

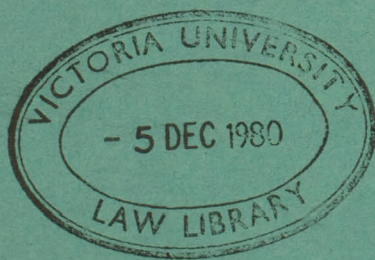
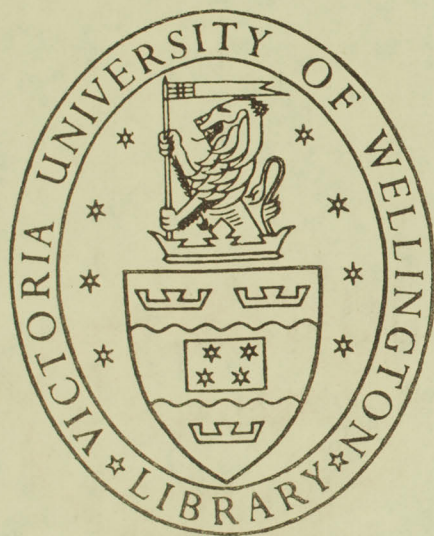
Fiona Knight

THE AGRICULTURAL WORKERS' ACT 1977

Research Paper for LAWS 537
Law and the Legislative Process.

Law Faculty, Victoria University of Wellington
Wellington, September 1980.

FX KN KNIGHT, F. The Agricultural Workers' Act 1977



393 930

Contents

| | Page |
|--|------|
| Introduction | 2 |
| <u>Part A:</u> The Historical Development of Legislation Dealing with the Conditions of Employment of Agricultural Workers. | 4 |
| 1) Shearers' Accommodation Act 1898 | 4 |
| 2) Agricultural Labourers' Accommodation Act 1908 | 4 |
| 3) 1908-1936 | 5 |
| 4) Agricultural Workers' Act 1936 | 6 |
| 5) 1936-1962 | 8 |
| 6) Agricultural Workers' Act 1962 | 8 |
| 7) 1962-1973 | 11 |
| <u>Part B:</u> Agricultural Workers' Amendment Bill 1973 | 13 |
| 1) Select Committee Proceedings | 16 |
| 2) 1974 | 23 |
| <u>Part C:</u> Agricultural Workers' Act 1977 | |
| 1) Farm Workers' Association | 26 |
| 2) Developing the Bill | 34 |
| 3) The Introduction of the Bill in the House | 38 |
| 4) At the Labour Bills Committee | 40 |
| 5) Reporting back from the Select Committee | 50 |
| <u>Part D:</u> Analysis of the Agricultural Workers' Act 1977 | |
| 1) The objectives of the Act | 53 |
| 2) The philosophy of the government | 53 |
| 3) The influence of political parties | 54 |
| 4) The influence of pressure groups | 55 |
| 5) The influence of Caucus | 56 |
| 6) The influence of Cabinet | 56 |
| 7) The role of the Department of Labour | 57 |
| 8) The Minister of Labour | 57 |
| 9) The influence of the Select Committee | 58 |
| 10) Parliament | 58 |
| 11) Conclusions | 59 |
| 12) After the Act | 60 |
| <u>Part E:</u> Appendices | |
| 1) Footnotes | 63 |
| 2) Membership of Labour Bills Committees | 70 |
| 3) Submissions to Select Committee on Agricultural Workers' Amendment Bill 1973 | 71 |

Introduction

| | Page |
|---|------|
| 4) Submissions to Select Committee on Agricultural Workers' Bill 1977 | 72 |
| 5) Acknowledgements | 73 |
| 6) Bibliography. | 74 |

The Agricultural Workers' Act 1977 was a somewhat controversial piece of legislation which provided 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 the agricultural workers." (1)

Two of the major provisions of the Act were the recognition it gave to the Farm Workers' Association as having exclusive rights of representation of certain categories of farm workers and the introduction of a new wage fixing procedure utilising an Agricultural Tribunal for workers in the agricultural sector, replacing the former system whereby negotiated wage increases needed to be promulgated through the Minister of Labour by Order-in-Council.

This Act had been preceded by the introduction of a Bill in 1973 which would have had the effect of bringing all agricultural workers under the jurisdiction of the Industrial Relations Act 1971, and which would have had the effect of ending the development of the Farm Workers' Association, which featured prominently in the development of the Agricultural Workers' Act 1977.

The paper is divided into five parts. Part A outlines the historical development of legislation dealing with the terms and conditions of employment of agricultural workers up to early 1973. This section details some of the attitudes towards the agricultural sector as a sector quite distinct from all other industrial sectors.

Part B outlines the introduction of the Agricultural Workers' Bill 1973, detailing the events which caused the subsequent development of the Farm Workers' Association. Part C looks at the

Introduction

This paper looks at the development of the Agricultural Workers' Act 1977, with a view to ascertaining how well the New Zealand parliamentary process responds to the pressures from different elements in the Government or the community.

The Agricultural Workers' Act 1977 was a somewhat controversial piece of legislation which provided 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 the agricultural workers." (0)

Two of the major provisions of the Act were the recognition it gave to the Farm Workers' Association as having exclusive rights of representation of certain categories of farm workers and the introduction of a new wage fixing procedure utilizing an Agricultural Tribunal for workers in the agricultural sector, replacing the former system whereby negotiated wage increases needed to be promulgated through the Minister of Labour by Order-in-Council.

This Act had been preceded by the introduction of a bill in 1973 which would have had the effect of bringing all agricultural workers under the jurisdiction of the Industrial Relations Act 1973, and which did have the effect of causing the development of the Farm Workers' Association, which featured prominently in the development of the Agricultural Workers' Act 1977.

The paper is divided into five parts. Part A outlines the historical development of legislation dealing with the terms and conditions of employment of agricultural workers up to early 1973. This section details some of the attitudes towards the agricultural sector as a sector quite distinct from all other industrial sectors.

Part B outlines the introduction of the Agricultural Workers' Amendment Bill 1973, detailing the events which caused the subsequent development of the Farm Workers' Association. Part C looks at the

history of the Farm Workers' Association, in conjunction with the bill it helped to formulate, and describes the passage of the Agricultural Workers' Act 1977 through Parliament.

Part D gives an analysis of the bill, describes the legislative process through which it developed, and a critique of its effectiveness. Part E contains the appendices, footnotes, membership of and submissions made to the 1973 and 1977 Labour bills committees regarding the two bills, the bibliography and acknowledgements.

The Shearers' Accommodation Act 1973, which provided some minimum standards of accommodation for shearers. Prior to that time, the Factories Act 1961 had given power to factory inspectors to inspect, inter alia, the quality of Shearing-Sheds and shearers' accommodation.

The new bill, introduced by a private member, and taken up by the government, "simplified the powers that previously existed" (1) It made little change to the powers that already existed under the Factories Act, and in the eyes of the opposition merely caused yet another bill, and some more machinery. (2)

2) Agricultural Labourers' Accommodation Act 1977

On July 19, 1977, a new bill was introduced into Parliament entitled the Agricultural Labourers' Accommodation Bill. It had been drafted along the lines of the Shearers' Accommodation Act 1973 but included a provision requiring farmers to supply separate accommodation for aliens. The government described the bill as "not intended to act in a harassing manner towards the employer, but to assist the employee in getting the rights that were due to him" (3). The bill provided for a range of accommodation needs, including tents. This latter clause stimulated most of the debate for the early readings as opponents of the bill considered tents to be inferior and insulting to agricultural workers.

The bill was supported in principle by the whole House when it came on for second reading. It was then that all aspects of accommodation to workers were discussed and the bill was amended. The bill provided for inspectors of such accommodation. These were still the factory inspectors of the Department of

Part A: Historical Development of Legislation Dealing with Conditions of Employment of Agricultural Workers.

1) Shearers' Accommodation Act 1898

The first New Zealand bill to deal solely with matters pertaining to the conditions of employment of the agricultural sector was the Shearers' Accommodation Act 1898, which provided some minimum standards of accommodation for shearers. Prior to that time, the Factories Act 1894 had given power to factory inspectors to inspect, inter alia, the quality of Shearing-Sheds and Shearers' accommodation.

The new bill, introduced by a private member, and taken up by the government, "simplified the powers that previously existed" (1) It made little change to the powers that already existed under the Factories Act, and in the eyes of the opposition merely caused yet another bill, and some more machinery. (2)

2) Agricultural Labourers Accommodation Act 1908

On July 10, 1907, a new bill was introduced into Parliament entitled the Agricultural Labourers' Accommodation Bill. It had been drafted along the lines of the Shearers' Accommodation Act 1898 but included a provision requiring farmers to supply separate accommodation for aliens. The government described the bill as "not intended to act in a harassing manner towards the employer, but to assist the employee in getting the rights that were due to him" (3). The bill provided for a range of accommodation needs, including tents. This latter clause stimulated most of the debate for the early readings as opponents of the bill considered tents to be inferior and insulting to agricultural workers.

The bill was supported in principle by the whole House when it returned for the second reading and covered all aspects of accommodation, as well as providing for inspectors of such accommodation. These were still the factory inspectors of the Department of

Labour. It was generally acknowledged that a good standard of accommodation was very necessary to ensure that workers continued in their employment, but that there were some farmers who treated their employees very poorly. The legislation was aimed at this latter category of farmers.

The third reading was on 11 November 1907 and the Act became law on 1 April 1908.

3) 1908 - 1936

Since 1901, certain groups of agricultural workers had been brought under the jurisdiction of the Court of Arbitration, including Southland sawmill workers (1901), shearers (1902), flaxmill workers (1904), musters and drovers (1908), and awards had been made over the years covering conditions of employment and rates of pay for these groups. This had followed applications by these groups to the Court itself to come under the Court's jurisdiction. General farm workers, however, had at that time never been subject to the jurisdiction of the Court of Arbitration.

Three applications had in fact been made to the Court to bring general farm workers under its jurisdiction - in 1908, 1919 and 1925. In rejecting the latter application on 31 July 1925 the Court said:

"There are difficulties which are inseparable from the preparation of an award covering all classes of farm work. The work of a dairy farm is carried on under entirely different conditions from those under which the work of an orchardist is conducted. The conditions of work of an agricultural farm differ from those on a sheep station and from those on dairy farms and orchards. Then too, conditions vary from farm to farm and from district to district. Farm hands are employed to do one or more of several widely differing classes of work, and such matters as climatic conditions, seasons, soils, crops, marketing and transport have to be separately considered in respect of every class of farm

work in every part of the country in determining the manner in which the work of a farm is to be carried on." (4)

4) Agricultural Workers' Act 1936

A new bill dealing with the conditions of employment of farm workers was introduced on 26 August 1936, following representations to the government from the Farmers' Union. New Zealand was at that time consolidating its economy following the Depression of the previous seven years. The government had earlier in the same year introduced the system of guaranteed prices for the dairy industry and consequently, the scope of the new Bill was confined to dairy farm workers.

The drafting of the new bill was a tripartite affair, involving representatives of the Farmers' Union, the Department of Labour and the government. No representative of the farm workers was invited to participate because "there is no union in that industry". (5)

The bill was drafted in four parts. Part I dealt with administrative matters, including the right of entry of Department of Labour factory inspectors (or their agents) to farms to carry out inspections. Part II, dealing with accommodation, embodied all the provisions of the previous legislation plus additional ones which made for more comfortable living conditions for farm workers. Part III dealt mainly with wages and working conditions, including provisions for holidays - the first time holidays had been prescribed for farm workers. A minimum working age of 15 years, as well as a minimum wage, was introduced, and farmers were to be compelled to keep wage books. Equality with males for wages and working conditions was accorded to females. Part IV contained the machinery provisions to enable the bill to function.

Under Part III, a rate of wages was set and power was vested in the government to review the wage rates annually, by way of Orders-in-Council. This was to develop into a contentious method

of wage fixing as inflation escalated some thirty years later, and the system proved to be able to be drawn out by employers opposing any wage increase for farm workers.

The Minister of Labour, in introducing the bill, spoke of an urgent need for some legislation directed at regulating the conditions of labour on farms, and laying down the minimum rates of wages payable to farm labourers in New Zealand. (6) This was backed up by the subsequent debate during which details were revealed of many farm workers living and working in miserable conditions, with few holidays, poor wages and substandard accommodation.

The bill was debated the following day, and again a fortnight later on 10 September when the House went into Committee. The following day, the Standing Orders were suspended to allow the bill to pass through all its remaining stages at one sitting.

It is interesting to note some of the points made during the debate. One opposition member (7) mentioned that "farmers generally have fought shy of being within the scope of the Industrial Conciliation and Arbitration Act. When it comes to laying down conditions and hours of working, the farmer finds it very difficult to work under an award. So that while we - that is, the farmers - accept the conditions laid down in this bill, we say frankly that we regard them as experimental. There is one important point that has not been made clear - that is, there is nothing to prevent fifteen dairy farm employees from forming a union and applying to the Court for an award." (7) Mr Waite went on to say, however, that it was the understanding of the Farmers' Union that if an attempt were to be made by workers to apply to the Arbitration Court, no decisive steps would be taken to override the agreement arrived at with the Minister that had resulted in this bill!! Already it seems the Industrial Conciliation and Arbitration Act was considered by farmers to be hostile to their interests.

The bill was passed on 11 September 1936 and the closing words of the debate indicated that females engaged on farm work were to be treated in the same way and paid equally as males. It was nearly forty years later before legislation was passed to provide equality of treatment for male and female employees in all other industries.

5) Between 1936 and 1962

The Agricultural Workers' Act 1936 made provision for extension orders to the Act to be introduced, so that the Act could cover more than just the dairy industry. Gradually, other groups of farm workers were brought in under extension orders, viz farm and station workers, orchardists, market gardeners and tobacco workers. Particularly with regard to accommodation matters it seems generally agreed that there was difficulty in administering the Act, as evidenced by parliamentary debate and submissions to the Labour Bills Committee in the nineteen-seventies.

