



KAWERAU DISTRICT COUNCIL

Te Kaunihera ā rohe o Kawerau

TAONGA O TE WHENUA - TREASURE OF THE LAND

**The Extraordinary Meeting of the
Kawerau District Council will be
held on Wednesday 12 February 2025
commencing at 11.00am**

A G E N D A

GUIDELINES FOR PUBLIC FORUM AT MEETINGS

1. A period of thirty minutes is set aside for a public forum at the start of each Ordinary Council or Standing Committee meeting, which is open to the public. This period may be extended on by a vote by members.
2. Speakers may address meetings on any subject. However, issues raised must not include those subject to legal consideration, or be issues, which are confidential, personal, or the subject of a formal hearing.
3. Each speaker during the public forum is permitted to speak for a maximum of three minutes. However, the Chairperson has the discretion to extend the speaking time.
4. Standing Orders are suspended for the duration of the public forum.
5. Council and Committees, at the conclusion of the public forum, may decide to take appropriate action on any of the issues raised.
6. With the permission of the Chairperson, members may ask questions of speakers during the period reserved for public forum. Questions by members are to be confined to obtaining information or clarification on matters raised by the speaker.

**The Extraordinary Meeting of the Kawerau District Council
will be held on Wednesday 12 February 2025
commencing at 11.00am**

A G E N D A

1 Karakia Timatanga | Opening Prayer

2 Apologies

3 Leave of Absence

4 Declarations of Conflict of Interest

Any member having a “conflict of interest” with an item on the Agenda should declare it, and when that item is being considered, abstain from any discussion or voting. The member may wish to remove themselves from the meeting while the item is being considered.

5 Meeting Notices

6 Nga Mihimihi | Acknowledgements

7 Public Forum

8 Policy Options for Easter Sunday Trading and Adoption of Proposed Draft Policy for Consultation (Group Manager, Regulatory and Planning) (110800)

Pgs. 1 – 29

Attached is a report from the Group Manager, Regulatory and Planning covering the Policy Options for Easter Sunday Trading and Adoption of Proposed Draft Policy for Consultation.

Recommendations

1. *That the report “Policy Options for Easter Sunday Trading and Adoption of Proposed Draft Policy for Consultation” be received.*
2. *That pursuant to section 5A of the Shop Trading Hours Act 1990 Council resolves to either*
 - a) *Adopt a policy allowing all shops in the District to open on Easter Sunday (Preferred Option – Option 1); or*
 - b) *Adopt a policy allowing shops in certain areas of the District to open on Easter Sunday (Option 2); or*
 - c) *Status Quo, Do not adopt a Policy (Option 3).*
3. *That if Council resolves to adopt a policy for Easter Sunday Trading, that Council adopts the proposed Draft Easter Sunday Shop Trading Policy and the Statement of Proposal, with any amendments, for public consultation.*

4. *That Council authorises the Group Manager Regulatory and Planning to make any necessary minor drafting amendments to the draft policy and/or the Statement of Proposal to correct errors or omissions, or to reflect decisions made by Council.*

9 **Karakia Whakamutunga | Closing Prayer**

M Godfery

Chief Executive Officer

\\kdccv\Working\KDC Taxonomy\Governance\Democratic Services\Meetings\Extraordinary Council\Agenda's\Extraordinary 2025.02.12.docx

Meeting: Extraordinary Council

Meeting Date: 12 February 2025

Subject: **Policy Options for Easter Sunday Trading and Adoption of Proposed Draft Policy for Consultation**

File No: 110800

1 Purpose

The purpose of this workshop is to consider the implementation of a new Easter Sunday Shop Trading Policy.

2 Background

In 2016, the Shop Trading Hours Amendment Act introduced the ability for Council to adopt a local Easter Sunday Shop Trading Policy to enable shops to open on Easter Sunday, either across the whole of the district or across parts of the district.

Prior to this legislative change, most shops were required to remain shut on three and a half days a year, being Good Friday, Easter Sunday, Anzac Day (until 1pm) and Christmas Day pursuant to the Shop Trading Hours Act 1990. Only limited shops are able to open on these days, as set out in section 4 of the Shop Trading Hours Act 1990.

