



ANALYSIS

- | | |
|---|--|
| <p>Title</p> <ol style="list-style-type: none"> 1. Short Title and commencement 2. Interpretation 3. Act to bind the Crown <p style="text-align: center;">PART I</p> <p style="text-align: center;">GENERAL</p> <ol style="list-style-type: none"> 4. Act to be administered in Department of Labour 5. Inspectors 6. Powers of Inspectors 7. Certificate of appointment as Inspector 8. Obstruction of Inspector 9. Application of Parts II to IV <p style="text-align: center;">PART II</p> <p style="text-align: center;">CLASSES OF AGRICULTURAL WORK</p> <ol style="list-style-type: none"> 10. Recognised categories 11. Right of representation 12. Classes of work deemed to be recognised categories, representation, etc. 13. Applications for registration 14. Registration 15. Effect of registration 16. Nomination of members of Tribunal <p style="text-align: center;">PART III</p> <p style="text-align: center;">AGRICULTURAL TRIBUNAL</p> <ol style="list-style-type: none"> 17. Agricultural Tribunal 18. Oath of secrecy 19. Remuneration of members of Tribunal 20. Registrar 21. Seal of Tribunal 22. Jurisdiction of Tribunal | <ol style="list-style-type: none"> 23. Tribunal may refer question of law to Industrial Court 24. Sittings and procedure of Tribunal 25. Evidence 26. Representation of parties 27. Decision to be signed <p style="text-align: center;">PART IV</p> <p style="text-align: center;">SETTLEMENT OF DISPUTES</p> <ol style="list-style-type: none"> 28. Voluntary settlement of disputes 29. Interpretation of awards 30. Conciliation 31. Consideration of disputes by Councils 32. Award proceedings 33. Awards 34. Registration of agreements 35. Effect of award 36. Deductions from wages 37. Breaches of award 38. Evidence of award 39. Personal grievances 40. Dismissal of workers in certain cases 41. Discrimination 42. Contempt or obstruction of Council or Tribunal 43. Penalties 44. Recovery of wages 45. Action to be brought within 6 years 46. Permit to work for less than minimum wage 47. Payment of wages 48. Wages and holiday book <p style="text-align: center;">PART V</p> <p style="text-align: center;">ACCOMMODATION FOR WORKERS</p> <ol style="list-style-type: none"> 49. Accommodation to be provided for workers |
|---|--|

50. Plans of accommodation
 51. Inspector may modify requirements as to accommodation
 52. Notice to employer making default
 53. Damage by workers
 54. Accommodation to be kept clean

PART VI

SAFETY, HEALTH AND WELFARE

55. Application of Part VI
 56. Safety and health of workers

57. Restricting employment of children
 58. First aid

PART VII

MISCELLANEOUS PROVISIONS

59. Offences generally
 60. Provisions as to procedure
 61. Regulations
 62. Repeals, consequential amendments, and savings
 Schedules

1977, No. 43

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
 [19 October 1977]

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.

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

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

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

“Agricultural worker” or “worker” means a person employed for hire or reward in the keeping and care of animals on any farm or station or in agricultural, horticultural, pastoral, silvicultural, flaxmilling, bush working, or saw milling work of any kind, but does not include—

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

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

(c) Any apprentice bound by a contract of apprenticeship under the Apprentices Act 1948:

“Award” means an award made under section 32 (3) of this Act:

- “Class of worker” means those workers performing work of a recognised category:
- “Conditions of employment” includes rates of remuneration:
- “Council” means a conciliation council established under section 30 (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:
- “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:
- “Employers’ organisation” means an agricultural organisation representing the interests of the employers of a class of agricultural worker:
- “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:
- “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 (5) of this Act:
- “Registrar” means the Registrar of the Tribunal:
- “Tribunal” means the Agricultural Tribunal established by section 17 (1) of this Act:
- “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.

(3) Notwithstanding subsection (1) of this section, for the purposes of Parts II to IV of this Act the terms “agricultural worker” and “worker” mean an agricultural worker to whom those Parts of this Act apply; and the term “employer” has a corresponding meaning.

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. 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—

- (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:

- (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:
- (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:

- (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:
- (f) Make such examinations, tests, and inquiries, 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.

(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.

(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

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.

(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 \$2,000 or to both.

Cf. 1962, No. 137, s. 7

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

9. Application of Parts II to IV—Parts II to IV of this Act shall not apply to any agricultural worker of a class—

- (a) To which there applied, immediately before the commencement of this Act, an award or collective agreement under the Industrial Relations Act 1973; or
- (b) Whose conditions of employment were, immediately before the commencement of this Act, fixed by the State Services Commission or by a determination under the State Services Remuneration and Conditions of Employment Act 1969.

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.

(2) Every such application shall be made in writing to the Registrar, who shall require copies thereof to be served upon organisations that, or whose members, may in his opinion be affected by the result of the application.

