

1987/226



THE LABOUR RELATIONS REGULATIONS 1987

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 27th day of July 1987

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Labour Relations Act 1987, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Labour Relations Regulations 1987.

(2) These regulations shall come into force on the 1st day of August 1987.

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

“The Act” means the Labour Relations Act 1987:

Expressions defined in the Act have the meanings so defined:

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

PART I

REGISTRATION OF UNIONS AND EMPLOYERS ORGANISATIONS

3. Certificate of registration—Every certificate of registration issued under section 10 or section 20 or section 28 of the Act shall be in form 1.

4. Appeal against registration or refusal to register group of workers as a union—Every appeal to the Court under section 16 of the Act shall be brought by lodging with the Registrar of the Court, within 28 days after the date of the decision to which the appeal relates, a notice of appeal in form 2.

5. Application for voluntary cancellation of registration—Every application made to the Registrar of Unions under section 29 (1) of the Act shall be in form 3.

6. Application form for registration of interest in land on cancellation of registration—Every application made to a District Land Registrar under section 35 (4) of the Act shall be in form 4.

PART II

AFFAIRS OF UNIONS AND EMPLOYERS ORGANISATIONS

7. Appeals in relation to recording of amendments to rules—Every appeal to the Court under section 41 of the Act shall be brought by lodging with the Registrar of the Court, within 28 days after the date of decision to which the appeal relates, a notice of appeal in form 2.

8. Annual return of officers, etc.—(1) An annual return made under section 52 of the Act by a union shall be in form 5.

(2) An annual return of a union may include details of the number of financial members of the union covered by each and every award or agreement negotiated by the union.

(3) An annual return made under section 52 of the Act by an employers organisation shall be in form 6.

(4) An annual return made under section 52 of the Act by an association of unions or an association of employers organisations shall be in form 7.

9. Application for special vote—Every application to a Returning Officer for a special vote in any ballot held by a union under the requirements of the Act, being an application made under clause 1 of the Third Schedule to the Act, shall be in form 8.

PART III

UNION MEMBERSHIP

10. Notice of intention to conduct ballot—Every notice under section 65 of the Act of intention to conduct a union membership ballot shall be in form 9.

11. Application for authority to vote—Every application for authority to vote in a union membership ballot, being an application made

under the rule set out as rule 6 in the Fourth Schedule to the Act, shall be in form 10.

12. Ballot paper—Every ballot paper used in a union membership ballot shall be in form 11.

13. Certificate of ballot—Every certificate showing the result of a union membership ballot and issued under section 67 (1) of the Act shall be in form 12.

14. Application for exemption from union membership—Every application under section 84 (1) of the Act for a certificate of exemption from union membership shall be in form 13.

15. Application fee—(1) The fee required by section 85 of the Act to accompany every application for a certificate of exemption shall be \$110.

(2) The fee prescribed by this regulation is inclusive of goods and services tax under the Goods and Services Tax Act 1985.

16. Notice of appeal against decision of Union Membership Exemption Tribunal—(1) Every appeal under section 97 of the Act shall be instituted by the appellant lodging a notice of appeal in form 2, within 28 days after the date of the decision to which the appeal relates, with—

(a) The Registrar of the Court; and

(b) The Secretary of the Union Membership Exemption Tribunal.

(2) Immediately after the lodging of the notice of appeal, the Registrar of the Court shall serve a copy of the notice of appeal, either personally or by registered post, on every other party to the proceedings before the Union Membership Exemption Tribunal.

(3) Every notice of appeal shall specify—

(a) The decision or the part of the decision appealed from; and

(b) The error of law alleged by the appellant; and

(c) The question of law to be resolved; and

(d) The grounds of the appeal which grounds shall be specified with such reasonable particularity as to give full advice to both the Court and the other parties of the issues involved.

17. Right to appear and be heard on appeals—(1) Any party to the proceedings before the Union Membership Exemption Tribunal who wishes to appear and be heard on the hearing of the appeal shall, within 28 days after the date of the service on that party of a copy of the notice of appeal, give notice of that party's intention to appear and be heard to—

(a) The appellant; and

(b) The Registrar of the Court; and

(c) The Secretary of the Union Membership Exemption Tribunal.

(2) Any party to the proceedings before the Union Membership Exemption Tribunal who gives, under subclause (1) of this regulation, notice of intention to appear and be heard, and the appellant, shall be parties to the appeal and shall be entitled—

(a) To be served with every document which is thereafter filed or lodged with the Registrar of the Court and which relates to the appeal; and

- (b) To receive a notice of the date set down for the hearing of the appeal.

18. Parties to proceedings—(1) For the purposes of regulations 16 and 17 of these regulations, where the decision to which the appeal relates is a decision on an application for a certificate of exemption from union membership, the parties to the proceedings before the Union Membership Exemption Tribunal comprise—

- (a) The applicant;
 - (b) The union to which the applicant would, but for the application, be required to belong;
 - (c) Every union whose secretary or appointee was entitled, by virtue of a determination under section 90 (2) of the Act, to be present and to be heard at the hearing of the application;
 - (d) The central organisation of workers if the secretary or appointee of that organisation was entitled, by virtue of a determination under section 90 (2) of the Act, to be present and to be heard at the hearing of the application.
- (2) For the purposes of regulations 16 and 17 of these regulations, where the decision to which the appeal relates is a determination under section 90 of the Act, the parties to the proceedings before the Union Membership Exemption Tribunal comprise—

- (a) The applicant for the determination;
- (b) The applicant for a certificate of exemption from union membership;
- (c) The central organisation of workers;
- (d) The union to which the applicant for a certificate of exemption from union membership would, but for the application, be required to belong;
- (e) Every other union that has made an application under section 90 of the Act for a determination in respect of the application for a certificate of exemption from union membership.

19. Orders relating to determination of appeals—(1) Subject to subclauses (2) and (3) of this regulation, the Court may, of its own motion or on the application of any party to the appeal, make all or any of the following orders:

- (a) An order directing the Union Membership Exemption Tribunal to lodge with the Registrar of the Court any document or other written material or any tape-recording or any exhibit in the possession or custody of the Union Membership Exemption Tribunal;
- (b) An order directing the Union Membership Exemption Tribunal to lodge with the Registrar of the Court a report recording, in respect of any matter or issue which the Court may specify, any of the findings of fact of the Union Membership Exemption Tribunal which are not set out or fully set out in its decision;
- (c) An order directing the Union Membership Exemption Tribunal, so far as is reasonably practicable, to lodge with the Registrar of the Court a report setting out, in respect of any matter or issue which the Court may specify, any reasons or consideration of the Union Membership Exemption Tribunal to which the Tribunal had regard but which are not set out in its decision.

(2) An application under subclause (1) of this regulation shall be made,—

- (a) In the case of the appellant, within 28 days after the date of the lodging of the notice of appeal; or
- (b) In the case of any other party to the appeal, within 28 days after the date of the service on that party of a copy of the notice of appeal.

(3) The Court may make an order under subclause (1) of this regulation only if it is satisfied that a proper determination of the point of law in issue so requires; and the order may be made subject to such conditions as the Court thinks fit.

20. Dismissal of appeal—The Court may dismiss any appeal under section 97 of the Act—

- (a) If the appellant does not appear at the time appointed for the hearing of the appeal; or
- (b) If the appellant does not prosecute the appeal with all due diligence and any party applies to the Court for the dismissal of the appeal.

