

1978/233



## THE AGRICULTURAL WORKERS REGULATIONS 1978

KEITH HOLYOAKE, Governor-General

### ORDER IN COUNCIL

At the Government House at Wellington this 21st day of August 1978

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Agricultural Workers Act 1977, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

#### ANALYSIS

- |  |   |
|--|---|
| 1. Title and commencement  | 7. Leave to appear before Tribunal        |
| 2. Interpretation  | 8. Interpretation of awards               |
| 3. Certificate of appointment  | 9. Award proceedings                      |
| 4. Application for declaration that class of work is recognised category | 10. Personal grievances                   |
| 5. Application to be heard   | 11. Action for recovery of wages          |
| 6. Applications for registration   | 12. Under-rate worker's permit            |
|  | 13. Appeals against requisitions Schedule |

#### REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Agricultural Workers Regulations 1978.

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

**2. Interpretation**—In these regulations, unless the context otherwise requires,—

(a) "The Act" means the Agricultural Workers Act 1977;

(b) A reference to a numbered form is a reference to the form so numbered in the Schedule to these regulations.

**3. Certificate of appointment**—A certificate of appointment as an inspector under the Act shall be in form A.1.

**4. Application for declaration that class of work is recognised category**—Applications to the President for declarations that particular classes of agricultural work are recognised categories shall be in form A.2.

**5. Application to be heard**—Applications by organisations (other than agricultural organisations) or persons to appear and be heard at the hearings of applications for declarations that particular classes of work are recognised categories shall be in form A.3.

**6. Applications for registration**—(1) Applications under section 13 (1) of the Act for registration shall be in form A.4.

(2) Certificates of registration under section 14 of the Act shall be in form A.5.

**7. Leave to appear before Tribunal**—Applications to the Tribunal for leave to appear or be represented in any proceedings before the Tribunal shall be in form A.6.

**8. Interpretation of awards**—(1) Reference of an unsettled dispute over the interpretation of an award to the Arbitration Court by the Chairman of a disputes committee shall be in form A.7.

(2) Every written notice of appeal lodged with the Arbitration Court under section 29 (d) (ii) of the Act shall be in form A.8.

**9. Award proceedings**—Every application to the Tribunal for a dispute to be heard shall be in form A.9.

**10. Personal grievances**—Every reference to the Arbitration Court of an unsettled personal grievance shall be in form A.10.

**11. Action for recovery of wages**—(1) An action in the Arbitration Court to recover arrears of wages or other money payable under an award made by the Tribunal shall be commenced by filing with the Registrar a statement of claim in form A.11 signed by the plaintiff or his solicitor.

(2) The Registrar shall send to each defendant a notice in form A.12 to which there shall be annexed a copy of the statement of claim in the action.

(3) When a date has been fixed for the hearing of the action, the Registrar shall send to each defendant a further notice in form A.13.

**12. Under-rate worker's permit**—An application for a permit under section 46 of the Act shall be in form A.14; and the permit, if issued, shall be in form A.15.

**13. Appeals against requisitions**—The notice of appeal against a requisition by an Inspector to comply with the accommodation provisions of the Act shall be in form A.16.

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## SCHEDULE

Reg. 3

### Form A. 1

#### Agricultural Workers Act 1977

##### *Certificate of Appointment of Inspector*

I do hereby certify that.....is an Inspector for the purposes of the Agricultural Workers Act 1977 duly appointed under the State Services Act 1962.

.....  
Secretary of Labour.

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SCHEDULE—*continued*

## Form A. 2

Reg. 4

**Agricultural Workers Act 1977***Application to President of Agricultural Tribunal for Declaration of a Recognised Category*

To the President of the Agricultural Tribunal.  
The [Full name of organisation], being a body corporate and being an organisation of (employers of) agricultural workers, hereby applies for a declaration that the class of agricultural work described in the Appendix attached hereto is a recognised category.

Dated this ..... day of ..... 19.....

