

# AGRICULTURAL WORKERS BILL

## EXPLANATORY NOTE

THIS Bill repeals and replaces the Agricultural Workers Act 1962, and creates a new system for the industrial representation of agricultural workers and their employers and the settlement of disputes between them.

*Clause 1* relates to the Short Title.

*Clause 2* relates to interpretation.

*Clause 3* provides that the Act is to bind the Crown.

## PART I

### GENERAL

*Clause 4* provides that the Act is to be administered in the Department of Labour.

*Clause 5* provides for the appointment of inspectors.

*Clause 6* relates to the powers of inspectors. These are the same as the powers of inspectors under the Agricultural Workers Act 1962, with the addition of a power to make examinations, tests, and inquiries, and take samples and photographs, in order to ascertain whether the law is being complied with. Where any sample is taken, the inspector taking it must give part to the employer from whose property it is taken if he so requests, so that he may have his own tests conducted on it if he wishes.

*Clause 7* requires inspectors to be furnished with certificates of appointment, and relates to various offences in respect of the impersonation of inspectors and the use of forged or counterfeit certificates of appointment.

*Clause 8* makes it an offence to obstruct an inspector.

*Clause 9* provides that Parts II to IV of the Act (which relate to the industrial relations between agricultural workers and their employers) do not apply to workers to whom an award or agreement under the Industrial Relations Act 1973 at present applies.

## PART II

## CLASSES OF AGRICULTURAL WORK

*Clause 10* provides that any body corporate that is an organisation of agricultural workers or of employers of agricultural workers may apply to the President of the Agricultural Tribunal established by section 16 (1) of the Act for a declaration that a particular class of agricultural work is a "recognised category"; and if the President is satisfied that the class of work is substantially different from all other recognised categories he will make an order to that effect. Any agricultural organisation registered under the Act may appear and be heard as a party to such an application. The President may also make an order specifying which agricultural organisations are entitled to represent agricultural workers performing work of that category and their employers. Any definition may be amended by the President, either consequentially upon the declaration of a new recognised category or if he thinks clarification is necessary.

*Clause 11* provides that only one workers' organisation may represent those agricultural workers performing work of a recognised category, and only one employers' organisation may represent the employers of those workers.

*Clause 12* specifies 6 recognised categories that are deemed to exist at the commencement of the Act together with certain employers' organisations and workers' organisations that are deemed to have been registered in respect of those categories.

*Clause 13* provides for an organisation to apply to the Registrar of the Agricultural Tribunal to be registered as the workers' organisation or employers' organisation in relation to any particular class of worker and specifies the matters to be contained in applications.

*Clause 14* relates to the registration of agricultural organisations. The Registrar is not to register any agricultural organisation unless he is satisfied that it has a sufficient number of members, that it is either an industrial association or union registered under the Industrial Relations Act 1973, or an incorporated society registered under the Incorporated Societies Act 1908 whose rules would enable it to be so registered, that its rules do not preclude any worker or employer from becoming a member, and that it is empowered to apply for registration under the Act.

In addition, where the application relates to a category of work where there is already a workers' organisation or an employers' organisation registered (and therefore the granting of the application would substitute a new organisation for the existing one) the Registrar is not to grant the application unless either he is satisfied that the membership of the applicant organisation was during the year preceding the application 25 percent greater than that of the existing organisation, or that the existing organisation consents to the granting of the application.

*Clause 15* provides that every agricultural organisation is to forward to the Registrar of the Tribunal the name of a person whom it wishes to be a member of the Tribunal when it considers matters with which the organisation is concerned.

## PART III

## AGRICULTURAL TRIBUNAL

*Clause 16* establishes an Agricultural Tribunal. The President of the Tribunal is to be the President of the Industrial Commission under the Industrial Relations Act 1973, but the Deputy President of the Industrial Commission may exercise the powers of the President. The other 2 members of the Tribunal, when it is considering any particular matter, are to be the persons nominated by the workers' organisations and employers' organisation concerned with that matter. Where more than 2 workers' organisations or employers' organisations seem to be involved they may agree among themselves as to which of their nominees is to be a member of the Tribunal or, if they cannot agree, the President may choose one of them.

*Clause 17* provides for the taking of an oath of secrecy by members of the Tribunal.

*Clause 18* relates to the remuneration of members of the Tribunal.

*Clause 19* provides that the Registrar of the Tribunal is to be the Registrar of the Industrial Commission under the Industrial Relations Act 1973.

*Clause 20* provides that the Tribunal shall have a seal.

*Clause 21* sets out the jurisdiction of the Tribunal. The Tribunal is to have jurisdiction for the settlement of disputes and the interpretation and making of awards, together with any other functions conferred on it. It is to have exclusive jurisdiction to determine matters before it in such manner as it thinks fit, and no decision of the Tribunal can be questioned in any Court except on the ground of lack of jurisdiction.

*Clause 22* provides that the Tribunal may refer a question of law to the Industrial Court.

*Clause 23* relates to the sittings and procedure of the Tribunal. The times and places of sittings are to be fixed by the President. The Tribunal may conduct its hearings formally or informally, and may accept evidence whether or not it would be admissible evidence in a Court of law. No costs are to be allowed on account of barristers, solicitors, or agents in any proceedings before the Tribunal.

*Clause 24* provides that the Tribunal may dispense with the proving of formal matters or matters that have been agreed between the parties or by a Conciliation Council.

*Clause 25* relates to the representation of parties before the Tribunal. The parties may appear personally, be represented by an agent who is not a barrister or a solicitor, or, with the consent of all the parties, be represented by a barrister or a solicitor.

*Clause 26* provides that all decisions of the Tribunal are to be signed by the President.

## PART IV

## SETTLEMENT OF DISPUTES

*Clause 27* provides that the parties to a dispute may agree to settle it voluntarily.

*Clause 28* relates to the interpretation of awards. Where the parties to a dispute relating to the interpretation of an award are unable to settle the dispute voluntarily, the dispute is to be referred to a committee consisting of equal numbers of representatives appointed by each of them and a chairman either mutually agreed by them, or a conciliator or a person appointed by him. A decision of the majority of the committee is to be the decision of the committee, but where the members of the committee are equally divided the chairman may either make the decision himself or refer the matter to the Industrial Court. An Appeal against a decision of such a committee may be made to the Industrial Court by either party, and in that case, or where a dispute has been referred to it by the Chairman of a committee, the decision of the Industrial Court is to be final.

*Clause 29* relates to the resolution of disputes by conciliation. Either party to a dispute may apply in writing to the President of the Tribunal to have it submitted to conciliation. The President will then appoint a conciliation council, consisting of either 6, or a number greater than 6 and not more than 10, persons nominated by each party and a conciliator appointed pursuant to the Industrial Relations Act 1973. Members of conciliation councils are to be paid fees and allowances in accordance with the Fees and Travelling Allowances Act 1951.

*Clause 30* relates to the consideration of disputes by conciliation councils. Every decision of a council must be the unanimous decision of all the members other than the chairman, who has neither a deliberative nor a casting vote. Its proceedings are to be informal and to continue until such time as either the dispute is settled or the chairman is satisfied that no settlement is likely.

