

# Council Policy

## Easter Sunday Shop Trading Policy

<b>Effective Date:</b>	31 March 2025
<b>Last Reviewed :</b>	New Policy
<b>Next Review Date:</b>	March 2030 (Five Year Review)
<b>Engagement Required:</b>	Public Consultation (s83 LGA)
<b>Document Number:</b>	POL 07
<b>Responsibility:</b>	Group Manager, Regulatory and Planning
<b>Associated Documents:</b>	Shop Trading Hours Act 1990, Holidays Act 2003, Sale and Supply of Alcohol Act 2012 and the Employment Relations Act 2000

## 1. INTRODUCTION

- 1.1 The Shop Trading Hours Act 1990 enables territorial authorities to have a local policy to permit shops in the whole or any part(s) of its district to open on Easter Sunday.
- 1.2 Council recognises the importance of supporting local businesses while also respecting the rights of workers and considering the community impact.
- 1.3 The policy aims to support local businesses by providing them the option to trade on Easter Sunday and providing increased choice and convenience for residents and visitors.

## 2. POLICY PURPOSE

The purpose of the policy is to provide shops in Kawerau District with the option to open on Easter Sunday.

## 3. SCOPE

This policy applies to the whole of the Kawerau District, as indicated in Schedule 1 of this policy.

## 4. DEFINITIONS

**Act** means the Shop Trading Hours Act 1990 and its amendments.

**District** means Kawerau District

**Shop** has the meaning set out in section 2 of the Act.

### Explanatory notes

Section 2 of the Act, defines shop as:

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 borrow, stall, or other subdivision of a market; but does not include-

- (a) a private home where the owner or occupier's effect 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

- 5.1 Any shop is permitted to open on Easter Sunday within the Kawerau District.

5.2 Nothing in this policy requires any shop to open.

## 6. EXEMPTIONS

6.1 This policy does not:

- a) apply to any day other than Easter Sunday;
- b) control the types of shops that may open or the opening hours;
- c) apply to the sale and supply of alcohol on Easter Sunday which is regulated by the Sale and Supply of Alcohol Act 2012.

### SCHEDULE 1 – KAWERAU DISTRICT MAP



## Frequently Asked Questions

### Easter Sunday Shop Trading Policy

#### What is the Easter Sunday Shop Trading Policy?

In 2016, the Shop Trading Hours Act 1990 (“the Act”) was amended to allow all Councils in New Zealand to choose whether to allow shops in their district to trade on Easter Sunday.

Before this law change, most shops had to remain closed on three and a half days of the year being Good Friday, Easter Sunday, Anzac Day (until 1pm) and Christmas Day.

#### Who can trade if Council does not adopt an Easter Sunday Trading Policy?

Easter Sunday is a restricted trading day under the Shop Trading Hours Act 1990. This means shops are not allowed to open unless they fall into the exemptions under the Act. While there are general shops that are allowed to open, (for example, dairies, service stations, takeaways, pharmacies, restaurants and cafes) these come with conditions. A full list and the conditions that apply can be found at the link below.

<https://www.employment.govt.nz/leave-and-holidays/public-holidays/restricted-trading-days-for-shops>

#### What can the Policy regulate?

The Council is only allowed to create a policy to allow shops to trade on Easter Sunday either across the entire District or in specific areas of the district..

The Policy only applies to Easter Sunday – not Good Friday or Easter Monday, or any other holiday in New Zealand.

The policy cannot stipulate which shops can open or the hours they may open.

#### Why is Council considering adopting the Policy?

The Council previously had an Easter Sunday Trading Policy in place. This policy expired and was automatically revoked. Council made an undertaking to reconsider the policy, however this was delayed due to the introduction of the Repeal of Good Friday and Easter Sunday as Restricted Trading Days (Shop Trading and Sale of Alcohol) Amendment Bill to Parliament mid last year.

This bill proposed to repeal Good Friday and Easter Sunday as restricted trading days, removing the need for Council to adopt a policy on Easter Sunday trading. This Bill was defeated on 17 December 2024 at the first reading.

Council has considered the adoption of the Easter Sunday Shop Trading Policy and now would like to get feedback from the community.

### When is the Policy likely to come into force?

This is a Draft Policy and until public consultation has been completed there is not guarantee the Policy will come into force. Public Consultation will be completed on 17 March 2025 and the plan is to hear submissions and deliberate on 26 March 2025.

Council hopes to confirm whether or not the Policy will be adopted on 26 March 2025.

Employers – please note this will be too late to meet the requirement under the Shop Trading Hours Act 1990 to notify employees of their right not to work, if you plan on opening. However, your legal obligations remain unchanged. If you wish to open on Easter Sunday this year, you will need to give notice to your employees prior to confirmation of the adoption of the policy. When giving notice, please note that it is subject to the Easter Sunday Shop Trading Policy being adopted.

### What does an Employer have to do if they wish to open on Easter Sunday?

An employer must give notice to a shop employee of their right to refuse to work on Easter Sunday. Notice must be given written notice, no earlier than 8 weeks prior and no later than 4 weeks prior to Easter Sunday.

### Do employees have to work Easter Sunday?

By law (s5H Shop Trading Hours Act 1990), all shop employees have the right to refuse to work on Easter Sunday, without having to give a reason. They must however give notice to their employer that they do not intend to work, within 14 days of receiving a notice requesting them to work.

Easter Sunday is not a public holiday. This means employees are not entitled to be paid, time and a half or to an alternate paid day off, if they choose to work on Easter Sunday. For further information please refer to the Employment New Zealand – link attached

<https://www.employment.govt.nz/leave-and-holidays/public-holidays/working-and-trading-on-easter-sunday>

### What happens if a shop opens on Easter Sunday without authority under the Act or local Policy?

The occupier of the shop may be liable for a fine up to \$1,000.

Who enforces the Policy?

The Ministry of Business, Innovation and Employment will remain responsible for enforcement of breaches of the Shop Trading Hours Act 1990.

Where can I find the Shop Trading Hours Act 1990?

A: You can find the Act on the New Zealand Legislation website ([www.legislation.govt.nz](http://www.legislation.govt.nz)).

For more information visit the Employment New Zealand website:  
Working and Trading on Easter Sunday  
Restricted trading days for shops