

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

Member's Bill

Explanatory note

General policy statement

The Holidays Act 2003 decrees that New Zealanders have 11 public holidays. Six of these holidays can occur on any day of the week. Section 45 of the Act protects 4 of these days as holidays if they fall on a weekend by “Mondayising” them. The other 2 days, Waitangi Day and ANZAC Day, are not similarly protected.

This Bill seeks to restore to New Zealanders their legislated 11 public holidays in every year, rather than only 5 of every 7 years.

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

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. The Bill is to come into force on the day after the date on which it receives the Royal assent.

Clause 3 provides that the Bill amends the Holidays Act 2003.

Clause 4 states the purpose of the Bill.

Clause 5 inserts *new section 44B*, which provides for the transfer of the Waitangi Day and ANZAC Day public holidays.

Dr David Clark

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

Member's Bill

Contents

	Page
1 Title	1
2 Commencement	1
3 Principal Act amended	2
4 Purpose	2
5 New section 44B inserted	2
44B Transfer of Waitangi Day and ANZAC Day public holidays	2

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

This Act comes into force on the day after the date on which it receives the Royal assent. 5

3 Principal Act amended

This Act amends the Holidays Act 2003.

4 Purpose

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

5 New section 44B inserted

The following section is inserted after section 44A:

“44B Transfer of Waitangi Day and ANZAC Day public holidays 10

“(1) For the purposes of this subpart, if either of the public holidays listed in section 44(1)(e) or (h)—

“(a) falls on a Saturday or Sunday and the day would otherwise be a working day for the employee, the public holiday must be treated as falling on that day: 15

“(b) falls on a Saturday or Sunday and the day would not otherwise be a working day for the employee, the public holiday must be treated as falling on the following Monday. 20

“(2) To avoid doubt, this section does not entitle an employee to more than 2 public holidays for the days listed in section 44(1)(e) or (h).”