In February 2017, Kawerau District Council adopted the Easter Sunday Shop Trading Policy 2017. During the public consultation at that time, three submissions were received with two supporting the policy (grocery chains) and one opposed (Church). This policy permitted shops in the whole of the district to open on Easter Sunday.

In 2024, Council received three calls from the public to confirm whether the Council had a policy to enable Easter Sunday Trading. It was at this stage the policy was identified as not having been reviewed within the required five year timeframe and was automatically revoked in February 2024. This was identified too late to re-enact prior to Easter 2024. It was advised to those making enquiries, that Council would consider whether to not to re-introduce a policy in the following year.

If Council chooses not to adopt a policy, the Shop Trading Hours Act 1990 will continue to apply to the district and only limited shops will be able to open on Easter Sunday. If shops outside the exceptions set out in s4 of the Shop Trading Hours Act 1990, choose to open on Easter Sunday, they risk prosecution and fines of up to \$1,000.

The paper was postponed 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.

Easter weekend commences on 18 April 2025.

3 Options

There are three options for consideration by Council. These options are outlined below:

3.1 Option One: Adopt a policy allowing all shops in the District to open on Easter Sunday **(Preferred Option)**

This option will essentially reinstate the previous policy which enabled shops across Kawerau District to decide whether to open or not, without the fear of prosecution or fines.

Advantages

This option provides Employers with the opportunity to make their own decision as to whether or not to open. This may provide increased revenue, employment and shopping opportunities.

Enabling trading on Easter Sunday provides alternative activities for an increasing proportion of the population that do not observe religious holidays or are of a different religion to that observed on Easter Sunday.

The District wide policy prevents confusion and frustration for businesses, residents and tourists as it sets clear and consistent rules.

Reduces the benefits/disadvantages some businesses obtain from being able to open longer hours, while others cannot, providing fairer business opportunities.

This is one way Kawerau District Council can demonstrate its support in the growth and development of business opportunities within the district.

Trading on Easter Sunday is also an opportunity for employees to choose to work and gain an additional day's wages or revenue, noting that Easter Sunday is not a paid public holiday and employees are not entitled to be paid time and a half or an alternative day off. Employees can still refuse to work on Easter Sunday if they want to.

Disadvantages

A District-wide policy may also impact on the ability of employees and employers to engage in cultural, religious or whānau activities on Easter Sunday. The importance of community (however defined by an individual), cannot be underestimated.

Easter Sunday is an important day for Christian religions and this may appear to undervalue the importance of Easter Sunday to those religions.

Although employees have the right to refuse to work on Easter Sunday, they may not understand this and may feel pressured to work. Employers may not fully understand their legal obligations in regards to requesting employees to work over this period, creating misunderstandings.

Existing businesses have been used to having the ability to trade on Easter Sunday up until last year. While many of the businesses within Kawerau (supermarkets, dairies, petrol stations) may be able to open under the provisions in the Shop Trading Hours Act 1990, not all can.

General Comments

While it is not Council's role to ensure employees and employers understand their legal rights and obligations, this can be included in any community engagement and frequently asked questions with guidance on where to seek further information if required.

3.2 Option Two: Adopt a policy allowing shops in certain areas of the District to open on Easter Sunday

This option will only enable shops in some areas in Kawerau District to decide whether to open or not. This option is largely impractical for a smaller District like Kawerau, where we are one community and are not divided into suburbs, wards or have other satellite communities.

Advantages

This option provides individual communities with the option to self-determine what is best for their area.

Disadvantages

Kawerau District does not have readily defined suburbs, wards or satellite communities. We are one community.

This would create an unintended administration burden and significant community consultation to determine defined areas for a policy which largely impacts only those currently operating in the central business area.

3.3 Option Three: Status Quo, Do not adopt a Policy

This option would mean that Easter Sunday trading would remain a restricted trading day and only shops with an exemption under sections 4, 4A and 4B of the Shop Trading Hours Act 1990 would be able to open.