*Clause 31* relates to award proceedings. Where a dispute has not been settled by conciliation either party may apply to the Tribunal for it to be heard and settled by the Tribunal. If the President of the Tribunal is not satisfied that the conciliation council concerned made an adequate effort to settle the dispute he may refer the dispute back to the council.

*Clause 32* relates to awards. Every award is to apply to one class of worker only and to specify the conditions of employment of workers of that class and the currency of the award. The clause also specifies certain matters that may be included in any award, and provides that every award is to be binding upon the parties, and the workers and employers concerned.

*Clause 33* provides that a written copy of an agreement for the voluntary settlement of a dispute, or an agreement by a council of the terms of settlement of a dispute may be lodged with the Registrar and shall then be deemed to be an award.

*Clause 34* provides for every award to have effect according to its tenor, and allows for the making of retrospective awards.

▼

*Clause 35* deems there to be included in every award a provision that there is to be no deduction from the wages of any worker in respect of time lost by him except for time lost by reason of his default or by reason of his illness or of any accident suffered by him, and a provision that an employer may, at a worker's request, deduct from wages payable to the worker the cost of goods supplied to him by the employer.

*Clause 36* provides that breaches of an award are offences under the Act.

*Clause 37* relates to the proof of the contents of awards.

*Clause 38* specifies the procedure for the resolution of grievances between agricultural workers and their employers. The procedure is the same as that specified in section 117 of the Industrial Relations Act 1973.

*Clause 39* relates to contempt or obstruction of a conciliation council or the Tribunal, which is made an offence.

*Clause 40* provides for penalties in respect of offences under this Part of this Act. The maximum penalty is to be \$500 in respect of an agricultural organisation, and \$50 in any other case. All offences under this Part of this Act are to be dealt with by the Industrial Court.

*Clause 41* provides that wages that have not been paid or have been underpaid may be recovered by a worker from his employer by action in the Industrial Court commenced within 6 years of the day when the money became due and payable.

*Clause 42* provides that no action for the recovery of wages shall be brought more than 6 years after the date they became due and payable.

## PART V

### ACCOMMODATION FOR WORKERS

*Clauses 43 to 48 (inclusive)* reproduce, with one or two minor changes of wording, the equivalent provisions contained in the Agricultural Workers Act 1962.

## PART VI

### GENERAL PROVISIONS AS TO EMPLOYMENT

*Clauses 50 to 54* reproduce the equivalent provisions of the 1962 Act also. *Clause 49* imposes certain duties upon the employers of agricultural workers with regard to safety and health. As well as providing for protection from excessive noise and provision of protective clothing and equipment in certain situations, the clause imposes upon employers a general requirement to take steps to ensure the safety of workers, and to ensure that workers are either adequately trained or under adequate supervision. Employers must take steps to ensure that clothing and equipment provided is used, and workers must use it in the appropriate circumstances.

## PART VII

### MISCELLANEOUS PROVISIONS

*Clauses 55 to 58 (inclusive)* reproduce the equivalent provisions of the 1962 Act.

---

Hon. Mr Gordon

## AGRICULTURAL WORKERS

### ANALYSIS

Title	22. Tribunal may refer question of law to Industrial Court
1. Short Title and commencement	23. Sittings and procedure of Tribunal
2. Interpretation	24. Evidence
3. Act to bind the Crown	25. Representation of parties
	26. Decision to be signed
<b>PART I</b>	
<b>GENERAL</b>	<b>PART IV</b>
4. Act to be administered in Department of Labour	<b>SETTLEMENT OF DISPUTES</b>
5. Inspectors	27. Voluntary settlement of disputes
6. Powers of Inspectors	28. Interpretation of awards
7. Certificate of appointment as Inspector	29. Conciliation
8. Obstruction of Inspector	30. Consideration of disputes by Councils
9. Application of Parts II to IV	31. Award proceedings
	32. Awards
<b>PART II</b>	33. Registration of agreements
<b>CLASSES OF AGRICULTURAL WORK</b>	34. Effect of award
10. Recognised categories	35. Deductions from wages
11. Right of representation	36. Breaches of award
12. Classes of work deemed to be recognised categories, representation, etc.	37. Evidence of award
13. Applications for registration	38. Personal grievances
14. Registration	39. Contempt or obstruction of Council or Tribunal
15. Nomination of members of Tribunal	40. Penalties
	41. Recovery of wages
<b>PART III</b>	42. Action to be brought within 6 years
<b>AGRICULTURAL TRIBUNAL</b>	<b>PART V</b>
16. Agricultural Tribunal	<b>ACCOMMODATION FOR WORKERS</b>
17. Oath of secrecy	43. Accommodation to be provided for workers
18. Remuneration of members of Tribunal	44. Plans of accommodation
19. Registrar	45. Inspector may modify requirements as to accommodation
20. Seal of Tribunal	46. Notice to employer making default
21. Jurisdiction of Tribunal	47. Damage by workers

48. Accommodation to be kept clean  
49. Safety and health of workers

53. Wages and holiday book  
54. First aid

**PART VI**

**GENERAL PROVISIONS AS TO  
EMPLOYMENT**

50. Restricting employment of children  
51. Permit to work for less than minimum wage  
52. Payment of wages

**PART VII**

**MISCELLANEOUS PROVISIONS**

55. Offences generally  
56. Provisions as to procedure  
57. Regulations  
58. Repeals, consequential amendments, and savings  
Schedule

**A BILL INTITULED**

**An Act to provide for the improvement of industrial relations between agricultural workers and their employers and to consolidate and amend the law relating to the employment, and the safety, health, welfare, and accommodation, of agricultural workers** 5

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

**1. Short Title and commencement**—(1) This Act may be cited as the Agricultural Workers Act 1977. 10

(2) This Act shall come into force on the 1st day of September 1977.

**2. Interpretation**—(1) In this Act, unless the context otherwise requires,— 15

“Agricultural organisation” means an organisation registered under section 14 of this Act:

“Agricultural worker” or “worker” means a person employed in agricultural or horticultural or pastoral or silvicultural or flaxmilling or bush working or saw milling work of any kind, or in the keeping and care of sheep, cattle, or pigs for pecuniary gain, but does not include— 20

(a) Any shearer within the meaning of the Shearers Act 1962; or 25

(b) Any person who is being trained at any institution established for the training of agricultural workers; or

(c) Any apprentice who is bound by a contract of apprenticeship made under the Apprentices Act 1948: 30  
“Award” means an award made under section 31 (3) of this Act:

“Class of worker” means those workers performing work of a recognised category:

“Conditions of employment” includes rates of remuneration:

5 “Council” means a conciliation council established under section 29 (2) of this Act:

“Dispute”, in relation to any class of worker, means a dispute or question between workers of that class and their employers, relating to their conditions of employment, that cannot be resolved informally:

10 “Employer” includes every person having the control or superintendence of any farm or other place where any agricultural worker is employed other than an employer within the meaning of the Sharemilking Agreements Act 1937, and also includes every sharemilker within the meaning of that Act:

15 “Employers’ organisation” means an agricultural organisation representing the interests of the employers of a class of agricultural worker:

20 “Industrial Court” means the Industrial Court under the Industrial Relations Act 1973:

“Inspector” means an Inspector appointed under section 5 of this Act, and includes an Inspector appointed under the Factories Act 1946:

25 “Minister” means the Minister of Labour:

“President” means the President of the Tribunal:

“Recognised category” means a class of agricultural work declared to be a recognised category pursuant to section 10 (4) of this Act:

30 “Registrar” means the Registrar of the Tribunal:

“Tribunal” means the Agricultural Tribunal established by section 16 (1) of this Act:

35 “Workers’ organisation” means an agricultural organisation representing the interests of a class of agricultural worker.