21. Appeal in respect of additional point of law—(1) Where any party to an appeal under section 97 of the Act, other than the appellant, wishes to contend at the hearing of the appeal that the decision appealed from is erroneous on a point of law other than those set out in the notice of appeal, that party shall, within 28 days after the date of the service on that party of a copy of the notice of appeal, lodge a notice to that effect with the Registrar of the Court.

(2) Immediately after the lodging of the notice under subclause (1) of this regulation, the Registrar of the Court shall serve a copy of that notice, either personally or by registered post, on every other party to the appeal.

(3) The provisions of regulations 16 (3), 19, 20, 22, and 23 of these regulations shall, as far as they are applicable and with the necessary modifications, apply to any notice lodged under subclause (1) of this regulation as if it were a notice of appeal.

22. Extension of time—A Judge may, in his or her discretion, on the application of the appellant or intending appellant or any other person, extend any time prescribed or allowed under any of the provisions of regulations 16 to 21 of these regulations for the lodging of any notice, application, or other document.

23. Date of hearing—When any party to the appeal notifies the Registrar of the Court—

- (a) That the notice of appeal has been served in accordance with regulation 16 (2) of these regulations and that any notice under regulation 21 (1) of these regulations has been served in accordance with regulation 21 (2) of these regulations; and
- (b) Either—
 - (i) That no application has been lodged under regulation 19 of these regulations and that no order has been made under that regulation; or
 - (ii) That any application lodged under regulation 19 of these regulations has been heard and that any order under that regulation has been complied with,—

the appeal shall be, in all respects, ready for hearing and the Registrar of the Court shall arrange a date for the hearing as soon as is practicable.

24. Determination of appeal—In its determination of the appeal, the Court may do one or more of the following things:

- (a) Confirm, modify, or reverse the decision appealed against or any part of that decision;
- (b) Remit the matter to the Union Membership Exemption Tribunal with the opinion of the Court thereon;
- (c) Make such other order in relation to the matter as it thinks fit.

PART IV

CHANGE OF UNION COVERAGE

25. Ballot paper—Every ballot paper used in a union coverage ballot conducted as required by section 104 of, and the Fifth Schedule to, the Act shall be in form 14.

26. Certificate of result of ballot—Every certificate showing the result of a union coverage ballot and issued under clause 11 of the Fifth Schedule to the Act shall be in form 15.

27. Application for hearing of demarcation dispute—(1) Every application to the Court under section 108 (1) of the Act shall be in form 16.

(2) The application shall include—

- (a) A copy of the membership rule of each union that is a party to the dispute; and
- (b) An accurate description of the work done or to be done by the workers whose union coverage is the subject of the dispute; and
- (c) An accurate description of the substantial nature of the occupation of those workers in terms of each membership rule referred to in paragraph (a) of this subclause; and
- (d) The relevant provisions of any relevant awards or agreements.

PART V

DISPUTED BALLOTS OR ELECTIONS

28. Application for inquiry into ballot or election—Every application to the Court under section 112 of the Act shall be in form 16.

PART VI

NEGOTIATION OF AWARDS AND AGREEMENTS

29. Notice of initiation of negotiations for award or composite award—Every notice submitted to the Chief Mediator under section 134 (1) of the Act by a union party or an employer party for the purpose of initiating negotiations for the making or renewal of an award (including a composite award) shall be in form 17.

30. Notice to employer of separate negotiations—Every notice served on an employer under subsection (1) or subsection (2) of section 135 of the Act shall be in form 18.

31. Notice to Chief Mediator and Commission of separate negotiations—Where a union party serves a notice on an employer under subsection (1) or subsection (2) of section 135 of the Act, it shall, in addition to forthwith serving a copy of that notice on the original parties

to the proposed award in accordance with section 135 (3) of the Act, forthwith send a copy of that notice to the Chief Mediator and to the Commission.

32. Application for exemption from award—Every application made to the Court under section 152 (2) of the Act for exemption from an award shall be in form 16.

33. Submission of voluntary settlements to Commission—Every voluntary settlement arrived at under section 164 or section 166 of the Act—

- (a) Shall be signed by every party to it or by their authorised agent; and
- (b) Shall be dated; and
- (c) Shall include a clause describing the category (or categories) of workers and locality (or localities) to which it applies; and
- (d) Shall have an appropriate title describing the settlement.

34. Reference of unsettled dispute to Commission—Every agreement in writing entered into for the purposes of section 164 (3) or section 166 (3) of the Act—

- (a) Shall be signed by all the parties to it or by their authorised agent; and
- (b) Shall specify—
 - (i) All the issues being referred to the Commission by the parties to that agreement; and
 - (ii) The final position reached on each of those issues by the parties to the agreement.

35. Registration of conciliated settlements, agreements, redundancy agreements, and amendments to awards or agreements—Every conciliated settlement or agreement registered by the Commission under section 146 (3) or section 164 (5) or section 166 (5) of the Act and every redundancy agreement registered by the Commission under section 184 (2) of the Act and every amendment or agreement registered by the Commission under section 176 or section 181 or section 182 of the Act shall be—

- (a) Dated; and
- (b) Sealed with the seal of the Commission; and
- (c) Signed by a Commissioner.

36. Under-rate workers—(1) Every certificate given by a union for the purposes of section 177 (5) of the Act shall be in form 19.

(2) The union shall effect notification under section 177 (7) of the Act by sending a copy of the certificate in form 19 to the Secretary of Labour.

37. Application to Court on new matter—(1) Every application to the Court under section 178 of the Act shall be in form 16.

(2) The application shall include, in addition to the matters specified in section 179 of the Act,—

- (a) Details of the applicable existing award or agreement; and
- (b) A copy of every clause of the applicable existing award or agreement that deals with or refers, in any way or to any extent, to the subject-matter of the application.

PART VII

DISPUTES ABOUT, AND ENFORCEMENT OF, AWARDS AND AGREEMENTS

38. Appeal against decision of disputes committee—Every notice of appeal lodged under clause 6 of the Sixth Schedule to the Act or under procedures provided pursuant to section 187 (1) of the Act shall be in form 2.

39. Reference to Court of unsettled dispute of rights—Every reference to the Court under section 189 of the Act of an unsettled dispute of rights shall be in form 16.

40. Application to Court to determine validity of award or agreement—Every application to the Court under section 193 of the Act to determine the validity of an award or agreement or of any provision of an award or agreement shall be in form 16.

41. Action for recovery of wages or other money or penalty—(1) Every action—

- (a) Brought pursuant to section 198 of the Act to recover wages or other money payable by an employer; or
- (b) Brought pursuant to section 201 of the Act to recover a penalty; or
- (c) Brought pursuant to both sections 198 and 201 of the Act to recover both wages or other money payable by an employer and a penalty,—

shall be commenced by filing with the Registrar of the Court a statement of claim in form 16 and a notice in form 20.

(2) The statement of claim shall include—

- (a) Details of the relevant award or agreement; and
- (b) Full details of the breach including the date or period of the breach; and
- (c) The amount of the wages or other money claimed or the amount of the penalty, as the case may require; and
- (d) Where appropriate, the way in which that amount is calculated.

(3) The Registrar shall send to each defendant—

- (a) A notice in form 20; and
- (b) A copy of the statement of claim in the action.

