

NEW ZEALAND MUSTERERS, PACKERS, AND DROVERS—
AWARD

[Filed in the Office of the Clerk of Awards, Wellington]

In the Court of Arbitration of New Zealand, Northern, Taranaki, Wellington, Marlborough, Nelson, Westland, Canterbury, and Otago and Southland Industrial Districts.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and its amendments; and in the matter of an industrial dispute between the New Zealand Workers' Industrial Union of Workers (hereinafter called "the union") and the undermentioned unions (hereinafter called "the employers") :—

New Zealand Sheepowners' Industrial Union of Employers, 227 Manchester Street, Christchurch.

New Zealand Agricultural and Related Farmers' Industrial Union of Employers, 35–37 Johnston Street, Wellington.

New Zealand Dairy-farmers' Industrial Union of Employers, corner of Featherston and Ballance Streets, Wellington.

THE Court of Arbitration of New Zealand (hereinafter called "the Court"), having taken into consideration the terms of settlement arrived at in the above-mentioned dispute and forwarded directly to the Court pursuant to the provisions of

section 3 of the Industrial Conciliation and Arbitration Amendment Act (No. 2), 1939, doth hereby order and award:—

That, as between the union and the members thereof and the employers and each and every of them, the terms, conditions, and provisions set out in the schedule hereto and of this award shall be binding upon the union and upon every member thereof and upon the employers and upon each and every of them, and that the said terms, conditions, and provisions shall be deemed to be and they are hereby incorporated in and declared to form part of this award; and, further, that the union and every member thereof and the employers and each and every of them shall respectively do, observe, and perform every matter and thing by this award and by the said terms, conditions, and provisions respectively required to be done, observed, and performed, and shall not do anything in contravention of this award or of the said terms, conditions, and provisions, but shall in all respects abide by and perform the same. And the Court doth hereby further award, order, and declare that any breach of the said terms, conditions, and provisions set out in the schedule hereto shall constitute a breach of this award, and that a penalty as by law provided shall be payable by any party or person in respect thereof. And the Court doth further order that this award shall take effect as hereinafter provided, and shall continue in force until the 14th day of February, 1950, and thereafter as provided by subsection (1) (d) of section 89 of the Industrial Conciliation and Arbitration Act, 1925.

In witness whereof the seal of the Court of Arbitration hath hereto been affixed, and the Judge of the Court hath hereunto set his hand, this 14th day of February, 1949.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Musterers' Wages

1. (a) Musterers when employed to muster sheep for any purpose shall be paid not less than £7 per week if engaged by the week, and not less than £1 9s. 6d. per day if engaged by the day. Musterers engaged by the week shall receive an additional payment of £1 9s. 6d. for any of the holidays specified in clause 8 or for any Sunday on which they are required to do any mustering, and musterers engaged by the day shall be paid for all days from the date of their

commencing work until the completion of their period of employment. A musterer engaged by the day shall receive a total payment of £2 12s. 10d. for any such holiday and a total payment of £1 9s. 6d. for any Sunday on which he is required to muster.

(b) Packers employed in connection with mustering shall be paid not less than £6 per week if engaged by the week, and not less than £1 6s. 4d. per day if engaged by the day. Packers engaged by the week shall receive an additional payment of £1 6s. 4d. for any of the holidays specified in clause 8 or for any Sunday on which they are required to shift camp. Packers engaged by the day shall receive a total payment of £2 6s. 4d. for any such holiday and a total payment of £1 6s. 4d. for any Sunday on which they are required to shift camp.

(c) Any musterer or packer required to do snow-raking shall be paid £1 18s. per day while engaged in such work.

(d) Reasonable shelter for dogs shall be provided at home-steads and at hill-country camps also.

Youths

2. Youths may be employed to learn mustering at not less than the following rates, in addition to their board and lodging:—

	Per Week.		
	£	s.	d.
First year	3	2	0
Second year	4	6	6
Thereafter, the full adult wage.			

Operations for Musterers

3. (a) In all the above cases, food of good quality and sufficient quantity, including butter, jam, oatmeal, also vegetables and dried fruit where available, shall be provided by the employer.

(b) In all cases where it is reasonably practicable, musterers and packers shall be provided by the employer with good, dry sleeping accommodation on the hills, and proper provision shall be made, by oilsheets or otherwise, for the protection of all bedding from wet during transit.

(c) Musterers required to travel more than ten miles to a station shall be paid one day's pay for such travelling.

(d) Tea-billies or other suitable vessels shall be supplied for each mustering gang, these vessels to be used for no other purpose than boiling water for tea.

(e) A small first-aid outfit shall be supplied for each mustering gang. The outfit shall be in charge of the packman.