(2) For the purposes of this Act, every reference in this Act and the Industrial Relations Act 1973 to the Industrial Court shall be deemed to be a reference to the Judge of that Court acting alone.

40 Cf. 1962, No. 137, s. 2

**3. Act to bind the Crown**—This Act shall bind the Crown.

Cf. 1962, No. 137, s. 3



## PART I

## GENERAL

**4. Act to be administered in Department of Labour**—This Act shall be administered in the Department of Labour.

Cf. 1962, No. 137, s. 4 (1)

5

**5. Inspectors**—There may from time to time be appointed under the State Services Act 1962 such Inspectors as may be required for the purposes of this Act.

Cf. 1962, No. 137, s. 5

**6. Powers of Inspectors**—(1) Every Inspector may— 10

(a) At any reasonable hour enter, inspect, and examine any premises when he has reasonable cause to believe that any worker is or will be employed or accommodated on those premises:

Provided that an Inspector shall not exercise the right of entry conferred by this paragraph unless accompanied by or with the knowledge of the occupier of the premises, or the employer of the persons engaged or accommodated in or about those premises or the representative or agent of the occupier or employer: 15 20

(b) Call to his aid any Inspector appointed pursuant to the Health Act 1956 or any other person whom he may think competent to assist him in his inspection and examination: 25

(c) Make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act have been or are being complied with:

(d) Examine with respect to matters under this Act, either alone or in the presence of any other person, as he thinks fit, every person whom he finds on the premises or whom he has reasonable cause to believe to be or to have been within the preceding 6 months employed on the premises, and require any such person to make and sign a statutory declaration setting out his knowledge of the matters on which he is so examined: 30 35

(e) Require the production of any book, record, notice, or document which the employer is required by this Act to keep or exhibit, and may inspect, examine, and copy the same: 40

5 (f) Make such examinations, tests, and enquiries, and take such samples and photographs, as may be necessary to ascertain whether this Act, regulations made hereunder, and any award, are being complied with; and where any such sample is taken, the Inspector concerned shall deliver part of it to the employer if he so requests.

10 (2) No person shall, on an examination or inquiry by an Inspector under this section, be required to answer any question tending to incriminate himself.

15 (3) Except for the purposes of this Act and the exercise of his functions under this Act, or with the consent of the Minister, an Inspector shall not disclose to any person any information that he acquires in the exercise of those functions: Provided that if so requested by a Coroner, an Inspector shall provide him with a written report relating to the circumstances of any fatal accident.

Cf. 1962, No. 137, s. 6

20 **7. Certificate of appointment as Inspector**—(1) Every Inspector shall be furnished with a certificate of his appointment in the prescribed form, and on applying for admission to any premises or on making inquiries from any person, he shall, if required, produce the certificate.

25 (2) Every person who forges or counterfeits any such certificate, or makes use of any forged, counterfeited, or false certificate, or personates the Inspector named in any certificate, or falsely pretends to be an Inspector, commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 3 months, or to a fine not exceeding  
30 \$2,000 or to both.

Cf. 1962, No. 137, s. 7

35 **8. Obstruction of Inspector**—Every person commits an offence against this Act who obstructs or interferes with any Inspector in the lawful exercise of any of his duties or powers under this Act.

Cf. 1962, No. 137, s. 8

40 **9. Application of Parts II to IV**—Parts II to IV of this Act shall not apply to any worker to whom an award or collective agreement under the Industrial Relations Act 1973 applied immediately before the commencement of this Act.

## PART II

## CLASSES OF AGRICULTURAL WORK

**10. Recognised categories—**(1) Any body corporate, being an organisation of agricultural workers or of employers of agricultural workers, whether it is registered under this Part of this Act or not, may apply to the President for a declaration that a particular class of agricultural work is a recognised category. 5

(2) Every such application shall be made in writing to the Registrar, who may require copies thereof to be served upon such agricultural organisations as he thinks fit. 10

(3) Any agricultural organisation may appear and be heard as a party to an application under this section.

(4) If the President is satisfied there exists a class of agricultural work that differs substantially from all existing recognised categories he shall make an order defining that class of work, assigning a designation to it, and declaring it to be a recognised category, and may also make an order specifying the agricultural organisations that may represent workers performing work belonging to that recognised category and their employers. 15 20

(5) Any order pursuant to subsection (4) of this section may consequentially amend the definition of any class of work comprising an existing recognised category, the designation assigned to it, or both; and every such definition and designation shall have effect accordingly. 25

(6) Where in the opinion of the President it is expedient to do so in order to specify more clearly the class of work constituting a recognised category he may, of his own motion or at the request of any agricultural organisation, amend the definition of that class of work; and that definition shall have effect accordingly. 30

**11. Right of representation—**There shall be only one employers' organisation and only one workers' organisation registered in respect of any particular class of work; and each organisation shall have the sole right to represent, as the case may be, the interests of the workers of that class or the interests of their employers. 35

**12. Classes of work deemed to be recognised categories, representation, etc.—**Every class of agricultural work described in the first column of the Schedule to this Act shall be deemed to be a recognised category, in respect of which 40

the organisations specified in the second and third columns of that Schedule opposite its description shall be deemed to have been, on the commencement of this Act, registered as the employers' organisation and workers' organisation respectively.

13. **Applications for registration**—(1) Any organisation may apply in writing to the Registrar to be registered as the workers' organisation in relation to a class of worker, or as the employers' organisation in relation to the employers of workers of that class.

(2) Every application for registration shall be signed by 2 or more of the members of the organisation, and shall be accompanied by:

- 15 (a) A statement of the number of members of the organisation; and
- (b) A list of the officers of the organisation; and
- (c) Three copies of the rules of the organisation.

14. **Registration**—(1) The Registrar shall not grant registration to an organisation that applies under section 13 of this Act unless he is satisfied that—

- 20 (a) The total number of persons who have joined, or indicated their intention of joining, the organisation is significant; and
- 25 (b) The organisation is either an incorporated society, registered under the Incorporated Societies Act 1908, whose rules provide for the matters specified by section 175 of the Industrial Relations Act 1973 (other than those matters specified by paragraphs (g), (k), (1), and (o) of that section) for a society that applies for registration as an industrial union under that Act, or an industrial association or union registered under that Act; and
- 30 (c) Nothing in the rules of the organisation precludes any worker of the class concerned or, as the case may be, any employer of workers of the class concerned, from becoming a member; and
- 35 (d) The organisation is expressly empowered to apply for registration under this Part of this Act either by its rules or pursuant to a resolution in that behalf passed at a general meeting by a majority of its members:
- 40

Provided that in the case of an application for registration made by an organisation representing workers of a class in respect of which there exists a workers' organisation, or representing the employers of workers of a class in respect of which there exists an employers' organisation, the Registrar shall not grant the applicant organisation registration unless he is also satisfied that either—

(e) During the year preceding the date of the application the average membership of the applicant organisation was 25 percent greater than the average membership of the agricultural organisation concerned;

or

(f) The agricultural organisation concerned consents to the granting of registration to the applicant organisation.