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

(4) The President may at his discretion hear any other organisation or person if, in his opinion, the organisation (or any of its members) or person may in any manner be affected by the result of the application.

(5) 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.

(6) Any order pursuant to subsection (5) 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.

(7) 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.

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.

12. Classes of work deemed to be recognised categories, representation, etc.—On the commencement of this Act, every class of agricultural work described in the first column of the First Schedule to this Act shall be deemed to be a recognised category, in respect of which the organisations specified in the second and third columns of that Schedule opposite its description shall be deemed to be 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:

- (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—

- (a) The total number of persons who have joined, or indicated their intention of joining, the organisation is significant; and

- (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), (l), 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
- (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
- (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:

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 number of financial members of the applicant organisation engaged in work of the recognised category concerned or, as the case may be, employing workers so engaged, was at least 25 percent greater than the average number of financial members of the agricultural organisation concerned so engaged or employing workers so engaged; 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. Effect of registration—The effect of registration shall be to render the agricultural organisation, and agricultural workers engaged in the recognised category concerned or their employers, as the case may be, subject to the jurisdiction given by this Act to a Council, the Tribunal, the President, and the Industrial Court.

16. 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

17. 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.

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

(a) The President; and

(b) The person for the time being nominated pursuant to section 16 of this Act by the employers' organisation concerned with the matter; and

(c) The person for the time being nominated pursuant to section 16 of this Act by the workers' organisation concerned with the matter.

(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 16 of this Act by the 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.

(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.

18. 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 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 extend to evidence and other matters brought before the Tribunal.

19. 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.

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

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

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

(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.

(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.

(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.

23. 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.

(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 of the Industrial Court on the question shall be final and binding on all parties to the matter and the Tribunal.

24. 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.

(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, informa-

tion, or matter, that in its opinion may assist it to deal with 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 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.

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

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

(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:

(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.

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

(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.

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

PART IV

SETTLEMENT OF DISPUTES

28. 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.

29. 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 not be a member of the committee and, subject to paragraph (b) of this section, who shall have neither a deliberative nor a casting vote on any matter before the committee) who shall be—
 - (i) Mutually agreed upon by them; or
 - (ii) Where no chairman is agreed, either a conciliator appointed pursuant to the Industrial Relations Act 1973 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—
 - (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 (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—
 - (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 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 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.

30. Conciliation—(1) Where a dispute that does not relate to the interpretation of an award has not been settled voluntarily, any party 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.

(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
- (b) Such persons, not exceeding 4 in number, as the agricultural organisation representing the applicant or, where the applicant is an agricultural organisation, the applicant may nominate; and
- (c) Such persons, not exceeding in number the number of persons nominated pursuant to paragraph (b) of this subsection, as the other agricultural organisation concerned may nominate.

(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 4 but not exceeding 6 to be members of a Council to attempt to negotiate a settle-

ment of the dispute; and in that case the President shall appoint that number of persons to be members of the Council.

(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.

(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.

31. 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:
- (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:
- (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:

- (d) The Council may hear any evidence it thinks fit, whether that evidence would be legally admissible in a Court of law or not:
- (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:
- (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:
- (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 nor a casting vote.

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

(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.

(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 or declining to make an award.

33. 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) The exemption of any specified category of worker from the operation of the award:
- (b) The application of the award to a specified category of worker of the class of worker concerned only:

(c) 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.

(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.

(5) Within 3 months of the making of an award or, in the case of an award created by the lodging of an agreement with the Registrar, of the lodging of the agreement, any agricultural organisation, worker, or employer, bound by it by the operation of subsection (4) of this section may apply to the Tribunal for total or partial exemption from its operation in respect of any specified workers or employers. The Tribunal, in its discretion, may decline to grant any such exemption or may grant any such exemption either wholly or partly, and either unconditionally or upon or subject to such conditions as the Tribunal thinks fit; and those workers or employers shall be exempt accordingly.

(6) Subject to subsection (7) of this section, the fact that application for exemption from the terms of an award has been made and has not been disposed of shall not relieve any person from the obligation to conform to the award.

(7) Where application for total or partial exemption from the operation of an award is made by any person who was not bound by, or was wholly or partially exempted from the operation of, any former award superseded by the first-mentioned award, that person shall, pending the determination of the Tribunal on the application for exemption, be exempt from the operation of the award to the same extent, as nearly as may be, as he was exempt from the operation of, or not bound by, the former award.

34. 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.

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

35. 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:

Provided no date shall so be specified that is earlier than the date of the expiry of the currency of an existing award being wholly or partially superseded by it.

36. 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
- (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.

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

38. 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.

