



ANALYSIS

Title
1. Short Title and commencement
2. Agricultural Tribunal

3. Tribunal to be a Commission of Inquiry
4. Wages and holiday book
5. Consequential amendments Schedule

1977, No. 106

An Act to amend the Agricultural Workers Act 1977
[18 January 1978]

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 Amendment Act 1977, and shall be read together with and deemed part of the Agricultural Workers Act 1977 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on a date to be appointed by the Governor-General by Order in Council.

2. Agricultural Tribunal—(1) Section 17 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) The President of the Tribunal shall be the Chief Judge of the Arbitration Court or a Judge of the Arbitration Court nominated for the time being as the President of the Tribunal by the Chief Judge of the Arbitration Court.”

(2) The person holding office as the President of the Tribunal on the commencement of this Act shall vacate office with the commencement of this Act.

3. Tribunal to be a Commission of Inquiry—(1) The principal Act is hereby amended by inserting, after section 25, the following section:

“25A. (1) For the purpose of carrying out its functions under this Act, the Tribunal shall, subject to the provisions of this Act, be a commission of inquiry under the Commissions of Inquiry Act 1908, and all the provisions of that Act, except sections 4A, 11, and 12, shall apply accordingly.

“(2) Any disputed point of law referred by the Tribunal under section 10 of the Commissions of Inquiry Act 1908 shall be heard and determined by the Court of Appeal.

“(3) No question as to the construction of any award shall be referred by the Tribunal under section 10 of the Commissions of Inquiry Act 1908.”

(2) Section 24 (4) of the principal Act is hereby repealed.

4. Wages and holiday book—Section 48 of the principal Act is hereby amended by adding the following subsections:

“(4) Every employer commits an offence against this Act who fails to comply with any of the provisions of this section.

“(5) Every person who commits an offence against this section is 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.”

5. Consequential amendments—The principal Act is hereby amended in the manner indicated in the Schedule to this Act.

SCHEDULE

Section 5

CONSEQUENTIAL AMENDMENTS OF AGRICULTURAL WORKERS ACT 1977

Section Affected	Amendment
Section 2	<p>By repealing the definition of the term "Industrial Court" in subsection (1), and inserting in that subsection, in its appropriate alphabetical order, the following definition:</p> <p style="padding-left: 40px;">"‘Arbitration Court’ means the Arbitration Court constituted under the Industrial Relations Act 1973;".</p> <p>By repealing subsection (2), and substituting the following subsection:</p> <p style="padding-left: 40px;">"(2) For the purposes of this Act, every reference in this Act and the Industrial Relations Act 1973 to the Arbitration Court shall be read as a reference to a Judge of that Court acting alone."</p>
Section 15	By omitting the word "Industrial", and substituting the word "Arbitration".
Section 18	By omitting from subsection (1) the words "the Judge of the Industrial Court", and substituting the words "a Judge of the Arbitration Court".
Section 20	<p>By repealing subsection (2).</p> <p>By omitting the words "Industrial Commission", and substituting the words "Arbitration Court".</p>
Section 23	By repealing this section.
Section 29	By omitting from paragraphs (b) to (e) the word "Industrial" wherever it appears, and substituting in each case the word "Arbitration".
Section 39	By omitting from subsection (1) (f) of, and also from subsections (2) and (4), the word "Industrial" wherever it appears, and substituting in each case the word "Arbitration".
Section 43	<p>By repealing this section, and substituting the following section:</p> <p style="padding-left: 40px;">"43. Penalties—(1) Every person who commits an offence against this Part of this Act (other than an offence against section 48 of this Act) is liable on conviction by the Arbitration Court to a fine not exceeding \$500 in the case of an employer or an agricultural organisation or \$50 in any other case."</p>

SCHEDULE—*continued*CONSEQUENTIAL AMENDMENTS OF AGRICULTURAL WORKERS ACT 1977—
continued

Section Amended	Amendment
Section 43— <i>continued</i>	<p>“(2) The Arbitration Court shall have full and exclusive jurisdiction to deal with any offence against this Part of this Act (other than an offence against section 48 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.</p> <p>“(3) Notwithstanding anything in the Summary Proceedings Act 1957, proceedings relating to an offence against this Part of this Act (other than an offence against section 48 of this Act) may be commenced at any time within 12 months of the date of the offence.”</p>
Section 44 — — —	By omitting from subsection (1) the word “Industrial”, and substituting the word “Arbitration”.
Section 60 — — —	By omitting the words “under Part IV of this Act”, and substituting the words “punishable on conviction by the Arbitration Court”.

This Act is administered in the Department of Labour.