(2) If the Registrar registers an organisation as a registered organisation in circumstances to which the proviso to subsection (1) of this section applies, the existing agricultural organisation concerned shall thereupon cease to be a registered organisation in relation to the class of worker, or employers of the class of worker, concerned.

**15. Nomination of members of Tribunal—**(1) Within 2 months of being registered as an agricultural organisation every agricultural organisation shall notify the Registrar of the name of a person whom the organisation wishes to be a member of the Tribunal when the Tribunal considers matters with which the organisation is concerned.

(2) Any agricultural organisation may at any time notify the Registrar that it wishes to substitute for the person nominated pursuant to subsection (1) of this section or substituted pursuant to this subsection, as the case may be, some other person whom it wishes to be a member of the Tribunal as aforesaid.

(3) The same person may be nominated by 2 or more employers' organisations or 2 or more workers' organisations.

### PART III

#### AGRICULTURAL TRIBUNAL

**16. Agricultural Tribunal—**(1) There is hereby established a tribunal to be called the Agricultural Tribunal.

(2) The President of the Tribunal shall be the President for the time being of the Industrial Commission under the Industrial Relations Act 1973:

Provided that, subject to any directions of the President, the Deputy President for the time being of the said Industrial Commission shall have and may exercise all the powers, functions, and duties of the President.

5 (3) Subject to subsection (4) of this section, when considering any matter the Tribunal shall comprise:

(a) The President; and

10 (b) The person for the time being nominated pursuant to section 15 of this Act by the employers' organisation concerned with the matter; and

(c) The person for the time being nominated pursuant to section 15 of this Act by the workers' organisation concerned with the matter.

15 (4) Where a matter to be considered by the Tribunal concerns or is alleged to concern 2 or more employers' organisations or 2 or more workers' organisations, the member of the Tribunal under subsection (3) (b) or subsection (3) (c), as the case may be, of this section shall be the person for the time being nominated pursuant to section 15 of this Act by the  
20 agricultural organisation—

(a) Agreed unanimously by those 2 or more agricultural organisations; or

(b) Where there is no such agreement, chosen from among those organisations by the President.

25 (5) No person shall be deemed to be in the service of Her Majesty for the purposes of the State Services Act 1962 or the Superannuation Act 1956 by reason only of his being a member of the Tribunal.

30 **17. Oath of secrecy**—(1) Before taking part in the consideration of any matter, each member of the Tribunal nominated by agricultural organisations shall take an oath or make an affirmation before the Judge of the Industrial Court that he will faithfully and impartially perform the duties of his office, and that, except in the discharge of his  
35 duties, he will not disclose to any person any evidence or other matter brought before the Tribunal.

(2) The oath of secrecy taken by the President and Deputy President of the Industrial Commission pursuant to section 22 of the Industrial Relations Act 1973 is hereby deemed to  
40 extend to evidence and other matters brought before the Tribunal.

**18. Remuneration of members of Tribunal**—(1) The Tribunal is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There shall be paid to members of the Tribunal out of money appropriated by Parliament for the purpose, remuneration by way of salaries, fees, or allowances and travelling allowances or expenses in accordance with the Fees and Travelling Allowances Act 1951; and that Act shall apply accordingly. 5

**19. Registrar**—The Registrar for the time being of the Industrial Commission under the Industrial Relations Act 1973 shall be the Registrar of the Tribunal. 10

**20. Seal of Tribunal**—The Tribunal shall have a seal which shall be judicially noticed by all Courts and for all purposes.

**21. Jurisdiction of Tribunal**—(1) The Tribunal shall have jurisdiction for the settlement of disputes in accordance with this Act, and for the making and interpretation of awards, and shall have such other functions as are conferred on it by this or any other Act. 15

(2) In all matters before it the Tribunal shall have full and exclusive jurisdiction to determine them in such a manner as it thinks fit, and to make decisions, orders, or awards not inconsistent with this or any other Act. 20

(3) No decision, order, or award of the Tribunal, and no proceeding before the Tribunal, shall be held bad for want of form, or be void or in any way vitiated by reason of any informality or error of form. 25

(4) Except on the ground of lack of jurisdiction, no decision, order, award, or proceeding of the Tribunal shall be liable to be challenged, appealed against, reviewed, quashed, or called in question in any Court. 30

**22. Tribunal may refer question of law to Industrial Court**—(1) The Tribunal may in any matter before it state a case for the opinion of the Industrial Court on any question of law arising in the matter; and sections 47 to 62 of the Industrial Relations Act 1973 shall, with the necessary modifications, apply to the consideration of that case as if it had so been stated by the Industrial Commission under that Act. 35

(2) The question shall be in the form of a special case to be drawn up by the parties, and, if the parties do not agree, to be settled by the Tribunal.

(3) Subject to subsection (1) of this section, the decision  
5 of the Industrial Court on the question shall be final and binding on all parties to the matter and the Tribunal.

**23. Sittings and procedure of Tribunal—**(1) Sittings of the Tribunal shall be held at such times and places as are from time to time fixed by the President.

10 (2) In the exercise of its jurisdiction the Tribunal may conduct formal or informal hearings of the parties.

(3) The Tribunal may order the giving or production of, and receive in evidence, any statement, document, information, or matter, that in its opinion may assist it to deal with  
15 matters before it, whether or not the same would be admissible in evidence in a Court of law.

(4) The Tribunal shall, within the scope of its jurisdiction, be deemed to be a Commission of Inquiry under the Commissions of Inquiry Act 1908, and, subject to the provisions of  
20 this Act, all the provisions of that Act, except sections 2, 4A, and 10 to 12, shall apply accordingly, so far as they are applicable.

(5) No costs shall be allowed on account of barristers, solicitors, or agents in any proceedings before the Tribunal.

25 (6) Subject to the provisions of this Act, the Tribunal may regulate its procedure in such manner as it thinks fit.

**24. Evidence—**In any proceedings before the Tribunal the following provisions shall apply:

30 (a) Formal matters that have been proved or admitted before a Council need not be again proved or admitted before the Tribunal, but shall be deemed to be proved:

35 (b) The Tribunal may, if it thinks fit, dispense with any evidence on any matters that have been agreed in writing, either voluntarily between the parties, or by a Council.

**25. Representation of parties—**(1) Subject to subsection (4) of this section, any party to any proceedings before the  
Tribunal may—

40 (a) Appear personally; or,

(b) Be represented by an agent who is not a barrister or solicitor; or



(c) With the consent of all the parties, be represented by a barrister or solicitor— and may produce before the Tribunal such witnesses, books, and documents as the party thinks proper.

(2) In any proceedings the Tribunal shall allow to appear or to be represented as aforesaid any person who applies to the Tribunal for leave to appear or be represented, being a person who in the opinion of the Tribunal is justly entitled to be heard; and the Tribunal may order any other person so to appear or be represented.

(3) Any person appearing or represented in any proceedings pursuant to leave granted or an order made under subsection (2) of this section shall be deemed to be a party to the proceedings.