Signature:

Office in Organisation:  
  
\_\_\_\_\_

## Form A. 3

Reg. 5

**Agricultural Workers Act 1977***Application to Appear and be Heard at an Application for Declaration of a Recognised Category*

To the President of the Agricultural Tribunal.  
The [Full name of organisation or person] hereby applies to appear at the hearing of the application by the [Full name of applicant organisation] lodged with you on [Date]. A written statement setting out in detail the reasons for this application is attached.

Dated this ..... day of ..... 19.....

Signature:.....

Office (where appropriate):.....  
  
\_\_\_\_\_

## Form A. 4

Reg. 6

**Agricultural Workers Act 1977***Application for Registration as Representative Organisation for Recognised Category*

To the Registrar of the Agricultural Tribunal.  
The [Full name of organisation] hereby applies for registration as the workers'/employers' organisation in respect of the [Designation] recognised category.

We enclose herewith—

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

Dated this ..... day of ..... 19.....

(To be signed by two or more members):.....  
  
\_\_\_\_\_

SCHEDULE—continued

Form A. 5

Agricultural Workers Act 1977

Reg. 6 (2)

Certificate of Registration

No.....

This is to certify that on the.....day of.....19..... the [Full name of organisation] was duly registered as the workers'/ employers' organisation in respect of the [Designation] recognised category.

Dated at Wellington this ..... day of ..... 19.....

Registrar of the Agricultural Tribunal.

Form A. 6

Agricultural Workers Act 1977

Reg. 7

Application to be Heard at Proceedings of Tribunal

To the Registrar of the Agricultural Tribunal.

I, [Full name] of [Full address] consider that I am justly entitled to be heard at the proceedings of the Agricultural Tribunal hereinafter described and hereby apply for leave to appear/to be represented at those proceedings for the reasons set out in the statement annexed hereto.

Dated this ..... day of ..... 19.....

(Signature)

Form A. 7

Agricultural Workers Act 1977

Reg. 8 (1)

Application to Arbitration Court for Interpretation of Award

In the matter of the Agricultural Workers Act 1977; and in the matter of a question connected with [State award concerned]. To the Registrar of the Arbitration Court.

I [State full name], being a chairman of a committee duly constituted under section 29 (a) of the Agricultural Workers Act 1977, hereby apply to the Court, pursuant to section 29 (b) (ii) of that Act, for a decision on the following dispute:

(1) The provisions of the award to which the dispute relates are [Set out provisions];

(2) The dispute is [Specify].

Dated this ..... day of ..... 19.....

(Signature of Chairman).

SCHEDULE—*continued*

## Form A. 8

Reg. 8 (2)

**Agricultural Workers Act 1977***Notice of Appeal to Arbitration Court Against Decision of Committee*

To the Registrar of the Arbitration Court.

The [Full name of appellant organisation], being a party to the dispute hereinafter described, hereby appeals to the Arbitration Court against the decision hereinafter specified on the following grounds:

[Set out grounds in detail].

Dated at ..... this ..... day of ..... 19.....

(Signature of person authorised).

## Form A. 9

Reg. 9

**Agricultural Workers Act 1977***Application to Tribunal to Resolve Unsettled Dispute*

To the Registrar of the Agricultural Tribunal.

The [Name of applicant organisation] hereby applies for the dispute between it and [Name of other organisation concerned] relating to the [Designation] recognised category, which has been terminated under section 31 (e) of the Agricultural Workers Act 1977, to be heard by the Agricultural Tribunal.

Attached hereto is a detailed description of the dispute and the claims of the applicant in respect of it.

.....  
(Person authorised to sign).

## Form A. 10

Reg. 10

**Agricultural Workers Act 1977***Reference to Arbitration Court of Unsettled Personal Grievance*

To the Registrar of the Arbitration Court.

The personal grievance between [Name of worker] and [Name of employer], details of which are set out below, which has not been settled pursuant to section 38 of the Agricultural Workers Act 1977, is hereby referred to the Arbitration Court for settlement.

[Set out nature of grievance and facts in consequence of which it is claimed to have arisen]

This reference is made by [Name]

Dated this ..... day of ..... 19.....

Signature: .....

SCHEDULE—*continued*

Form A. 11

Reg. 11 (1)

**Agricultural Workers Act 1977***Statement of Claim for Arrears of Wages*

In the Arbitration Court

Between ....., Plaintiff, and ....., Defendant.