42. Notice of intention to defend—(1) A defendant who intends to defend an action brought pursuant to section 198 or section 201 of the Act or to both of those sections,—

- (a) Shall, within 10 clear days after the date of service of the statement of claim, file with the Registrar of the Court a notice of his or her intention to defend the action; and
- (b) Shall, without delay, forward one copy of his or her notice of intention to defend to the plaintiff.

(2) If a defendant to an action brought pursuant to section 198 or section 201 of the Act or to both of those sections fails to give notice of intention to defend within the time limited by subclause (1) of this regulation, that defendant may defend the action only with the leave of the Court.

43. Proceedings for compliance order—Proceedings for a compliance order under section 207 of the Act may be commenced by filing with the Registrar of the Court a statement of claim in form 16.

44. Certificate of judgment—When judgment is given in any action brought under the Act, the certificate under section 205 of the Act that specifies the amount payable under the judgment shall be in form 21.

PART VIII

PERSONAL GRIEVANCES

45. Appeal against decision of grievance committee—Every notice of appeal lodged under clause 15 of the Seventh Schedule to the Act or under procedures provided pursuant to section 215 (1) of the Act shall be in form 2.

46. Application to Court for hearing and determination of personal grievance—Every application under section 218 (1) of the Act for the hearing and determination of a personal grievance shall be in form 16.

47. Reference to Court of personal grievance—A reference to the Court of an alleged personal grievance under section 219 (1) of the Act or of an unsettled personal grievance under clause 11 of the Seventh Schedule to the Act shall be in form 16.

PART IX

STRIKES AND LOCKOUTS

48. Appeal against suspension of non-striking workers—Every notice of appeal lodged under section 240 (3) (b) of the Act shall be in form 2.

49. Action founded on tort—(1) An action pursuant to section 242 of the Act shall be commenced by filing with the Registrar of the Court a statement of claim in form 16.

(2) The plaintiff shall, without delay, serve a copy of the statement of claim on every other party to the proceedings in accordance with regulation 65 (2) of these regulations.

50. Injunctions—(1) Subject to subclause (2) of this regulation, proceedings pursuant to section 243 of the Act shall be commenced by filing with the Registrar of the Court a statement of claim in form 16.

(2) Where the grant of an interim injunction is sought in proceedings brought under section 243 of the Act, the application for the interim injunction shall be in form 22.

(3) Except where the Court otherwise directs, the plaintiff shall serve a copy of the statement of claim by which the proceedings pursuant to section 243 of the Act are commenced and a copy of every application for an interim injunction on every other party to the proceedings in accordance with regulation 65 (2) of these regulations.

51. Notice of opposition—(1) A party who has been served with an application in form 16 and who intends to oppose that application—

- (a) Shall file with the Registrar of the Court, not later than 1 p.m. on the last working day preceding the day of hearing, a notice of opposition; and
- (b) Shall, without delay, serve a copy of the notice of opposition on the applicant and on all other parties affected by the application.
- (2) The notice of opposition shall state—
 - (a) The party's intention to oppose the application; and
 - (b) The grounds of opposition and any facts, statutory provision, regulation, rule or principle of law on which the party relies.
- (3) If a party who has been served with an application in form 16 fails to give notice of opposition within the time limited by subclause (1) (a) of this regulation, that party may oppose the application only with the leave of the Court.

PART X

INSTITUTIONS

Arbitration Commission

52. Notice of hearing—The Chief Executive Officer of the Commission shall give at least 7 clear days notice to the parties concerned of the sitting of the Commission to deal with any matter referred to it, unless the parties agree on a shorter period of notice.

53. Witness summons—(1) A summons issued under section 272 (4) of the Act (being a summons to a person to appear and give evidence before the Commission) shall be in form 23.

(2) The summons shall be in triplicate in respect of each witness to be summonsed.

(3) Each copy need contain only the name, address, and occupation of the witness on whom it is to be served.

(4) The Chief Executive Officer of the Commission shall sign the summonses and shall seal them with the seal of the Commission, retaining 1 summons and issuing the others to the applicant for the summons.

(5) Service shall be effected in accordance with regulation 65 (2) of these regulations.

54. Witnesses' allowances—(1) On each occasion on which the Chief Executive Officer issues a summons under section 272 (4) of the Act, the Chief Executive Officer shall fix an amount which, on the service of the summons, or at some other reasonable time before the date on which the witness is required to attend, shall be paid or tendered to the witness.

(2) The amount fixed under subclause (1) of this regulation shall be the estimated amount of the allowances and travelling expenses to which, in the opinion of the Chief Executive Officer, the witness will be entitled according to the scales for the time being prescribed by regulations made under the Summary Proceedings Act 1957 if the witness attends at the time and place specified in the summons.

(3) No witness shall be obliged to comply with a summons issued under section 272 (4) of the Act unless the amount fixed under subclause (1) of this regulation is paid or tendered to the witness in accordance with that subclause.

Labour Court

55. Statement of defence—(1) This regulation applies to any proceedings commenced in the Labour Court by the filing of a statement of claim in form 16.

(2) The defendant in any proceedings to which this regulation applies may, whether or not a notice of intention to defend has been filed by the defendant, file in the Labour Court and serve on the plaintiff a statement of defence at any time before the hearing.

(3) The Court may order a defendant to pay any costs properly incurred in consequence of any delay in filing a statement of defence, and may adjourn the proceedings on such terms as it thinks fit.

(4) A Judge, of his or her own motion, or the Registrar of the Court, may, if the plaintiff in any proceedings to which this regulation applies so requests, direct a defendant to file in the Labour Court and serve on the plaintiff, within a specified time, a statement of defence.

(5) Any statement of defence filed pursuant to a direction under subclause (4) of this regulation shall be filed before the hearing.

(6) The statement of defence—

(a) Shall be in form 16; and

(b) Shall either admit or deny the allegations of fact in the statement of claim so far as those allegations affect the defendant; and

(c) Shall, where the defendant has a positive argument in defence, state that argument; and

(d) Shall give such particulars of time, place, amounts, names of persons, nature and dates of instruments and other circumstances as may suffice to inform the Court, the plaintiff, and any other parties of the defendant's defence.

56. Failure by defendant to appear, etc.—Where the defendant fails to comply with regulation 42 or regulation 51 or a direction under regulation 55 (4) of these regulations, the defendant shall be entitled to defend the proceedings only with the leave of the Court.

57. Application for review—(1) An application to the Court for review pursuant to section 280 of the Act shall be made by statement of claim in form 16.

(2) The statement of claim shall—

(a) State the facts on which the applicant bases his or her claim to relief; and

(b) State the grounds on which the applicant seeks relief; and

(c) State the relief sought.

(3) The person or body whose act or omission is the subject-matter of the application for review, and every party to the proceedings in which any decision to which the application relates was made, shall be cited as a respondent.

(4) Subject to any direction by the Court, every respondent to the application for review shall file a statement of defence in form 16 to the statement of claim within 28 days after the date of receiving the statement of claim.

(5) The statement of defence shall contain the matters specified in regulation 55 (6) of these regulations.

58. Appeal against decision of District Court Judge—Every appeal to the Court under section 292 (6) of the Act shall be brought by filing with the Registrar of the Court, within 28 days after the date of the decision to which the appeal relates, a notice of appeal in form 2.

59. Notice of hearing—(1) Subject to subclause (2) of this regulation, the Registrar of the Court shall give at least 7 clear days notice in form 24 to the parties concerned of the sitting of the Court to deal with any matter referred to it, unless the parties agree on a shorter period of notice.