Meanwhile, on several occasions, the New Zealand Workers' Union had suggested to the government that consideration should be given to bringing agricultural workers under the jurisdiction of the Court of Arbitration, such a move being in line with the Court coverage of sawmill workers, shearers, flaxmill workers, musterers and drovers. The latest recorded occasion was 1958, under a Labour administration. That government upheld the 1925 decision of the Court of Arbitration, feeling that the disadvantages of bringing farm workers under the Court's aegis would outweigh the advantages. As negotiations for the draft 1962 bill took place, the parties involved all apparently accepted that the difficulties the Court would face trying to make an award or series of awards to cover farm workers would be insuperable. (8)

6) Agricultural Workers' Act 1962

The draft Agricultural Workers' Bill 1962 was presented to Parliament with a Message from the Governor-General on 9 October

1962. The message, together with the Bill, was referred to the Committee of the Whole House. The Bill had developed as a result of negotiations between various groups of agricultural employers and the New Zealand Workers' Union late in 1960. The proposals had subsequently been submitted in April 1962 to a large number of interested organisations (9) all of whom had signified general agreement with the spirit of the Bill.

The Bill was read a first time, a second time "pro forma", and then referred to the Labour and Mining Committee.

The Bill contained five substantial changes from the 1936 Act. First, the 1962 Act would thereafter bind the Crown - the philosophy being that the Crown should be treated no differently from any other employer, be it private or public body (10). Second, any provisions for the accommodation of married farm workers were explicitly excluded from the Act, it being felt that the Housing Improvement Act 1945, and local body by-laws, more than adequately covered the required standards (11). Third, the bill made provision for workers even if they were employed for only one day or only a few hours. Fourth, the definitions of "employer" and "agricultural worker" were extended, to include share milkers in the former group, and sawmillers and bush workers in the latter. Lastly, provision was made for the employment of children for up to eight hours a day.

Debate in the House centred on two main points: the provision that children could be employed for up to eight hours a day, and the lack of provision for accommodation for married workers. The Opposition presented the view that there should be limits on the number of weekly hours that children could work, and that that provision contradicted the provisions of the Factories Act. (This Act stipulated that no person under 15 years of age should be employed in a factory, that no person should work more than 40 hours in one week or eight hours in one day, and that no woman or boy should be employed on a Sunday.) The government defended the provision, by saying it was intended to enable keen city

youngsters to learn about farming and earn a few shillings besides, to help pick seasonal produce, and simply to assist farmers; and that the provision legalised the existing situation. One member added that it was "wrong to stop people working as long hours as they wished, even if they were children." (12)

The lack of provision for accommodation for married workers was defended on the grounds that it had never been directly specified in legislation, and that the Housing Improvement Act gave ample provision for standards of housing where accommodation had been agreed to by farmer and employee as part of the conditions of employment.

There was some debate on whether farm labourers should come under the Industrial Conciliation and Arbitration Act. Most of this debate came from government members who constantly interspersed the debate with attacks on the Industrial Conciliation and Arbitration Act. The Opposition, on the other hand accepted the status quo, and concentrated their efforts on attempting to ensure that the provisions of the draft bill provided the best possible deal for farm workers.

Comments against the premise that agricultural workers should come under the jurisdiction of the Court of Arbitration included the claim that the inflexibility of the 40 hour working week (that is, a 5 day week, eight hour day) would cause premium prices for farm products at difficult times e.g. for weekend milk supplies, and for produce at the market on Mondays, due to the need for weekend work on farms and thus for overtime payments. (13)

One member reminded the House that "the relationship between the worker and the farmer is a personal one. For all the good the trade union movement has conferred on the workers, it has to be remembered that the movement came into existence only through the growth of industry in the cities, where the personal relationship between employer and employee was no longer possible." (14)

By contrast, the Opposition felt that, although most agricultural workers believed that they should come under the Industrial Conciliation and Arbitration Act such a situation was not easy to achieve and that it was perhaps not so important as it had been years ago when wages and conditions has lagged well behind other workers. Tribute was paid to the New Zealand Workers' Union which had "considerably improved wages and conditions of employment." (15) Another member acknowledged that the work done by that union had brought little gain for the union, as without compulsory unionism, there was little financial support from farm workers in return for the union's efforts on their behalf. (16)

Amendments made in Committee were read into the bill on 27 and 28 November, 1962 and the third reading took place on 4 December. All three readings passed without debate or any signs of contention.

7) Between 1962 and 1973

Under the 1962 Agricultural Workers' Act, coverage of the market gardening sphere was given by the New Zealand General Labourers' Union, while the New Zealand Workers' Union held coverage of orchards, vineyards and tobacco plantations. It is noteworthy that two of the Orders-in-Council covering these groups contained unqualified preference provisions requiring all workers to join the respective union.

For the general farm labourer, an Order-in-Council was passed in 1959, and it was sixteen years before the rates set therein were reviewed.

The Labour Party continued to be concerned at the delays in promulgating, or sometimes reaching wage agreements, caused by the system of Orders-in-Council, and the "comparative looseness" of the

Agricultural Workers' Act 1962. (17) Under the Act, the agreement of the employers was required before the Minister of Labour could approve an Order-in-Council. Farmer employers were naturally reluctant to approve wage increases "en masse" and so frequently refused to concur to any applications for Orders-in-Council.

The inadequacies of the 1962 Act were later described by the Farm Workers' Association to have survived "mainly because of the absence of effective representation for workers employed under Orders-in-Council. There were areas where no organisation had coverage, and other areas where farm workers had rejected those Unions who claimed to have coverage. This discretionary system has not worked well, has left workers without any power to force a decision, and has left final control in the hands of the Minister of Labour." (18)

During the 1960s the Labourers' and Workers' Unions regularly successfully negotiated for the updating of the Orders-in-Council for market gardeners, tobacco orchard and vineyard workers. The Workers' Union did try, yet again, to negotiate an Order-in-Council for farm workers, but insisted on specifying a preference clause and a 40 hour week, which the farm employers rejected out-of-hand. The employers insisted on retaining their right to the unrestricted hours of work clause. This had the effect of embittering much of the agricultural industry against the Workers' Union.

Early in the nineteen-seventies, the Workers' Union suffered a severe set back. Several of its national officials were imprisoned for embezzlement of union funds. This not only put the union in severe financial straits, but also had the effect of changing the leadership of the union (and putting an ex-farm worker, Mr D. Duggan, on the executive).

The Workers' Union then had to set about re-establishing itself, with sufficient restructuring to avoid a recurrence of the problem, and to meet the urgent need to regain the trust of members. For

this reason, negotiations were no longer handled only by the national executive; local branch executives were increasingly used. The principle of a 40 hour working week for agricultural workers was not discarded, although the need for flexibility of actual hours worked was stressed. The general principle was accepted that any hours could be worked, on the basis of an agreement between farmer and farm worker as long as the wages were commensurate with the actual hours worked; and the farm worker was not over-worked.

Late in 1972 the Labourers' Union tried to obtain an award to bring the market garden workers under the Industrial Conciliation and Arbitration Act, rather than under the Agricultural Workers' Act 1962. The application was rejected by the Arbitration Court in a decision which clearly specified that farm workers were not to come under the jurisdiction of the Arbitration Court, the system which had traditionally been accepted as the basis of the New Zealand industrial structure. (19)

Meanwhile, despite those previous Court of Arbitration decisions, in its election Manifestos of 1963, 1966, 1969 and 1972, the Labour party promised that if elected:

"Legislative provision will be made....

(c) for workers such as agricultural workers
who were not covered by the I.C. and A.

Act to come within the industrial legislation" (20)

Part B: The Agricultural Workers' Amendment Bill 1973

The Labour party was elected to govern at the end of 1972, and early in 1973 continued the passage of the previous government's Industrial Relations Bill. This became a controversial bill, providing for compulsory unionism at the direction of the Secretary of Labour, and for strict adherence to the 40-hour working week. Debate in the House was heated, right up until the end of the third reading.

It comes as no surprise, therefore, that when on September 13, the Agricultural Workers' Amendment Bill was introduced, the Opposition were bitterly against it.

The draft bill was a short one, with only four clauses, designed

solely "to give effect to the Government's election promise that agricultural workers would be brought within the coverage of industrial legislation". (21) The four clauses had originally been inserted into the Industrial Relations Bill after it had been before the Select Committee, but for that very reason the government had removed them, to introduce them subsequently in a separate bill.

As far as the government was concerned, it was essential that agricultural workers be treated no differently from other workers, especially as they already had unions representing them and orders-in-council to fix wages, which the government considered were somewhat akin to awards and agreements. (21)

The Bill amended the Agricultural Workers' Act 1962 to bring all agricultural workers within the scope of the Industrial Relations Act, instead of having their terms and conditions of employment fixed by Order-in-Council under part III of the Agricultural Workers' Act 1962. As it stood, the bill did not affect those requirements of Part II of the 1962 Act relating to the provision of accommodation of agricultural workers.

The bill comprised four clauses: clause 1 related to the Short Title and Commencement of the bill; clause 2 repealed part III of the principal Act and substituted a new Part III; clause 3 contained consequential repeats, and clause 4 set out transitional provisions.

There were four major changes in the new Part III. The new Section 15 defined 'worker' to include any agricultural worker irrespective of the time for which he or she was employed. Section 16 was redrafted to exclude those workers whose remuneration and conditions of employment were determined under the State Services Remuneration and Conditions of Employment Act 1969. The new Section 17 gave a proposed Industrial Commission jurisdiction to make awards and

register agreements in relation to the employment of agricultural workers. The new Section 18 applied the 1973 Industrial Relations Act to agricultural workers and their employers, and to any unions, associations or societies formed by such workers or employers.

The Opposition took issue with the possibility of a 40-hour working week, and the prospect of compulsory unionism, despite being reminded that the qualified preference clauses in an award required the agreement of employers as well as employees. As soon as the bill was introduced, a heated debate took place, the two sides taking opposing viewpoints, so much so that the Speaker on several occasions reprimanded members for developing debate along the lines of a second reading debate, rather than as was traditional for the first reading of a bill, merely seeking classification of the bill.

The Opposition predicted "a tremendous protest" (22) from one end of the country to the other about farm workers coming under the jurisdiction of the Industrial Court; this did occur. Reports on what happened are somewhat conflicting. Some sources indicate that the Opposition members from the Taranaki area spurred their farm workers into protest against the bill. Stimulation of the protest from Federated Farmers is not denied by representatives of Federated Farmers or the Farm Workers' Association.

The bill was referred to Select Committee for written submissions. The sessions were to be open to accredited representatives of the media.

Meetings were held throughout the country to protest against the bill. Various employers' organisations conducted surveys to ascertain feeling towards the bill (23). Small groups of farm workers formed themselves into prototype farm worker associations, and made deputations to their local Member of Parliament, seeking the removal of the bill. To provide balance, the New Zealand Workers' Union also held meetings.

The Workers' Union had seen the acquisition of farm workers to its ranks of members as an ideal way of assisting both itself and the farm workers: the Union needed funds and members to re-establish itself following the imprisonment of its corrupt officials; and the farm workers needed a union. The Workers' Union acknowledged that little had been done to help farm workers - they saw little strength in the 1962 Agricultural Workers' Act, even if previous Union officials had wanted or tried to achieve anything. If farmers did not support the move for a new Order-in-Council, then the Union was powerless to get one.

The Workers' Union, however, made a grave tactical error: as they moved around the country, setting up and attending meetings, their attitude was strongly one of "You'll be part of our Union soon, and this is what we plan to do with you". This did not succeed with farm workers who were aware that sharemilkers had much earlier seceded from the Workers' Union and formed their own Union (24). Farm workers were quite prepared to do likewise.

It was later claimed by the Union that many of those who helped organise meetings in favour of the bill in fact lost their jobs "because of insidious action by employers to get rid of those farm workers who believed that this Union was more responsible to do the job for genuine farm workers". (25) The Union took a case to court on behalf of one such person, and itself employed as a field officer, another person who had been victimised.

1) The Select Committee Proceedings

The Labour Select Committee met on six occasions to hear the twentyfive submissions made regarding the draft bill. Hearings began on 24 October 1973 and finished on 14 November 1973. (26) Most of the submissions were quite brief; the Act itself being only three pages long.

The Fruitgrowers' Industrial Union of Employers expressed concern that the proposed coverage by the Industrial Relations Act would lead to pressure for "clock hours" with resulting inflexibility. They described the industry as heavily reliant on casual labour available mainly at weekends and depended upon favourable weather conditions, both of which required considerable flexibility of working hours. The group pointed out that the waterfront, the aviation industries and the state services, all had separate legislation, and that agriculture was no less a separate identity. They requested a provision that General Wage Orders should apply to farm workers, and finally suggested that providing appropriate new machinery for wage fixing under the Agricultural Workers' Act would in fact solve the grievances of the trade union movement. (27)

The Farm Workers' Association was concerned that the bill would "impose unionism" upon farm workers (28) and cited England as a country where such attempts had failed. They listed field days and rural study activities as activities which would cease because they normally occurred during the conventional working week. They feared demarcation problems, as farm hands tended to tackle a wide range of industrial jobs on farms, and also a deterioration in the quality of farm labour which could ensue if people looked on farm work as "just another labouring job". Finally, the Association declared itself willing to act as the negotiating body to update farm workers' wages. This submission was wholly supported by the N.Z. Sheep and Cattlemen's Association.

The thrust of the Mid and North Canterbury Farm Workers' Committee submission was a request that the bill be delayed "until such time as all farm workers have had an opportunity to become informed on the meaning and consequence of the Act and have had a opportunity to express their opinion through a postal ballot." (29)

The Rural Management Association admitted that it had been formed because of difficulties in negotiating wages in the farming sector (30), and pointed out the problems in having farm managers (as farm

employees) and farm workers pushed into the one union, although there was a considerable degree of self preservation on the part of the Association: putting forward this view. They described the 1962 Act and the existing system as "having much to commend it" and blamed the N.Z. Workers' Union and its push during the nineteen sixties for compulsory membership and a 40-hour working week for there having been no wage negotiations since 1960.

The N.Z. Labourers' Union acknowledged that it had pressed for many years to have agricultural workers subject to the jurisdiction of the Court of Arbitration (31). It gave several illustrations of problems it had experienced with employers delaying the making of Orders-in-Council and admitted that it did not believe that the new Act would "provide Utopia".

The N.Z. Tobacco Growers' Federation's submission was essentially the same as that of the Fruitgrowers' Industrial Union of Employers, (that is concerned about the apparent inflexibility of a 40-hour working week), with additional details being included on the particular considerations of tobacco production.

