

*Mr Rata*

## NEW ZEALAND DAY

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### ANALYSIS

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### A BILL INTITULED

#### **An Act to provide for a public holiday to commemorate the signing of the Treaty of Waitangi**

5 WHEREAS, on the 6th day of February, 1840, there was signed at Waitangi the Treaty known as the Treaty of Waitangi, a copy of which is set out in the Schedule to this Act: And whereas it is desired to set apart the 6th day of February in every year as a day, to be known as New Zealand Day, on which to commemorate throughout New Zealand the signing  
10 of the Treaty of Waitangi and to affirm the principles contained therein:

BE IT THEREFORE ENACTED by the General Asscmby of New Zealand in Parliament assembled, and by the authority of the same as follows:

15 **1. Short Title**—This Act may be cited as the New Zealand Day Act 1971.

No. 70—1

*Price 5c*

**2. New Zealand Day**—The 6th day of February in every year shall be known as New Zealand Day and shall be observed throughout New Zealand as a day to mark and commemorate its sovereignty symbolised by the signing of the Treaty of Waitangi. 5

**3. New Zealand Day to be declared to be a public holiday**—New Zealand Day shall be observed as a public holiday throughout New Zealand.

**4. Observance of New Zealand Day**—Where New Zealand Day falls on a Saturday or a Sunday it shall be observed as a Saturday or a Sunday. 10

**5. Application to awards and industrial agreements**—  
 (1) The terms of employment of any worker, contained in any Act, award, or industrial agreement, shall include or be deemed to include provisions for the observance of New Zealand Day as if it were a holiday; 15

(2) Where in any Act, award or industrial agreement provision is made for the transfer of the granting of a holiday or of the observance of certain hours of labour, or of the payment of certain rates of wages on New Zealand Day to any other day instead of New Zealand Day, that provision shall be void and of no effect: 20

Provided that nothing in this section shall affect any provision permitting or requiring an employer to grant a holiday on any other day instead of New Zealand Day where the worker is required to work on New Zealand Day at ordinary rates of wages. 25

(3) In this section—“Act” includes any regulation, rule, or order made under any Act:

“Award or industrial agreement” includes any instrument or contract relating to the terms of engagement of any worker. 30

**6. Restriction on amendment or repeal of certain provisions**—(1) This section applies to the following provisions of this Act (hereinafter referred to as reserved provisions) 35 namely:

Section 2, relating to the sixth day of February being known as New Zealand Day.

(2) No reserved provision shall be repealed or amended unless the proposal for the amendment or repeal—

- (a) Is passed without the dissent of any Member of the House of Representatives; or
- 5 (b) Has been carried by a majority of valid votes cast at a poll of the electors of the European and Maori electoral districts:

10        Provided that this section shall not apply to the repeal of any reserved provision by a consolidating Act in which that provision is re-enacted without amendment and this section is re-enacted without amendment so as to apply to that provision as re-enacted.

15 **7. Repeal**—The following enactments are hereby consequentially repealed, namely:

- (a) Waitangi Day Act 1960;
- (b) Waitangi Day Amendment Act 1963.

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## SCHEDULE

### THE TREATY OF WAITANGI

HER MAJESTY VICTORIA Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal Favour the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorized to treat with the Aboriginies of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any part of those islands—Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the native population and to Her subjects has been graciously pleased to empower and to authorize me William Hobson a Captain in Her Majesty's Royal Navy Consul and Lieutenant Governor of such parts of New Zealand as may be or hereafter shall be ceded to Her Majesty to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.

SCHEDULE—*continued*

## ARTICLE THE FIRST

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole Sovereigns thereof.

## ARTICLE THE SECOND

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Preemption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

## ARTICLE THE THIRD

In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects.

W. HOBSON Lieutenant Governor.

Now therefore We the Chiefs of the Confederation of the United Tribes of New Zealand being assembled in Congress at Victoria in Waitangi and We the Separate and Independent Chiefs of New Zealand claiming authority over the Tribes and Territories which are specified after our respective names, having been made fully to understand the Provisions of the foregoing Treaty, accept and enter into the same in the full spirit and meaning thereof: in witness of which we have attached our signatures or marks at the places and the dates respectively specified.

Done at Waitangi this Sixth day of February in the year of Our Lord One thousand eight hundred and forty.

*[Here follow signatures, dates, etc.]*