39. 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:

- (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:

- (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:
- (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:
- (d) The statement shall be referred to a grievance committee consisting of an equal number of representatives (not exceeding 3) nominated respectively by the worker and the employer, with or without a chairman as the parties may decide:
- (e) Either party shall have the right to be assisted or represented before the grievance committee by an agricultural organisation:
- (f) If the matter is not settled by a grievance committee, it may be referred to the Industrial Court by both or either of the parties:
- (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.

(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.

(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,—

(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:

(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.

(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) 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:

(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;—

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.

40. Dismissal of workers in certain cases—(1) Where any employer dismisses any worker or alters any worker's position in the employment of that employer to his prejudice, and at any time within 12 months before his dismissal or the alteration of his position the worker—

(a) Was an officer of any workers' organisation or branch of a workers' organisation, or was a member of the committee of management of any workers' organisation or branch, or was otherwise an official or representative of any workers' organisation or branch; or

- (b) Had acted as a member of a conciliation council; or
- (c) Had represented a workers' organisation or branch of a workers' organisation in any negotiations or conferences between employers and workers; or
- (d) Was entitled to some benefit of an award, or had made or caused to be made a claim for any such benefit for himself or any other worker, or had supported any such claim, whether by giving evidence or otherwise; or
- (e) Was a member of any workers' organisation or of any society or other body that had applied to be registered as a workers' organisation or was in process of formation for that purpose; or
- (f) Had submitted a personal grievance to his employer; or
- (g) Had given evidence in any proceedings under this Act—

that employer commits an offence under this Part of this Act.

(2) It shall be a defence to the employer if he proves that the worker was dismissed or that his position was altered for a reason other than that the worker had acted in any of the said capacities or was or had been entitled to or had claimed any such benefit as aforesaid.

(3) If any case to which this section applies is also one to which section 39 of this Act is applicable, proceedings may be taken under either that section or this section, but not under both.

(4) Where any employer is convicted of an offence under this section, the Court, in addition to or instead of imposing a fine, shall make an order for the reimbursement to the worker of a sum equal to the whole of the wages lost by the worker as a result of his dismissal or of the alteration of his position; and may also in its discretion make an order for—

- (a) His reinstatement in his former position or in a position not less advantageous to him; or
- (b) The payment to him by the employer of such sum as the Court thinks fit by way of compensation; or
- (c) Both such reinstatement and such payment.

41. Discrimination—(1) Every employer commits an offence who—

- (a) Otherwise than by the lawful insertion in any award of a preference provision, makes membership of a

workers' organisation a condition to be fulfilled by any person who wishes to obtain or retain any position or employment; or

- (b) Makes non-membership of a workers' organisation a condition to be fulfilled by any person who wishes to obtain or retain any position or employment; or
- (c) Exerts undue influence on any worker with intent to induce him—
 - (i) To become or remain a member of a workers' organisation; or
 - (ii) To cease to be a member of a workers' organisation; or
 - (iii) On account of the fact that he is, or, as the case may be, is not, a member of a workers' organisation, to resign from any position or to leave any employment.

(2) Every workers' organisation and every officer or other person acting on behalf of any workers' organisation (whether lawfully authorised to do so or not) commits an offence who exerts undue influence on any person with intent to induce him—

- (a) To join a workers' organisation; or
- (b) On account of the fact that he is not a member of a workers' organisation, to resign any position or to leave any employment.

42. Contempt or obstruction of Council or Tribunal—(1) If in any proceedings before a Council or the Tribunal any 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 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.

(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.

43. Penalties—(1) Every person who commits an offence 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) The Industrial Court shall have full and exclusive jurisdiction to deal with any offence under this Part of this Act, and shall deal with every such offence in all respects as if it were dealing with an offence to which section 144 of the Industrial Relations Act 1973 applies.

(3) Notwithstanding anything in the Summary Proceedings Act 1957, proceedings relating to an offence under subsection (1) of this section may be commenced at any time within 12 months of the date of the offence.

44. 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 by action commenced in the Industrial Court, notwithstanding the acceptance by the worker of the payment at the lower rate or any express or implied agreement to the contrary.

(2) Any such action may be brought at the suit of any party to the award concerned or at the suit of an Inspector.

(3) Any such action that is brought at the suit of an Inspector may be continued by the same or any other Inspector.

(4) Any 2 or more such actions against the same defendant may be joined in the same action.

(5) No Court fees shall be payable in respect of any such action.

(6) The decision of the Court in any such action shall be final.

(7) In any such action the Court may give judgment for the total amount claimed or any greater or less amount and may make such order as to costs as it thinks fit.

(8) A certificate under the hand of the Registrar of the Court, specifying the amount payable under any judgment

given by it, and the persons by whom and to whom it is payable, may be filed in the Magistrate's Court, and shall then be enforceable in the same manner as a judgment given by the Magistrate's Court in an action for recovery of a debt.

(9) An action under this section may be commenced at any time within 6 years after the day on which the money became due and payable.