(2) Where the Court is required by section 246 (2) or section 296 of the Act to accord urgency to a matter, the Registrar shall give the parties such notice of the sitting of the Court as a Judge shall direct.

60. Originating documents—(1) Every application, statement of claim, notice of appeal, or other originating document filed with the Registrar of the Court shall contain at its foot a memorandum stating by whom the document has been filed, and, if filed on behalf of any person other than the person filing it or on behalf of any union or other organisation, the name of that person, union, or organisation.

(2) The memorandum shall also state a place in New Zealand, to be called the address for service, where notices in respect of the matter may be served on the applicant.

(3) Any party may change his, her, or its address for service by—

(a) Filing with the Registrar of the Court a notice of the change showing the new address for service; and

(b) Serving a copy of the notice on the other party.

(4) Every memorandum or notice giving an address for service shall set out a sufficient address for service which shall be the full postal address or a post office box.

61. Witness summons—(1) A summons issued under section 303 (2) (a) of the Act (being a summons to a person to appear and give evidence before the Court) shall be in form 23.

(2) The summons shall be in triplicate in respect of each witness to be summonsed.

(3) Each copy need contain only the name, address, and occupation of the witness on whom it is to be served.

(4) The Registrar of the Court shall sign both summonses and each copy, and shall seal them with the seal of the Court, retaining 1 summons and issuing the others to the applicant for the summons.

(5) Service shall be effected in accordance with regulation 65 (2) of these regulations.

62. Witnesses' allowances—(1) On each occasion on which the Registrar of the Court issues a summons under section 303 (2) (a) of the Act, the Registrar of the Court shall fix an amount which, on the service of the summons, or at some other reasonable time before the date on which the witness is required to attend, shall be paid or tendered to the witness.

(2) The amount fixed under subclause (1) of this regulation shall be the estimated amount of the allowances and travelling expenses to which, in the opinion of the Registrar of the Court, the witness will be entitled according to the scale for the time being in force with respect to witnesses

under the District Courts Act 1947 if the witness attends at the time and place specified in the summons.

(3) No witness shall be obliged to comply with a summons issued under section 303 (2) (a) of the Act unless the amount fixed under subclause (1) of this regulation is paid or tendered to the witness in accordance with that subclause.

63. Place of filing documents—(1) Every application, statement of claim, notice of appeal, or other originating document shall be filed as follows:

- (a) Where the cause of action or matter arose in the Northern Labour District, in the office of the Court at Auckland:
- (b) Where the cause of action or matter arose in the Taranaki, Wellington, Nelson, or Marlborough Labour Districts, in the office of the Court at Wellington:
- (c) Where the cause of action or matter arose in the Canterbury, Westland, or Otago and Southland Labour Districts, in the office of the Court at Christchurch:
- (d) In any other case, in the office of the Court at Wellington.

(2) A Judge of his or her motion, or upon application, may, at any time before the issue of a notice of hearing in form 24 pursuant to regulation 59 of these regulations, direct transfer of any proceedings from any office of the Court to any other office of the Court.

(3) The notice to defendant in form 20 shall specify the office of the Court in which any notice of intention to defend or statement of defence shall be filed, which office shall be—

- (a) The office in which the originating document in the proceedings was filed; or
 - (b) If those proceedings have been transferred pursuant to subclause (2) of this regulation, the office to which they have been transferred.
- (4) The filing of a document in the wrong office of the Court shall not invalidate any proceedings or document.

(5) Notwithstanding anything in subclause (1) of this regulation,—

- (a) Until an office of the Court is established at Auckland, all documents required to be filed in that office shall be filed in the office of the Court at Wellington; and
- (b) Until an office of the Court is established at Christchurch, all documents required to be filed in that office shall be filed in the office of the Court at Wellington.

64. Application to Court for rehearing—An application under section 302 of the Act for a rehearing of a proceeding shall be in form 16.

65. Service of notices and documents—(1) Except where the Act or these regulations otherwise provides or a Judge otherwise orders, every notice or other document required to be served under the Act or these regulations shall be served by the Registrar of the Court.

(2) Except where an Act or these regulations prescribes a particular or exclusive mode of service, service of a notice or other document required to be served by the Act or these regulations may be effected—

- (a) By leaving the notice or document with the person to be served, or, if that person does not accept it, by putting it down in that person's presence and bringing it to that person's notice; or
- (b) Where the person to be served has given an address for service, by leaving the notice or document at that address at any time between 9 a.m. and 5 p.m.:
- (c) By sending it by registered post to the last known residence or place of business of the person, or to the registered office of the union or organisation, upon whom or upon which service is to be effected; or
- (d) In such other manner as a Judge directs.

66. Appeals—Every appeal filed with the Registrar of the Court shall be accompanied by a copy of the decision appealed from.

67. Cases not provided for—Subject to section 307 of the Act, if any case arises in the Court or the Arbitration Commission under the Act or these regulations for which no form or procedure has been provided, the Court or the Commission shall dispose of the case as nearly as may be in accordance with these regulations so far as they provide for any similar case, or, if there is no such similar case provided for, then in such manner as the Court or Commission thinks best calculated to promote the ends of justice.

PART XI

MISCELLANEOUS PROVISIONS

68. Register of accidents—(1) The register of accidents to be kept under section 322 of the Act by every employer bound by an award or agreement shall be in form 25.

(2) Notwithstanding anything in subclause (1) of this regulation, where the employer keeps a record of accidents in accordance with section 94 of the Accident Compensation Act 1982, the register of accidents required to be kept under section 322 of the Labour Relations Act 1987 shall be kept in the same form as that record.

69. Record of work stoppages—The record of strikes and lockouts to be kept under section 323 of the Act by every employer in respect of that employer's workers shall be in form 26.

SCHEDULE

FORMS

- Form 1—Certificate of registration
 - Form 2—Notice of appeal to Labour Court
 - Form 3—Application for voluntary cancellation of registration
 - Form 4—Application to District Land Registrar
 - Form 5—Annual Return of Union
 - Form 6—Annual Return of Employers Organisation
 - Form 7—Annual Return of Association of Unions (*or* Employers Organisations)
 - Form 8—Application for special vote in ballot
 - Form 9—Notice of intention to conduct ballot on insertion of union membership clause
 - Form 10—Application for authority to vote in union membership ballot
 - Form 11—Union membership ballot paper
 - Form 12—Certificate of result of union membership ballot
 - Form 13—Application for exemption from union membership
 - Form 14—Union coverage ballot paper
 - Form 15—Certificate of result of union coverage ballot
 - Form 16—General form of application, reference, statement of claim, statement of defence, etc.
 - Form 17—Notice initiating negotiations for making (*or* renewal) of award or composite award
 - Form 18—Notice to employer of separate negotiations for an agreement
 - Form 19—Certificate in respect of under-rate worker
 - Form 20—Notice to defendant
 - Form 21—Certificate of judgment of Labour Court
 - Form 22—Notice of application for interim injunction
 - Form 23—Summons to witness
 - Form 24—Notice of hearing in Labour Court
 - Form 25—Register of accidents
 - Form 26—Record of work stoppages
-

SCHEDULE

Sections 10 (4), 20 (2), 28

FORMS

Form 1

Reg. 3

Under the Labour Relations Act 1987

Registration

No.