(4) Nothing in this section or in section 23 of the Law Practitioners Act 1955 shall prevent a barrister or solicitor who is not the holder of a practising certificate for the time being in force under that Act from appearing or being heard before the Tribunal in any proceedings.

**26. Decision to be signed**—Every decision of the Tribunal shall be signed by the President.

## PART IV

### SETTLEMENT OF DISPUTES

**27. Voluntary settlement of disputes**—(1) The parties to a dispute may agree to negotiate an agreement for its voluntary settlement.

(2) In respect of each dispute it shall be the duty of the parties to appoint an equal number of representatives authorised to negotiate on their behalf.

**28. Interpretation of awards**—Every dispute relating to the interpretation of an award that has not been settled voluntarily shall be dealt with in accordance with the following provisions:

- (a) The agricultural organisations to which the award applies shall refer the dispute to a committee consisting of equal numbers of representatives appointed by them, together with a chairman who shall be—
- (i) Mutually agreed upon by them; or
  - (ii) Where no chairman is agreed, either a conciliator or a person appointed by him:

- (b) A decision reached by a majority of the committee shall be the decision of the committee; but if the members of the committee are equally divided in opinion, the chairman shall either—
- 5 (i) Make a decision, which shall then be the decision of the committee; or
- (ii) Refer the dispute forthwith to the Industrial Court for settlement:
- (c) Subject to the right of appeal conferred by paragraph
- 10 (d) of this section, the decision of the committee shall be binding on the parties to the dispute:
- (d) Either party to the dispute may appeal to the Industrial Court against all or part of the decision of a committee by—
- 15 (i) Giving to the other party, within 14 days after the date on which the decision was made known to him, written notice of his intention to appeal; and
- (ii) Lodging with the Registrar of the Industrial
- 20 Court, within 7 days after the date on which that notice was given, a written notice of appeal;—
- and each such notice shall specify the decision or part of a decision to which it relates:
- (e) The decision of the Industrial Court on appeal, or
- 25 where a dispute has been referred to it under paragraph (b) (ii) of this section, shall be final and binding on the parties to the dispute.

**29. Conciliation—**(1) Subject to section 28 of this Act, where a dispute has not been settled voluntarily, any party

30 to it may apply in writing to the President for the dispute to be submitted to conciliation.

(2) On receiving an application under subsection (1) of this section, the President shall appoint a conciliation council to attempt to negotiate a settlement of the dispute concerned.

35 (3) Every Council shall comprise—

- (a) A conciliator appointed pursuant to the Industrial Relations Act 1973, who shall be the Chairman of the Council; and
- 40 (b) Six persons nominated by the workers' organisation concerned with the dispute; and
- (c) Six persons nominated by the employers' organisation concerned with the dispute.

(4) Notwithstanding subsection (3) of this section, the workers' organisation and the employers' organisation concerned with a dispute may agree that each of them should nominate a number of persons exceeding 6 but not exceeding 10 to be members of a Council to attempt to negotiate a settlement of the dispute; and in that case the President shall appoint that number of persons to be members of the Council. 5

(5) There shall be paid to every member of a Council who is not a conciliator appointed pursuant to the Industrial Relations Act 1973, out of money appropriated by Parliament for the purpose, remuneration by way of fees or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951; and the provisions of that Act shall apply accordingly as if every such member were a member of a statutory Board within the meaning of that Act. 10 15

(6) The Chairman of a Council shall, after consultation with the parties to the dispute concerned, fix a date for the Council to consider it.

(7) As soon as may be practicable after the making of an application under this section, and in any event not later than 6 weeks before the date fixed by the Chairman for the consideration of the dispute concerned, each party to the dispute shall forward to the Registrar a statement of its claims, and the Registrar shall as soon as possible forward copies to the other party concerned and the Chairman. 20 25

**30. Consideration of disputes by Councils**—The following provisions shall apply to the consideration of a dispute by a Council:

- (a) It shall be the duty of the Council to endeavour to bring about a fair and amicable settlement of the dispute; and to this end the Council shall, in such manner as it thinks fit, expeditiously and carefully inquire into the dispute and all matters affecting the merits and their proper settlement: 30 35
- (b) In its consideration of the dispute the Council shall make all such suggestions and do all such things as it thinks right and proper to induce the parties to the dispute to come to a fair and amicable settlement: 40

- 5 (c) Subject to the provisions of this Act, the procedure of the Council shall in all respects be absolutely in its discretion; and, except as it thinks necessary or desirable, it shall not be bound to proceed with the consideration in any formal manner, or formally to sit as a tribunal or to hear any evidence or submissions:
- 10 (d) The Council may hear any evidence it thinks fit, whether that evidence would be legally admissible in a Court of law or not:
- 15 (e) The Council shall meet from time to time at such times and places as the Chairman decides until either the dispute is settled or the Chairman is satisfied that no settlement is likely to be reached by further meetings, in which case he shall terminate the consideration of the dispute:
- 20 (f) No meeting of the Council shall be held unless the Chairman is present, but the absence of any other member shall not affect the functioning of the Council:
- 25 (g) Every decision of the Council shall be a unanimous decision of the members of the Council present other than the Chairman, who shall make a record of all such decisions but have neither a deliberative or a casting vote.

**31. Award proceedings**—(1) Where the consideration of a dispute by a Council has been terminated pursuant to section 30 (e) of this Act, either party to the dispute may apply to the Tribunal for the dispute to be heard.

30 (2) If the President believes that the parties to a dispute in respect of which an application has been made under subsection (1) of this section have not made adequate efforts to have the dispute settled by conciliation he may refer it to the Council concerned for further consideration.

35 (3) Subject to subsection (2) of this section, the Tribunal shall hear the parties to a dispute in respect of which an application has been made under subsection (1) of this section, and resolve it by making an award.

40 **32. Awards**—(1) Every award shall apply to one class of worker only, and shall specify the conditions of employment relating to workers of that class and the currency of the award.

(2) Notwithstanding subsection (1) of this section, an award may provide for all or any of the following matters:

- (a) In the particular circumstances of an individual case, a variation of any term of the award by agreement between the workers' organisation concerned and either the employers' organisation concerned or one or more employers: 5
  - (b) The exemption of any specified category of worker from the operation of the award:
  - (c) The application of the award to a specified category of worker of the class of worker concerned only: 10
  - (d) The application of the award to only those workers of the class of worker concerned who live in a specified area of New Zealand.
- (3) The Tribunal, and any Council, in considering any dispute, shall have regard to the seasonal and climatic conditions, and all the particular characteristics, of the work carried out by the class of worker concerned. 15
- (4) Every award shall be binding on the agricultural organisations to which it relates, all workers performing work of the specified class concerned, and all employers of those workers. 20

**33. Registration of agreements—**(1) A written copy of every agreement for the voluntary settlement of a dispute, and of every record of an agreement by a Council of the terms for settlement of a dispute, in each case specifying the parties to whom it applies, and specifying the currency of the agreement, shall be lodged with the Registrar. 25

(2) Every agreement a copy of which is so lodged shall be deemed to be an award. 30

**34. Effect of award—**Every award shall have effect according to its tenor, and shall come into force or shall be deemed to have come into force on a date specified therein, whether that date is before or after the date of the making or agreement of the award. 35

**35. Deductions from wages—**In every award there shall be or shall be deemed to be included a provision that—

- (a) No deduction in respect of time lost by any worker shall be made from the wages payable to him except for time lost by reason of the default of the worker or by reason of his illness or any accident suffered by him; and 40

(b) The employer may, at the worker's request, by agreement in writing signed by the worker, deduct from any wages payable to the worker the cost of goods supplied to the worker.