The N.Z. Dairy Farmers' Industrial Union of Employers followed suit, with extra facts regarding the dairy industry. In addition, the Union had conducted a survey of farm employees during the 1971-72 season, and found that the 'vast majority' of dairy farm employees intended to own their own farms (32), and submitted that they were thus not workers or employees in the conventional sense.

The Federated Farmers also made a submission, while acknowledging that most of their member organisations were also presenting submissions. (33) They expressed a strong desire for the Agricultural Workers' Act to be reformed, but differently from the draft bill being considered, and they claimed responsibility for having had the clauses which made up this new draft bill removed from the Industrial

Relations Act 1973 when it was at the Select Committee stage, on the grounds that the government and employers' representatives had not had sufficient time to discuss the provisions.

The South Auckland Young Farmers' Club submitted the results of a survey which they had organised of farm workers and included the questionnaire, raw data and the analysis. (34) Results were analysed by single or married status. More than half the married people surveyed wanted no unionism among the farm workers, and a further 41.5% thought it should be voluntary. Only 43% of single respondents wanted no unionism and 52% preferred voluntary unionism. More than half of both groups of workers wish to retain their current arrangements for hours of work, although 19% of married employees wanted a 40-hour working week.

The group summarised the findings of their survey as indicating that farm workers were "generally satisfied with their conditions as at present. But they do feel that there is a definite place for a voluntary union to negotiate basic wage rates and generally protect the interests of farm employees in this country" (35)

The Waikato branch of Federated Farmers had also conducted a survey, this time of farmers and their farm cadets. (36) Both farmers and cadets were strongly against hourly rates of pay with overtime payments, and specified weekly hours, and both groups were strongly in favour of the current system of weekly negotiated wages and time off, minimum nationally set rates above which individuals could negotiate, some regulation of weekly time off and annual holidays and a set time off per month for farm workers. Farmers' and cadets' opinions differed on lodging allowances and membership of employers' or workers' unions to negotiate conditions and wages. Some contradiction of opinions, however, is evident from the questionnaire, (such as the farmers expressed preference both for the existing ad hoc system of time off, and for nationally set days off).

The N.Z. Agricultural and Related Farmers' Industrial Union of Employers, which represented cropping farmers, also spoke along

the lines of the other employer groups' submissions, as did the N.Z. Sheepowners' Industrial Union of Employers, the N.Z. Vegetable and Produce Growers' Federation (Inc) and the N.Z. Berryfruit Growers' Federation (Inc.)

The results of a survey of Farm Labour and North Island Dairy Farms, conducted by the N.Z. Dairy Board were submitted as part of the Dairy Farm Employers' submission. This presented a considerable amount of data including age groups of farmworkers, herd size, average wages, bonus payments, perks, hours of work and time off. A table of imputed weekly earnings was presented, which took into account wages, bonuses, any additional earnings, "perks" and tax savings. The earnings range for adults was \$64 to \$93 weekly. Weekly working hours required of employees ranged from 41 in winter to 66 in spring. (37)

The submissions were received from West Otago farm workers, protesting any moves to make them subject to the Industrial Relations Act. These had all followed from joint public meetings of farmers and farm workers held in the area.

The submission of the N.Z. Workers' Union dealt with the historical problems experienced by the union trying to operate the provisions of previous Agricultural Worker Acts. The submission also supported the opportunity which this bill would give them to upgrade the conditions of employment and wages of agricultural workers. (38)

The N.Z. Federation of Labour presented an extensive submission to the Committee; detailing the history of legislation pertaining to farm workers, and providing arguments against any opposition to the bill. "It will no doubt be said during the proceedings of this committee that farm workers do not wish to join unions, and that their circumstances are not suitable to union membership. The same sort of things were said of many other workers in 1936 when the Industrial conciliation and Arbitration Act was amended

to make provision for compulsory membership." (39) A brief explanation of employer antagonism to unions ensued, including the prediction of farmer antagonism to any farm worker unionism. "Without a union, they have not the organisation or resources to conduct discussions with their employers." (1) The Federation pointed out that the Minimum Wage Act laid down a wage of \$47 per week for any male worker (which was considerably less than the amounts earned revealed by the N.Z. Dairy Board survey (37); and blamed the lack of effective representation of workers in their negotiations with employers, for any delays in updating wages by Orders-in-Council, such wages then being an average of 11 per week.

The Federation concluded by saying that "it would be wrong to think that members of industrial unions have become members because they had a desire to join the union and were prepared to do so at any cost. Trade unions have been the subject of adverse propaganda and publicity for as long as they have existed and the effect of this adverse propaganda has very often rubbed off on the workers themselves..... it was later realised that[compulsory unionism] was no disadvantage to employers as negotiation was done by employers with groups of workers in the form of unions, instead of with separate and unconnected groups of workers all striving for a different objective. in 1961, the government of the day introduced legislation to abolish compulsory unionism and this was opposed by the Employers' Federation in the interests of orderly bargaining." (40)

The Wanganui and Taranaki Farm Workers' Associations presented the opposite point of view from that of most of the other farm worker groups. It specifically asked to become subject to the Industrial Relations Act, and contended that "for many years, agricultural workers have been exploited and abused." (41) It also requested a postal ballot of farm workers' opinions, feeling sure that "favourable support would be forthcoming, notwithstanding the submissions already made to the committee by employer groups." (42)

A poll was also supported in a telegram from the West Otago branch of Federated Farmers.

A group of six married couples in Waitahuna wrote to the Committee protesting both compulsory unionism and the concept of 40-hour week, stating that "we believe in the right of the individual to negotiate his own pay and conditions with his employer without outside interference." (43)

In a different vein, the Young Christian Workers' Movement submitted that it was the fundamental human right of people to form associations for good purpose (44), and they pointed out the irony of employer unions protesting against any worker unions.

The submission argued the benefits of trade unions, both in allowing for some representation in disputes, and in training, and suggested that the provisions in the new Industrial Relations Act were themselves unrealistic and discriminatory because of the inclusion of unqualified preference clauses.

By this stage, the Select Committee had realised that there would not be sufficient time before the Christmas recess for deliberations, or for it to make any amendments to the bill. Accordingly, on 22 November 1973, the Minister of Labour moved that the Select Committee have power to sit during the recess to consider the Agricultural Workers' Bill. (45)

The Select Committee reconvened on 30 January, 1974 to deliberate on the submissions received. Because the effective provision of the bill was tabled in one clause, the committee took the unusual step of classifying submissions under the 'pro' and 'con' arguments for the central principle.

Arguments in favour of the bill were recorded as having come from the Federation of Labour, the Young Christian Workers' Movement, the Workers' and Labourers' Unions, and the Wanganui and

Taranaki Farm Workers' Association.

Arguments against the bill had come from all the employer groups, the six married couples of Waitahuna, the Rural Management Association, the West Otago and Mid and North Canterbury farm worker representatives, the South Auckland Young Farmers' Club and the Farm Workers' Association.

The only change made by the Committee was to change the year in the Short Title from 1973 to 1974.

2)

1974

The bill was reported back to Parliament on 14 February, 1974, with the earlier arguments being repeated by both sides. The Opposition requested that the bill be returned to the Select Committee, because the government members had not taken enough notice of submissions made in opposition to the bill.

The government members pointed out the large degree of ignorance which existed about industrial realtions. (46) "Every one of those who opposed the bill ... admitted that he had made no study whatever of the industrial scene, of what joining the union would actually mean, or of the rights and privileges to be gained by union membership ... If the witnesses had studied those types of awards, (47) they would have been aware that flexibility to suit the industry concerned can be achieved in negotiations across the conciliation table."

The problem of inequality of wages was glossed over by the Opposition who pointed out that a farm worker responsible for 40 cows would be on a different wage from one responsible for 140 cows. Under the latest Order-in-Council, (1960) wages in fact officially ranged from \$19 -20 per week. The Opposition reminded the House that the Department of Labour was receiving a steady number of complaints that agricultural awards were not being upheld, and prosecuting employers for breaches of the Act discovered during

routine inspections. (48) However, despite the Opposition's arguments, the report was finally accepted by the House.

Towards the end of 1973, the Labour government had a cabinet reshuffle, following the death of the Prime Minister. Hon A J Faulkner relinquished his portfolios of Defence and Social Welfare to become Minister of Labour, while the former Minister of Labour, Hon H Watt, took up the post of New Zealand High Commissioner, London. This had the effect of breaking the continuity of some ministerial activities over the next few months, one of which was the Agricultural Workers' Amendment Bill.

Mr Faulkner described himself strongly committed to the principle of compulsory unionism, and had a very high regard for the New Zealand Workers' Union, which he called "a moderate union". (49) His long term goal was to see one 'industry' union for the whole of the farming sector, and he saw this ideal threatened by the growing Farm Workers' Association which he described as 'separatist'. Despite this, he supported many of the Association's ideas, and says he grew to respect the executive of the Association during his many meetings with them in 1974. The major problem he felt he experienced with farmers and the rural sector was a 'rural prejudice' which he could not break, and which insisted that the 1973 Agricultural Workers' Amendment bill was aimed solely at the 5-day 40-hour working week.

Throughout 1974 Mr Faulkner held meetings with representatives of the Farm Workers' Association and the N.Z. Workers' Union to bring about some co-operation between the 2 groups. A third reading of the Amendment bill was deliberately postponed as he "persisted to get them [the 2 groups] to co-ordinate." (50) Mr Faulkner had great faith in his own persuasive powers and consequently fully expected to bring about some form of merger. "I did what I could to bring the two parties together under the Industrial Relations Act, and so meet what I thought to be the unanimous view of the House on the non proliferation of trade unions." (51) Later in 1977 when the National Government introduced a bill with the

opposite philosophy from the 1973 Amendment bill, Mr Faulkner became very bitter in Parliament about that party's duplicity: "On the one hand, the National Party preached amalgamation, while on the other hand, National members (52) went in to rural areas and preached an entirely different story. I did not know that National members were trying to block the amalgamation and friendship that I sought between the two groups." (53)

Ultimately Mr Faulkner came to regret the delay in the bill's progress caused by his attempts at conciliation and mediation. "I regret that when I was the Minister I did not make the necessary provisions in the Industrial Relations Act or repeal the Agricultural Workers' Act." (53)

On the other hand, the then Minister of Agriculture, Mr Moyle, was described as "being convinced of the sincerity of the Farm Workers' Association, knowing it to be more important that we have an organisation which actually works, than [to argue about] being members of the Workers' Union". (54) This led to some real conflict in the government caucus between Mr Moyle and Mr Faulkner.

Part C: The Agricultural Workers' Act 1977

1) The Farm Workers' Association

At this point, it would seem appropriate for the development of the Farm Workers' Association to be detailed. At the time when the Labour Bills Committee heard submissions at the end of 1973, or deliberated in January 1974, no central farm worker organisation existed, but a number of localised associations. Some of these were sufficiently well established to make submissions to the Select Committee, opposing the Amendment Bill. The government, on the other hand, was strongly committed to the principle of the bill and was refusing all suggestions that the bill be dropped.

There were three fairly strong groups of Farm Workers by the end of 1973 - Waikato, Hawkes Bay, and Canterbury. These groups had been very active in getting support for their opposition to the bill. However, the attitude of the Minister of Labour and the government was that the bill would proceed. Following a meeting where the Minister had flatly refused their request, representatives of the three groups approached the Federated Farmers for assistance, which was refused. This is surprising in view of the fact the Federated Farmers and farmers had featured strongly in the "oppose the bill" movement.

The next step for farm workers was to seek legal advice and get themselves established as a recognised association. They all felt sure that people would join a nationally organised farm workers group, as the previously held regional meetings of farm workers had shown dissatisfaction with the N.Z. Workers' Union. Adopting an interim set of rules from a social club's constitution, the group registered itself as an incorporated society and asked a well known firm of accountants to act for it as accountants. The group was scrupulous in making everything legal, and as public as could be required. All documents relating to the group, its annual report, membership lists and numbers are still held by the Registrar of Incorporated Societies. To raise some funds a membership fee of \$2 per year was

set, but this only allowed the association a very thin budget to operate on, and the group set out on a membership drive and publicity campaign.

The Association, once formed, set about to proving itself capable of being the accredited representative of farm workers. Activities such as rural discounts, a superannuation scheme, and a credit union were established by the group, who quickly began to realise the amount of assistance and activities they had previously never had. Knowledge of the tax laws, such as the tax allowance on working dogs, was news to them. The Association was proud of the fact that by mid 1975 it had achieved formal recognition by the Federated Farmers, the Agricultural Training Council, the Countrywomens' Institute and other allied groups. (56) In addition it had negotiated with the Inland Revenue Department that bonuses paid by farmers strictly in lieu of overtime were to be subject to a 10% tax rebate. A major achievement in the Association's eyes was the blocking of an attempt by the Drivers' Union to bring farm workers under their industrial representation.

Some of the conflict between the two Labour party Ministers - Moyle (Agriculture) and Faulkner (Labour) - can be seen at the first Annual General Meeting of the Farm Workers' Association on 23 to 25 May, 1975. Mr Moyle was the guest speaker, and he spoke encouraging the association, implicitly at the expense of the N.Z. Workers' Union. He considered that the aim of an employee association, such as the Farm Workers' Association, should be to present acceptable guidelines for terms of employment and ensure that they were adhered to; and he considered in connection with this that the Farm Workers' Association should consider registering under the Industrial Relations Act. (55)

Under that Act, any group which wishes to represent a group of workers must apply to the Registrar of Industrial Unions for recognition. Once formally registered, the group then has sole rights of representation. It is interesting to note that despite being opposed to the principle

of coming under the jurisdiction of the Industrial Relations Act, the Farm Workers' Association formally presented a case to the Minister of Labour to be the recognised representative of farm workers, as they had a membership of over 8000. Understandably, this did not help the Minister of Labour's task of reconciling the two opposing representative groups.

