



## COVERSHEET

<b>Minister</b>	Hon Kiri Allen Hon Michael Wood	<b>Portfolio</b>	Arts, Culture and Heritage Workplace Relations and Safety
<b>Title of Cabinet paper</b>	Te Pire mō te Hararei Tūmatanui o Te Kāhui o Matariki / Te Kāhui o Matariki Public Holiday Bill: Approval for Introduction	<b>Date to be published</b>	By 9 November 2021

### List of documents that have been proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
September 2021	Te Pire mō te Hararei Tūmatanui o Te Kāhui o Matariki / Te Kāhui o Matariki Public Holiday Bill: Approval for Introduction	Office of the Associate Minister for Arts, Culture and Heritage and the Minister of Workplace Relations and Safety
23 September 2021	Te Pire mō te Hararei Tūmatanui o Te Kāhui o Matariki / Te Kāhui o Matariki Public Holiday Bill: Approval for Introduction  LEG-21-MIN-0147 Minute	Cabinet Office

### Information redacted

**YES**

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Some information has been withheld for the reasons of Confidential advice to Government and Legal professional privilege.

In Confidence

Associate Minister for Arts, Culture and Heritage  
Minister for Workplace Relations and Safety

Chair, Cabinet

## **Te Pire mō te Hararei Tūmatanui o Te Kāhui o Matariki / Te Kāhui o Matariki Public Holiday Bill: Approval for Introduction**

### **Proposal**

- 1 This paper seeks approval to introduce Te Pire mō te Hararei Tūmatanui o Te Kāhui o Matariki / Te Kāhui o Matariki Public Holiday Bill (the Bill) by 27 September 2021.

### **Policy**

*Cabinet agreed to establish a new public holiday to recognise Matariki*

- 2 In 2020, the Government committed to establishing a public holiday during Matariki that recognises and celebrates Te Ao Māori, with the first public holiday to take place in 2022.
- 3 On 28 June 2021, Cabinet agreed [CAB-21-MIN-0241.01 refers]:
  - 3.1 to establish a new public holiday for Matariki through a stand-alone Bill;
  - 3.2 the dates for the Matariki public holiday from 2022 – 2052;
  - 3.3 that the Bill will outline the significance of Matariki for Māori;
  - 3.4 that future dates for the Matariki public holiday will be inserted by Order in Council at least four years prior to the final date outlined in the Bill;
  - 3.5 that dates for the Matariki public holiday will always fall on a Friday;
  - 3.6 to include a statement in the Bill in te reo Māori and English outlining the significance of Matariki for Māori;
  - 3.7 to direct officials to explore options to incorporate more te reo Māori in the Bill; and
  - 3.8 that the new Act will be administered by Manatū Taonga, the Ministry for Culture and Heritage (Manatū Taonga).
- 4 Decisions were informed by advice provided by the Matariki Advisory Group (the Advisory Group).

- 5 The Advisory Group was established in December 2020 to ensure that mātauranga Māori is central to all decision-making about the establishment of the Matariki public holiday. The Advisory Group has provided a final report to Ministers with advice on the celebrations, education and resources required to support recognition of Matariki. Now that this report has been received, the terms of reference have been met and the Advisory Group wound up.
- 6 The Government has set aside \$5 million in Budget 2021 for the early development of resources and engagement events that acknowledge and support understanding of Matariki. The resources and engagement will be designed to enable iwi Māori to develop and lead regionally diverse recognition of Matariki. The Office for Māori Crown Relations – Te Arawhiti will work with the Ministry of Education to deliver this initiative.

#### *A dual language Bill*

- 7 In line with Cabinet’s direction on 28 June 2021 [CAB-21-MIN-0241.01 refers], officials have worked to incorporate as much te reo Māori into the Bill as possible. The Bill has been translated from English to te reo Māori and gone through a legal peer review process to ensure that both versions accurately reflect the agreed policy intent.

8 Legal professional privilege [Redacted]

9 Legal professional privilege [Redacted]

10 Legal professional privilege [Redacted]

#### **Impact analysis**

- 11 A Regulatory Impact Statement was submitted to inform Cabinet’s consideration of the policy decisions reflected in the attached Bill [CAB-21-MIN-0241.01 refers]. The Regulatory Impact Analysis Review Panel at the Ministry of Business Innovation and Employment (MBIE) considered that the impact statement met the criteria necessary for Ministers to make informed decisions on the proposals.