The shops enabled under the Act include dairies, service stations, takeaway bars, restaurants, cafes, duty free stores, shops providing services but not selling goods (e.g a hairdresser), real estate agencies, pharmacies, garden centres, shops at public transport hubs, shops within an exhibition or show and souvenir stores. There are some restrictions around these shops opening that can be viewed at the attached link <https://www.employment.govt.nz/leave-and-holidays/public-holidays/restricted-trading-days-for-shops>

The occupier of a shop not allowed to trade could be liable for a fine of up to \$1,000 for trading on Easter Sunday as enforced by the Ministry of Business, Innovation and Employment.

Advantages

This option protects an important day in the Christian religion.

This option provides for one day in which whānau, social, cultural and recreational benefits are supported through a guaranteed day where a majority of employees are not working.

A limited number of shops will remain open to service the District on Easter Sunday.

This removes concerns that some Employers and Employees may not fully understand their rights and obligations and the disputes this may raise.

Disadvantages

Only limited shops would be able to open on Easter Sunday, reducing the opportunities for businesses to self-determine any benefits (revenue) in opening and some employees will lose the opportunity for additional working hours.

This option may create inconsistencies between our District and other districts in the Bay of Plenty area, meaning tourists may choose to visit those other districts during Easter weekend. This could negatively impact our local economy.

This option creates inconsistencies between those businesses that can open and those that cannot. This may also create 'risk taking' attitude, where businesses open anyway risking prosecution or a fine.

3.4 Other Bay of Plenty Councils

Councils across the Bay of Plenty all have policies in place to enable trading on Easter Sunday. Where there are inconsistencies, this will encourage visitors to travel to other districts where there is more opportunity to visit open shops. While Kawerau District is a smaller district with less shopping opportunities, businesses may be further disadvantaged if they are unable to open while others around the region can. The community is also disadvantaged by having to travel, when options may have been available locally.

4 **Policy and Plan Considerations**

There are no policy or plans provisions that conflict with the recommendations in this report.

5 **Legal Considerations**

There is no legal requirement to adopt an Easter Sunday Shop Trading Policy, and the scope of the policy is tightly defined.

The policy can only:

- a) Permit shops to open on Easter Sunday in an area comprising –
 - i) The whole of its district; or
 - ii) Any part or parts of its district.

The Act does not allow for the policy to:

- a) Permit shops to open only for some purposes; or
- b) Permit only some types of shops in the area to open; or
- c) Specify times at which shops may or may not open; or
- d) Include any other conditions as to the circumstances in which shops in the area may open.

Any policy introduced would not override shop-trading provisions in other legislation such as the Sale and Supply of Alcohol Act 2012 (which allows the sale of alcohol in limited circumstances).

In addition, the policy would not address shop employees' rights, as this is governed under the Shop Trading Hours Act 1990. Shop employees have the right to refuse to work on Easter Sunday.

Enforcement of the Shop Trading Hours Act 1990 is the role of the Ministry of Business, Innovation and Employment. The introduction of an Easter Sunday Shop Trade Policy would not come with enforcement requirements for Council. The policy is essentially enabling trade on Easter Sunday, the policy is not able to be breached as the option to open on Easter Sunday is not mandatory.

6 Financial Considerations

There are no budget considerations associated with the recommendations in this report.

7 Significance and Engagement

In accordance with Council's Significance and Engagement Policy, the matters in this report are considered low significance. In saying this, under section 5B of the Shop Trading Hours Act 1990, Council is required to consult using the special consultative process outlined in section 83 of the Local Government Act 2002.

The following documents are required for the special consultative process:

- a) Draft Easter Sunday Shop Trading Policy
- b) Statement of Proposal

Also included with this paper are:

- c) Frequently Asked Questions
- d) Submissions Form

The formal consultation process has been scheduled for the period between 17 February and 17 March 2025, with the submissions hearing set for 26 March 2025.

Public notice will be advertised in the Beacon, and on Council's Website and Facebook page. Letters will be issued to Kawerau businesses.

Community drop in sessions have been set for:

- 12pm on Friday 28 February 2025 – Concert Chambers
- 9am - Tuesday 4 March 2025 – Concert Chambers
- 4pm – Wednesday 12 March 2025 – Rangī Delamere Centre

8 Next Steps

Easter Sunday is on 20 April 2025. Under the Shop Trading Hours Act 1990, employers must give their employees no less than 4 weeks written notice of their right to refuse to work on Easter Sunday. While this policy will not be in place within this timeframe, Council could advise businesses of the proposed policy (which is subject to public consultation), to enable them to meet their legal requirements, if they wish to open. Employers will need to ensure they advise their employees that opening is subject to the policy being adopted by Council, after consideration of public submissions.

