

# **Queen Elizabeth II Memorial Day Bill**

Government Bill

## **Explanatory note**

### **General policy statement**

The purpose of this Bill is to acknowledge the long and dedicated service of Her Majesty Queen Elizabeth II to New Zealand with a day of commemoration on Monday 26 September 2022, the same day on which New Zealand marks Her Majesty's passing with a State Memorial Service. The commemoration day is to be observed as a one-off public holiday and to be known as Queen Elizabeth II Memorial Day.

The Bill provides for all of the provisions in the Holidays Act 2003 that set out employees' and employers' rights and obligations related to public holidays to apply to Queen Elizabeth II Memorial Day. It also provides that any reference in any legislation to the Sovereign's birthday or the Queen's birthday is to be treated as also referring to Queen Elizabeth II Memorial Day.

This means that, like the Sovereign's Birthday, Queen Elizabeth II Memorial Day must be treated as a day on which a school must be closed under the Education and Training Act 2020, a non-release day for the purpose of the Department of Corrections and Oranga Tamariki—Ministry for Children, and a day that is not a working day or business day where those terms are used in legislation.

The Bill also makes clear that Queen Elizabeth II Memorial Day is not a business day or working day for the purposes of any requirement or obligation in any agreement, deed, notice, or other document where the timing of that requirement or obligation is expressed with reference to a number of business or working days. The Memorial Day is not a business or working day for calculating those timing requirements.

### **Departmental disclosure statement**

The Ministry of Business, Innovation, and Employment is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement pro-

vides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2022&no=168>

### **Regulatory impact statement**

No regulatory impact statement or supplementary analysis report was prepared alongside the policy relating to the contents of this Bill.

### **Clause by clause analysis**

*Clause 1* states the Title of the Bill.

*Clause 2* provides that the Bill comes into force on the day after the date on which it receives the Royal assent.

## **Part 1**

### **Preliminary provisions**

*Clause 3* states the purpose of the Bill. The purpose is to provide for a day of commemoration to acknowledge the long and dedicated service of Her Majesty Queen Elizabeth II to New Zealand, and for the commemoration day to be observed as a public holiday in New Zealand.

*Clause 4* defines public holiday.

*Clause 5* provides that the Bill binds the Crown.

## **Part 2**

### **Queen Elizabeth II Memorial Day**

*Clause 6* provides for 26 September 2022 to be observed as a day of commemoration in New Zealand to acknowledge the long and dedicated service of Her Majesty Queen Elizabeth II to New Zealand. The day is to be known as Queen Elizabeth II Memorial Day (the **Memorial Day**).

*Clause 7* provides that the Memorial Day is to be treated as—

- a public holiday for the purposes of the Holidays Act 2003 and that that Act applies, with any necessary modifications, to the observance of that day; and
- a day on which a school must be closed in accordance with section 115 and clause 3 of Schedule 21 of the Education and Training Act 2020.

*Clause 7* also provides that a reference in any legislation to the Sovereign's birthday or the Queen's birthday is to be treated as referring to the Memorial Day in addition to those days. This has the effect of treating the Memorial Day as a non-working day in all legislation.

*Clause 8* applies to a requirement or an obligation, found in any agreement, deed, notice, or other document, where the timing of the requirement or obligation is expressed with reference to a number of business or working days. The Memorial Day is not to be treated as a business or working day for calculating that timing.



*Hon Michael Wood*

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

#### **1 Title**

This Act is the Queen Elizabeth II Memorial Day Act **2022**.

#### **2 Commencement**

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

## Part 1

### Preliminary provisions

#### 3 Purpose

The purpose of this Act is to provide for—

- (a) a day of commemoration to acknowledge the long and dedicated service of Her Majesty Queen Elizabeth II to New Zealand; and 5
- (b) the commemoration day to be observed as a New Zealand public holiday in accordance with the Holidays Act 2003.

#### 4 Interpretation

In this Act, unless the context otherwise requires, **public holiday** has the meaning given by section 5(1) of the Holidays Act 2003. 10

#### 5 Act binds the Crown

This Act binds the Crown.

## Part 2

### Queen Elizabeth II Memorial Day 15

#### 6 Observance of Queen Elizabeth II Memorial Day

- (1) In acknowledgement of the long and dedicated service of Her Majesty Queen Elizabeth II to New Zealand, 26 September 2022 is to be observed as a day of commemoration in New Zealand.
- (2) The day of commemoration is to be known as Queen Elizabeth II Memorial Day. 20

#### 7 Queen Elizabeth II Memorial Day to be public holiday

- (1) Queen Elizabeth II Memorial Day is to be treated as—
  - (a) a public holiday for the purposes of the Holidays Act 2003, and that Act applies, with any necessary modifications, to the observance of that day; and 25
  - (b) a day on which a school must be closed in accordance with section 115 and clause 3 of Schedule 21 of the Education and Training Act 2020.
- (2) A reference in any legislation to the Sovereign's birthday or the Queen's birthday is to be treated as referring to Queen Elizabeth II Memorial Day in addition to the Sovereign's birthday or the Queen's birthday. 30
- (3) To avoid doubt, Queen Elizabeth II Memorial Day is to be observed in addition to the days specified in section 44(1) of the Holidays Act 2003.

**8 Queen Elizabeth II Memorial Day not business or working day for purposes of calculating certain periods of time**

- (1) This section applies to a requirement or an obligation—
- (a) for a person to perform an action within, by, or no sooner than a specified number of business or working days (for example, the giving of a notice or the filing of a document) whether that requirement or obligation arises before or after the commencement of this Act; and 5
  - (b) that is found in any agreement, deed, notice, or other document.
- (2) Despite any other legislation or rule of law, Queen Elizabeth II Memorial Day is not a business or working day for the purpose of calculating the time within, by, or no sooner than which a requirement or an obligation to which **subsection (1)** applies must be performed. 10