CERTIFICATE OF REGISTRATION

THIS is to certify that on the day of 19..... the
..... was duly registered and incorporated as under the
name of

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

.....

Registrar of Unions.

SCHEDULE—continued

Form 2

Regs. 4, 7, 16, 38, 45, 48, 58, 66

Under the Labour Relations Act 1987

NOTICE OF APPEAL TO LABOUR COURT

In the Labour Court
 Registry

Under section [*Specify statutory provision under which appeal is brought*]

In the matter of a determination of [*Specify person, body, tribunal, etc., from which appeal brought and, where appropriate, give date of determination*]

Between [*Full name*] of [*Address*], [*Occupation or designation*], Appellant

And [*Full name*] of [*Address*], [*Occupation or designation*], Respondent

TAKE notice that the appellant intends to appeal to the Labour Court against [*Give particulars of the determination or part of the determination appealed from*].

A copy of the determination is attached to this notice. The appeal is brought on the following grounds: [*Specify fully the grounds of appeal, error of law, question of law, etc., including references to the sections of the Act or the regulations relied upon*].

The appellant seeks [*Specify fully the relief sought*].

Dated at this day of 19.....

.....
 Signature of appellant (or seal—in accordance with rules)

This notice of appeal is filed by the abovenamed appellant in person. The address for service of the abovenamed appellant is

OR

This notice of appeal is filed by A.B., solicitor for the abovenamed appellant, of the firm X.Y.Z. The address for service of the abovenamed appellant is

SCHEDULE—continued

Section 29 (1)

Form 3

Reg. 5

Under the Labour Relations Act 1987

APPLICATION FOR VOLUNTARY CANCELLATION OF REGISTRATION

The Registrar of Unions
Department of Labour
Private Bag
Wellington

THE [*Registered name of union or employers organisation or association*] hereby applies for the cancellation of its registration under the Labour Relations Act 1987.

Enclosed herewith are:

- (a) The certificate of registration:
- (b) Evidence that the decision to apply for cancellation of the registration has been made in accordance with the appropriate rules.

Dated at this day of 19.....

.....

[*To be signed or sealed in accordance with the rules of the union or employers organisation or association*]

—

SCHEDULE—continued

Section 35 (4)

Form 4

Reg. 6

Under the Labour Relations Act 1987

APPLICATION TO DISTRICT LAND REGISTRAR

To the District Land Registrar
..... Land Registration District

WHEREAS on the cancellation of the registration of the [State name of union or organisation], its assets have been the subject of a direction of a Judge of the Labour Court which became final on [Specify the exact date]:

And whereas, pursuant to section 35 (4) of the Labour Relations Act 1987, the estate or interest in the land described in the Schedule to this application was vested, without transfer, conveyance, or assignment in [Insert full name, address, and occupation or status], now, I, the said [Insert full name as used above], DO HEREBY APPLY to be registered under the Land Transfer Act 1952 as the proprietor of the estate or interest in the land described in the Schedule to this application, and vested in me by the said direction.

SCHEDULE

Estate or interest	Area	Lot, D.P., or other legal description	Certificate of title
--------------------	------	---------------------------------------	----------------------

Subject to:

Dated at this day of 19.....

Signed by the above-named, [Insert full name], as applicant, in the presence of—

}
Signature of Applicant

Witness:
Address:
Occupation:

SCHEDULE—*continued*

Form 4—*continued*

(A Solicitor, Justice of the Peace, or other witness acceptable for the purposes of the Land Transfer Act 1952. Delete this form of execution if not in accordance with rules of union or organisation).

The Common Seal of the above-named [*Insert full name of union or organisation*], as applicant, was affixed in the presence of:

}
}

Witness:
Address:
Occupation:

SCHEDULE—continued

Section 52

Form 5

Reg. 8 (1), (2)

Under the Labour Relations Act 1987

Registration No.

ANNUAL RETURN OF UNION

The Registrar of Unions
Department of Labour
Private Bag
Wellington

Name of union:

Return in respect of year ended 31 March 19.....

OFFICERS AND AUDITOR OF UNION

	Full Name (Use Block Letters)	Address	Occupation
President:			
Vice-president:			
Vice-president:			
Secretary:			
Treasurer:			
Auditor:			

ADDRESSES

Address of registered office of union:

.....

.....

Physical address of office from which the business of the union is conducted:

.....

.....

Postal address:

.....

Telephone number of office from which the business of the union is conducted:

Total Number of Financial Members as at 31 March 19..... [Enter in box below]

CERTIFICATE

I, the undersigned, certify that the above is a full and correct return.

Signature:

President (or Secretary) of the Union.

Date:

SCHEDULE—*continued*Form 5—*continued*

NOTE—This return is to be fully completed and must be delivered to the Registrar of Unions no later than 30 April in each year.

PERMISSIBLE ADDITIONAL INFORMATION

NUMBER OF FINANCIAL MEMBERS BY AWARD AND AGREEMENT

Document Name	Document Number	Number of Financial Members covered

SCHEDULE—continued

Section 52

Form 6

Reg. 8 (3)

Under the Labour Relations Act 1987

Registration No.

ANNUAL RETURN OF EMPLOYERS ORGANISATION

The Registrar of Unions
Department of Labour
Private Bag
Wellington

Name of Employers Organisation:
Return in respect of year ended 31 March 19.....

OFFICERS AND AUDITOR OF EMPLOYERS ORGANISATION

Table with 4 columns: Full Name (Use Block Letters), Address, Occupation, and rows for President, Vice-president, Secretary, Treasurer, Auditor.

ADDRESSES

Address of registered office of employers organisation:

.....
.....

Physical address of office from which the business of the employers organisation is conducted:

.....
.....

Postal address:

.....

Telephone number of office from which the business of the employers organisation is conducted:

Total Number of Financial Members as at 31 March 19..... [Enter in box below]

SCHEDULE—*continued*

Form 6—*continued*

CERTIFICATE

I, the undersigned, certify that the above is a full and correct return.

Signature:

President (or Secretary) of the Employers
Organisation.

Date:

NOTE—This return is to be fully completed and must be delivered to the Registrar of Unions no later than 30 April in each year.

SCHEDULE—continued

Sections 28, 52

Form 7

Reg. 8 (4)

Under the Labour Relations Act 1987

Registration No.

ANNUAL RETURN OF ASSOCIATION OF UNIONS (or EMPLOYERS ORGANISATIONS)

The Registrar of Unions
Department of Labour
Private Bag
Wellington

Name of Association of Unions (or Employers Organisations):

Return in respect of year ended 31 March 19.....

OFFICERS AND AUDITORS OF ASSOCIATION

Table with 4 columns: Full Name (Use Block Letters), Address, Occupation, and a row for each officer role (President, Vice-president, Secretary, Treasurer, Auditor).

ADDRESSES

Address of registered office of association:

.....
.....

Physical address of office from which the business of the association is conducted:

.....
.....

Postal address:

.....

Telephone number of office from which the business of the association is conducted:

.....

Number of unions (or employers organisations) represented by the association as at 31 March 19..... [Enter in box below]

Empty rectangular box for entering the number of unions or employers organizations.

SCHEDULE—*continued*Form 7—*continued*

CERTIFICATE

I, the undersigned, certify that the above is a full and correct return.

Signature:

President (*or* Secretary) of the Association.