Where Council wish to progress with the introduction of a new Easter Sunday Shop Trading Policy, the following timetable is proposed.

17 February 2025 – Commence Public Consultation

17 March 2025 – Consultation Closes

26 March 2025 – Receive and hear submissions and adopt proposed Policy

9 Attachments

The following documents are attached:

- Appendix 1: Draft Easter Sunday Shop Trading Policy
- Appendix 2: Statement of Proposal
- Appendix 3: Submission Form
- Appendix 4: Frequently Asked Questions
- Appendix 5: Restrict Trading Days for Shops – Shows the shops that can open on Easter Sunday without a policy

10 RECOMMENDATIONS

1. That the report “Policy Options for Easter Sunday Trading and Adoption of Proposed Draft Policy for Consultation” be received.
2. That pursuant to section 5A of the Shop Trading Hours Act 1990 Council resolves to either
 - a) Adopt a policy allowing all shops in the District to open on Easter Sunday (**Preferred Option – Option 1**); or
 - b) Adopt a policy allowing shops in certain areas of the District to open on Easter Sunday (Option 2); or

- c) Status Quo, Do not adopt a Policy (Option 3).
3. That if Council resolves to adopt a policy for Easter Sunday Trading, that Council adopts the proposed Draft Easter Sunday Shop Trading Policy and the Statement of Proposal, with any amendments, for public consultation.
4. That Council authorises the Group Manager Regulatory and Planning to make any necessary minor drafting amendments to the draft policy and/or the Statement of Proposal to correct errors or omissions, or to reflect decisions made by Council.



Michaela Glaspey

Group Manager Regulatory and Planning

Z:\KDC Taxonomy\Governance\Democratic Services\Meetings\Extraordinary Council\Reports\R- Policy Options for Easter Sunday Trading and Adoption of Proposed Draft Policy for Consultation 2025-02-12.docx

Council Policy

Easter Sunday Shop Trading Policy

Effective Date:	TBC
Last Reviewed :	New Policy
Next Review Date:	January 2030 (Five Year Review)
Engagement Required:	Public Consultation (s83 LGA)
Document Number:	POL 07
Responsibility:	Group Manager, Regulatory and Planning
Associated Documents:	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:

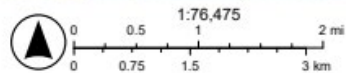
- a) apply to any day other than Easter Sunday;
- b) control the types of shops that may open or the opening hours;
- c) apply to the sale and supply of alcohol on Easter Sunday which is regulated by the Sale and Supply of Alcohol Act 2012.

SCHEDULE 1 – KAWERAU DISTRICT MAP



2/6/2025, 11:52:28 AM

- Kawerau District Council Boundary
- Railway Network
- State Highway
- Road Centerline



Eagle Technology, LINZ, StabNZ, NIWA, Natural Earth, © OpenStreetMap contributors, Eagle Technology, Land Information New Zealand, GEBCO, Community maps contributors, Bay of Plenty Regional Council

STATEMENT OF PROPOSAL

Draft Easter Sunday Shop Trading Policy

Introduction

Currently shops in Kawerau District can only open on Easter Sunday if specifically enabled under sections 4, of the Shop Trading Hours Act 1990 ('the Act').

In 2016, the Shop Trading Hours Act 1990 ('the Act') was amended to allow territorial authorities to choose whether or not to implement a policy allowing shops, within their district, to trade on Easter Sunday. The amendment to the Act does not change any of the other restricted trading days (being Good Friday, Anzac Day (until 1pm) and Christmas Day), nor does it remove employees rights to choose not to work on Easter Sunday.

Kawerau District Council ('the Council') previously adopted an Easter Sunday, Shop Trading Policy in 2017, enabling shops to open on Easter Sunday. Council did not review the policy, and the policy was automatically revoked.

