

# **Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Bill**

Member's Bill

As reported from the Transport and  
Industrial Relations Committee

## **Commentary**

### **Recommendation**

The Transport and Industrial Relations Committee has examined the Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Bill and recommends that it not be passed. Labour and Green members did not support this recommendation, and have supplied minority views. If the House decides, however, that the bill should proceed, the committee recommends that it adopt the amendments shown.

### **Introduction**

The Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Bill is a member's bill in the name of Dr David Clark. The bill seeks to amend the Holidays Act 2003; it is intended to ensure that New Zealanders who work a standard five-day week receive a working day off every year for each of the public holidays listed in the Act. Some public holidays, such as Good Friday, are always ob-

served on a particular day of the week; others, such as Christmas Day and Boxing Day, are observed on a particular date, but, if that date falls on a Saturday or Sunday, the public holiday is treated for employees who do not normally work on those days as falling on the following Monday (or Tuesday as the case may be). Waitangi Day and ANZAC Day are not currently subject to such “Mondayisation”. The bill would require that when Waitangi Day and ANZAC Day fell on a Saturday or Sunday, employees who would not usually work on the observed day would receive a public holiday on the following Monday. Employees who would normally work on the observed day would receive their public holiday on that day.

Most of us consider that the potential of the bill for negative effects outweighs its positive potential. We all agree, however, that if the bill is passed, it should be passed with the amendments discussed below. This commentary covers the major amendments that we recommend, including consequential amendments to a wide range of other legislation. It does not discuss minor, technical, or other consequential amendments.

### **Commencement**

We recommend amending clause 2 to specify 1 January 2014 as the commencement date. We consider that public access to legislation is improved by the inclusion of a specific commencement date. The first day that would be affected by this legislation is ANZAC Day in 2015; the commencement date we recommend would allow a full year for the public to prepare for the new legislation, for example by revising contracts and other legal instruments that include definitions of “working day” or “business day”.

### **Transfer of Waitangi Day and ANZAC Day**

We recommend amending clause 5, which would insert new section 45A (new section 44B in the bill as introduced), by amending new subsection 45A(2), to make it clear that an employee would not be entitled to more than one public holiday for Waitangi Day or for ANZAC Day.

### **Consequential amendments to other legislation**

We recommend inserting new clause 6 to amend the Anzac Day Act 1966, new clause 7 to amend the Waitangi Day Act 1976, and new clause 8 to give effect to new schedules 1, 2, and 3. New schedules 1 and 2 would amend various definitions of “working day”, and “business day” respectively, and new schedule 3 would specify other consequential amendments.

We note that consequential amendments to various Court Rules<sup>1</sup> would also be required; by convention, such amendments are made by Order in Council after consultation with the Rules Committee.

### **New Zealand Labour Party minority view**

This bill seeks to ensure New Zealanders receive their legislated 11 public holidays in every year, rather than only five of every seven years.

It also recognises the increasing importance of both Waitangi Day and ANZAC Day to New Zealanders’ sense of history and identity.

The Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Bill is drafted to ensure no-one misses out. It brings the celebration of these days of growing significance to our history and identity into line with practice in Australia, and with the practice for other holidays in New Zealand.

Labour does not accept the view presented by a minority of submitters that Mondayising in some way diminishes Waitangi Day or ANZAC Day. We believe quite the opposite. In the case of ANZAC Day, Australian observers report a growing attendance at ANZAC Day dawn services. It makes sense. People are more likely to get up for dawn services on a Sunday morning when they know they can have a lie-in and time with the family on the Monday that follows. We expect the same will happen here.

The Council of Trade Unions, which represents more people than all of the other submitters combined, spoke in favour of the legislation.

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<sup>1</sup> Seven Court Rules would be affected: the District Court Rules; the High Court Rules; the Court of Appeal (Civil) Rules; the Court of Appeal (Criminal) Rules; the Supreme Court Rules; the Domestic Violence Rules; and the Court Martial Appeal Court Rules.

Views amongst employer groups were mixed. Groups who submitted against introducing the holidays focused on the increased cost to employers of two additional days' holiday once every seven years. On the other hand, those who submitted on behalf of employers in the tourism sector focused on the increased profits for their sector that would result from the additional holidays. The only quantitative research done found that 87 percent of over 1,000 small or medium sized business owners surveyed are either actively in support or neutral towards the Mondayising of Waitangi Day and ANZAC Day.