Date:

NOTE—This return is to be fully completed and must be delivered to the Registrar of Unions no later than 30 April in each year.

SCHEDULE—continued

Section 55

Form 8

Reg. 9

Under the Labour Relations Act 1987

APPLICATION FOR SPECIAL VOTE IN BALLOT

To the Returning Officer

1. I, [Full name] of [Address], apply for a special vote in the ballot, to be conducted by the [Name of union], at a special meeting to be held at [Place] on [Date].
2. The ballot is for the purpose of
3. My occupation is
4. My employer's name is
5. My employer's address is
6. I believe I am eligible to cast a vote in the ballot.
7. I am entitled to vote as a special voter because a ground or grounds set out in the paragraphs below apply to me. The ground or grounds that apply to me are those set out in paragraph(s)

(Insert letter or letters)

Grounds

- (a) I am wholly or partially blind.
- (b) I am unable to read or write (whether because of physical handicap or otherwise).
- (c) I have severe difficulty in reading or writing.
- (d) My illness or infirmity will prevent me from attending to vote at the special meeting.
- (e) My pregnancy or recent childbirth will prevent me from attending to vote at the special meeting.

8. I should like to vote by way of special vote because a ground or grounds set out in the paragraphs below apply to me. The ground or grounds that apply to me are those set out in paragraphs

(Insert letter or letters and, where it applies, complete paragraph (b) or paragraph (c))

Grounds

- (a) I have a religious objection to voting on the day of the week on which the special meeting is to be held.
- (b) The special meeting is to be held during my normal working hours, namely, from.....to....., and my employer requires me to work during those hours.
- (c) Attendance to vote at the special meeting would cause hardship or undue inconvenience to me because [Give reasons]

.....
.....
.....

SCHEDULE—continued

Form 8—continued

I declare that to the best of my knowledge and belief the statements made in this application are true.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

(Signature)

Declared at.....this.....day of.....19..... before me—

Justice of the Peace, Solicitor, Notary Public, Registrar or Deputy Registrar of the High Court or a District Court. [Or other person authorised to take a statutory declaration under section 9 of the Oaths and Declarations Act 1957.]

NOTES

- The application must be made at least 14 clear days before the day of the special meeting at which the ballot is to be held.
- The Returning Officer may refuse an application on the grounds set out in paragraph 8 if more than one special meeting is to be held to vote on the ballot and there is another meeting the applicant could reasonably attend.



SCHEDULE—continued

Section 65

Form 9

Reg. 10

Under the Labour Relations Act 1987

NOTICE OF INTENTION TO CONDUCT BALLOT ON INSERTION OF UNION MEMBERSHIP CLAUSE

The Registrar of Unions
Department of Labour
Private Bag
Wellington

I, [Full name], of [Address for service] (telephone number.....), being a duly authorised officer of the [Full name of union], hereby notify you of the union's intention of holding a ballot to determine whether a union membership clause is to be included in [Name and document number of award or agreement].

*The ballot will be a secret postal ballot.

OR

*The ballot will be a secret ballot held at a special meeting (or a series of special meetings).

I enclose—

- a list showing the date, time, and full address of each special meeting or, in the case of a postal ballot, the date on which all votes have to be received by the Returning Officer and the date, time, and full address where the votes cast in the postal ballot will be counted.
- a list of the Returning Officers appointed for the purposes of the ballot, which list shows the full name, contact address, and telephone number of each Returning Officer.
- a list of the steps that will be taken by the Returning Officer to give information about the holding of the ballot to persons who are not members of the union but who are covered by the award or agreement, which list includes details of newspaper advertising.

Dated at this day of 19.....

Signed:.....

Designation.....

*Strike out whichever is not applicable.

NOTE

In the case of a postal ballot, this notice must be given or posted to the Registrar of Unions at least 30 days before the date on which all votes have to be received by the Returning Officer.

In every other case, this notice must be given or posted to the Registrar of Unions at least 30 days before the day on which the special meeting or the first of the special meetings is required to be held.



SCHEDULE—continued

Fourth Schedule, rule 6

Form 10

Reg. 11

Under the Labour Relations Act 1987

APPLICATION FOR AUTHORITY TO VOTE IN UNION MEMBERSHIP BALLOT

To the Returning Officer

I, [Full name] of [Address], apply for a vote in the ballot to be conducted by the [Full name of union] for the purpose of determining whether a union membership clause is to be included in the [Name and document number of the award or agreement].

I am not a member of that union.

The relevant details in relation to my employment are as follows:

My occupation.....

My employer's name and address.....

.....

My employer's type of business.....

(for example, grocer's shop, engineering factory, insurance office)

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

Signed:.....

—

SCHEDULE—continued

Section 66 (2)

Form 11

Reg. 12

Under the Labour Relations Act 1987

UNION MEMBERSHIP BALLOT PAPER

Ballot to determine whether a union membership clause is to be included in [Name and document number of award or agreement].

If a union membership clause is to be inserted or retained, not less than 50 percent of the valid votes will need to be in favour of the union membership clause.

Directions for Voting

- PLACE A MARK IN THE BOX OF YOUR CHOICE

I vote <i>in favour</i> of the Union Membership Clause because I believe workers <i>should</i> be obliged to join the union.	
I vote <i>against</i> the Union Membership Clause because I believe workers <i>should not</i> be obliged to join the union.	

*For a meeting-based ballot

- After voting, fold this paper and place it in the ballot box.

- If you spoil this paper, return it to the Returning Officer and ask for a replacement.

*For a postal ballot

- After voting, fold this paper and place it in the accompanying prepaid envelope. Post it so as to reach the Returning Officer, [Insert full postal address], not later than.....p.m. onthe.....day of..... ..19.....

- If you spoil this paper, return it to the Returning Officer and ask for a replacement.

*Delete if inapplicable

—

SCHEDULE—continued

Section 67 (1)

Form 12

Reg. 13

Under the Labour Relations Act 1987

CERTIFICATE OF RESULT OF UNION MEMBERSHIP BALLOT

PURSUANT to section 67 (1) of the Labour Relations Act 1987, I certify that a ballot has been conducted to determine whether a union membership clause is to be included in [Name and document number of award or agreement].

Details of Votes Cast

	<i>Number of Votes</i>
Valid votes in favour of the Union Membership Clause
Valid votes against the Union Membership Clause
Informal votes

I hereby declare that *NOT LESS/LESS than 50 percent of the valid votes recorded are in favour of the union membership clause.

Dated at this day of 19.....

.....
Registrar of Unions.

*Strike out whichever is not applicable



SCHEDULE—continued

Section 84 (1)

Form 13

Reg. 14

Under the Labour Relations Act 1987

APPLICATION FOR EXEMPTION FROM UNION MEMBERSHIP

The Secretary
Union Membership Exemption Tribunal
Head Office
Department of Labour
Private Bag
Wellington

I, [Full Name] [Occupation]

[Address]

apply for exemption from union membership.

The fee of \$..... (GST inclusive), which is prescribed by the Labour Relations Regulations 1987, is enclosed.

I do solemnly and sincerely declare that—

(1) This application is made on the grounds that I genuinely object, on the grounds of conscience or other deeply held personal conviction, to becoming or remaining a member of:

(a) Any union whatsoever;

or

(b) The.....

[Full name of the particular union to which the applicant's objection relates].

(2) The ground(s) of conscience or deeply held personal conviction referred to in paragraph (1) of this declaration are (or is) [State in detail].