5   **36. Breaches of award**—Every person who commits a breach of an award commits an offence under this Part of this Act.

**37. Evidence of award**—In all legal and other proceedings involving the proof of an award it shall be sufficient to produce a copy of the award under the seal of the Tribunal, or a copy of it certified under the hand of the Registrar, or any official printed copy of it published by the Tribunal; and it shall not be necessary to prove any conditions precedent entitling the Tribunal to make the award.

**38. Personal grievances**—(1) The following provisions shall apply to any grievance that an agricultural worker may have against his employer because of a claim that he has been unjustifiably dismissed, or that some other action of his employer (not being an action of a kind applicable generally to workers of the same class employed by the employer) affects his employment to his disadvantage:

20   (a) As soon as may be practicable after the grievance arises, the worker shall submit it to his immediate supervisor, affording him an opportunity to remedy the cause of the grievance, the intent being that it is desirable, if the circumstances permit it, to settle the grievance rapidly and as near as possible to the point of origin:

25   (b) Where any such attempt at settlement has failed, or where the grievance is of such a nature that a direct discussion between the worker and his immediate supervisor might be inappropriate, the worker shall notify the branch secretary or secretary or a duly authorised representative of the appropriate workers' organisation who, if he considers that there is some substance in the grievance, shall forthwith take the matter up with the employer or his representative:

30

35

- (c) If the matter is not disposed of in discussion with the employer or his representative, the worker shall prepare a written statement of the nature of the grievance and the circumstances in which it arose; and that statement shall thereafter form the basis of all consideration of the grievance: 5
- (d) The statement shall be referred to a grievance committee consisting of an equal number of representatives (not exceeding 3) nominated respectively by the workers' organisation and the employer, with or without a chairman as the parties may decide: 10
- (e) The employer shall have the right to be assisted or represented before the grievance committee by an employers' organisation:
- (f) If the matter is not settled by the grievance committee, it may be referred to the Industrial Court by both or either of the parties: 15
- (g) The Court, after inquiring fully into the matter and considering all representations made by or on behalf of the parties, may make a decision or award by way of a final settlement which shall be binding on the parties. 20
- (2) A worker who considers that a personal grievance has not been dealt with, or has not been dealt with promptly, because of the failure of his employer, any agricultural organisation, or any other person, to act, or to act promptly, in accordance with subsection (1) of this section may, with the leave of the Industrial Court (given subject to such conditions, if any, as it thinks fit) and notwithstanding that subsection, refer that grievance to the Industrial Court for settlement; and subsection (1) (g) of this section shall apply to every grievance so referred. 25
- (3) For the purpose of ensuring that the work of an employer shall not be impeded but shall at all times proceed as if no grievance against him had arisen,— 35
- (a) No worker employed by an employer shall discontinue or impede normal work, either totally or partially, by reason of the existence of any grievance against that employer, whether on his own part or on the part of any other worker: 40
- (b) While the foregoing provisions of this section relating to the settlement of grievances are being observed, no employer shall dismiss any worker involved in the circumstances out of which a grievance arose by reason only of his involvement. 45

(4) Any statements made or information given in the course of any proceedings before a grievance committee or the Industrial Court in respect of an alleged unjustifiable dismissal shall be absolutely privileged.

5 (5) In the case of an alleged unjustifiable dismissal, any final settlement, decision, or award made under this section may, if it includes a finding that the worker was unjustifiably dismissed, provide for any one or more of the following:

10 (a) The reimbursement to him of a sum equal to the whole or any part of the wages lost by him:

(b) His reinstatement in his former position or in a position not less advantageous to him:

(c) The payment to him of compensation by his employer;—

15 and an employer who fails or refuses within a reasonable time to comply with any such provision commits an offence against this Part of this Act.

**39. Contempt or obstruction of Council or Tribunal—**(1) If in any proceedings before a Council or the Tribunal any  
20 person wilfully insults any member or officer of the Council or Tribunal or wilfully interrupts the proceedings, or without good cause refuses to give evidence, or is guilty in any other manner of any wilful contempt in the face of the Council or  
25 Tribunal it shall be lawful for any officer of the Council or Tribunal or any member of the Police, to take the person offending into custody and remove him from the precincts of the Council or Tribunal to be detained until its rising.

(2) Every person to whom subsection (1) of this section applies commits an offence under this Part of this Act.

30 (3) Every person who prints or publishes anything calculated to obstruct or in any way interfere with or prejudicially affect any matter before a Council or the Tribunal commits an offence under this Part of this Act.

**40. Penalties—**(1) Every person who commits an offence  
35 under this Part of this Act is liable on conviction by the Industrial Court to a fine not exceeding \$500 in the case of an employer or an agricultural organisation or \$50 in any other case.

(2) Every offence under this Part of this Act shall be dealt  
40 with, and the Industrial Court shall have jurisdiction to deal with it, as if it were an offence under section 148 of the Industrial Relations Act 1973.



**41. Recovery of wages—**(1) Without affecting any other remedies for the recovery of wages or other money payable by an employer to any worker whose position or employment is subject to an award, where there has been any default in the payment of any such wages or other money or where any payment of any such wages or other money has been made at a rate lower than that fixed by the award or otherwise legally payable to the worker, the whole or any part, as the case may require, of any such wages or other money may be recovered to the use of the worker in the same manner as a penalty for a breach of the award, by action commenced in the Industrial Court under section 151 of the Industrial Relations Act 1973, notwithstanding the acceptance by the worker of the payment at the lower rate or any express or implied agreement to the contrary.

(2) Notwithstanding section 157 of the Industrial Relations Act 1973, an action under this section may be commenced within 6 years after the day on which the money became due and payable.

(3) A claim under this section against any employer may be joined in the same action with a claim against the same employer for a penalty for a breach of the award or agreement.

**42. Action to be brought within 6 years—**(1) No action shall be brought to recover wages or other money payable by an employer to a worker, except within 6 years after the date on which the money claimed in the action became due and payable.

(2) Where by any award or any amendment thereof any money is made payable in respect of any period before the date of the award or amendment the money shall be deemed for the purposes of this Act to become due and payable on the date of the award or amendment as the case may be.

## PART V

### ACCOMMODATION FOR WORKERS

**43. Accommodation to be provided for workers—**  
(1) Subject to section 45 of this Act, it shall be the duty of every employer to provide sufficient and suitable accommodation for every agricultural worker employed by him.

(2) No accommodation shall be sufficient and suitable for the purposes of this Act unless it conforms to or is superior to the prescribed requirements.

(3) The provisions of this section shall not apply in the case of any agricultural worker, who,—

- (a) In the opinion of an Inspector, can conveniently sleep at his own home; or
- 5 (b) Chooses to provide his own sleeping accommodation; or
- (c) Is married and accompanied by family.

(4) Notwithstanding section 2 of this Act, for the purposes of this Part of this Act, the term “employer” includes an  
10 employer within the meaning of the Sharemilking Agreements Act 1937, and does not include a share milker within the meaning of that Act.