Submissions noted that Mondayising is what we usually do in New Zealand. The majority of public holidays in New Zealand are already observed on a Monday (for example Labour Day, Easter Monday, and Queen's Birthday) or are Mondayised (for example Christmas and New Year holidays).

Mondayising is also normal practice in similar countries. As noted above, it is common practice in Australia. When ANZAC Day falls on a weekend, the following week day is considered a public holiday in Western Australia, Victoria, Australian Capital Territory, New South Wales, South Australia, Queensland, and Northern Territory.

A similar pattern emerges for Australia's national day, Australia Day. All Australian States and Territories recognise an additional public holiday on the following work day, with the exception of New South Wales who only proceed on that basis if Australia Day falls on a Sunday.

Information shared with the committee shows that advice provided to Government by officials has focused on counting the costs of the legislative change without considering the offsetting benefits. For this reason, Government officials note that their cost estimates are "likely to be overstated".

As officials have pointed out, the calculations they supply for costing the proposal fail to account for a range of ameliorating factors: employment and hours worked by self-employed people (who are not subject to the Holiday's Act) are included in calculations, while productivity gains from the benefits of having rested workers and extra benefits from increased domestic tourism are not. Also, no account has been taken of the fact that employers can make changes to the way they operate their businesses and who works on which days, further reducing costs.

Labour contends for reasons cited above that the Government's cost estimate (which amounts to 13 cents per worker per day) is overstated. But even if that were the cost, the greater recognition for the days and the benefits accruing to workers make it worthwhile passing the legislation.

The bill looks likely to pass; the Labour Party thanks the Green Party, New Zealand First, the Māori Party, United Future, and the Mana Party who have all pledged their support.

Labour is surprised at reports that the National Party intends to oppose this bill. The increasing significance of these days to New Zealanders and the importance of time with family, friends, and wider community make a compelling argument in its favour. So too does quantitative evidence that employers favour the bill, perhaps in part because it ensures simpler and more consistent accounting provisions for holidays. Most employers are fair-minded like their employees and can see the benefits of Mondayising far outweigh the costs.

### **Green Party minority view**

The Green Party supports good work-life balance for all New Zealanders and we believe this bill will enable workers and their families to enjoy the full entitlement under the Holidays Act of 11 public holidays per year every year. Under the existing Holidays Act in two out of every seven years, public holidays are reduced to nine days a year because Waitangi Day and ANZAC Day are celebrated on a specific calendar day, and when either of those days falls on a weekend, the holiday is not transferred to a weekday.

Four of the other 11 public holidays also occur on the day on which they fall (Christmas Day, Boxing Day, New Year's Day and the day after) and when these days fall on a weekend, the law provides for transfer to a week day. This is commonly known as "Mondayisation".

The Green Party maintains that the difference in treatment between Waitangi and ANZAC days and Christmas and Boxing days is an anomaly, and we reject the notion put by some submitters that it would "cheapen" the commemorations of either day, as we have seen no evidence that this has resulted from the Mondayisation of Christmas, for example.

We also note that Australia already transfers ANZAC Day to the following Monday when it falls on a weekend and the day's commemorations are still held on the 25th of April. We note the New Zealand Council of Trade Union submission, which includes the observation that even with Mondayisation, ANZAC Day events in Australia are well attended.

The Green Party supports the submission from the Tourism Industry Association of New Zealand, which noted that the July 2012 Mind Your Own Business survey of mostly small businesses showed only 13 percent opposition to the Mondayisation of Waitangi and ANZAC Day, with over 50 percent supporting the concept. We agree with the Tourism Industry Association that the Mondayisation of Waitangi Day and ANZAC Day offers the opportunity to increase domestic tourism, and with their assertion that those economic benefits outweigh the small cost to employers. Employers already bear that cost when Waitangi Day and ANZAC Day occur on a weekday, and given that this will happen next in 2015 and 2016 and then not again until 2020 and 2021, they would certainly have ample time to prepare for it.

The Green Party agrees with the New Zealand Council of Trade Unions that New Zealanders work relatively long hours, and we believe that while our combined minimum annual leave and public holiday provisions are not the least generous in the OECD countries, we are lagging behind many European countries.

We support this bill and agree that if it is successful, there should be consequential amendments to other related legislation like the Anzac Day Act 1966 and the Waitangi Day Act 1976.