(3) The relevant details in relation to my employment are as follows:

My occupation.....

My employer's name and address.....

My employer's type of business.....

(for example, grocer's shop, engineering factory, insurance office)

Award title and number*

Date of award.....

Full name of union to which I am obliged to belong.....

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Signature:.....

Declared atthisday of19 before me:

Justice of the Peace, Solicitor, Notary Public, Registrar or Deputy Registrar of the High Court or a District Court. [Or other person authorised to take a statutory declaration under section 9 of the Oaths and Declarations Act 1957.]

SCHEDULE—continued
Form 13—continued

NOTES

- Three copies required.
- Please type or print clearly.

*This information may be obtained from the Department of Labour at the time of application.



Section 104, Fifth Schedule

Form 14

Reg. 25

Under the Labour Relations Act 1987

UNION COVERAGE BALLOT PAPER

Number

Ballot to determine whether workers belonging to the following category or categories of workers, namely, [Insert description], are in favour of being included within the membership coverage of the [Name of union].

Directions for Voting

- PLACE A MARK IN THE BOX OF YOUR CHOICE

I vote <i>in favour</i> of being included within the membership coverage of the [Name of union]	
I vote <i>against</i> being included within the membership coverage of the [Name of union]	

*For a meeting-based ballot

- After voting, fold this paper and place it in the ballot box.
- If you spoil this paper, return it to the Returning Officer and ask for a replacement.

*For a postal ballot

● After voting, fold this paper and place it in the accompanying prepaid envelope. Post it so as to reach the Returning Officer, [Insert full postal address], not later than.....p.m. onthe.....day of.....
.....19.....

- If you spoil this paper, return it to the Returning Officer and ask for a replacement.

*Delete if inapplicable



SCHEDULE—continued

Section 104, Fifth Schedule

Form 15

Reg. 26

Under the Labour Relations Act 1987

CERTIFICATE OF RESULT OF UNION COVERAGE BALLOT

PURSUANT to section 104 of, and the Fifth Schedule to, the Labour Relations Act 1987, I certify that a ballot has been conducted to determine whether workers within the following category (or categories) of workers, namely, [Insert description] are in favour of being included within the membership coverage of the [Name of union].

Details of votes cast
(for each union balloted)

Members of the [Name of union] within the category (or categories) stated.

Valid votes in favour of the proposal
Valid votes against the proposal
Informal votes

Members of the [Name of union] within the category (or categories) stated.

Valid votes in favour of the proposal
Valid votes against the proposal
Informal votes

I hereby declare that in each and every union coverage ballot a majority of the valid votes recorded WAS/WAS NOT* in favour of the proposal.

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

.....
Registrar of Unions.

*Strike out whichever is not applicable.



SCHEDULE—continued

Sections 108, 112 (2), 152, 178, 189, 193, 198, 201, 207, 218, 219, 242, 243, 280, 302

Form 16

Regs. 27, 28, 32, 37, 39, 40, 41, 43, 46, 47, 49, 50, 55, 57, 64

GENERAL FORM OF APPLICATION, REFERENCE, STATEMENT OF CLAIM, STATEMENT OF DEFENCE, ETC.

In the Labour Court
..... Registry

Under the Labour Relations Act 1987

In the Matter of [State the relevant section of the relevant Act]

Between [Full name] of [Address], [Occupation], Plaintiff/Applicant*

And [Full name] of [Address], [Occupation], Defendant/Respondent*

[Give title of document, such as, Application, Reference, Statement of claim, Statement of defence, etc.]

[Specify, in paragraphs, the facts on which the application, reference, statement of claim, statement of defence, etc., is based. Include—

- (a) References to any relevant awards or relevant agreements:
- (b) In the case of an application, both the grounds on which it is made and any appropriate section references:
- (c) The relief sought.]

Dated atthis day of 19.....

.....
Signature of plaintiff, etc., (or seal—in accordance with rules)

This document is filed by the abovenamed plaintiff (or defendant, etc.) in person. The address for service of the abovenamed plaintiff (or defendant, etc.) is

OR

This document is filed by A.B., solicitor for the abovenamed plaintiff (or defendant, etc.) of the firm X.Y.Z. The address for service of the abovenamed plaintiff (or defendant, etc.) is

*Delete as appropriate. (Form may be used as a joint application with any reference to a defendant, etc., deleted if inappropriate.)

SCHEDULE—continued

Section 134 (1)

Form 17

Reg. 29

Under the Labour Relations Act 1987

NOTICE INITIATING NEGOTIATIONS FOR MAKING (or RENEWAL) OF AWARD OR COMPOSITE AWARD

In the matter of negotiations under Part VII of the Labour Relations Act 1987 for the making of an award to be called [Insert proposed title] or for the renewal of [Insert title and document number of award to be renewed]

To the Chief Mediator.

*The proposed coverage clause of the award is as follows: [Set out coverage clause].

OR

*The proposed coverage clause of the award is as set out in the Schedule to this notice.

This notice is submitted by [Name of employer party or union party] (hereinafter referred to as the initiating party).

The union party (or the employer parties) to the dispute of interest created by the submission of this notice by the initiating party—

*are as follows: [Insert names of other persons cited under section 134 (3) (b) or section 134 (3) (c) of the Labour Relations Act 1987].

OR

*are as set out in the Schedule to this notice.

*[Name of union party], the union party, wishes (or has agreed) to enter into separate negotiations with [Name of employer or employers] for an agreement, in terms of section 134 (3) (d) of the Labour Relations Act 1987, in respect of [Insert description of relevant group or groups of workers].

*The claims made by the initiating party against the union party (or employer party) are as follows: [Indicate claims].

OR

*The claims made by the initiating party against the union party (or employer party) are as set out in the Schedule to this notice.

Dated at this day of 19.....

.....

Signature

*Delete if inapplicable

—

SCHEDULE—continued

Section 135

Form 18

Reg. 30

Under the Labour Relations Act 1987

NOTICE TO EMPLOYER OF SEPARATE NEGOTIATIONS FOR AN AGREEMENT

In the matter of a dispute of interest

Between [Full name], initiating party, and [Full name], employer party (or union party)

To [Name of Employer]

Notice is hereby given that the [Name of union party] wishes (or has agreed) to enter into separate negotiations with you for an agreement, in terms of section 134 (3) (d) of the Labour Relations Act 1987, in respect of [Insert description of relevant group of workers].

The notice creating the dispute of interest was submitted to the Chief Mediator on [Insert date] by the employer party (or the union party).

*The dispute of interest relates to the making of an award to be called [Insert proposed title]

OR

*The dispute of interest relates to the renewal of the [Insert title of award to be renewed].

Dated at this day of 19.....

.....
Signature of union party

*Strike out whichever is not applicable

NOTE—To be effective this notice must be served on the employer before a conciliation council is constituted under section 141 of the Labour Relations Act 1987 in respect of the negotiations for an award.



SCHEDULE—continued

Section 177

Form 19

Reg. 36

Under the Labour Relations Act 1987

CERTIFICATE IN RESPECT OF UNDER-RATE WORKER

This is to certify that the union specified below has, on the application of the worker specified below,—

- (a) Determined that that worker is incapable of earning the applicable minimum wage fixed by the award or agreement specified below; and
- (b) Fixed the rate specified below as the rate of pay payable to that worker.