Cf. 1962, No. 137, ss. 2 (2), 9

**44. Plans of accommodation—**(1) Every employer shall,  
15 before erecting any building or part of a building that is to be used for the accommodation of agricultural workers, submit to an Inspector for his approval a copy of the plans and specifications for the proposed work.

(2) The Inspector shall approve the plans and specifications  
20 if he is satisfied that they indicate that the building will conform to or be superior to the prescribed requirements. If he is not satisfied as aforesaid he shall either approve them subject to such modifications as he thinks necessary to make the building conform to the prescribed requirements, or refuse  
25 to approve them.

(3) No employer shall erect any building or part of a building that is to be used for the accommodation of agricultural workers except in accordance with plans and specifications approved under this section.

(4) The Inspector shall be entitled to retain the copy of the plans and specifications submitted to him under this section.

(5) Every employer who fails to comply with the provisions of subsection (1) or subsection (3) of this section commits an offence against this Act.

35 Cf. 1962, No. 137, s. 10

**45. Inspector may modify requirements as to accommodation—**(1) Any Inspector may, by notice in writing to the employer, dispense with or modify any of the requirements of this Part of this Act in any case where—

- 40 (a) Any accommodation was provided before the 1st day of June 1963; or
- (b) He is satisfied that, owing to special circumstances, it is or has been impracticable to provide the accommodation required by this Act to be provided; or

(c) He is satisfied that any such requirement is unnecessary or unreasonable.

(2) Any notice under this section may be at any time revoked by an Inspector by further notice in writing.

Cf. 1962, No. 137, s. 11

5

**46. Notice to employer making default—**(1) In any case where in the opinion of the Inspector any provision made by or under this Act relating to the accommodation of workers is not being observed or complied with or is being inadequately observed or complied with by any employer, or in any case where in the opinion of the Inspector there is any defect whatsoever in the accommodation, the Inspector may by notice in writing require that the provisions of the Act be duly and properly observed and complied with or, as the case may be, that the defect be remedied to the satisfaction of the Inspector within a reasonable time to be specified in the notice.

(2) Any such notice may be served on the employer personally, or by leaving it at his last known place of residence or business or by posting it by registered letter to that address; and a notice so posted shall be deemed to have been served at the time when the registered letter would, in the ordinary course of post, be delivered.

(3) If the employer considers the requirements stipulated in any such notice to be unreasonable or impracticable he may, within 21 days after service thereof, file in the office of the Magistrate's Court nearest to the place where the accommodation is required to be provided, or, with the consent of the Inspector, in the office of any other Magistrate's Court, a notice of appeal setting out with reasonable particularity the grounds of the appeal and shall at the same time serve a copy of the notice of appeal on the Inspector:

Provided that if the Inspector, acting on the advice of a Medical Officer of Health under the Health Act 1956, states in his notice that the requirements are urgently needed for the protection of the health of any agricultural worker, there shall be no right of appeal.

(4) On the filing of any notice of appeal the Magistrate shall fix a time and date for the hearing of the appeal, and the Registrar shall notify the appellant and the Inspector of the time so fixed.

(5) On the hearing of the appeal the Magistrate may by order confirm, modify, or cancel the notice as he thinks fit, and every such order shall be final and binding on both parties.

45

(6) If the employer, within the time specified in the notice, or, in the case of an appeal, within the time specified in the order of the Magistrate, fails to comply with any such notice or order, he commits an offence against this Act.

5 (7) In any case where an Inspector has, by notice to the employer, required him to do anything or carry out any work that in the opinion of the employer cannot be carried out without making alterations to a building, the employer, if he is not the owner of the building, may, within 21 days after  
10 the notice is served on him, serve a copy thereof on the owner or on the agent of the owner.

(8) If the employer duly serves a copy of the notice on the owner or his agent as aforesaid he shall be entitled to recover in any Court of competent jurisdiction from the owner, as a  
15 debt, such part of the cost of making the alterations as in the opinion of the Court is just and equitable having regard to all the circumstances of the case.

(9) The owner or his agent shall have the right at any time within 21 days after the copy of the notice is served on him as  
20 provided in subsection (7) of this section to appeal to a Magistrate against the notice and the provisions of subsection (3) of this section shall apply accordingly.

Cf. 1962, No. 137, s. 12

**47. Damage by workers**—(1) If any agricultural worker  
25 negligently causes or suffers any damage to be done to any accommodation, utensils, appliances, furniture, fittings or other requisites provided under this Act he commits an offence against this Act.

(2) On the conviction of any person for an offence against  
30 this section the Court may order that the person convicted shall pay, by way of compensation to the person whose property is damaged, such sum of money as the Court thinks fit.

Cf. 1962, No. 137, s. 13

35 **48. Accommodation to be kept clean**—(1) Every worker shall keep the rooms occupied by him and the surroundings clean and free of all rubbish and, if he fails to do so, the employer may employ some other person to do the work, and may deduct the cost of such work from any money due to or  
40 accruing due to the worker occupying the rooms.

(2) The employer shall ensure that the accommodation and the surroundings of the accommodation are clean and free of all rubbish before occupation by agricultural workers.

Cf. 1962, No. 137, s. 14

**49. Safety and health of workers—**(1) Every employer shall take all reasonable precautions for the safety and health of workers employed by him and other persons lawfully on his land or premises. 5

(2) Every employer shall take all reasonable precautions to ensure that no worker employed by him undertakes any work without being adequately instructed as to the dangers likely to arise in connection with it and the precautions to be taken against them, or unless either he is a person with a sufficient knowledge and experience of the work or he is being adequately supervised by such a person. 10 15

(3) Without limiting the generality of subsection (1) of this section, if, in the opinion of the Medical Officer of Health, the noise arising from any process or activity carried out by an agricultural worker, or by his employer or a person acting at the request or under the direction of his employer, is likely to impair the hearing of that worker, the employer shall take all practicable steps so to reduce the noise that it is no longer likely to do so, either by controlling it at source or by isolating or insulating the process or activity; and until the noise is so reduced, or if in the opinion of an Inspector it is impracticable so to reduce it, he shall provide every worker employed by him who is exposed to the noise with a personal ear protection device of a type approved by the Director-General of Health. 20 25

(4) Without limiting the generality of subsection (1) of this section, every employer shall provide for workers engaged in any process or activity that involves a risk of bodily injury to them, or a danger to their health, from flying particles or fragments, or from falling objects, or from corrosive, irritant, toxic, or explosive substances, or from harmful radiation, or from any similar cause, such protective clothing and equipment as may be necessary to protect them from that risk or danger. 30 35

(5) Every employer shall take all reasonable steps to ensure that workers employed by him use the ear protection devices, protective clothing, and protective equipment provided by him in the circumstances in which they are required 40

to be provided; and every worker shall in those circumstances use the ear protection device, protective clothing, or protective equipment, as the case may be, provided for him.

(6) Every person who acts in contravention of or fails to  
5 comply with the requirements of this section commits an offence, and shall be liable on summary conviction to a fine not exceeding \$2,000 and, where the offence is a continuing one, to a further fine not exceeding \$400 for every day on which the offence has continued.