## **Appendix**

### **Committee process**

The Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Bill was referred to the committee on 25 July 2012. The closing date for submissions was 13 September 2012. We received and considered 32 submissions from interested groups and individuals. We heard eight submissions.

We received advice from the Ministry of Business, Innovation and Employment.

### **Committee membership**

David Bennett (Chairperson)

Chris Auchinvole

Darien Fenton

Andrew Little

Simon O'Connor

Denise Roche

Jami-Lee Ross

Scott Simpson

Phil Twyford

Dr David Clark replaced Phil Twyford for this item of business.

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**Holidays (Full Recognition of Waitangi Day  
and ANZAC Day) Amendment Bill**

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**Key to symbols used in reprinted bill**

**As reported from a select committee**

text inserted unanimously

~~text deleted unanimously~~

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*Dr David Clark*

# **Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Bill**

Member's Bill

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**Schedule 3**  
**Other consequential amendments**

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**The Parliament of New Zealand enacts as follows:**

- 1 Title**  
This Act is the Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act **2012**.
- 2 Commencement** 5  
This Act comes into force on ~~the day after the date on which it receives the Royal assent~~ 1 January 2014.
- 3 Principal Act amended**  
This Act amends the Holidays Act 2003 (the principal Act).
- 4 Purpose** 10  
The purpose of this Act is to amend the public holiday provisions of the principal Act to provide for the transfer of the public holidays for Waitangi Day and ANZAC Day if they fall on a weekend.
- 5 New section ~~44B~~ 45A inserted (Transfer of Waitangi Day and ANZAC Day public holidays)** 15  
The following section is inserted after section 44A: After section 45, insert:
- ~~44B~~45A Transfer of Waitangi Day and ANZAC Day public holidays** 20
- “(1) For the purposes of this subpart, if ~~either of the public holidays listed in section 44(1)(e) or (h)~~ Waitangi Day or ANZAC Day—
- “(a) falls on a Saturday or a Sunday, and the day would otherwise be a working day for the employee, the public holiday must be treated as falling on that day: 25
- “(b) falls on a Saturday or a Sunday, and the day would not otherwise be a working day for the employee, the pub-

lic holiday must be treated as falling on the following Monday.

“(2) To avoid doubt, this section does not entitle an employee to more than ~~2~~ 1 public holiday for the days listed in section ~~44(1)(c) or (h)~~ 1 public holiday for Waitangi Day or more than 1 public holiday for ANZAC Day.” 5

**6** **Consequential amendment to Anzac Day Act 1966**

(1) This section amends the Anzac Day Act 1966.

(2) After section 5, insert:

**5A** **Relationship with Holidays Act 2003** 10

This Act is subject to **section 45A** of the Holidays Act 2003 (which concerns the transfer of the public holiday for the purposes of Part 2, subpart 3 of that Act when Anzac Day falls on a Saturday or Sunday).”

**7** **Consequential amendments to Waitangi Day Act 1976** 15

(1) This section amends the Waitangi Day Act 1976.

(2) Repeal section 4(2).

(3) After section 4, insert:

**6A** **Relationship with Holidays Act 2003**

This Act is subject to **section 45A** of the Holidays Act 2003 (which concerns the transfer of the public holiday for the purposes of Part 2, subpart 3 of that Act when Waitangi Day falls on a Saturday or Sunday).” 20

**8** **Consequential amendments to other enactments**

Amend the enactments specified in **Schedules 1, 2, and 3** in the manner set out in those schedules. 25

**Schedule 1****s 8****Consequential amendments to definitions  
of working day in various enactments****Part 1****Individual amendments to definitions of  
working day in enactments** 5**Biosecurity Act 1993 (1993 No 95)**

In section 2(1), definition of **working day**, after paragraph (ab), insert:

“(ac) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and” 10

**Companies Act 1955 Regulations 1994 (SR 1994/119)**

In regulation 2(1), definition of **working day**, replace paragraph (d) with:

“(d) if 1 January falls on a Saturday or a Sunday, the following Monday and Tuesday; and 15

“(e) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday.”

**Conservation Act 1987 (1987 No 65)**

In section 2(1), replace the definition of **working day** with: 20

“**working day** means a day of the week other than—

“(a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, and Labour Day; and

“(b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and 25

“(c) a day in the period commencing on 25 December in any year and ending with 15 January in the following year.”