The next step for the Association was to negotiate a new award with the Federated Farmers for farm workers to replace one that was by now 16 years old. It was processed within about two months and presented to Mr Faulkner, Minister of Labour for formal promulgation. This was subsequently delayed, despite two attempts by the Association to spur the Minister into action. The Association accused "trade union pressure of preventing Mr Faulkner from signing the Order-in-Council with the Farm Workers' Association name on it, which would make a new award law...when one considers how formidable trade union pressure on a government can be, it is very much to the Farm Workers' Association credit that they have managed to achieve as much as they have." (56)

The successful prod to action in signing the Order-in-Council for Mr Faulkner came from the National Business Review, who wrote critically of Mr Faulkner's delaying tactics and accused him of having "become embroiled in internal FoL politics"..... "Faulkners critics claim he has deliberately avoided making the Order-in-Council since March [1975] because it would put him offside the FoL." (57) The magazine went on to describe a possible leadership struggle between the moderate unions and those more to the left, if the then President, T.E. Skinner were to resign. If the N.Z. Workers' Union, a moderate union encompassed the more than 20,000 farm workers, this would increase its voting strength, thereby "repulsing any challenge from the left..... This is commonly interpreted as the reason the government last year introduced a bill which would have put farm workers under the Industrial Relations Act and the orbit of the N.Z. Workers' Union." (58)

A spokesman for Mr Faulkner countered this whole argument saying that the Minister awaited a written assurance from the Federated Farmers that they were prepared to negotiate with the Farm Workers' Association and the N.Z. Workers' Union on wages and conditions, before he would promulgate the order updating minimum wages for farm workers. (59) He still spoke of the Workers' Union and the Farm Workers' Association together. The Association, meanwhile, saw no point in continuing to meet for discussions with the N.Z. Workers' Union, as it had nothing to offer them. (60)

The article in the National Business Review was successful: Mr Faulkner promulgated the Order-in-Council on 26 September 1975, under the title "The Agricultural Workers' Wages Order 1975."

At about the same time, Mr Faulkner realised that the Farm Workers' Association was indeed a force to be reckoned with, as he admitted to the Canterbury Trades Council (61) : "Although the Farm Workers' Association is not registered, it is not possible to ignore the fact that it does include in its membership over 8000 paid-up members. I am considering special legislation which will enable the principles of the Industrial Relations Act to apply to the negotiation of wages and conditions of employment of farm workers."

As time drew nearer to the 1975 General Election, the farm workers set about a very determined lobbying of rural Members of Parliament, and those in marginal seats throughout 1974.

In the first issue of "The Farm Worker," the magazine of the newly developed Farm Workers' Association, the president of the association exhorted members to lobby their local member of Parliament: "we must be thankful for marginal rural seats ... when members of Parliament go wooing their electorate, we should make our position clear to each and every one of them." It came as a surprise to no one when in the 1975 National Party election manifesto, the following statement appeared:

"National is very conscious of the contribution made to agriculture by career farm workers. A National Government will take steps to accord the Farm Workers' Association full rights of representation for farm workers." (63)

A spokesman for Mr Faulkner countered this whole argument saying that the Minister awaited a written assurance from the Federated Farmers that they were prepared to negotiate with the Farm Workers' Association and the N.Z. Workers' Union on wages and conditions, before he would promulgate the order updating minimum wages for farm workers. (59) He still spoke of the Workers' Union and the Farm Workers' Association together. The Association, meanwhile, saw no point in continuing to meet for discussions with the N.Z. Workers' Union, as it had nothing to offer them. (60)

The article in the National Business Review was successful: Mr Faulkner promulgated the Order-in-Council on 26 September 1975, under the title "The Agricultural Workers' Wages Order 1975."

At about the same time, Mr Faulkner realised that the Farm Workers' Association was indeed a force to be reckoned with, as he admitted to the Canterbury Trades Council (61): "Although the Farm Workers' Association is not registered, it is not possible to ignore the fact that it does include in its membership over 8000 paid-up members. I am considering special legislation which will enable the principles of the Industrial Relations Act to apply to the negotiation of wages and conditions of employment of farm workers."

As time drew nearer to the 1975 General Election, the farm workers set about a very determined lobbying of rural Members of Parliament, and those in marginal seats throughout 1974.

In the first issue of "The Farm Worker," the magazine of the newly developed Farm Workers' Association, the president of the association exhorted members to lobby their local member of Parliament: "we must be thankful for marginal rural seats ... when members of Parliament go wooing their electorate, we should make our position clear to each and every one of them." It came as a surprise to no one when in the 1975 National Party election manifesto, the following statement appeared:

"National is very conscious of the contribution made to agriculture by career farm workers. A National Government will take steps to accord the Farm Workers' Association full rights of representation for farm workers." (63)

By way of contrast, the Labour Party 1975 election manifesto did not mention agricultural workers specifically - the first time in five manifestos. Instead, it concentrated on general statements of principle that it would consolidate and improve the whole field of industrial relations and welfare. This lack of support for the 1973 Amendment bill was not appreciated by the N.Z. Workers' Union, who were reported as saying that "the bill was probably dropped because it was worrying Labour M.P.s in marginal semi-rural electorates." (64) It was claimed that in private, Workers' Union officials believed that "if Norman Kirk were still Prime Minister, the Labour Government would probably have carried out its policy and brought the farm workers under the Industrial Relations Act." (65)

With the change of government resulting from the general election of November 1975, and subsequent abandonment of the bill, farm workers lost their impetus for the association, and membership declined sharply. Partly this resulted from the turnover rate of farm workers of 20% per year. Meanwhile, the Association was pressing for an Order-in-Council for farm workers, an attempt which seemed to be stalled by the N.Z. Workers' Union. Such a situation was obviously satisfactory to the Federated Farmers which benefited by the two unions feuding over representation rights, and consequently no new orders-in-council and a National and agriculturally-minded government. In desperation, the Association sought help from the Federation of Labour, but this was refused. As a last resort, the Association decided that it would apply for registration as a union under the Industrial Relations Act.

The Association's pre-election lobbying, however, showed signs of being successful with the new government members of Parliament. In the third issue of the Farmer Worker, the Association detailed successful visits and delegations to new Ministers J.B. Gordon (Labour), J.B. Bolger (Under-Secretary for Agriculture), G.F. Gair (Housing) on February 10, 1976. "These three meetings showed very clearly that time spent in informing the Opposition of our needs and concerns had been well spent, and notice had been and will be taken of them now the party is in power." (67)

Another sign of the acceptance of the Farm Workers' Association by the new government was the attendance of the Minister of Labour at the annual conference of the Association on 28 and 29 May 1976. During his address, he dropped hints to the Association that it must sort out some of its own priorities, such as what it wanted by way of lawful recognition, as well as recognising the implications of such statutory recognition. The Minister went on to say that "I have asked my Department to indicate to me how it is proposed to alter the legislation to give effect to our manifesto promise ." (68)

Within the Department of Labour, however, there were no signs that the Department was taking any urgent action with regard to the farm workers' situation.

In mid-August 1976, the Association prepared for the Minister of Labour a draft amendment to the Industrial Relations Act, allowing for the registration of the Farm Workers' Association as the industrial union to represent farm workers. This was handed to the Department of Labour by the Association but it became absorbed within the system. When the Association had received no word from either the Department or the Minister after three months, it requested a meeting with the Minister, who initially, according to the Association, denied ever seeing the draft legislation.

On the other hand, the Federated Farmers' had received a copy of a circular letter dated 11 November 1976 from the Farm Workers'

Association recording "a vote of no confidence in the Department of Labour." (69) This circular had been widely distributed. The Minister of Labour responded by distributing an explanation of the circumstances to all government members, pointing out that he had received the draft (earlier even than the Association claimed giving it to the Department of Labour), and had discussed it with the Association's President and Secretary in mid September. (70) Despite being obviously concerned at the manner in which the Association had acted, the Minister was in fact very sympathetic to its problems "I understand that very substantial pressures were faced by the newly elected executive and that they have had no easy task." (71) The Minister himself later admitted that he was discussing the new award for workers on farms and stations on that day, and it seems that the two issues may have merged. (72)

Mr Gordon went on, however, to denounce any attempt to bring the farm workers within the ambit of the Industrial Relations Act. He described the delay in introducing any appropriate legislation to recognise the Farm Workers' Association as being caused by the need to wait until "the broader issue of wage fixing for all sectors is examined and decided." (73)

The issue became rather more complex, however, as the N.Z. Workers' Union decided to join in the negotiations for the new Order-in-Council and on 24 November referred to the Industrial Commission the matter in dispute between the Union and the three Employers' Unions, pursuant to Section 17 of the Agricultural Workers' Act 1962. This move was not supported by the employer unions. The Order-in-Council was finally promulgated early in the new year.

The Minister of Labour felt, however, that some public announcement of government intentions would be useful and on 1 December 1976 issued a Press Release: "I have clearly indicated that I am not satisfied with the workings of the Agricultural Workers' Act 1962. I have in mind to recommend that as part of the current wage fixing exercise that the government should investigate in the agricultural

workers' area both the methods of wage determination and a system of recognition for organisations such as the Farm Workers' Association." (74) At the same time, he did not anticipate that any legislation regarding the Farm Workers' Association would be put forward at the first session of Parliament in 1977, and he suggested discussions take place late February/early March.

The draft amendment to the Industrial Relations Act prepared by the Farm Workers' Association was sent to the Federated Farmers for perusal. Their response was to draft their own legislation, but in this case, an amendment to the Agricultural Workers' Act 1962. The two groups worked independently on their separate draft amendments until the Federated Farmers became very concerned at the implications of having the Farm Workers' Association formally recognised as an industrial union, and persuaded the Association to join forces with them and produce a new draft amendment to the Agricultural Workers' Act 1962.

In considering the two legislative options, the Federations' legal adviser, Ruth Richardson, pointed out that the amendment needed to recognise the Farm Workers' Association under the Agricultural Workers' Act 1962 could be quite simply devised while "retaining the ministerial involvement in the production of orders ministerial involvement inevitably means susceptibility to political pressure. It is also inevitably productive of delay." (75) The alternative of amending the Industrial Relations Act required guarantees that the individual requirements of the agricultural sector would be met; and a major disadvantage was "the fact that the Industrial Relations Act is too well oiled a machine" (76) The Department of Labour had been consulted informally regarding these two options, and it was concerned that the proposals would have the effect of "enshrining the Farm Workers' Association for all time when in fact it may have ceased to become a representative group." (77)

This latter concern of the Department was to become one of the main points of discussion as the two groups drafted their new Amendment Bill.

2)

Developing the Bill

On 13 April 1977, the joint draft prepared by the Farm Workers' Association and the Federated Farmers was presented to the Minister of Labour, who took it to the Caucus Labour Committee the following day. After a brief discussion by the committee, it was referred to the Parliamentary Counsel, Mr P.W. Williams, to proceed with a first draft and to liaise with the Farm Workers' Association and the Federated Farmers in the course of drafting. The bill was accorded Priority 1 for drafting purposes.

The bill went through many drafts before it was presented to the House, although Parliamentary Counsel admitted that many of these drafts could have been for the convenience of reprinting rather than because of any substantial changes of policy. (79) The Department of Labour took a very analytical and critical attitude towards the initial drafts, and did make many alterations. The Department apparently looked on the bill as a chance to "tidy-up" many of the industrial legislative provisions in the agricultural sector. (80)

Meanwhile, the Federation of Labour and its affiliate, the N.Z. Workers' Union, had heard about the re-drafting of the bill, and wrote to the Minister of Labour asking to be involved in that process. A copy of the Farm Workers' Association/Federated Farmers draft bill was sent to the Workers' Union and also to the N.Z. General Labourers' Union, inviting comments on the bill before it was considered by the Caucus Labour Committee on 26 April 1977.

The Federation of Labour and its affiliated unions were all opposed to the concepts of the bill, but according to the Parliamentary Counsel, they took the practical attitude that "we don't like the bill, but if you have to have it, let's have some safety, health and welfare provisions." (81) The Department of Labour also claims credit for those particular provisions. (82)

Tripartite discussions ensued, with the Farm Workers' Association,

Federated Farmers and the Department of Labour, the discussions providing a point of reference for the Parliamentary Counsel. From the debate on whether the bill would envisage compulsory membership for the Farm Workers' Association came the provision in clause 14(1)(e) that any organisation wishing to represent a class of workers for which there already was industrial representation must have 25 percent more financial members than the organisation it wished to supersede. (83) The Farm Workers' Association appeared to be having some membership and financial problems and consequently were seeking some assurance of continuity of their representation of farm workers.

By this stage, the Parliamentary Counsel found himself writing nearly 70 new sections to amend a bill which had only 32 sections anyway. Accordingly he wrote to the Minister of Labour on 22 April 1977 explaining that he found himself incorporating some 64 sections of the Industrial Relations Act within the proposed Amendment Bill. Not only did these require some modification to meet the needs of the agricultural sector, but having an Amendment Bill of at least seventy sections meant that anyone utilising these legislative provisions would have to be referring constantly to the two acts - the 1962 Act and the 1977 Amendment Act - in order to gain an accurate picture of how the combined Acts operated. His request to draft a new Bill was agreed to, and his first official draft was sent to interested parties on 6 May 1977. At this stage, two major changes to the existing Act had been proposed: first, a new system of wage fixing, somewhat akin to that contained in the Industrial Relations Act, but with a specialised Agricultural Tribunal; and second, a system of exclusive recognition for organisations of employers and employees - recognition to be given to the organisation most representative of workers or employers in each class.

The ministerial directive that the major parties be consulted at all stages of drafting the bill lead to a very lengthy period of drafting.

The rivalry between the N.Z. Workers' Union and the Farm Workers'

Association intensified somewhat during April, May and June. The Association's Waikato Branch chairman, Mr J Coop, was reported in the Waikato Times as being very critical of the N.Z. Workers' Union because it sought a 40-hour working week. (84) This was later refuted in a press statement by the Union's general secretary, Mr D Duggan. (85) Mr Coop did admit that the Association was not getting sufficient support from the people it was trying to help. Unless farm workers show positive support for the association, they might be forced into the type of trade unionism they didn't want." (86)

As the rivalry intensified, the Association sought to be more firmly recognised as the official representative organisation of farm workers. On 11 May 1977, a circular letter was sent to all government members of Parliament expressing fears at the unfortunate effect any delays in the legislative programme might have on the agricultural sector's industrial relations. (87) The Association had been asked by the Minister of Labour to meet with the employer unions in September 1977 to renegotiate terms and conditions of employment, and it was concerned that the legislation be effective before any such negotiations. The possibility of dual representation of farm workers by the Association and the N.Z. Workers' Union was feared by the Association. The Association did, however, report to the Minister that its membership drive was doing well and that morale was high, both due probably to the publicity the draft bill was receiving.