Drovers' Wages

4. (a) Drovers shall be paid not less than £2 1s. per day, not found, and any necessary expenses incurred on behalf of the employer shall be refunded.

(b) For travelling twenty-five miles or more in any one day a full day's wage shall be paid: Provided that when more than twenty-eight miles are travelled in any one day, a sum of 1s. per mile for every mile in excess of twenty-eight miles shall be paid in addition to the daily rate.

(c) Any drover required to travel more than ten miles to lift stock or return more than ten miles after delivery of stock shall receive 1s. per mile for every mile or part thereof beyond the ten miles travelled.

This subclause shall apply only where a full stage is driven on the same day as the stock is lifted.

(d) Any drover required to work on any of the holidays specified in clause 8 shall be paid at least half as much again as the daily rate specified in subclause (a) hereof and in clause 5.

Short Drives

5. When drovers are engaged on short drives the following rates shall apply: for the first hour or part thereof, 7s. 6d.; and for each additional hour or part thereof up to five hours, 5s. 6d. per hour. All drives occupying more than five hours shall be paid for at the full daily rate of pay, time to be taken from the lifting of the stock until delivery at its destination.

Prompt Payment of Wages Due

6. A penalty of 10 per cent. shall be added to all wages not paid within fourteen days following receipt of the account by the employer.

North Island Mustering

7. Drovers in the North Island, when engaged on a casual daily basis to muster stock, shall be paid the drovers' daily rate as specified in clause 4 hereof for the first twenty-one days of engagement. If the period worked is more than twenty-one days, the wage shall be in accordance with clause 1 (musterers' wages) for the full period of the engagement. Where rations and accommodation are provided by the employer, the daily rate up to twenty-one days shall be reduced by 3s. per day.

Holidays

8. (a) Musterers, packers, and drovers shall be allowed the following holidays on pay, providing such holidays fall during a period of continuous employment with the one employer: New Year's Day, Good Friday, Christmas Day, Boxing Day, and Anzac Day.

(b) When Christmas Day falls on a Sunday, it shall be observed on the following Monday, and Boxing Day shall be observed on the following Tuesday. When Boxing Day or New Year's Day falls on a Sunday, such holiday shall be observed on the next succeeding Monday.

(c) Holidays shall be allowed in accordance with the provisions of the Annual Holidays Act and its amendments.

Conditions

9. The provisions of this award shall not apply to any worker who is employed regularly as a farm or station hand.

Posting of Award

10. A copy of this award shall be posted up by the employers in a conspicuous place accessible to all workers.

Payment of Subscription on Workers' Order

11. The employer shall, on receipt of a stamped order duly signed by each respective worker, deduct from such worker's wages the union's annual subscription and forward the amount to the branch secretary, New Zealand Workers' Union, as indicated on the order form, within seven days from the date the employer or his agent receives the worker's signed order.

Transaction of Union Business

12. Reasonable facilities shall be given by the employer or his agent to the union's organizer or other official of the union to enable him to transact all business of the union.

Employer's Liability to Employ Unionists

13. (a) It shall not be lawful for any employer bound by this award to employ or to continue to employ in any position or employment subject to this award any adult person who is not for the time being a member of an industrial union of workers bound by this award or who is not for the time being a member of a trade-union which was registered as such before the 1st day of May, 1936, and which is bound by this award.

(b) For the purpose of subclause (a) of this clause a person of the age of eighteen years or upwards, and every other person who for the time being is in receipt of not less than the minimum rate of wages prescribed by this award for workers of the age of twenty-one years and upwards, shall be deemed to be an adult.

Under-rate Workers

14. (a) Any worker who considers himself incapable of earning the minimum wage fixed by this award may be paid such lower wage as may from time to time be fixed, on the application of the worker after due notice to the union, by the local Inspector of Awards or such other person as the Court may from time to time appoint for that purpose; and such Inspector or other person in so fixing such wage shall have regard to the worker's capability, his past earnings, and such other circumstances as such Inspector or other person shall think fit to consider after hearing such evidence and argument as the union and such worker shall offer.

(b) Such permit shall be for such period not exceeding six months, as such Inspector or other person shall determine, and after the expiration of such period shall continue in force until fourteen days' notice shall have been given to such worker by the secretary of the union requiring him to have his wage again fixed in manner prescribed by this clause: Providing that in the case of any person whose wage is so fixed by reason of old age or permanent disability it may be fixed for such longer period as such Inspector or other person shall think fit.

(c) Notwithstanding the foregoing, it shall be competent for a worker to agree in writing with the president or secretary of the union upon such wage without having the same so fixed.

(d) It shall be the duty of the union to give notice to the Inspector of Awards of every agreement made with a worker pursuant hereto.