**Criminal Procedure Act 2011 (2011 No 81)**

In section 5, replace the definition of **working day** with: 30

“**working day** means a day of the week other than—

“(a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, and Labour Day; and

Part 1—continued

**Criminal Procedure Act 2011 (2011 No 81)—continued**

- “(b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and  
“(c) a day in the period commencing on 25 December in any year and ending with 15 January in the following year.”

**Crown Pastoral Land Act 1998 (1998 No 65)**

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In section 2, replace the definition of **working day** with:

- “**working day** means a day of the week other than—  
“(a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, and Labour Day; and  
“(b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and  
“(c) a day in the period commencing on 25 December in any year and ending with 15 January in the following year.”

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**Fish and Game Council Elections Regulations 1990 (SR 1990/361)**

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In regulation 2(1), replace the definition of **working day** with:

- “**working day** means a day of the week other than—  
“(a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, and Labour Day; and  
“(b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and  
“(c) a day in the period commencing on 20 December in any year and ending with 15 January in the following year.”

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**Interpretation Act 1999 (1999 No 85)**

In section 29, definition of **working day**, replace paragraph (d) with:

- “(d) if 1 January falls on a Saturday or a Sunday, the following Monday and Tuesday; and  
“(e) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday”.

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Part 1—*continued***Justices of the Peace Act 1957 (1957 No 89)**

In section 2, replace the definition of **working day** with:

- “working day means a day of the week other than—
- “(a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, and Labour Day; and 5
  - “(b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and
  - “(c) a day in the period commencing on 20 December in any year and ending with 15 January in the following year.” 10

**Ngāti Manuhiri Claims Settlement Act 2012 (2012 No 90)**

In section 11, definition of **working day**, after paragraph (b), insert:

- “(ba) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and”.

**Residential Tenancies Act 1986 (1986 No 120)**

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In section 2(1), definition of **working day**, replace paragraphs (a) and (b) with:

- “(a) a Saturday, a Sunday, Waitangi Day, Anzac Day, the Sovereign’s birthday, and Labour Day; and
- “(b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and”. 20

**Resource Management Act 1991 (1991 No 69)**

In section 2(1), replace the definition of **working day** with:

- “working day means a day of the week other than—
- “(a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, and Labour Day; and 25
  - “(b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and
  - “(c) a day in the period commencing on 20 December in any year and ending with 10 January in the following year.” 30

Part 1—continued

**Social Security Act 1964 (1964 No 136)**

In section 3(1), replace the definition of **working day** with:

- “working day means a day of the week other than—
- “(a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, and Labour Day; and 5
  - “(b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and
  - “(c) a day in the period commencing on 25 December in any year and ending with 15 January in the following year; and 10
  - “(d) the day observed as the anniversary day of the appropriate province”.

**Social Workers Registration Act 2003 (2003 No 17)**

In section 4, replace the definition of **working day** with: 15

- “working day means a day of the week other than—
- “(a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, and Labour Day; and
  - “(b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and 20
  - “(c) a day in the period commencing on 20 December in any year and ending with 15 January in the following year.”

**Supreme Court Act 2003 (2003 No 53)**

In section 4, replace the definition of **working day** with: 25

- “working day means a day of the week other than—
- “(a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, and Labour Day; and
  - “(b) the day observed as anniversary day in Wellington; and 30
  - “(c) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and
  - “(d) a day in the period commencing on 25 December in any year and ending with 15 January in the following year.”

Part 1—continued

**Telecommunications Act 2001 (2001 No 103)**

In section 5, definition of **working day**, replace paragraph (e) with:

- “(e) if 1 January in any year falls on a Saturday or a Sunday, the following Monday and Tuesday; and
- “(f) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday”.

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**Temporary Safeguard Authorities Act 1987 (1987 No 88)**

In section 2, definition of **working day**, replace paragraph (d) with:

- “(d) if 1 January falls on a Saturday or a Sunday, the following Monday and Tuesday; and
- “(e) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday”.

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**Trade Marks Act 2002 (2002 No 49)**

In section 5(1), definition of **working day**, replace paragraph (e) with:

- “(e) if 1 January in any year falls on a Saturday or a Sunday, the following Monday and Tuesday; and
- “(f) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday”.

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Part 2

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Global amendments to definitions of  
working day in Acts

In the provisions listed below, definition of **working day**, after paragraph (a), insert:

- “(ab) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and”.

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**Agricultural Compounds and Veterinary Medicines Act 1997  
(1997 No 87)**

Section 2(1).

