

COUNCIL POLICY

TITLE:	Easter Sunday Shop Trading
EFFECTIVE DATE:	14 February 2017
REVIEW DATE:	February 2022
FILE REFERENCE:	110800

1 Introduction

The Shop Trading Hours Amendment Act 2016 provided for the first time that a territorial authority may have a local policy to permit shops in the whole or any part(s) of its district to open on Easter Sunday.

At its meeting on 15 November 2016, Council's Regulatory and Services Committee determined that Council should adopt such a policy for the Kawerau District.

This policy is made under subpart 1 of Part 2 of the Shop Trading Hours Act 1990.

2 Policy Objectives

The objective of this policy is to permit shops in the Kawerau District to be open on Easter Sunday.

3 Principles

This policy is based on the principle that Council should provide Kawerau retailers with any opportunity to trade which is available under applicable legislation.

4 Definitions

shop means a building, place, or part of a building or place, where goods are kept, sold, or offered for sale, by retail; and includes an auction mart, and a barrow, stall, or other subdivision of a market; but does not include:-

- (a) a private home where the owner or occupier's effects are being sold (by auction or otherwise); or

- (b) a building or place where the only business carried on is that of selling by auction agricultural products, pastoral products, and livestock, or any of them; or
- (c) a building or place where the only business carried on is that of selling goods to people who are dealers, and buy the goods to sell them again.

5 Policy Statement

Kawerau District Council will permit shops to be open in the Kawerau District on Easter Sunday as provided under the Shop Trading Hours Act 1990.

6 Exemptions

6.1 This policy does not:

- (a) Limit the types of shops which may open, or their opening hours.
- (b) Limit Council's ability to undertake its duties, powers or functions under any other Act (e.g. the Sale and Supply of Alcohol Act 2012).
- (c) Address the rights of shop workers regarding working on Easter Sunday. For the avoidance of doubt, shop workers have the right to refuse to work on Easter Sunday.

6.2 Enforcement of this policy is not the responsibility of Council, but of the Ministry of Business, Innovation, and Employment, which administers the Shop Trading Hours Act 1990.

7 Relevant Delegations

The Chief Executive Officer or his/her nominee has delegated authority for the implementation of this policy.

8 References and Relevant Legislation

Shop Trading Hours Act 1990.
Sale and Supply of Alcohol Act 2012.
Employment Relations Act 2000
Holidays Act 2003