Name of worker:

Name of worker's employer:

Address of worker's employer:

Award or agreement:

Type of work done by worker:

Worker's rate of pay under award or agreement:

Rate of pay fixed by union:

Reasons why worker is incapable of earning the applicable minimum wage:

*This certificate is valid for the period beginning on and ending on

The last certificate issued by the union under section 177 of the Labour Relations Act 1987 in relation to both the worker and the award or agreement was in respect of a period ending on

OR

This is the first certificate issued by the union under section 177 of the Labour Relations Act 1987 in relation to both the worker and the award or agreement.

[Name of Union]

Signature:

Designation:

*The period may not exceed 6 months.

NOTE—The union is required to forward a copy of this certificate to:

The Secretary of Labour
Department of Labour
Private Bag
Wellington



SCHEDULE—continued

Sections 198, 201

Form 20

Reg. 41

Under the Labour Relations Act 1987

NOTICE TO DEFENDANT

In the Labour Court
..... Registry

Between [Full name], [Address], [Occupation],
Plaintiff,
and [Full name], [Address], [Occupation],
Defendant.

TAKE notice that the abovenamed plaintiff has commenced an action against you in this Court to recover the sum of \$..... as a penalty for breach of an award (or agreement) or as wages or as money payable by you to a worker whose position or employment is subject to an award or agreement.

A statement of claim in the action is attached.

The place, date, and time fixed for the hearing of the action will be notified to you in due course.

If you desire to defend the action,—

- (a) You must, within 10 clear days after the date of service of the statement of claim on you, file with the Registrar of this Court at [Place] a notice of your intention to defend this action; and
- (b) You must, without delay, forward one copy of your notice of intention to defend to the plaintiff.

If you fail to give such notice, you will be entitled to defend this action only with the leave of the Court.

Dated at this day of 19.....

.....

Registrar

SCHEDULE—continued

Section 205

Form 21

Reg. 44

Under the Labour Relations Act 1987

CERTIFICATE OF JUDGMENT OF LABOUR COURT

In the Labour Court
..... Registry

Between [Full Name], [Address], [Occupation],
Plaintiff/Applicant,
and [Full name], [Address], [Occupation],
Defendant/Respondent.

To

This is to certify that on the day of 19, the Court adjudged that the sum of \$..... together with \$..... costs (particulars of which are set out below) be paid by [Name], [Address], [Occupation], to [Name], [Address], [Occupation].

Dated at this day of 19.....

.....
Registrar

PARTICULARS OF PENALTY, ETC.

Sum adjudged to be paid: \$.....
Costs: \$.....

Form 22

Section 243

NOTICE OF APPLICATION FOR INTERIM INJUNCTION

Reg. 50 (2)

(Heading of form 16)

TAKE notice that on the day of 19..... at a.m./p.m., or as soon thereafter as the parties (or counsel) may be heard, the [Party applying] will move the Court at [Place] for [Here specify the order or orders sought, numbering them if more than one is sought] upon the grounds [State concisely the grounds in respect of each order sought].

This application is made in reliance on [State any statutory provision, regulation, provision of any award or agreement, rule or principle of law relied upon].

Dated this day of 19.....

.....
Party applying or agent or counsel for party applying

To the Registrar of the Labour Court at
And to [Name of parties to be served]

SCHEDULE—continued

Form 23

Sections 272 (4), 303 (2)

SUMMONS TO WITNESS

Regs. 53, 61

(General heading of form 16)

To [Name], [Address], [Occupation]

You are ordered to attend at the Labour Court (or Arbitration Commission) at [Place] on the day of 19..... at a.m. (or p.m.) and from day to day thereafter until you are discharged from attendance, to give evidence on behalf of the [State the party] in the abovenamed proceeding.

And you are ordered to bring with you and produce at the same time and place [Set out details of the books, papers, or other documents in the person's possession or under the person's control to be produced].

This summons is issued by the Labour Court at [Place] (or the Arbitration Commission) on the application of [Full name] the [State the party, plaintiff, defendant, etc.], under the seal of the Labour Court at [Place] or under the seal of the Arbitration Commission this day of 19...

.....
(Deputy) Registrar (or Chief Executive Officer).

Form 24

Reg. 59 (1)

Under the Labour Relations Act 1987

NOTICE OF HEARING IN LABOUR COURT

(Heading of action, proceeding, appeal, or application)

TAKE notice that this action or proceeding or appeal or application will be heard at on 19..... at a.m./p.m.

If the defendant has failed to give notice of intention to defend or to give notice of opposition or to file a statement of defence, as the case may require, the defendant will be entitled to defend the proceedings only with the leave of the Court.

If, in addition, the defendant does not attend the hearing, the Court may, without hearing evidence, give judgment for the plaintiff or applicant or appellant.

Dated at this day of 19.....

.....

Registrar

NOTE

If in doubt, consult a solicitor or the Registrar immediately.

—

SCHEDULE—continued

Section 322

Form 25

Reg. 68

Under the Labour Relations Act 1987

REGISTER OF ACCIDENTS

(To be filled in by the employer in respect of every accident which occurs to any worker and of which the employer has knowledge.)

Date of Occurrence	Time of Occurrence	Name of Injured Person	Place, Department, Machine (as the case may be) Where Accident Occurred	Cause of Accident	Nature of Injuries	Treatment Given	Referred to Doctor or Hospital	Name or initials of Person Giving First Aid Treatment
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SCHEDULE—continued

Section 323

Form 26

Reg. 69

Under the Labour Relations Act 1987

RECORD OF WORK STOPPAGES

1. Name of employer directly concerned in strike or lockout:

2. Place where strike or lockout occurred (town/locality):

3. Industry in which employer predominately engaged:

4. Date when strike or lockout—
Began
Ended

5. Type of action constituting strike or lockout (e.g., work to rule, overtime ban, reduction in normal output, etc.)
If the strike or lockout involves more than one of these actions, please describe all of those actions.
.....
.....
.....

6. Cause of strike or lockout (describe the substantive issue in dispute which resulted in the strike or lockout):

7. Resolution of strike or lockout (describe how a return to work was achieved and if any other parties or institutions or organisations were involved.)
Resolution of the dispute may, for example, involve private negotiations between the parties, a conciliation council, use of the Mediation Service, or one of all of these as well as other methods.)

SCHEDULE—*continued*Form 26—*continued*

8. Complete the following in respect of each class of workers:

Occupation or class of workers involved	Number of workers directly involved	Number of workers indirectly involved (i.e., suspended as the result of industrial action)	Estimated loss in wages and salaries

9. In the case of a strike or lockout in an essential industry, was the required period of notice of industrial action given?

Yes

No

10. Name, address, and telephone number of employer or agent from whom further details on the strike or lockout may be obtained, if necessary:

.....
Signed:.....

Date:.....

NOTE

- The term “strike” is defined in section 231 of the Labour Relations Act 1987. It includes actions such as unauthorised stopwork meetings and unauthorised delays in resuming work after recognised stopwork meetings.
- The term “lockout” is defined in section 232 of the Labour Relations Act 1987.
- Data is collected irrespective of whether a strike or lockout is lawful or unlawful.

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, which come into force on 1 August 1987, prescribe forms to be used and procedures to be followed under the Labour Relations Act 1987.

Issued under the authority of the Regulations Act 1986.

Date of notification in *Gazette*: 28 July 1987.

These regulations are administered in the Department of Labour.