**Animal Welfare Act 1999 (1999 No 142)**

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Section 2(1).

Part 2—continued

**Arms Act 1983 (1983 No 44)**

Section 2.

**Broadcasting Act 1989 (1989 No 25)**

Section 2(1).

**Building Act 2004 (2004 No 72)**

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Section 7.

**Children, Young Persons, and Their Families Act 1989 (1989  
No 24)**

Section 2(1).

**Citizens Initiated Referenda Act 1993 (1993 No 101)**

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Section 2.

**Civil Defence Emergency Management Act 2002 (2002 No 33)**

Section 4.

**Commerce Act 1986 (1986 No 5)**

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Section 2(1).

**Companies Act 1993 (1993 No 105)**

Section 2(1).

**Construction Contracts Act 2002 (2002 No 46)**

Section 5.

**Copyright Act 1994 (1994 No 143)**

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Section 2(1).

**Credit Contracts and Consumer Finance Act 2003 (2003 No 52)**

Section 5.

Part 2—continued

**Crown Minerals Act 1991 (1991 No 70)**

Section 2(1).

**Defamation Act 1992 (1992 No 105)**

Section 2(1).

**Electoral Act 1993 (1993 No 87)**

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Section 3(1).

**Electricity Act 1992 (1992 No 122)**

Section 2(1).

**Films, Videos, and Publications Classification Act 1993 (1993  
No 94)**

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Section 2.

**Financial Reporting Act 1993 (1993 No 106)**

Section 2(1).

**Fisheries Act 1996 (1996 No 88)**

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Section 2(1).

**Forests Act 1949 (1949 No 19)**

Section 2.

**Gas Act 1992 (1992 No 124)**

Section 2(1).

**Geographical Indications (Wine and Spirits) Registration Act  
2006 (2006 No 60)**

20

Section 4.

**Goods and Services Tax Act 1985 (1985 No 141)**

Section 2(1).

Part 2—continued

**Government Rounding Powers Act 1989 (1989 No 75)**

Section 43(1).

**Hazardous Substances and New Organisms Act 1996  
(1996 No 30)**

Section 2(1).

**Historic Places Act 1993 (1993 No 38)**

Section 2.

5

**Immigration Act 2009 (2009 No 51)**

Section 194(9).

**Immigration Advisers Licensing Act 2007 (2007 No 15)**

Section 5.

**Income Tax Act 2007 (2007 No 97)**

Section YA 1.

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**Intelligence and Security Committee Act 1996 (1996 No 46)**

Section 2(1).

**Local Government Act 1974 (1974 No 66)**

Section 2(1).

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**Local Government Act 2002 (2002 No 84)**

Section 5(1).

**Local Government Official Information and Meetings Act 1987  
(1987 No 174)**

Section 2(1).

20

**Ministries of Agriculture and Forestry (Restructuring) Act  
1997 (1997 No 100)**

Section 2.

Part 2—continued

**Ministry of Agriculture and Fisheries (Restructuring) Act 1995  
(1995 No 31)**

Section 2.

**Motor Vehicle Sales Act 2003 (2003 No 12)**

Section 6(1).

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**Ngāi Tahu Claims Settlement Act 1998 (1998 No 97)**

Section 48(1).

**Official Information Act 1982 (1982 No 156)**

Section 2(1).

**Overseas Investment Act 2005 (2005 No 82)**

Section 6(1).

10

**Personal Property Securities Act 1999 (1999 No 126)**

Section 16(1).

**Postal Services Act 1998 (1998 No 2)**

Section 2(1).

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**Privacy Act 1993 (1993 No 28)**

Section 2(1).

**Property Law Act 2007 (2007 No 91)**

Section 4.

**Protected Disclosures Act 2000 (2000 No 7)**

Section 3(1).

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**Public Finance Act 1989 (1989 No 44)**

Section 2(1).

Part 2—continued

**Public Works Act 1981 (1981 No 35)**

Section 2.

**Referenda (Postal Voting) Act 2000 (2000 No 48)**

Section 3(1).

**Sale of Liquor Act 1989 (1989 No 63)**

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Section 2.

**Securities Act 1978 (1978 No 103)**

Section 2(1).

**Summit Road (Canterbury) Protection Act 2001 (2001 No 3(L))**

Section 4.

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**Tauranga District Council (Route K Toll) Empowering Act  
2000 (2000 No 1)**

Section 3.