Later that month, on 27 May 1977, Hon D. Thomson, Minister of Justice, spoke to the Annual Conference of the Farm Workers' Association, deputizing for the Minister of Labour who was overseas. The Minister reassured the Association of the government's commitment to the bill, and summarised its main provisions. He also admitted that under the existing legislation the fact that more than one organisation could represent farm workers simultaneously, could lead to more than one point of view being put to employers on behalf of farm workers at the same time....."we have endeavoured

to clear this up in as democratic a way as possible..... Government has been at some pains to find the most representative organisations in each class of work initially. If we have been in error, provision has been made to set it right. You have been given the start justified by your record to date, and now it is up to you.....we are giving you clear cut recognition of exclusive bargaining rights in your class of work." (88)

Meanwhile the Caucus Labour Committee had met on 26 May to discuss comments received from the N.Z. Workers' Union and the N.Z. General Labourers' Union. Although there was no support for the general argument of the two unions, several of the specific points were discussed with Parliamentary Counsel and some minor modifications were made.

Late in June 1977, a group of Labour Department officials forwarded to the Minister a set of recommendations for inclusion in the bill in accordance with other provisions for safety, health and welfare.

The Caucus Labour Committee reconvened on 7 July 1977 to discuss the first draft of the bill. Pending changes were outlined by Parliamentary Counsel. A week later, on 14 July 1977 both the Caucus Labour Committee and the Cabinet Committee on Legislation and Parliamentary Questions cleared the bill for approval of the Cabinet, subject to minor amendments to the provisions for safety, health and welfare. On 26 July 1977, Cabinet approved the Agricultural Workers' Bill for introduction in the House.

During this period of development, the N.Z. Workers' Union undertook a recruitment drive, both criticising the Farm Workers' Association for the quality of the Order-in-Council it had negotiated, and offering membership of the Workers' Union at \$1 per head. The General Secretary of the Union described it as "dishonest, if you take full union dues without doing much in return so we created the \$1 admission fee. This was about one-tenth of ours or the Association's subscriptions." (89)

The Union circulated an "open letter" to all farm workers as part of its recruitment campaign decrying the new Order-in-Council. "Even though this union fought to stop this ridiculous order from going through and being promulgated, the government went ahead and passed it." (90)

3) The Introduction of the Bill in the House

The first reading of the Agricultural Workers' Bill took place two days later, on 28 July, 1977. The Minister of Labour, Hon J.B. Gordon, began by outlining the principles of the existing legislation, the Agricultural Workers' Act 1962, and then compared that with the new bill. He then summarised the provisions of the bill as follows:

"The method of settling wages and conditions of employment in the agricultural sector will undergo a fundamental change. Under the present Act the Governor-General issues Orders in Council fixing these matters. The orders normally incorporate provisions either agreed to by the main parties involved or recommended by the Industrial Commission. The Government is of the view that the parties should be able to negotiate without direct Government involvement. The Bill initiates a new system, replacing the Orders in Council with instruments that will be either voluntary agreements or conciliated agreements, or awards of a specialised agricultural tribunal.

The emphasis is on voluntary and conciliated agreements. To this end, a system of registration is introduced providing for exclusive recognition of organisations of employers and workers in any particular class of work. Each defined class of work becomes a recognised category, and for each recognised category there will be one employers' organisation and one workers' organisation. The organisations concerned will be those most representative of the respective parties. The schedule to the Bill defines the recognised categories of work that will prevail when the Bill becomes law.

Certain organisations of employers and workers are listed as being

given initial exclusive recognition for the recognised categories. Machinery is provided for amending the definitions of the recognised categories and for adding further categories if necessary. Also, although exclusive rights of representation are initially given to the listed organisations, where certain conditions are fulfilled another organisation may obtain exclusive recognition in place of the existing one. Under this new arrangement every agricultural worker will be given the right to join any workers' organisation of his choice, or to decline to join any or all of the organisations. The organisation having the most members of the class concerned will be given the exclusive right to represent that class.

The accent is on voluntary or conciliated settlements of disputes. The role of the Agricultural Tribunal in the disputes procedure is limited to deciding unresolved disputes when agreement cannot be reached, even after conciliation. The decision of the tribunal becomes an award. Agreements between the parties are deemed to be awards once they are lodged with the tribunal. A breach of an award is an offence.

Procedures for the settlement of personal grievances and for the interpretation of awards are set out in the Bill. The opportunity has also been taken to include safety and health provisions which will provide some basic and general requirements for the protection of agricultural workers. I therefore commend the bill to the House as a measure that will improve industrial relations in the agricultural sector and one that will lead to better conditions for agricultural workers." (91)

Hon A.J. Faulkner, a former Minister of Labour, immediately expressed the opposition of his party to the bill, decrying the government for actively encouraging the proliferation, instead of amalgamation, of trade unions. Mr E Isbey continued the objections of the Labour Party to the bill, stating that the bill "represents a vote of no confidence in the existing system of conciliation and arbitration contained in the Industrial Relations Act." (92) He

described the bill as having three purposes: to "obliterate" the Workers' Union, to impose on N.Z. workers a National Government - created union and to proliferate the number of pay-fixing bodies. Debate then followed on the validity of wage-fixing tribunals.

The bulk of the debate comprised protests from Opposition members on the different principles of the bill, with only two government members speaking on the bill, and two interjecting. The bill was introduced and referred to a select committee, with submissions closing on 15 August 1977.

4) At the Labour Bills Committee

The Labour Bills select committee met on two occasions to hear submissions on the Agricultural Workers Bill. On Wednesday 17 August 1977, the N.Z. Federation of Labour, the N.Z. Workers' Union, the N.Z. Labourers' Union and the N.Z. Fruitgrowers' Federation made their submissions. A week later, on Wednesday 24 August, the N.Z. Vegetable and Produce Growers' Federation, the Farm Workers' Association Inc, the N.Z. Tobacco Growers' Federation and Federated Farmers presented their submissions.

The submission of the N.Z. Labourers, General Workers' and Related Trades Industrial Union of Workers concentrated on dispelling the two main "bogeys" relating to farm workers becoming members of a trade union, as seen by the Government: a push for a 40-hour working week and compulsory membership of a trade union.

First, the union expressed doubt that agricultural workers would ever gain the same amount of industrial protection as was afforded all those workers who were subject to the Industrial Relations Act. It went on to explain that while a 40-hour working week was considered desirable "unless the [Industrial] Commission is of the opinion, after hearing representatives of employers and of workers, or affording them the opportunity to be heard, that it would be impracticable to carry on efficiently any industry to which the award relates if the working hours were so limited." (93) Thus, in other words, any industry which believed it should have an abnormal spread of working hours, could seek the Commission's views and support, and the union assured the Select

Committee that there were in fact "numerous awards and agreements which provide a spread of hours necessary to operate the industry successfully." (94)

The union also pointed out that already the market gardeners had an unqualified preference clause in their Order-in-Council without any of the problems about compulsory unionism being predicted by the government, and it expressed concern at clause 14 which allowed for the possibility of changing representation.

The submission did not mention the Farm Workers' Association at all, but requested that any organisation seeking to represent agricultural workers should be required to register under the Industrial Relations Act.

The Federation of Labour supported the latter request of the Labourers' Union, and even went so far as to suggest that all the Orders-in-Council be cancelled. It registered "the strongest possible opposition to the introduction of the Bill" (95) for three reasons:

- 1) that there was no justification for having a separate, self-contained system for fixing wages and conditions of employment for agricultural workers;
- 2) that the draft bill did not in fact adequately protect the terms and conditions of employment for agricultural workers and
- 3) that the Bill gave exclusive coverage to an association which was not even a registered industrial union under the Industrial Relations Act, and which (as the Federation of Labour saw it) had yet to prove itself capable of representing agricultural workers.

The Federation opposed the introduction of another specialised, but "unnecessary" tribunal, and it stressed that under the Industrial Relations Act, farmers could require their workers to work more than 40 hours per week, but that they must be prepared

to pay the workers overtime. The threshing mill workers, agricultural contractors' employees, shearers, musterers, drovers and packers, and nurserymen and gardeners, all already operated under the provisions of the Industrial Relations Act with no threats to the efficient operations of the businesses concerned. They concluded that the government was "countenancing the use of cheap labour in our most important industry." (96)

The Select Committee was reminded by the Federation of Labour that the system of unqualified preference clauses in awards and agreements which so frightened the government, had been instituted by a former National government in 1961. Despite this, notable by its absence was any protection against victimisation for non membership of a voluntary union, similar to clause 150 of the Industrial Relations Act 1973. The Federation was concerned that farm workers might benefit from negotiations carried out by the Farm Workers' Association without ever joining the association or giving it financial support and described this situation as "allowing non-union members to free-ride on the efforts of their fellow workers who join and support the union which negotiates for them." The special difficulties involved in organising rural workers, however, meant that any association would be destined to be completely ineffective in protecting the conditions of employment of rural workers. (97)

The N.Z. Workers' Industrial Union of Workers' submissions detailed the history of representation for farm workers, pointing out that although the existing system of Orders-in-Council was unsatisfactory, the system proposed was no better. It included some news clippings as appendices to its submission, as evidence of "the whole, provocative attack" by the Farm Workers' Association on the 1973 Labour government Amendment Bill. (98)

The last submission to be heard that day was that of the New Zealand Fruitgrowers' Industrial Union of Employers, in conjunction with the Employers Federation. While these bodies recognised that the bill was a "progressive move towards a workable system of Industrial Relations for the fixing of wages and the conditions of employment

in the agricultural sector where special circumstances prevail" (99), the two organisations had several reservations, criticisms and suggestions for improvement. In particular, they felt that "careful and full regard has to be given to the question of the boundary line between this Bill and the Industrial Relations Act 1973." (100)

In addition to seeing a need to define a clear boundary between the two Acts, they were also concerned that employers should in turn have representative groups, and that this might "disenfranchise certain employer interest groups." (3) The power of the judge of the tribunal, and the lack of power of the Minister of Labour under the bill, were also causes for concern. Strongly emphasised in the submission was the feeling that the safety, health, and welfare provisions were inappropriate in such a bill, partly caused by the lack of time for employers' groups to consult over these provisions, and partly by the lack of precedents for any such provisions within any industrial relations legislation.

While the joint submission accepted the rationale of the bill as being the special relationship between farmer and employee, and the impracticability of "clock hours", it also pressed for an extension of the meaning of "agricultural workers" to include many other agricultural sector employees who were currently subject to the Industrial Relations Act, namely flower growers, topdressing pilots, agricultural contractors, and pest destruction workers.

Overall, however, the joint submission supported the bill, subject to its amendments being included.

The following week saw submissions mainly from employer groups, as well as the Farm Workers' Association. Although this latter group presented a submission independently of the Federated Farmers, despite their collusion on the draft bill, the Select Committee treated them as one, and insisted on representatives of the two groups appearing simultaneously. This was not appreciated by the Farm Workers' Association as there were several of its points which had been disregarded by the Federated Farmers in earlier consultations and a select committee hearing was an ideal place to air the differences of opinion.

The Farm Workers' Association submission supported the bulk of the bill, and described it as "the result of a great deal of research, discussion and work.... involving compromise. Its reception in the farming industry will be completely dependent upon the trust individual farmers and workers place in those who have negotiated for them." (101) The submission also detailed some of the problems being experienced under the 1962 Agricultural Workers' Act, especially with the Order-in-Council system and its attendant discretionary power of the Minister of Labour, which they described as "deteriorated in the situation of competing parties lobbying the Minister..... outdated and unfair to the Minister." (102)

The Association, despite its criticisms of the N.Z. Workers' Union, conceded that the provisions of the bill were "a fair recognition of the present situation. In each class of agricultural work, representation will be determined by the wishes of the workers themselves (103)..... under the new legislations, all workers' organisations will, for the first time, be able to function adequately. We believe all organisations, now that they are at last effective will enjoy an upsurge in worker support." (104)

Federated Farmers supported "the creation of an industrial framework designed to cater specifically for the requirements of the agricultural industry" (105), along with the support of its member unions: the N.Z. Sheepowners' Industrial Union of Employers, the N.Z. Dairyfarmers Industrial Union of Employers and the N.Z. Agricultural and Related Farmers Industrial Union of Employers. The Federation described clause 32(3) as crucial, this being the clause where the Agricultural Tribunal and Conciliation Council are directed to formulate "an industrial instrument to govern a particular class of work, having regard to the seasonal and climatic conditions, and of the particular characteristics of the work carried out by that class of worker." (106)

Despite the fact that the Federation had played a leading role in the drafting of the bill, it still had some amendments to propose, although the bulk of the submission was largely congratulatory on an excellent piece of legislation. It too wished to clarify the boundaries between the draft bill and the Industrial Relations Act,

and it too wished to withdraw the clause relating to Safety, Health and Welfare (clause 49) and refer it to the industry for their comment and amendment. They referred to the "impractical" and "unreasonable" demands of farm employers with regard to the safety provisions and described the clause as a "novel feature of agricultural industrial legislation." (107)

In conclusion, however, the Federation were confident that the bill would help "maintain the harmonious relationship which has traditionally existed between employer and employee in this industry" and also believed that the bill would provide the framework for negotiating and settling wages and conditions of employment "with due recognition to the special features of the industry." (107A)

The Federation presented a supplementary paper to the Committee, containing a redraft of clause 49, the provisions for safety, health and welfare. This resulted from their concern that the lack of discussion prior to the bill on such provisions could lead to impractical provisions, and perhaps to some employer resistance.

The N.Z. Tobacco Growers' Federation, Inc fully supported the basic principles of the bill. Its major concerns were over the number of people on the proposed Conciliation Council; the interpretation of clause 35(a) that the provisions dealing with time lost through the vagaries of the weather were to be removed from the current Order-in-Council and the anomaly of one penalty for offences under the Act, be it by a small one-man farm or an industrial enterprise.