10 Cf. 1962, No. 137, s. 23 (1) (b)

## PART VI

### GENERAL PROVISIONS AS TO EMPLOYMENT

**50. Restricting employment of children—**(1) No child under the age of 15 years shall—

15 (a) Be employed in any of the classes of work performed by an agricultural worker during such times as the child is required to attend school pursuant to section 109 of the Education Act 1964:

20 (b) Be required to lift any weights, or to perform any task, likely to be injurious to his health while employed in any of those classes of work; and if any dispute arises as to whether the lifting of any weight, or the performance of any task, is likely to be injurious to the health of the child the opinion of the Medical  
25 Officer of Health shall be obtained and his decision accepted:

(c) Work more than 8 hours in any of those classes of work in any one day.

(2) Every person who employs any child in contravention  
30 of any of the provisions of this section commits an offence against this Act.

Cf. 1962, No. 137, s. 23

**51. Permit to work for less than minimum wage—**(1) If  
35 any agricultural worker satisfies an Inspector that he is incapable of earning wages at the appropriate minimum rate for the time being prescribed under any award, the Inspector may from time to time grant him a permit to accept wages at such lower rate as may be specified in the permit.

(2) A permit granted to any agricultural worker under this  
40 section shall continue in force for the period specified in the permit, and while it continues in force the rate of wages

prescribed in the permit shall be deemed to be the minimum rate of wages prescribed under the award relating to that worker.

(3) Notwithstanding that the rate of wages specified in a permit under this section may be less than the minimum rate for the time being prescribed in the Minimum Wage Act 1945, or any Order in Council made pursuant thereto, such permit shall have full effect as if issued under that Act. 5

Cf. 1962, No. 137, s. 24

**52. Payment of wages**—Payment of wages (including wages and allowances payable in respect of holidays) shall be made in full at monthly or at such shorter intervals as may be agreed on by the employer and the worker or as may be prescribed in any award. 10

Cf. 1962, No. 137, s. 26

15

**53. Wages and holiday book**—(1) Subject to subsection (2) of this section, every employer shall at all times keep a record in English (called the wages and holiday book) showing in the case of each agricultural worker (other than a bush worker) employed by him— 20

- (a) The name of the worker:
- (b) His age, if he is under 20 years of age:
- (c) The daily hours worked by the worker if he is not on a weekly wage:
- (d) The days on which he has actually been employed: 25
- (e) The wages paid on each pay day, the date of payment, and the period to which payment relates:
- (f) The days on which he is allowed any holiday:
- (g) The wages paid for each holiday and the date of payment. 30

(2) In respect of any worker employed upon piece work it shall be sufficient if the wages and holiday book shows the following particulars:

- (a) The name of the worker:
- (b) The rate agreed for piece work: 35
- (c) The days upon which or the period during which the worker was employed:
- (d) The wages paid and the date of payment:
- (e) The wages paid for each holiday and the date of payment. 40

(3) The wages and holiday book in use for the time being, and any such book used within the preceding 6 years, shall at all times be open to inspection by an Inspector.

5 Cf. 1962, No. 137, s. 27; 1970, No. 137, s. 6; 1976, No. 63, s. 38 (3) (b)

**54. First aid**—Every employer shall provide and maintain first-aid appliances and requisites to the satisfaction of an Inspector, or, where a standard is prescribed, shall provide and maintain first-aid appliances and requisites of the pre-  
10 scribed standard.

Cf. 1962, No. 137, s. 28

## PART VII

### MISCELLANEOUS PROVISIONS

**55. Offences generally**—(1) Every person who acts in  
15 contravention of or fails to comply with the requirements of this Act (other than Part IV) commits an offence.

(2) Every person who commits an offence under this Act (other than Part IV) for which no penalty is provided other than in this subsection shall be liable on summary conviction  
20 to a fine not exceeding \$500 and, where the offence is a continuing one, to a further fine not exceeding \$50 for every day on which the offence has continued.

Cf. 1962, No. 137, s. 29

**56. Provisions as to procedure**—(1) Subject to section 40  
25 of this Act, all proceedings in respect of offences against this Act or against any regulations made under this Act shall be taken in a summary way.

(2) All such proceedings as aforesaid shall be taken only on the information of an Inspector.

30 (3) An Inspector who lays an information in respect of any offence under this Act shall not be called on to prove that he is an Inspector. Any such information may be proceeded with and conducted by the same or any other Inspector or by any person permitted by the Magistrate to conduct  
35 the same.

Cf. 1962, No. 137, s. 30



**57. Regulations**—The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Prescribing minimum standards for the design, construction, and situation of accommodation required to be provided for agricultural workers under this Act: 5
- (b) Prescribing the amenities, being any articles or facilities that are likely to contribute to the health, comfort, or welfare of agricultural workers, to be provided in or in connection with such accommodation, and minimum standards for such amenities: 10
- (c) The cleansing, disinfection, fumigation, and maintenance of such accommodation: 15
- (d) Providing for the safety, health, and welfare of persons employed in any of the classes of work performed by agricultural workers: 15
- (e) Prescribing forms required for the purposes of this Act: 20
- (f) Prescribing fines not exceeding \$500 for the breach of any regulation made under this Act: 20
- (g) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof.

Cf. 1962, No. 137, s. 31

**58. Repeals, consequential amendments, and savings**— 25

(1) The following enactments are hereby consequentially repealed:

- (a) The Agricultural Workers Act 1962:
- (b) So much of the First Schedule to the Age of Majority Act 1970 as relates to the Agricultural Workers Act 1962: 30
- (c) Section 38 (3) of the Industrial Relations Amendment Act (No. 2) 1976.

(2) The First Schedule to the Labour Department Act 1954 (as substituted by section 3 (1) of the Labour Department Amendment Act 1970) is hereby consequentially amended by omitting the expression “The Agricultural Workers Act 1962”, and substituting the expression “The Agricultural Workers Act 1977”. 35

(3) Every Order in Council under Part III of the Agricultural Workers Act 1962 that was in force immediately before the commencement of this Act shall continue in force as if it were an award under this Act, and may be amended or replaced accordingly. 40

SCHEDULE

Section 12 (1)

Class of Agricultural Work	Employers' Organisation	Workers' Organisation
Employment on farms principally to milk, and to carry out dairy husbandry on, a dairy herd in commercial production.	New Zealand Dairy Farmers' Industrial Union of Employers.	New Zealand Farm Workers' Association Incorporated.
Employment on farms and stations substantially used for the commercial production of meat or wool.	New Zealand Sheep-owners' Industrial Union of Employers.	New Zealand Farm Workers' Association Incorporated.
Employment on farms and stations substantially used for the production of grain, seed, or herbage.	New Zealand Agricultural & Related Farmers' Industrial Union of Employers.	New Zealand Farm Workers' Association Incorporated.
Employment in market gardens (including market gardens where soft fruit is produced).	New Zealand Vegetable and Produce Growers Industrial Union of Employers.	New Zealand Labourers, General Workers' and Related Trades Industrial Union of Workers.
Employment in vineyards, orchards, and fruit packing co-operatives on orchards.	New Zealand Fruit-growers Industrial Union of Employers.	New Zealand Workers' Industrial Union of Workers.
Employment on tobacco plantations.	New Zealand Tobacco Growers' Federation Incorporated.	New Zealand Workers' Industrial Union of Workers.