**Trans-Tasman Mutual Recognition Act 1997 (1997 No 60)**

Section 2(1).

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**Weathertight Homes Resolution Services Act 2006 (2006 No 84)**

Section 8.

**Wheat Industry Research Levies Act 1989 (1989 No 64)**

Section 2.

Part 3

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Global amendments to definitions of  
working day in regulations and rules

In the provisions listed below, definition of **working day**, after para-  
graph (a), insert:

“(ab) if Waitangi Day or Anzac Day falls on a Saturday or a  
Sunday, the following Monday; and”.

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Part 3—continued

**Domestic Violence (Programmes) Regulations 1996  
(SR 1996/174)**

Regulation 2(1).

**Energy Efficiency (Energy Using Products) Regulations 2002  
(SR 2002/9)**

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Regulation 3.

**Fisheries (Kaimoana Customary Fishing) Regulations 1998  
(SR 1998/434)**

Regulation 2(1).

**Fisheries (South Island Customary Fishing) Regulations 1999  
(SR 1999/342)**

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Regulation 2(1).

**Housing Restructuring and Tenancy Matters (Appeals)  
Regulations 2000 (SR 2000/212)**

Regulation 3.

15

**Human Rights Regulations 1993 (SR 1993/394)**

Regulation 2(1).

**Income Tax (Determinations) Regulations 1987 (SR 1987/114)**

Regulation 2.

**Marine Mammals Protection Regulations 1992 (SR 1992/322)**

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Regulation 2.

**Ozone Layer Protection Regulations 1996 (SR 1996/222)**

Regulation 2.

**Registered Architects Rules 2006 (SR 2006/161)**

Rule 3(1).

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Part 3—continued

**Taxation Review Authorities Regulations 1998 (SR 1998/460)**  
Regulation 2.

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**Schedule 2**

**s 8**

**Consequential amendments to definitions  
of business day in Acts**

**Part 1**

**Individual amendments to definitions of  
business day in Acts** 5

**Maraeroa A and B Blocks Claims Settlement Act 2012 (2012  
No 52)**

In section 10, replace the definition of **business day** with:

- “business day means a day of the week other than—** 10
- “(a) a Saturday, a Sunday, Waitangi Day, Good Friday,  
Easter Monday, Anzac Day, the Sovereign’s birthday,  
and Labour Day; and**
- “(b) if Waitangi Day or Anzac Day falls on a Saturday or a  
Sunday, the following Monday; and** 15
- “(c) a day in the period starting on 25 December in any year  
and ending with 15 January in the following year; and**
- “(d) the days observed as the anniversaries of the provinces  
of Auckland and Wellington”.**

**Nga Wai o Maniapoto (Waipa River) Act 2012 (2012 No 29)** 20

In section 5(2), replace the definition of **business day** with:

- “business day means the period of 9 am to 5 pm on any day  
of the week other than—**
- “(a) a Saturday, a Sunday, Waitangi Day, Good Friday,  
Easter Monday, Anzac Day, the Sovereign’s birthday,  
and Labour Day; and** 25
- “(b) if Waitangi Day or Anzac Day falls on a Saturday or a  
Sunday, the following Monday; and**
- “(c) a day in the period starting on 20 December in any year  
and ending with 10 January in the following year; and** 30
- “(d) the days observed as the anniversaries of the provinces  
of Auckland and Wellington”.**

Part 1—*continued*

**Ngāti Apa (North Island) Claims Settlement Act 2010 (2010  
No 129)**

In section 10, definition of **business day**, after paragraph (b), insert:

“(ba) if Waitangi Day or Anzac Day falls on a Saturday or a  
Sunday, the following Monday; or”.

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**Ngāti Manawa Claims Settlement Act 2012 (2012 No 27)**

In section 10, replace the definition of **business day** with:

“business day means the period of 9 am to 5 pm on any day  
of the week other than—

“(a) a Saturday, a Sunday, Waitangi Day, Good Friday,  
Easter Monday, Anzac Day, the Sovereign’s birthday,  
and Labour Day; and

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“(b) if Waitangi Day or Anzac Day falls on a Saturday or a  
Sunday, the following Monday; and

“(c) a day in the period starting on 25 December in any year  
and ending with 15 January in the following year; and

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“(d) the days observed as the anniversaries of the provinces  
of Auckland and Wellington”.