The Vegetable and Produce Growers' Industrial Union of Employers in conjunction with the N.Z. Berryfruit Growers' Federation also supported the bill, with minor amendments. They wished the proposed Agricultural Tribunal to have power to declare "that a class of work which has allegedly been within the scope of the Industrial Relations Act to be declared a class of work within the definition of the bill." (108) With respect to the Agricultural Tribunal, they

urged the Committee to ensure that persons nominated to the Tribunal would have a minimum of 2 years practical experience in the appropriate class of work. They also wished to be able to have multiple employer groups representing a recognised class of work, and cited their own situation "in which two industries act jointly in all employment and industrial matters." (109) They also wished to reduce the number on the Conciliation Council, and protested against the provision for backdating of awards. Finally, they expressed concern over restricting the employment of children, their industries being heavily dependent on youth labour.

A brief submission from Mr Pharazyn, farmer of Taihape, expressed concern at the safety, health and welfare clauses, especially the words "and other persons lawfully on his land or premises." The Accident Compensation Commission on the other hand, was entirely in agreement with those provisions and remarked that "the fact that our all important primary industries have not been covered to any extent by safety legislation up to now should not be regarded as a reason for justifying not taking this belated step now." (110)

The Department of Labour made a submission at the request of the Minister of Labour. The submission dealt purely with the coverage of fruit packing co-operatives, by either the Storemen and Packers' Union or the New Zealand Workers' Union, and recommended that the government should leave the matter until the two unions had settled their own coverages.

The final submission to the Committee was a list of suggested amendments and comments also from the Department of Labour. The Department had analysed the other submissions and made suggestions regarding the feasibility of the proposed amendments.

The Select Committee was a very businesslike group. The Labour Opposition were totally opposed to the concept and principle of the bill, but had decided to make their protest and then "set about trying to make the machinery of the Bill apply as best they could

to the workers' organisations." (111) Their contribution and efforts were appreciated and at the reporting back of the Bill to the House on 14 September 1977, the Chairman, Mr Luxton made a point of thanking them: "The Opposition has voiced its objection to the principle behind the bill, but Opposition members of the Committee assisted greatly as the clauses in the Bill were examined, and I am very grateful for their assistance." (112)

Several changes were made to the bill following the Select Committee hearings and deliberations, which is perhaps a little surprising in view of the comment made by the Chairman of the Labour Bills Committee that his role was partly to check that the legislation emerged from the Committee the same as it had appeared before the House. (113) He remarked that there were several cases where advice to Select Committees went "too far." The chairman described the committee as "working very well" and commented that because of the small number of submissions, no members had got bored. He took his role very seriously and would check with the Minister of Labour the scheduled programme for the passage of the bill through the House.

The first change made by the Select Committee was the effective date of the Act (which had been 1 September 1977). The definition of "agricultural worker" under the Act was amended in clause 2. This had been requested by the Farm Workers' Association, as they had felt that the previous definition of agricultural worker had not lined up with the classes of work of specified in the Schedule accompanying the Act.

Three of the employer groups' submissions had requested that clause 9 be amended to allow classes of work currently under the jurisdiction of the Industrial Relations Act to become classes of work for the purpose of the bill. The committee responded by tightening the provisions, in the belief that the Agricultural Tribunal needed time to settle down before it could take any additional groups within its brief.

Both the Employers' Federation and the Federated Farmers wanted to allow for wider representation at any Tribunal hearings regarding representation of recognised agricultural classes. This would allow the Employers' Federation itself, or the Federation of Labour, as central organisations, to present cases to the Tribunal. The Committee agreed with this, and made the appropriate amendment to clause 10.

That clause 11 had caused some concern was evident in the Employers' Federation and the N.Z. Fruitgrowers' Industrial Union of Employers' joint submission, and also in the joint submission of the N.Z. Vegetable and Producegrowers' Industrial Union of Employers and the New Zealand Berryfruit Growers' Federation. Both groups were opposed to the concept of only one employers' organisation representing the interests of employers in any particular class of agricultural work. The Committee accepted their position and amended clause 12 and the First Schedule.

The next clause commented on in submissions was clause 14. Four of the nine submissions mentioned this clause, and suggested that it be clarified, so that it would be clearly understood that the basis for comparing membership between two organisations which sought to represent the same agricultural class of workers, was to be membership in the class for which registration is held or sought. This was also acceded to by the Committee. However, the Committee also inserted a clause pointing out that registration of an organisation as the representative of any particular agricultural class of workers or employers made that organisation subject to the jurisdiction of the Act.

Three of the submissions from the employer groups wished to have spelled out the degree of agricultural experience that Tribunal members should have had but this was rejected on the grounds that it would restrict the nominating party's right of free choice. The three groups were more successful in having alterations made to clause 21. Several solutions were proposed by the three groups, but it was a Department of Labour amendment which was used.

Four of the submissions (again, all from employer groups) wished to see the numbers of nominated members of a conciliation council reduced from six each per employer and worker organisations. The committee amended the bill to provide for a minimum of four nominees, but allowed for occasional individual negotiations for six nominees.

The two major employer groups were also concerned that the Tribunal should have the power to decline to make an award. The bill was amended accordingly, to bring it in line with the Section 88 of the Industrial Relations Act.

The first amendment made following a submission from one of those who were opposed to the bill was that to clause 32. The Federation of Labour had criticised the original provision for permitting a variation in the terms of an award in individual cases, and also for envisaging different conditions of employment in different areas. This clause was also altered to bring it into line with the provisions of the Industrial Relations Act, Section 82(6).

The employer groups were all opposed to the provision in clause 34 for making awards retroactive, but this was only partially amended so that backdating could not go back further than the date of expiry of the previous award. This was similar to the Industrial Relations Act's section 92(4). Clause 35 was one where the submissions of the employer groups were disregarded by the Select Committee.

The Farm Workers' Association was concerned that in clause 38 the provisions were not equal for employee and employer. This related to the right of representation to a personal grievance committee, and was conceded by the Committee. A new clause 38A was inserted following representations by both Farm Workers' Association and the Federation of Labour that there was no protection against victimisation in the bill. The provisions were similar to those of the Industrial Relations Act, Section 150.

The Department of Labour drew the Committee's attention to the fact that the bill had no provisions for a "limitation period"

of 12 months for penalty actions. The bill was amended in clause 40 along the lines of Section 157 of the Industrial Relations Act.

The whole of clause 41 was amended, following a criticism of the wording from the Employer's Federation. A redrafting of clause 41 was supported by the Department of Labour. Criticisms of clauses 43, 45 and 47 from the Farm Workers' Association were not taken up by the Committee.

Clauses 51, 52 and 53 were described by the Department of Labour as more properly forming part of part IV than part VI of the Act and accordingly were moved to clauses 41 and 42.

Clause 49, the provisions for the safety and health of workers, came in for a lot of criticism from the employer groups, the general feeling being that the practicalities of farming had not been taken into account in drafting this section, and that full consultation should be undertaken with interested parties before such a provision was enacted. The committee modified several of the sections and defined the word "employer" to mean any person employing an agricultural worker. Federated Farmers, and an independent submission from a Taihape farmer, Mr P P G Pharazyn, both expressed dismay at the provision that an employer had to take precautions to ensure the safety of "persons lawfully on his land or premises." (114) This was subsequently deleted thus giving Mr Pharazyn the doubtful honour of being the only one whose submission was entirely approved.

Minor amendments were recommended (but not accepted) to clauses 50 and 55. The first schedule of representation for employers and workers under the different classes of agricultural work, was amended following requests from the Farm Workers' Association, the Federated Farmers and Employers' Federation.

5) Reporting back from Select Committee

The draft bill was reported back from the Select Committee to the House on 14 September 1977. In presenting the report, the chairman of the Labour Bills Committee, Mr Luxton, summarised

the amendments and thanked those who had made submissions and/or appeared before the committee. He stated that all those who had wished to make personal representations to the committee had been able to do so. Mr Luxton also expressed his appreciation of the contribution made by the Opposition members of the House, who, having voiced their objections to the principle behind the bill, had then worked hard to make the bill feasible and workable.

Mr Luxton summarised the Committee's amendments, which have already been detailed in this paper. Debate was interrupted, however, for the Prime Minister to move that urgency be accorded the second readings of five finance bills.

The bill was read a second time on 29 September 1977. In moving the second reading, the Minister of Labour, Hon J.B. Gordon, described the existing structure for industrial relations in the agricultural sector as "inadequate and clumsy, and ill-fitted to cope with conflicting viewpoints in today's farming world." (1) He described the system as "a source of dissatisfaction" and "duplication" of representation "which in itself causes "conflict rather than meaningful negotiation and settlement, and indeed advancement of agricultural workers." (115)

Mr Gordon summarised both the intent of the bill, and the major clauses, and drew the attention of the House to the National party's commitment in the 1975 manifesto to recognise the Farm Workers' Association. The Labour party declared its total opposition to the bill.

The debate became heated at times, and also became very personal. Topics discussed included the development of the Farm Workers' Association, the provisions for safety, health and welfare, and the fact that many of the provisions of the Industrial Relations Act were also included in the draft bill despite alleged opposition to farm workers' coming within the jurisdiction of the Industrial Relations Act. The N.Z. Workers' Union was attacked by government

members and the Farm Workers' Association by opposition members. Much of the debate was along party lines, with considerable abuse directed at the opposition for its ill-fated 1973 amendment bill.

The third reading debate on 7 October 1977 was of little better quality than that during the second reading. The government members spoke heatedly against trade unions, while the opposition derided the help given by the government to establishing the Farm Workers' Association. The latter also pressed for the safety, health and welfare clauses to be reinstated as they had been before the select committee had amended them.

The question of compulsory membership was discussed, with Sir Basil Arthur reminding the House that "the Farm Workers' Association itself advocated compulsory membership..... the evidence was put before the committee that all farm workers should be members of the Farm Workers' Association on a compulsory basis." (116)

The bill was finally passed and the Act became effective on 1 November 1977.

The Philosophy of the Government Act

The thinking of the government which led to the introduction of the Act has been greatly acknowledged, particularly in the National Party 1975 Election Manifesto: "A National Government will take steps to accord the Farm Workers' Association full rights of representation of farm workers." (11) It could be said, however, that this was the official philosophy, and that at heart, the government agreed with those such as Federated Farmers and the Farm Workers' Association who asserted that there was no place for the

Part D: Analysis of the Agricultural Workers' Act 1977

1) The Objectives of the Act

The objectives of any piece of legislation are best determined by the title of the Act, which in the case of the Agricultural Workers' Act 1977 reads:

"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." (117) The explanatory note on the Introductory Copy of the bill describes it further: "This bill repeals and replaces the Agricultural Workers' Act 1962, and creates a new system for the industrial representation of agricultural workers and their employers and the settlement of disputes between them." (118)

The Act certainly achieved all of these objectives. By providing recognition of the Farm Workers' Association as representative of three major categories of agricultural workers - dairy, sheep, and crop farm workers - the Act improved the system of industrial relations which had been in its infancy and needing some development. The provisions relating to safety, health and welfare of agricultural workers were all new and also constituted a distinct improvement in the conditions of employment for farm workers. The antagonism of employers towards such provisions is evident in the submissions made by various employer groups to the Labour Bills Committee.

2) The Philosophy of the Government Act

The thinking of the government which led to the introduction of the Act has been clearly acknowledged, particularly in the National party 1975 Election Manifesto: "A National Government will take steps to accord the Farm Workers' Association full rights of representation of farm workers." (110) It could be said, however, that this was the official philosophy, and that at heart, the government agreed with those such as Federated Farmers and the Farm Workers' Association who asserted that there was no place for the

traditional sort of unionism in the agricultural sector. (120)

Immediately there was conflict, however, as for many years, the N.Z. Workers' Union had provided coverage for some agricultural workers, notably shearers and vineyard workers. Both these groups showed no difficulties in working with a basic but flexible 40-hour working week system, and compulsory membership of the union. Certainly at the time the Act was developed, the N.Z. Workers' Union was attempting to remain involved with agricultural workers (121), and it seems that the government wished to avoid the problems caused by having two unions representing one group of workers. The-nineteen seventies industrial relations field had been marred by many demarcation disputes. The government did retain the possibility of transferring the right of representation of any group of workers from one union/association to another in section 14(1)(e), with strong pressure exerted here by the Department of Labour.

3) The influence of Political Parties

Undoubtedly both political parties had an influence on this piece of legislation, the Labour Party in 1973, and the National Party from 1975 to 1977.

The Federation of Labour is formally aligned to the New Zealand Labour Party and many Labour Members of Parliament are former officials of trade unions. The Party is expected to express itself in favour of unions, and the move to bring agricultural workers within an existing trade union could scarcely have been unexpected, having been expressed in four previous party manifestos.

The Farm Workers' Association, on the other hand had and still has many sons of farmers in its membership, and farmers are traditionally members of the National party. Both the N.Z. Workers' Union and many press reports mentioned the attendance of farmers as well as farm workers at the inaugural meetings of the different Farm Workers' Associations. The Association requested its members to lobby their

local member of parliament, with such success that the National Party's 1975 manifesto carried the commitment that it would recognise the Farm Workers' Association.

Such a link between party policy and legislation is seen as a vital ingredient of the New Zealand constitutions:

"Legislative powers should be used only in accordance with government's party election platform ... electors choose not only between rival candidates but also between rival sets of policies ... the government party should honour its pledges, either that certain legislation will be passed or that certain legislation will not be passed." (122)

4) The Influence of Pressure Groups

Two organisations emerge as active and effective pressure groups in the development of the Agricultural Workers Act 1977: Federated Farmers Inc. and the Farm Workers' Association. The latter group is particularly interesting as it was formed in opposition to the Labour Government's Amendment bill in 1973.

It has already been stated that two National Party members of Parliament assisted in the protests against the 1973 Agricultural Workers' Amendment Bill, and this indication of party support no doubt helped the Farm Workers' Association. The fact that the bill was not proceeded with is normally attributed to the farm workers themselves: "feelings still rang high enough in 1974 to force the Labour government to withdraw a bill introduced the previous year which would have the effect of bringing [farm workers] within the ambit of the Industrial Relations Act." (123) Federated Farmers' involvement in these protests has already been mentioned.