(e) It shall be the duty of an employer, before employing a worker at such lower wage, to examine the permit or agreement by which such wage is fixed.

Workers to be Members of Union

15. (a) Every worker coming within the scope of this award shall become and remain a member of the New Zealand Workers' Industrial Union of Workers, and reasonable facilities shall be given any such workers employed as musterers, packers, drovers, and snow-rakers to become members of the union. Any worker who fails to comply with the provisions of this subclause commits a breach of this award.

(b) On request by the union's official organizer or other accredited official of the union, each worker shall immediately pay his union contribution by cash or order on his employer.

Application of Award

16. This award shall apply to the original parties named herein and to all employers connected with or engaged in any of the industries covered by this award, whether actually mentioned in the list of parties or not; and all employers not so named are bound by the provisions of the award and their obligations are the same as if they had been named in the list of parties.

Scope of Award

17. This award shall operate throughout the Northern, Taranaki, Wellington, Marlborough, Nelson, Westland, Canterbury and Otago and Southland Industrial Districts.

Term of Award

18. This award, in so far as it relates to wages, shall be deemed to have come into force on the 1st day of January, 1949, and so far as all the other conditions of this award are concerned it shall come into force on the day of the date hereof; and this award shall continue in force until the 14th day of February, 1950.

In witness whereof the seal of the Court of Arbitration hath hereto been put and affixed, and the Judge of the Court hath hereunto set his hand, this 14th day of February, 1949.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

This award embodies the terms of settlement arrived at by the assessors in Conciliation Council. The parties in Conciliation Council agreed that it is impossible to regulate working-hours in the industry, and have added an extra amount to the rates provided under the 1942 award in order to meet the requirements of the industry in this respect.

Wages have been made payable retrospectively, in accordance with the agreement of the parties.

A. TYNDALL, Judge.

NEW ZEALAND MUSTERERS, PACKERS, AND DROVERS—
AMENDMENT OF AWARD

[Filed in the Office of the Clerk of Awards, Wellington]

In the Court of Arbitration of New Zealand.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and the Economic Stabilization Emergency Regulations 1942; and in the matter of the New Zealand Musterers, Packers, and Drovers' award, dated the 14th day of February, 1949, and recorded in 49 Book of Awards 185.

IN pursuance and exercise of the powers vested in it by the Economic Stabilization Emergency Regulations 1942, and of every other power in that behalf thereunto enabling it, this Court, for the purpose of giving effect to the pronouncement made by it on the 12th day of April, 1949, doth hereby order as follows:—

1. That the said award shall be amended in the manner following:—

(1) By deleting clause 1 and substituting therefor the following clause:—

“ Musterers' Wages

“ 1. (a) Musterers when employed to muster sheep for any purpose shall be paid not less than £7 3s. 4d. per week if engaged by the week, and not less than £1 10s. 2d. per day if

engaged by the day. Musterers engaged by the week shall receive an additional payment of £1 10s. 2d. for any of the holidays specified in clause 8 or for any Sunday on which they are required to do any mustering, and musterers engaged by the day shall be paid for all days from the date of their commencing work until the completion of their period of employment. A musterer engaged by the day shall receive a total payment of £2 14s. for any such holiday and a total payment of £1 10s. 2d. for any Sunday on which he is required to muster.

“(b) Packers employed in connection with mustering shall be paid not less than £6 3s. 4d. per week if engaged by the week, and not less than £1 7s. per day if engaged by the day. Packers engaged by the week shall receive an additional payment of £1 7s. for any of the holidays specified in clause 8 or for any Sunday on which they are required to shift camp. Packers engaged by the day shall receive a total payment of £2 7s. 6d. for any such holiday and a total payment of £1 7s. for any Sunday on which they are required to shift camp.

“(c) Any musterer or packer required to do snow-raking shall be paid £1 18s. 8d. per day while engaged in such work.

“(d) Reasonable shelter for dogs shall be provided at homesteads and at hill-country camps also.”

(2) By deleting clause 2 and substituting therefor the following clause:—

“Youths

“2. Youths may be employed to learn mustering at not less than the following rates, in addition to their board and lodging:—

	Per Week.		
	£	s.	d.
“First year	3	5	0
“Second year	4	10	0

“Thereafter, the full adult wage.”

(3) By deleting subclause (a) of clause 4 (Drovers' Wages) and substituting therefor the following subclause:—

“(a) Drovers shall be paid not less than £2 1s. 8d. per day, not found, and any necessary expenses incurred on behalf of the employer shall be refunded.”

2. That this order shall come into force on the 1st day of June, 1949.

Dated this 16th day of May, 1949.

[L.S.]

A. TYNDALL, Judge.