**Ngāti Porou Claims Settlement Act 2012 (2012 No 31)**

In section 10, replace the definition of **business day** with:

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“business day means a day of the week other than—

“(a) a Saturday, a Sunday, Waitangi Day, Good Friday,  
Easter Monday, Anzac Day, the Sovereign’s birthday,  
and Labour Day; and

“(b) if Waitangi Day or Anzac Day falls on a Saturday or a  
Sunday, the following Monday; and

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“(c) a day in the period starting on 25 December in any year  
and ending with 15 January in the following year; and

“(d) the days observed as the anniversaries of the provinces  
of Auckland and Wellington”.

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Part 1—continued**Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato  
River Act 2010 (2010 No 119)**

In section 7(2), replace the definition of **business day** with:

“**business day** means the period of 9 am to 5 pm on any day  
of the week other than—

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“(a) a Saturday, a Sunday, Waitangi Day, Good Friday,  
Easter Monday, Anzac Day, the Sovereign’s birthday,  
and Labour Day; and

“(b) if Waitangi Day or Anzac Day falls on a Saturday or a  
Sunday, the following Monday; and

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“(c) a day in the period commencing on 20 December in any  
year and ending with 10 January in the following year;  
and

“(d) the days observed as the anniversaries of the provinces  
of Auckland and Wellington”.

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**Ngāti Whare Claims Settlement Act 2012 (2012 No 28)**

In section 10, replace the definition of **business day** with:

“**business day** means the period of 9 am to 5 pm on any day  
of the week other than—

“(a) a Saturday, a Sunday, Waitangi Day, Good Friday,  
Easter Monday, Anzac Day, the Sovereign’s birthday,  
and Labour Day; and

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“(b) if Waitangi Day or Anzac Day falls on a Saturday or a  
Sunday, the following Monday; and

“(c) a day in the period commencing on 25 December in any  
year and ending with 15 January in the following year;  
and

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“(d) the days observed as the anniversaries of the provinces  
of Auckland and Wellington”.

Part 1—continued

**Waikato-Tainui Raupatu Claims (Waikato River) Settlement  
Act 2010 (2010 No 24)**

In section 6(3), replace the definition of **business day** with:

“**business day** means the period of 9 am to 5 pm on any day  
of the week other than—

“(a) a Saturday, a Sunday, Waitangi Day, Good Friday,  
Easter Monday, Anzac Day, the Sovereign’s birthday,  
and Labour Day; and

“(b) if Waitangi Day or Anzac Day falls on a Saturday or a  
Sunday, the following Monday; and

“(c) a day in the period commencing on 20 December in any  
year and ending with 10 January in the following year;  
and

“(d) the days observed as the anniversaries of the provinces  
of Auckland and Wellington”.

Part 2

Global amendments to definitions of  
business day in Acts

In the provisions listed below, definition of **business day**, after para-  
graph (b), insert:

“(ba) if Waitangi Day or Anzac Day falls on a Saturday or a  
Sunday, the following Monday; and”.

**Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008  
(2008 No 98)**

Section 10.

**Ngaa Rauru Kiitahi Claims Settlement Act 2005 (2005 No 84)**

Section 12.

**Ngai Tāmanuhiri Claims Settlement Act 2012 (2012 No 55)**

Section 10.

**Ngāti Awa Claims Settlement Act 2005 (2005 No 28)**

Section 12.

Part 2—continued

<u><b>Ngāti Mākino Claims Settlement Act 2012 (2012 No 53)</b></u> <u>Section 8.</u>	
<u><b>Ngāti Mutunga Claims Settlement Act 2006 (2006 No 61)</b></u> <u>Section 12.</u>	
<u><b>Ngāti Pāhauwera Treaty Claims Settlement Act 2012 (2012 No 30)</b></u> <u>Section 11.</u>	5
<u><b>Ngāti Ruanui Claims Settlement Act 2003 (2003 No 20)</b></u> <u>Section 12.</u>	
<u><b>Ngāti Tama Claims Settlement Act 2003 (2003 No 126)</b></u> <u>Section 9.</u>	10
<u><b>Ngāti Tūrangitukua Claims Settlement Act 1999 (1999 No 118)</b></u> <u>Section 7.</u>	
<u><b>Ngāti Tuwharetoa (Bay of Plenty) Claims Settlement Act 2005 (2005 No 72)</b></u> <u>Section 12.</u>	15
<u><b>Ngāti Whātua Ōrākei Claims Settlement Act 2012 (2012 No 91)</b></u> <u>Section 10.</u>	
<u><b>Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009 (2009 No 26)</b></u> <u>Section 7.</u>	20
<u><b>Pouakani Claims Settlement Act 2000 (2000 No 90)</b></u> <u>Section 9.</u>	
<u><b>Rongowhakaata Claims Settlement Act 2012 (2012 No 54)</b></u> <u>Section 12.</u>	25

Part 2—continued

**Te Arawa Lakes Settlement Act 2006 (2006 No 43)**

Section 11.