THE Plaintiff claims to recover from the Defendant to the use of [*Name of worker*], an agricultural worker within the meaning of the Agricultural Workers Act 1977 who was employed by the Defendant in a position subject to the ..... Award dated the ..... day of ..... 19..... and recorded in ..... page ....., the sum of [*Amount in words (Amount in figures)*] being arrears of wages owing to the said [*Name of worker*] for the period from the ..... day of ..... 19..... to the ..... day of ..... 19..... computed as shown more particularly in the schedule annexed hereto:

THE PLAINTIFF SAYS

[*Set out particulars of claim*]

WHEREFORE the Plaintiff claims to recover from the Defendant the said sum or such other amount as the Court considers just.

Dated this ..... day of ..... 19.....

(Solicitor for the) Plaintiff.

Form A. 12

Reg. 11 (2)

**Agricultural Workers Act 1977***Notice to Defendant*

In the Arbitration Court

Between ....., Plaintiff, and ....., Defendant.

TAKE NOTICE that the abovenamed Plaintiff has commenced an action against you in this Court to recover the sum of [*Amount in words (Amount in figures)*] to the use of [*Name of worker*] being arrears of wages due to that worker and that a copy of the statement of claim in the action is annexed hereto.

AND FURTHER TAKE NOTICE that the place, date, and time fixed for the hearing of the action will be notified to you in due course and if you wish to defend the said action it will be necessary for you, at least 5 clear days before the date of the hearing, to deliver to the Plaintiff and to the Registrar of the Court a notice of your intention to defend this action. If you fail to give such notice you will not be entitled to defend this action except with the leave of the Court.

Dated this ..... day of ..... 19.....

Registrar.

SCHEDULE—*continued*

## Form A. 13

Reg. 11 (3)

**Agricultural Workers Act 1977**

In the Arbitration Court

Between ..... Plaintiff, and ....., Defendant.

TAKE NOTICE that this action will be heard at ..... on .....  
 the ..... day of ..... 19..... at ..... o'clock in the  
 ..... noon.

Dated this ..... day of ..... 19.....

Registrar.

## Form A. 14

Reg. 12

**Agricultural Workers Act 1977***Application for Under-rate Worker's Permit*To [*The person authorised to issue permit*]

I, [*Name in full, address, occupation*], hereby apply for a permit,  
 under the ..... award dated the ..... day of ..... 19.....,  
 to accept wages as follows, those wages being below the wages prescribed  
 for ordinary workers in the class of work under the award.

I have given notice of this application to the [*Name of registered  
 organisation of workers*].

Particulars.

[*Set out particulars and reasons for application*]

Dated this ..... day of ..... 19.....

Applicant:

## Form A. 15

Reg. 12

**Agricultural Workers Act 1977***Under-rate Worker's Permit*

I HEREBY grant a permit to [*Name in full, address, occupation*] to  
 work for ..... per ..... from the ..... day of .....  
 19..... until and including the ..... day of ..... 19.....,  
 under the ..... award dated ..... 19.....

Inspector.

SCHEDULE—*continued*

Form A. 16

Reg. 13

**Agricultural Workers Act 1977***Notice of Appeal Against Requisition of Inspector*

IN the matter of the Agricultural Workers Act 1977; and in the matter of a requisition by ....., of ....., an Inspector under the said Act, dated the ..... day of ....., 19.....

NOTICE is hereby given that I(we), ....., the employer(s) upon whom the said requisition has been served, consider it to be unreasonable (or impracticable), and desire to appeal against it. The grounds of the appeal are set forth in the attached memorandum marked "A". A true copy of the said requisition is attached hereto, marked "B".

Dated this ..... day of ..... 19.....

To the Registrar of the Magistrate's Court at .....

To [Name of Inspector], Inspector.

.....  
(Signature of Employer).

P. G. MILLEN,  
Clerk of the Executive Council.

## EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations specify the various forms to be used under the Agricultural Workers Act 1977.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 24 August 1978.

These regulations are administered in the Department of Labour.