45. 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.

46. Permit to work for less than minimum wage—(1) If 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 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.

Cf. 1962, No. 137, s. 24

47. 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.

Cf. 1962, No. 137, s. 26

48. 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—

- (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:
- (d) The days on which he has actually been employed:
- (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.

(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:
- (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.

(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.

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

PART V

ACCOMMODATION FOR WORKERS

49. Accommodation to be provided for workers—(1) Subject to section 51 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

(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 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

50. Plans of accommodation—(1) Every employer shall, 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 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 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.

Cf. 1962, No. 137, s. 10

51. 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—

(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

52. 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.

(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.

(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 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 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 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

53. Damage by workers—(1) If any agricultural worker 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 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

54. 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 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

PART VI

SAFETY, HEALTH AND WELFARE

55. Application of Part VI—For the purposes of Part VI of this Act, “employer”, in relation to any worker, means the person employing that worker, whether or not he has the control or superintendence of the farm or other place where that worker is employed; and “employ” and “employed” have corresponding meanings.

56. Safety and health of workers—(1) Every employer shall take all reasonable precautions for the safety and health of workers employed by him.

(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.

(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, as soon as may be practicable, 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.

(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 afford them reasonable protection against that risk or danger.

(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 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 comply with the requirements of this section commits an offence, and shall be liable on summary conviction to a fine not exceeding \$1,000 and, where the offence is a continuing one, to a further fine not exceeding \$50 for every day on which the offence has continued.

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

(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:

(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 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 of any of the provisions of this section commits an offence against this Act.

Cf. 1962, No. 137, s. 23

58. 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 prescribed standard.

Cf. 1962, No. 137, s. 28

PART VII

MISCELLANEOUS PROVISIONS

59. Offences generally—(1) Every person who acts in 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 to a fine not exceeding \$500 and, where the offence is a continuing one, to a further fine not exceeding \$20 for every day on which the offence has continued.

Cf. 1962, No. 137, s. 29

60. Provisions as to procedure—(1) All proceedings in respect of offences against this Act or against any regulations made under this Act (other than offences under Part IV of this Act) shall be taken in a summary way.

(2) No person other than an Inspector shall institute any such proceedings.

(3) An Inspector who institutes any such proceedings shall not be called upon to prove that he is an Inspector.

(4) Any such proceedings may be proceeded with and conducted by the Inspector who instituted them, any other Inspector, or any other person permitted by the Magistrate to do so.

Cf. 1962, No. 137, s. 30

61. 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:
- (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:
- (c) The cleansing, disinfection, fumigation, and maintenance of such accommodation:
- (d) Providing for the safety, health, and welfare of persons employed in any of the classes of work performed by agricultural workers:

- (e) Prescribing forms required for the purposes of this Act:
- (f) Prescribing fines not exceeding \$500 for the breach of any regulation made under this Act:
- (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

62. Repeals, consequential amendments, and savings—

(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:
- (c) Section 38 (3) of the Industrial Relations Amendment Act (No. 2) 1976.

(2) The enactments specified in the Second Schedule to this Act are hereby amended in the manner indicated in that Schedule.

(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.

SCHEDULES

Section 12

FIRST SCHEDULE

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 principally used for the commercial production of sheep meat or wool.	New Zealand Sheep-owners' Industrial Union of Employers.	New Zealand Farm Workers' Association Incorporated.
Employment on farms and stations principally used for the production of meat (other than sheep meat), grain, seed, or herbage.	New Zealand Agricultural & Related Farmers' Industrial Union of Employers.	New Zealand Farm Workers' Association Incorporated.
Employment in market gardens (other than those principally used for the production of soft fruit).	New Zealand Vegetable and Produce Growers Industrial Union of Employers.	New Zealand Labourers, General Workers' and Related Trades Industrial Union of Workers.
Employment in market gardens principally used for the production of soft fruit.	New Zealand Berryfruit Growers Federation Incorporated.	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.

SECOND SCHEDULE

Section 62 (2)

ENACTMENTS AMENDED

Enactment Amended	How Amended
The Labour Department Act 1954	By omitting from the First Schedule (as substituted by section 3 (1) of the Labour Department Amendment Act 1970) the expression "The Agricultural Workers Act 1962", and substituting the expression "The Agricultural Workers Act 1977".
The General Wage Orders Act 1969	By adding to the definition of the term "Award" in section 2 (as substituted by section 234 (1) of the Industrial Relations Act 1973) the words "and includes an award within the meaning of the Agricultural Workers Act 1977".
The Equal Pay Act 1972	By adding to the definition of the term "Award" in section 2 (as substituted by section 5 of the Equal Pay Amendment Act 1973) the words "and includes an award within the meaning of the Agricultural Workers Act 1977".

This Act is administered in the Department of Labour.