Act, the principal Act will apply where three or more shearers are employed. A new paragraph (c), which provides that the Act does not extend to accommodation provided by an employer in a hotel, motel, boarding or lodging house in a city, town or township, is inserted in section 3 of the principal Act.

Clause 4 amends the definition of “employer” in section 4 of the principal Act. Under the Act, the employer is charged with the duty of providing accommodation for his shearers. The Act was passed before the advent of shearing contractors, and in many instances the obligation of providing adequate accommodation will fall more appropriately upon the owner or lessee of the holding on which the shearing shed is situated rather than upon the overseer or superintendent of the shearers as at present. The Act thus includes the owner or lessee of the holding in the definition of “employer”, thus enabling an inspector to prosecute the appropriate person for a breach of the Act.

Clause 5 amends section 6 of the principal Act, which specifies the nature of accommodation that must be provided. New paragraph I provides that a sleeping compartment must contain 480 cubic feet of air space for each person sleeping therein. This is in accordance with the legislation of other States, and the 1958 amendment to the Act required any building erected after the commencement of that Act to comply with this specification. The amendment provides that a building erected before the commencement of the 1958 Act will, during a period of one year after the commencement of the Act, be deemed to comply with the Act if it contains not less than 300 cubic feet of air space for each shearer. This gives an employer at present subject to the Act a total of 18 months to comply with the Act after the date on which it is assented to.

Paragraph II is struck out. This paragraph provided that persons of the Asiatic race should be accommodated separately from Europeans and should not eat in the same room. New paragraph IIa provides that sleeping accommodation shall be provided in compartments designed to accommodate not more than two shearers in each. However, in the case of an existing building accommodation shall, for one year after the commencement of the Act, be deemed to comply with the Act if three persons are accommodated in each compartment. New paragraph IIb provides for separate and suitable accommodation for cooks and cooks’ assistants. Paragraph IIc is amended to provide that the type of bed to be provided for shearers is to be prescribed by regulation.

The amendment to paragraph IIe prevents the practice of some employers of providing old packing cases as chairs and wardrobes. The amendment also requires that a sleeping compartment be illuminated by electric lighting or power lights. New paragraph IV makes more effective provision in relation to sanitary conveniences. New paragraph VIIaa requires that a kitchen be provided with a kitchen sink. New paragraph VIIb substantially reproduces the existing paragraph VIIb, but adds to it the requirement that the surface of a dining table shall be of dressed timber closely cramped or some other material approved in writing by an inspector. This provision is inserted because a number of employers have been making tables out of old packing cases. New paragraph VIId brings the existing paragraph VIId up to date. New paragraph Xa requires the employer to provide a room for washing clothes. New paragraph XI specifies the number of tubs that a washing room must contain. New paragraph XIa requires the employer to provide clothes lines. New paragraph XIb requires that, if the effluent from a washing room does not pass through a septic tank, the washing room shall be not less than 30ft. from sleeping quarters, a kitchen or a dining room. New paragraph XIc requires the employer to provide basins for the ablutions of shearers. Clauses 6, 7 and 8 make decimal currency amendments. I commend the Bill for the consideration of honourable members.

The Hon. C. R. STORY secured the adjournment of the debate.