**Te Roroa Claims Settlement Act 2008 (2008 No 100)**

Section 10.

**Te Uri o Hau Claims Settlement Act 2002 (2002 No 36)**

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Section 12.

**Whanganui Iwi (Whanganui (Kaitoke) Prison and Northern  
Part of Whanganui Forest) On-account Settlement Act 2011  
(2011 No 51)**

Section 4.

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**Schedule 3****s 8****Other consequential amendments****Children, Young Persons, and Their Families Act 1989 (1989 No 24)**After section 370(3)(a), insert:

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“(ab) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday:”.

**Education Act 1989 (1989 No 80)**Replace section 65C(1) with:

“(1) Subject to subsection (2), every board must ensure that every school it administers is closed on—

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“(a) Saturdays, Sundays, New Year’s Day, 2 January, Waitangi Day, Good Friday, Easter Monday, Easter Tuesday, Anzac Day, the Sovereign’s birthday, Labour Day, Christmas Day, Boxing Day; and

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“(b) the day observed as anniversary day in the locality in which the school is situated; and

“(c) if 1 January falls on a Friday, the following Monday; and

“(d) if 1 January falls on a Saturday or a Sunday, the following Monday and Tuesday; and

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“(e) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday.”

**Fisheries (Location and Inspection of Aquaculture Agreements Register) Notice 2007 (SR 2007/238)**

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Replace clause 5(f) with:

“(f) if 1 January falls on a Saturday or a Sunday, the following Monday and Tuesday; and

“(g) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday.”

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**Fisheries (Location and Inspection of Fish Farmer Register) Notice 2007 (SR 2007/237)**Replace clause 5(f) with:

“(f) if 1 January falls on a Saturday or a Sunday, the following Monday and Tuesday; and

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**Fisheries (Location and Inspection of Fish Farmer Register)  
Notice 2007 (SR 2007/237)—continued**

“(g) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday.”

**Fisheries (Location and Inspection of Registers) Notice 2007  
(SR 2007/220)**

Replace clause 5(f) with:

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“(f) if 1 January falls on a Saturday or a Sunday, the following Monday and Tuesday; and

“(g) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday.”

**Immigration Act 2009 (2009 No 51)**

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Replace section 6(2)(b)(iii) with:

“(iii) if 1 January falls on a Saturday or a Sunday, the following Monday and Tuesday; and

“(iv) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday.”

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**Industrial and Provident Societies Regulations 1952  
(SR 1952/221)**

In regulation 5A(1), replace “holidays” with “public holidays”.

Replace regulation 5A(2) and (3) with:

“(2) In this regulation, **public holiday**—

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“(a) means any day listed in section 44(1) of the Holidays Act 2003; and

“(b) includes—

“(i) the day observed in the locality as anniversary day;

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“(ii) any day in the period commencing on 25 December in any year and ending with 2 January in the following year;

“(iii) if 2 January falls on a Saturday, 4 January;

“(iv) if 2 January falls on a Sunday, 3 January and 4 January;

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“(v) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday.

**Holidays (Full Recognition of Waitangi Day  
and ANZAC Day) Amendment Bill**

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**Industrial and Provident Societies Regulations 1952**  
**(SR 1952/221)—continued**

“(3) To avoid doubt, section 35(6) of the Interpretation Act 1999 (which relates to the extension of the time for doing anything where the time prescribed expires on a working day) applies to any document that is required to be registered or deposited in the office of any District Registrar.”

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**War Pensions Regulations 1956 (SR 1956/7)**

In Schedule 2, definition of **public holiday**, delete “(other than Waitangi Day and Anzac Day)”.

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**Legislative history**

7 February 2012  
25 July 2012

Introduction (Bill 3–1)  
First reading and referral to Transport and Industrial  
Relations Committee

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