Federated Farmers and the Farm Workers' Association contributed to the drafting of the 1977 bill, a bill which was clearly initiated by the Association's draft amendment to the Industrial Relations Act. There is no doubt that had the Association not pushed for action, no legislation would have been prepared. Federated Farmers admitted that with the National party as government, it felt secure

and in no need of action. (124) The Association pointed out that while it and the N.Z. Workers' Union feuded over rights of representation, no new wage fixing Orders-in-Council were being negotiated and this could not fail to please the Federated Farmers. (125)

The Association lobbied government members of parliament in several ways, using personal visits and open letters. The final acknowledgment of the extent of the lobbying by the Farm Workers' Association to the Minister of Labour was the Minister's comment that "over the past twelve months I have probably had more discussions with the secretary of the Farm Workers' Association than any other person, with the possible exception of Sir Tom Skinner." (126)

It is more difficult to analyse the extent of pressure which emanated from the Federated Farmers. Its members admit that they have close links with many government members as well as Ministers, and this gives them a great deal of access to the government. It was noticeable that many more of the suggestions in employers' groups submissions to the select committee were adopted than from the workers' groups.

5) The Influence of Caucus

The main influence that the Caucus seems to have had on the development of the 1977 Act was to have the pledge to recognise the Farm Workers' Association as the sole representative of farm workers included in the party's 1975 Election Manifesto. Few government members spoke during the debate in the House, and no difficulties were raised when the bill was briefly discussed in a Caucus Committee in mid July 1977.

6) The Influence of Cabinet

Cabinet too played a minor role in the development of the Act, moving through the formalities required for every bill without question.

7)

The Role of the Department of Labour

Initially the Department of Labour played little part in the development of the Act, and if the allegations made by the Farm Workers' Association are true, the Department was in fact obstructive. (127)

The achievements of the Department were definitely its success in having inserted those clauses comparable with the provisions of the Industrial Relations Act, and the provisions dealing with the safety, health and welfare of farm workers. This latter, in particular, was a major achievement, as no such provisions had ever been applicable to farm workers in the whole of New Zealand's history.

The Parliamentary Counsel, Mr Williams, spoke of a committed involvement in the bill from the Department once the drafting was under way. (128)

8)

The Minister of Labour

The Minister of Labour played a leading role in co-ordinating the bill and insisted on being kept well informed of progress by all parties. It would not be unfair to him to comment that he made little change to the content of the bill, except by recommendation from his Department. The role of co-ordinating the bill through all its states from drafting to third reading in such a limited space of time was a demanding one, and all interested parties spoke of a heavy involvement of the Minister in the bill.

It was he who obtained the Priority I status for drafting the bill from Cabinet, and he who had the bill introduced as soon as Cabinet approval had been given. He was relatively impartial about the bill, as his speech opening the 1976 annual conference of the Association shows: "It has not been easy up to now to specifically answer the approaches made from your executive...." (129) He pointed out to the Association the advantages and disadvantages

of registering as a union under the Industrial Relations Act, and this seems to have been the trigger that fired the Association into preparing its draft amendment to the Industrial Relations Act.

9)

The Select Committee

The 1977 Labour Bills Committee took its job of hearing submissions on the 1977 Agricultural Workers' Bill very seriously, with both sides of the House determined to achieve a workable act. The Chairman of the Committee spoke highly of the work done by the Opposition members of the Committee.

The Committee made many changes to the draft bill, which is a little surprising in view of Mr Luxton's statement that "the bill should return to the House the same as it was when introduced." (130) It is noteworthy however, that it was the suggestions of the employer groups that were followed most closely by the Committee. The Farm Workers' Association was a little disturbed that it was scheduled to appear before the Committee in conjunction with the Federated Farmers, as there had been points of dissension which it wish to outline to the Select Committee. (131) Mr Rennie went on to say that the Association considered that the Act still contains defects on the accommodation and housing clauses, which the Select Committee had power to remove from the Bill.

This apparent assumption by the Select Committee that the Farm Workers' Association completely concurred with the bill as drafted does detract a little from its credibility. However, the committee is generally thought to have done a good job, and certainly the analysis of the submissions shows that it utilized the suggestions profitably.

10)

Parliament

As the final point of discussion for any legislation, Parliament could be expected to have considerable influence on its content. At the least, it provides the forum for debate; at best, it may encourage some amendment to legislation.

The quality of debate on the Agricultural Workers' Bill was poor with only six speakers throughout all the debates not having been from members of the Select Committee. (The split was four opposition and two government members.) Much of the debate concerned the 1973 attempt by the previous Labour government to introduce their Amendment bill. The government members attacked, with the Opposition accepting the abuse. Speeches from 1973 debate which could have been thrown back at the government, such as the following one by Mr Gair, were ignored:

"If the country were widely depressed, if conditions and wages were bad, and if there were unemployment, [the attempt to place agricultural workers under the jurisdiction of the Industrial Relations Act] might be understandable, but in the present circumstances they are not. It is not a question of labour being in oversupply, labour is short." (132)

No changes to the legislation resulted from any of the debate in Parliament.

11)

Conclusions

The major influences on the development of the bill came from the Farm Workers' Association, the Federated Farmers and the Department of Labour, in that order. That there were other influences is not debated, but the extent of their influences is limited.

It is interesting to read some of the views of people not involved essentially in the development of the Act. One believes that the Act was unnecessary to give recognition to the Farm Workers' Association. D L Mathieson, a Queen's Counsel, writes that "the wages and conditions of agricultural workers remain outside the ambit of the Industrial Relations Act 1973, even although that Act contains no express provision preventing the obtaining of an award in respect of agricultural workers or preventing a union from utilising section 65." (133)

Judith Reid, writing in the N.Z. Universities Law Review, refers to the problems of preference clauses. She describes the Association

as having grown "to a great extent out of opposition to industrial unionism, the forty hour week and preference." (134) She later adds that "unions in New Zealand have a tendency to ride on the backs of [preference clauses], denying both their revenue and their bargaining positions from it..... A perplexing shadow of preference has crept into the Actsection 41 provides that it is an offence for unions and employers to exert "undue influence" on a worker to join a union... there is a proviso which allows employers to make membership a condition of employment where a lawful preference arrangement exists." (135) Mrs Reid points out that these sections exist, without any particular clarification, and she asks many questions which do not yet seem to have been answered.

A further point, should be taken as an extension of Mrs Reid's surprise at the inclusion of the preference clauses, which are directly comparable with Section 146 of the Industrial Relations Act 1973. Many of the clauses of that Act have in fact been deliberately included in the Agricultural Workers' Act 1977, in direct contrast to a government which was formerly totally opposed to agricultural workers coming under the jurisdiction of that Act, and especially its provisions for unqualified preference clauses. During the debate, Mr Wetere comments that "all the amendments in the legislation are contained in the Industrial Relations Act 1973, and I suggest that the government's only justification is that, because the Labour Government did something in 1973, the National Party saw fit to introduce this policy into its manifesto. But why did it not do that before 1973, when it had been in power for the last seventeen years?.....the Minister says there was no Association." (136) It must be remembered that the essence of the Industrial Relations Act had been prepared by the National party when it was government and that some of the more stringent provisions had been tempered by the subsequent labour government.

12) And after the Act was passed?

Early in 1978 the N.Z. Workers' Union successfully completed negotiation of the first award under the new Act. In July the Agricultural Tribunal issued its first awards for the Farm Workers' Association after a contested hearing. It was generally recognised

that for the first time in more than twentyfive years, reasonable award wages had been set. (137)

Nor has it been disputed that the voluntary membership stand of the Association has created problems for the Association. Mrs Reid quotes that "recent press reports bear out the assertion that the Association is under-financed; as a result it may not be able to fully sustain a union role." (138) The Association did not deny this, and in fact it was widely expected that the Association would wind up at its annual conference in 1980, much to the perturbation of the Federated Farmers. (139) The Federated Farmers were sure that the N.Z. Workers' Union had been waiting for such an outcome for some time. (140) The Annual General Meeting was a lively one which evidenced a strong upsurge of interest in the Association and saw a vote of 34-4 that the Association should continue and undertake a new membership drive. Discussions with the general secretary of the Union, on the other hand reveal that there is now a degree of co-operation between the two groups which would gladden Mr Faulkner's heart. (141) Mr Duggan feels that unless it gains some element of compulsory membership, the Farm Workers' Association must surely fold. At the same time, he feels some sympathy for them and what they are trying to achieve. He has already been invited to address two different branches of the Farm Workers' Association and has several times been consulted on union-type negotiations by the Association. (142)

The suggestions regarding compulsory membership of the Association have been followed. Mr Luxton alluded to the possibility of an unqualified preference clause for the Association and the Association itself is considering using a form of membership by default - that is if the person does not return a notice declining membership, he/she automatically becomes a member of the Association. The effect of this will be very similar to the Industrial Relations Act 1973 and the Labour Government's 1973 Amendment bill.

The evolution of this bill was a rather unusual process, as it was the introduction of legislation in 1973 which caused the development of the Farm Workers' Association, which in turn led to the introduction of new, very different legislation in 1977. The bill was primarily

the result of the activities of two pressure groups, but it includes useful input from a government department. Many of its provisions, however, are taken straight from the Industrial Relations Act 1973, which had been the original focus of the opposition to the bill. One is reminded of the adage "does a rose by any other name smell as sweet?"

Part A.

1. Hon W.C. Walker, Parliamentary Debates (P.D.) Vol. CIV p 235
2. Hon Mr Bowen, D., Vol. CIV, p 235
3. Mr Flatman, P.D. Vol 139 p 819
4. F.V. Frazer, Judge of Arbitration Court, Books of Awards 1975 Vol 25 p 771.
5. Hon Mr Pagan, Leader of Council, P.D. Vol 247 p 108
6. Hon Mr Armstrong, Minister of Labour, PD Vol 246 p 674
7. Hon Mr Waite, PD Vol 247 p 110
8. The non government parties involved in discussions on the draft 1962 bill were:

| | |
|--|----------------------------------|
| N.Z. Employers' Federation | N.Z. Tobacco Growers' Federation |
| Nelson Hop Marketing Committee | N.Z. Workers' Union |
| Raspberry Marketing Committee | N.Z. Federation of Labour |
| N.Z. Fruitgrowers' Federation | N.Z. Labourers' Union |
| Federated Farmers (Inc.) | N.Z. Tinsler workers' Union |
| N.Z. Vegetable and Produce Growers' Federation | |
| N.Z. Sawmillers' Federation | |
9. See list under footnote 8
10. Hon W.A. Fox, 96 Vol 332 p 2431
11. Hon T.P. Shand, *ibid*, p 2438
12. Mr Carter, *ibid*, p 2446
13. Mr Coukley, *ibid*, p 2433-4
14. Mr Riddiford, *ibid* p 2443
15. Hon Mr Fox, *ibid*, p 2431
16. Mr Whitehead, *ibid*, p 2438
17. Although it happened later than the period currently under discussion a good example of the problems comes from the N.Z. Fruitgrowers' Industrial Union of Employers. In their submission to the Labour Bills Committee 1977, they described the Order-in-Council system as "most cumbersome. The Market

Part E: Appendices.

Appendix 1

FOOTNOTES

0. Title to the Agricultural Workers' Act 1977

Part A:

1. Hon W.C. Walker, Parliamentary Debates (P.D.) Vol. CIV p 235
2. Hon Mr Bowen, D., Vol. CIV, p 235
3. Mr Flatman, P.D. Vol 139 p 819
4. F.V. Frazer, Judge of Arbitration Court, Books of Awards 1925, Vol 25 p 771.
5. Hon Mr Fagan, Leader of Council, P.D. Vol 247 p 108
6. Hon Mr Armstrong, Minister of Labour, PD Vol 246 p674
7. Hon Mr Waite, PD Vol 247 p 110
8. The non government parties involved in discussions on the draft 1962 bill were:

| | |
|--|----------------------------------|
| N.Z. Employers' Federation | N.Z. Tobacco Growers' Federation |
| Nelson Hop Marketing Committee | N.Z. Workers' Union |
| Raspberry Marketing Committee | N.Z. Federation of Labour |
| N.Z. Fruitgrowers' Federation | N.Z. Labourers' Union |
| Federated Farmers (Inc.) | N.Z. Timber workers' Union |
| N.Z. Vegetable and Produce Growers' Federation | |
| N.Z. Sawmillers' Federation | |
9. See list under footnote 8
10. Hon W.A. Fox, PD Vol 332 p 2431
11. Hon T.P. Shand, *ibid*, p 1938
12. Mr Carter, *ibid*, p 2446
13. Mr Cooksley, *idib*, p 2433-4
14. Mr Riddiford, *ibid* p 2443
15. Hon Mr Fox, *ibid*, p 2431
16. Mr Whitehead, *ibid*, p 2438
17. Although it happened later than the period currently under discussion a good example of the problems comes from the N.Z. Fruitgrowers' Industrial Union of Employers. In their submission to the Labour Bills Committee 1977, they described the Order-in-Council system as "most cumbersome. The Market

Gardens Order 1976 (S.R. 1976/201) was finally gazetted a month after it was due to expire."

In 1973, seven months after employers and workers had agreed on an Order-in-Council for orchard and vineyard workers it was still being held by the Minister of Labour and not gazetted.

18. Submission of Farm Workers' Association to Labour Bills Committee 1977, p 1-2.

19. A.P. Blair, Judge of Arbitration Court, Books of Awards, 1972 part iv, p 3492

20. 1972 N.Z. Labour Party Election Manifesto, p 27.

Part B:

21. Hon H Watt, Minister of Labour, PD Vol 385 p 3562

22. Mr Luxton, *ibid* p 3571

23. These will be discussed during the analysis of submissions to the Select Committee.

24. This secession had the consent of the N.Z. Workers' Union. Share-milkers already had the unqualified preference clause (for compulsory membership) but due to their scattered locations throughout N.Z., they were an expensive membership to service.

