

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

House of Representatives, 20 October 1976.

Words inserted by the Committee are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Hon. Mr Highet

WAITANGI DAY

ANALYSIS

Title	
1. Short Title	5. Application to awards and industrial agreements
2. Act to bind the Crown	6. Anniversary Day in Northland
3. Waitangi Day to be a day of commemoration	7. Repeals, savings, and consequential amendments
4. Observance of Waitangi Day	Schedule

A BILL INTITULED

An Act to make provision for the observance of the 6th day of February in each year as a public holiday to commemorate the signing of the Treaty of Waitangi

5 **BE IT ENACTED** by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. **Short Title**—This Act may be cited as the Waitangi Day Act 1976.

10 2. **Act to bind the Crown**—This Act shall bind the Crown.

3. **Waitangi Day to be a day of commemoration**—In commemoration of the signing on the 6th day of February 1840, at Waitangi, of the Treaty known as the Treaty of Waitangi (a copy of which is set out in English and in Maori in the 15 Schedule to this Act), the 6th day of February in each year shall be known as Waitangi Day.

No. 39—2

Price 10c

4. Observance of Waitangi Day—(1) Waitangi Day shall be observed as a public holiday throughout New Zealand on the day of the week on which it falls.

(2) Where Waitangi Day falls on a Saturday or a Sunday, it shall be observed as a Saturday or a Sunday.

5

5. Application to awards and industrial agreements—

(1) The terms of employment of any worker contained in any Act, award, or collective agreement shall include or be deemed to include provision for the observance of Waitangi Day as if it were a holiday to be allowed on pay.

10

(2) Where in any Act, award, or collective 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 Waitangi Day to any other day instead of Waitangi Day, that provision shall be void and of no effect:

15

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 Waitangi Day where the worker is required to work on Waitangi Day at ordinary rates of wages.

20

(3) In this section—

“Act” includes any regulation, rule, or order made under any Act:

“Award, or collective agreement” includes any instrument or contract relating to the terms of employment of any worker; and, in relation to workers employed by the Crown, also includes any determination or order relating to the terms of their employment.

30

6. Anniversary Day in Northland—(1) The Public Holidays Act 1955 is hereby amended by adding, after section 4A (as added by section 2 of the Public Holidays Amendment Act 1962), the following section:

“4B. Where in any Act, award, or collective agreement affecting workers employed in Northland (being that portion of the North Island north of the southern boundary for the time being of the County of Otamatea) reference is made to Anniversary Day or to the day of the anniversary of the Province of Auckland or of any province, then, in relation to Northland, the reference shall be deemed a reference to the 29th day of January in each year, and section 4 of this Act shall apply as if that day were Anniversary Day or the day of the anniversary of a province.”

35

40

(2) The notice dated the 22nd day of May 1974 and published in the *Gazette* on the 30th day of May 1974 at page 1082 appointing an anniversary day for Northland is hereby consequentially revoked.

5 **7. Repeals, savings, and consequential amendments—**

(1) The New Zealand Day Act 1973 is hereby repealed.

(2) The repeal of the New Zealand Day Act 1973 shall not affect the amendments made by section 7 (2) (a) of that Act to section 95 of the Industrial Relations Act 1973.

10 (3) Section 95 (2) of the Industrial Relations Act 1973 (as amended by section 7 (2) (b) of the New Zealand Day Act 1973) is hereby further amended by omitting the words “New Zealand Day”, and substituting the words “Waitangi Day”.

15 (4) Section 26 (1) of the Factories Act 1946 (as substituted by section 5 of the Factories Amendment Act 1972, and amended by section 7 (4) of the New Zealand Day Act 1973) is hereby further amended by repealing paragraph (ia), and substituting the following paragraph:

20 “(ia) Waitangi Day:”.

(5) The Third Schedule to the Banking Act 1908 (as substituted by section 8 (1) of the Statutes Amendment Act 1946, and amended by section 7 (5) of the New Zealand Day Act 1973) is hereby further amended by omitting the
25 words “New Zealand Day”, and substituting the words “Waitangi Day”.

(6) Section 3 of the Banking Amendment Act 1935 (as amended by section 7 (6) of the New Zealand Day Act 1973) is hereby further amended by omitting the words
30 “Anzac Day or New Zealand Day when Anzac Day or, as the case may be, New Zealand Day”, and substituting the words “Anzac Day or Waitangi Day when Anzac Day or, as the case may be, Waitangi Day”.

Section 3

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 Aborigines 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.

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.

SCHEDULE—*continued*

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.*]

New

(THE TEXT IN MAORI)

Ko Wikitoria te Kuini o Ingarani i tana mahara atawai ki nga Rangatira me nga Hapu o Nu Tirani i tana hiahia hoki kia tohungia ki a ratou o ratou rangatiratanga me to ratou wenua, a kia mau tonu hoki te Rongo ki a ratou me te Atanoho hoki kua wakaaro ia he mea tika kea tukua mai tetahi Rangatira—hei kai wakarite ki nga Tangata maori o Nu Tirani—kia wakaetia e nga Rangatira maori te kawangatanga o te Kuini ki nga wahikatoa o te wenua nei me nga motu—na te mea hoki he tokomaha ke nga tangata o tona Iwi Kua noho ki tenei wenua, a e haere mai nei.

Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kau ai nga kino e puta mai ki te tangata Maori ki te Pakeha a noho ture kore ana.

Na, kua pai te Kuini kia tukua a hau a Wiremu Hopihona he Kapitana i te Roiara Nawi hei Kawana mo nga wahi katoa o Nu Tirani a tukua aianei amua atu ke te Kuini e mea atu ana ia ki nga Rangatira o te wakaminenga o nga hapu o Nu Tirani me Rangatira atu enei ture ka korerotia nei.

KO TE TUATAHI

Ko, nga Rangatira o te wakaminenga me nga Rangatira katoa hoki ki hai i uru ki taua wakaminenga ka tuku rawa atu ki te Kuino o Ingarani ake tonu atu—te Kawanatanga katoa o o ratou wenua.

KO TE TUARUA

Ko te Kuini o Ingarani ka wakaritea ka wakaae ki nga tangata katoa o Nu Tirani te tino rangatiratanga o o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata mona te Wenua—ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

KO TE TUATORU

Hei wakaritenga mai hoki tenei mo te wakaetanga ki te Kawanatanga o te Kuini—Ki tiakina e te Kuini o Ingarani nga tangata maori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki, nga tangata o Ingarani.

(Signed) W. Hobson,
Consul & Lieutenant Governor.

New

Na ko matou ko nga Rangatira o te Wakaminenga o nga hapu o Nu Tirani ka huihui nei ki Waitangi ko matou hoki ko nga Rangatira o Nu Tirani ka kite nei i te ritenga enei kopu, ka tangohia ka wakaetia katoatia e matou, koia ka tonungia ai o matoa ingoa o matou tohu.

Ka meatia tenei ki Waitangi i te ono o nga ra o Pepueri i te tau kotahi mano, e waru rau e wa te kau o to tatou Ariki.