## **Compliance**

- 12 The Bill complies with each of the following:
  - 12.1 the principles of the Treaty of Waitangi;
  - 12.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
  - 12.3 the disclosure statement requirements. A disclosure statement has been prepared and is attached to this paper;
  - 12.4 the principles and guidelines set out in the Privacy Act 1993 and the Privacy Act 2020;
  - 12.5 relevant international standards and obligations;
  - 12.6 the Legislation Guidelines (2018 edition), which are maintained by the Legislation Design and Advisory Committee.

## **Consultation**

- 13 Prior to the relevant policy decisions being taken by Cabinet, the Advisory group engaged with Māori and Pacific peoples around the methodology used to determine the dates of the Matariki public holiday. There was support for the public holiday and agreement that the methodology used is grounded in mātauranga Māori.
- 14 This paper was developed by MBIE, with input from Te Arawhiti and Manatū Taonga.
- 15 The following agencies have been consulted on this paper: Te Puni Kōkiri, Ministry for the Environment, Ministry for Pacific Peoples, Public Service Commission, Ministry for Women, Ministry of Education, the Parliamentary Counsel Office, the Treasury and the Department of the Prime Minister and Cabinet.

## **Binding on the Crown**

- 16 The attached Bill will be binding on the Crown.

## **Creating new agencies or amending law relating to existing agencies**

- 17 The Bill will not create any new agencies or alter the function of existing agencies.

## **Allocation of decision making powers**

- 18 The Bill delegates decision making powers to the Minister for Arts, Culture and Heritage to set future dates for the Matariki public holiday by Order in Council at least four years prior to the final date of the Matariki public holiday listed in the Bill.



## Associated regulations

- 19 No regulations will be needed to bring the Bill into operation.

## Other instruments

- 20 The Bill delegates decision making powers to the Minister for Arts, Culture and Heritage to set future dates for the Matariki public holiday by Order in Council at least four years prior to the final date of the Matariki public holiday listed in the Bill.

## Definition of Minister/department

- 21 The Bill does not contain a definition of Minister, department (or equivalent government agency), or chief executive of a department (or equivalent position).

## Commencement of legislation

- 22 As drafted, the Bill will come into force the day after enactment.
- 23 Given that the first Matariki public holiday is intended to be observed on 24 June 2022, enactment should happen by Confidential advice to Government, in order to give certainty to the public and employers.

## Parliamentary stages

- 24 The Government has indicated that the Bill will be introduced before the end of 2021. To ensure the Bill is enacted before the announced first Matariki public holiday on 24 June 2022, the Bill should be introduced on 27 September 2021. The Bill will be referred to the Māori Affairs Select Committee for a period of five months.

## Proactive Release

- 25 We intend to proactively release this Cabinet paper on MBIE's website, subject to any appropriate withholding of information that would be justified under the Official Information Act 1982.

## Recommendations

The Associate Minister for Arts, Culture and Heritage and the Minister for Workplace Relations and Safety jointly recommend that Cabinet:

- 1 **Note** that the Government has committed to introduce a Bill to establish a Matariki Public Holiday before the end of 2021;
- 2 Confidential advice to Government

- 3 **Note** that the Bill will establish a new public holiday and set the dates the holiday will be observed on for the next 30 years [CAB-21-MIN-0241.01 refers];
- 4 **Note** that the Bill is a dual language Bill in English and te reo Māori [CAB-21-MIN-0241.01 refers];
- 5 **Confirm** that the Bill should not include a statement outlining how to approach any discrepancies between the two versions;
- 6 **Approve** the Bill for introduction;
- 7 **Agree** that the Bill be introduced on 27 September 2021;
- 8 **Agree** that the Government propose that the Bill be:
  - 8.1 referred to the Māori Affairs Committee for consideration for a period of five months;
  - 8.2 enacted by Confidential advice to Government

Authorised for lodgement

Hon Kiri Allan  
Associate Minister for Arts, Culture and Heritage

Hon Michael Wood  
Minister for Workplace Relations and Safety