25. Submission of N.Z. Workers' Union to Labour Bills Committee 1977 p 2.

26. Hearing dates were 24, 30, and 31 October, 6, 7 and 14 November 1973.

27. Submission of N.Z. Fruitgrowers Industrial Union of Employers to Labour Bills Committee 1973 p 3.

28. Submission of a Farm Workers' Association to Labour Bills Committee 1973 p 2.

29. Submission of Mid and North Canterbury Farm Workers' Committee to Labour Bills Committee 1973 p 1.

30. Submission of Rural Management Association to Labour Bills Committee 1973 p 3.

31. Submission of N.Z. Labourers and Related Trades Industrial Union of Workers to Labour Bills Committee 1973 p 4.

32. Submission of N.Z. Dairy Farmers Industrial Union of Employers to Labour Bills Committee 1973 p 5

33. Submission of Federated Farmers Inc. to Labour Bills Committee 1973 p 1.

34. Submission of Auckland Young Farmers Club to Labour Bills Committee, 1973 p 3-6.

35. *ibid* p 7
36. Submission of Waikato Federated Farmers (Cadet Scheme) of Labour Bills Committee 1973 p 2-4
37. Submission of N.Z. Dairy Board to Labour Bills Committee 1973 p 1-40.
38. Submission of N.Z. Workers' Union to Labour Bills Committee 1973 pl.
39. Submission of N.Z. Federation of Labour to Labour Bills Committee 1973 p 2
40. *ibid* p 6
41. Submission of Wanganui and Taranaki Farm Workers' Association to Labour Bills Committee 1973, pl.
42. *ibid* p 3
43. Submission of G.R. Harris et al (Waitahuna Married Couples) to Labour Bills Committee 1973, p 1
44. Submission of Young Christian Workers' Movement to Labour Bills Committee p 1.
45. Report of Labour Committee 1973 (I 4) p 2.
46. Mrs Helicich, PD Vol 411 p 70.
47. Hotel Workers, Drivers etc.
48. In 1970-71 there were 196 alleged breaches of the Act and 102 prosecutions actioned following routine inspections (1971 Annual Report, p 23). In 1971-72 comparable figures were 127 and 110 respectively (1972 Annual Report p 20). 1972-73 figures were 141 and 252 respectively (1973 Annual Report p 23).
49. Interview with Hon A.J. Faulkner and the writer, July 1980.
50. Interview with Mr D. Duggan, Secretary of the N.Z. Workers' Union and the writer, August 1980.
51. Hon A.J. Faulkner, PD, Vol 412 p 1675
52. Mr Thomson and Mr Gordon
53. Hon A.J. Faulkner PD Vol 412 p 1675
54. Interview with Mr H.B. Rennie, solicitor for Farm Workers' Association and the writer, July 1980.

Part C:

55. Hon C.J. Moyle, Minister of Agriculture, opening address to Annual Conference of Farm Workers' Association, 23 May 1975.
56. The Farm Worker Vol 1 No 1, July 1975 p 1.

57. National Business Review, September 17, 1975
58. *ibid*
59. *ibid*
60. The Farm Worker, Vol 2 No 2, October 1975 p 3
61. Letter, Minister of Labour to Canterbury Trades Council, 26 September 1975.
62. The Farm Worker, Vol 1 No 1, July p 1
63. National Party 1975 Election Manifesto, policy 31, page 11
64. The Farm Worker Vol 1 No 2, October 1975 p 2
65. *ibid*
- 66.
67. The Farm Worker Vol 2 No 1, March 1976 p 1
68. Hon J.B. Gordon, Minister of Labour, opening address to Annual Conference of Farm Workers' Association, 28 May 1976.
69. Circular letter to all government Members of Parliament from Farm Workers' Association, 11 November 1976
70. Circular from Minister of Labour to all government members, 2 December 1976, p 2
71. *ibid*, p 2
72. *ibid*, p 4
73. *ibid*, p 4
74. Press Release from Minister of Labour, 1 December 1976.
75. Memorandum from Federated Farmers' Legal Adviser (Ruth Richardson) to agricultural Employer Unions, of 8 February, 1977 p 1
76. *ibid* p 2
77. *ibid* p 2
78. Press Release from Minister of Labour, 30 March 1977.
79. Telephone interview between Parliamentary Counsel, Mr P.W. Williams and the writer. Mr Williams regarding himself as the solicitor for the Minister of Labour (or his agent, the Department), and therefore felt unable to grant a personal interview.
80. Interview with H.B. Rennie, Solicitor for the Farm Workers' Association and the writer, 16 July 1980.
81. Telephone interview with P.W. Williams
82. *ibid*
83. Interview with Ruth Richardson, Legal Adviser for Federated Farmers and the writer, 13 June 1980
84. Waikato Times, 15 April 1977.

85. Waikato Times, 20 April 1977
86. Waikato Times, 15 April 1977
87. Circular letter to all government Members of Parliament from Farm Workers' Association, 11 May 1977.
88. Hon D.L. Thomson, acting Minister of Labour, opening address to Annual Conference of Farm Workers' Association, 27 May 1977.
89. Interview Dan Duggan, August 1980
90. Open letter, undated, from N.Z. Workers' Union.
91. Hon J.B. Gordon, Minister of Labour, Parliamentary Debates Vol 412 p 1674-5.
92. Mr E Isbey, Parliamentary Debates Vol 412 p 1676
93. Industrial Relations Act 1973, Section 93(1)
94. Submission of N.Z. Labourers, General Workers and Related Trades Industrial Union of Workers to Labour Bills Committee, p 2.
95. Submission of N.Z. Federation of Labour to Labour Bills Committee p 2.
96. *ibid* p 4
97. *ibid* p 8
98. Submission of N.Z. Workers' Industrial Union of Workers to Labour Bills Committee p 3.
99. Joint Submission of N.Z. Fruitgrowers Industrial Union of Employers and N.Z. Employers' Federation to Labour Bills Committee p 1.
100. *ibid* p 2
101. Submission of N.Z. Farm Workers' Association to Labour Bills Committee p 9.
102. *ibid* p 4
103. *ibid* p 6
104. *ibid* p 9
105. Submission of Federated Farmers of N.Z. (Inc) to Labour Bills Committee p 1.
106. Draft Agricultural Workers' Bill, clause 32(3)
107. Submission of Federated Farmers *ibid* p 5
- 107A *ibid* p 6
- 108 Joint submission of Vegetable and Produce Growers' Industrial Union of Employers and N.Z. Berryfruit Growers' Federation to Labour Bills Committee p 2
- 109 *ibid* p 1

110. Submission of Accident Compensation Commission to Labour Bills Committee, p 1
 111. Hon A J Faulkner, Parliamentary Debates Vo 413 p 2969
 112. Mr Luxton, PD Vol 413 p 2968
 113. Interview with Mr Luxton Chairman of the Labour Bills Committee and the writer, 15 July 1980
 114. Draft Agricultural Workers' Bill, clause 49(1)
 115. Hon J.B. Gordon, PD Vol 414 p 3334
 116. Hon Sir Basil Arthur, PD Vol 414 p 3500
- Part D:
117. Title of Agricultural Workers' Act 1977
 118. Explanatory Note on Introductory copy of Agricultural Workers' Act 1977.
 119. National Party 1975 Election Manifesto, Policy 31 p11
 120. Interview with Ruth Richardson and the writer; also in the Farm Worker Vol 2 No 1, March 1976.
 121. Viz the attempt to stall the Order-in-Council negotiated by the Farm Workers' Association late 1976, by referring the matter to the Industrial Commission.
 122. K.J. Scott, the N.Z. Constitution, p 51
 123. Judith Reid, in N.Z. Law Review Vol 8 April 1978 p 85
 124. Interview with Ruth Richardson.
 125. Interview H.B. Rennie.
 126. Address, Hon J.B. Gordon, Minister of Labour to West Otago branch of Farm Workers' Association, March 1977.
 127. Circular letter from Farm Workers' Association to all government members, 11 November 1976.
 128. Interview P.W. Williams.
 129. Opening address to Annual Conference of Farm Workers' Association by Hon. J.B. Gordon, Minister of Labour, 28 May 1976.
 130. Interview Mr Luxton
 131. Interview H.B. Rennie
 132. Hon G.F. Gair, PD Vol 385 p 3569.
 133. D.L. Mathieson, Industrial Relations in New Zealand, Supplementary papers p 131.
 134. Judith Reid in N.Z. Universities Law Review, Vol 8 April 1978 p 86.

- 135. ibid p 87
- 136. Mr Wetere, PD Vol 385 p 3497
- 137. H.B. Rennie in N.Z. Universities Law Review Vol 8 June 1979
p 343
- 138. Judith Reid, ibid p 344
- 139. Interviews with Ruth Richardson and H.B. Rennie
- 140. Interview Ruth Richardson
- 141. Interview, Dan Duggan
- 142. ibid

Mr Layson
Mr Holland
Mr Laxton
Hon Mr Thompson
Mr Young

1977

Mr Laxton (Chairman)
Mr Couch
Mr Elliott
Hon Mr Gordon
Mr de Vries
Mr Malcolm
Hon Mr Faulkner
Mr Labey
Mr Wetere
Sir Basil Arthur

Appendix 2

Membership of Labour Bills Committee

1973

Hon Mr N.V. Douglas (Chairman)

Mr Isbey

Mr Reweti

Mrs Jelicich

Mr Colman (replaced Hon Mr Watt)

Mr Mayson

Mr Holland

Mr Luxton

Hon Mr Thomson

Mr Young

1977

Mr Luxton (Chairman)

Mr Couch

Mr Elliott

Hon Mr Gordon

Mr la Varis

Mr Malcolm

Hon Mr Faulkner

Mr Isbey

Mr Wetere

Sir Basil Arthur

Appendix 3

Submissions to Select Committee on Agricultural Workers'
Amendment Bill 1973.

1. Rural Management Association
2. Mr A.D. Searle, Chairman Mid and North Canterbury Farm Workers.
3. Mr K Burridge, Farm Workers Association
4. N.Z. Fruitgrowers' Industrial Union of Employers
5. N.Z. Tobacco Growers' Federation
6. N.Z. Labourers' Union
7. Waikato Federated Farmers (Cadet Scheme)
8. South Auckland Young Farmers' Club
9. Federated Farmers of N.Z.
10. N.Z. Dairy Farmers' Industrial Union of Employers
- 10A. Survey, Additional paper called from N.Z. Dairy Farmers.
11. N.Z. Sheepowners' Industrial Union of Employers.
12. N.Z. Agricultural and Related Farmers' Industrial Union of Employers.
13. N.Z. Workers' Union
14. B.B. Shaw and others, West Otago
15. West Otago Farm Workers.
16. West Otago Farm Workers.
17. Additional paper called from N.Z. Tobacco Growers' Federation.
18. Federation of Labour
19. Mr J May, Wanganui and Taranaki Farm Workers' Association.
20. N.Z. Vegetable and Produce Growers' Federation.
21. Young Christian Workers.
22. West Otago Federated Farmers.
23. G.R. Harris and others, Waitahuna (Married Couples).
24. R.K. Jones, Mangamuku.
25. N.Z. Sheep and Cattlemens' Association.

Appendix 4

Submissions to Select Committee (Labour Bills) on
Agricultural Workers Bill 1977.

1. N.Z. Labourers, General Workers' and Related Trades Industrial Union of Workers.
2. N.Z. Tobacco Growers' Federation Inc.
3. N.Z. Farm Workers' Association
4. N.Z. Employers' Federation and N.Z. Fruitgrowers' Industrial Union of Employers.
5. N.Z. Workers' Industrial Union of Workers
6. N.Z. Federation of Labour
7. Federated Farmers of New Zealand (Inc.)
8. N.Z. Vegetable and Produce Growers' Industrial Union of Employers and N.Z. Berryfruit Growers' Federation Inc.
9. P.P.G. Pharazyn, Farmer.
10. Department of Labour
11. List of amendments suggested by Submissions.
12. Accident Compensation Commission.
13. Supplementary Submission from Federated Farmers on Clause 49.

Acknowledgements

I would like to acknowledge the assistance given by the following people by way of interviews and discussions:

Ruth Richardson, Legal Adviser for Federated Farmers of N.Z. Inc.
13 June 1980.

Heughan Rennie, Solicitor for Famr Workers' Association, 16 July 1980.

Dan Duggan, General Secretary of N.Z. Workers' Union, 5 August 1980.

P.C. Williams, Parliamentary Counsel, 4 August 1980.

Hon A.J. Faulkner, M.P. former Minister of Labour, 17 July 1980.

Mr Luxton, M.P. Chairman of Labour Bills Committee 1977, 15 July 1980.

Acknowledgement is also made of assistance given by R. Richardson and H.B. Rennie with use of files and personal documents, and Department of Labour for use of files.

Lastly, many thanks to Mary Riches and Joy Mua for technical and typing assistance.

Appendix 6

Bibliography

- Agricultural Workers' Act 1977
Book of Awards (Court of Arbitration,)
The Farm Worker (magazine of Farm Workers' Association)
Industrial Relations Act 1973
Labour Party 1972 Election Manifesto
Mathieson D.L., Industrial Law in N.Z. (Sweet and Maxwell 1974)
 Supplementary papers (Sweet and Maxwell, 1976)
National Business Review
National Party 1975 Election Manifesto
N.Z. Universities Law Review
Parliamentary Debates
Report of Labour Bills Committee, 1973 (I6)
K.J. Scott: The New Zealand Constitution. (Clarendon Press, 1962)
Waikato Times.

Appendix 2

Bibliography

- Agricultural Workers, Act 1977
- Book of Awards (Court of Arbitration)
- The Farm Worker (Organisation of Farm Workers' Association)
- Industrial Relations Act 1973
- Labour Party 1972 Election Manifesto
- Mitchison D.E., Industrial law in N.Z. (Sweet and Maxwell 1974)
- Supplementary papers (Sweet and Maxwell, 1972)
- National Business Review
- National Party 1978 Election Manifesto
- N.Z. Universities Law Review
- Parliamentary Debates
- Report of Labour Bills Committee, 1973 (LC)
- S.V. Scott: The New Zealand Constitution. (Clarendon Press, 1963)
- Various other

VICTORIA UNIVERSITY OF WELLINGTON LIBRARY



3 7212 00443174 6

VICTORIA UNIVERSITY OF WELLINGTON
LIBRARY

F
Folder
Kn

KNIGHT, F.

The Agricultural
Workers' Act 1977.

393,930

LAW LIBRARY

~~CANCELLED~~

**PLEASE RETURN
THIS ITEM AS
SOON AS
POSSIBLE**

CM

82-4395

PLEASE RETURN BY
OCT 1982
TO W.U. ~~MEMBERS~~ **LOANS**

A fine of 10c per day is
charged on overdue books