This statement of proposal has been prepared in accordance with section 83 of the Local Government Act 2002- and relates to section 5A of the Shop Trading Hours Act 1990.

This proposal is seeking to adopt an Easter Sunday, Shop Trading Policy.

This statement of proposal includes:

- The reasons for the proposal;
- An overview of the proposed policy; and
- How you can provide feedback.

Reasons for the proposal

The Shop Trading Hours Act enables territorial authorities to adopt an Easter Sunday Shop Trading Policy. Kawerau District Council had previously had a policy in place that was automatically revoked and made the undertaking to consider the option to re-instate an Easter Sunday Shop Trading Policy.

Council recognises the importance of the retail sector, particularly during the holiday periods such as Easter.

Purpose of the Policy

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

Options considered by Council

Council considered two main options around developing a new Draft Easter Sunday Shop Trading Policy:

Our preferred option:

Option 1 – Adopt a policy allowing all shops in the District to open on Easter Sunday

This means allowing trading across the Kawerau District on Easter Sunday. This option will essentially reinstate the previous policy which enabled shops across Kawerau District to decide whether to open or not, without the fear of prosecution or fines.

Advantages

- This option gives employers the opportunity to make an individual decision as to whether they trade or not, providing the possibility for increased trading revenue, employment and shopping opportunities.
- Enabling trading on Easter Sunday provides alternative activities for an increasing proportion of the population that do not observe religious holidays or are of a different religion to that observed on Easter Sunday.
- A District-wide policy prevents confusion and frustration for businesses, residents, and tourists as it sets clear and consistent rules.
- Reduces the benefits/disadvantages some businesses obtain from being able to open longer hours, while others cannot, providing fairer business opportunities.
- This is one way Kawerau District Council can demonstrate its support in the growth and development of business opportunities within the district.
- Trading on Easter Sunday is also an opportunity for employees to choose to work and gain an additional day's wages or revenue, noting that Easter Sunday is not a paid public holiday and employees are not entitled to be paid time and a half or an alternative day off. Employees can still refuse to work on Easter Sunday if they want to.

Disadvantages

- A District-wide policy may also impact on the ability of employees and employers to engage in cultural, religious or whānau activities on Easter Sunday. The importance of community (however defined by an individual), cannot be underestimated.
- Easter Sunday is an important day for Christian religions and this may appear to undervalue the importance of Easter Sunday to those religions.
- Although employees have the right to refuse to work on Easter Sunday, they may not understand this and may feel pressured to work. Employers may not fully

understand their legal obligations in regards to requesting employees to work over this period creating misunderstandings.

- Existing businesses have been used to having the ability to trade on Easter Sunday up until last year. While many of the businesses within Kawerau (supermarkets, dairies, petrol stations) may be able to open under the provisions in the Shop Trading Hours Act 1990, not all can.

Other options considered:

Option 2 – Adopt a policy allowing shops in certain areas of the District to open on Easter Sunday

This option will only enable shops in some areas in Kawerau District to decide whether to open or not. This option is largely impractical for a smaller District like Kawerau, where we are one community and are not divided into suburbs, wards or have other satellite communities.

Advantages

- This option provides individual communities with the option to self-determine what is best for their area.

Disadvantages

- Kawerau District does not have readily defined suburbs, wards or satellite communities. We are one community.
- This would create an unintended administration burden and significant community consultation to determine defined areas for a policy which largely impacts only those currently operating in the central business area.
- Developing a list of suitable names would be time consuming

Option 3 – Status Quo, Do not adopt a Policy

This Option would mean that Easter Sunday trading would remain a restricted trading day and only shops with an exemption under sections 4, 4A and 4B of the Shop Trading Hours Act 1990 would be able to open.

The shops enabled under the Act include dairies, service stations, takeaway bars, restaurants, cafes, duty free stores, shops providing services but not selling goods (e.g. a hairdresser), real estate agencies, pharmacies, garden centres, shops at public transport hubs, shops within an exhibition or show and souvenir stores. There are some restrictions around these shops opening that can be viewed at the attached link <https://www.employment.govt.nz/leave-and-holidays/public-holidays/restricted-trading-days-for-shops>

The occupier of a shop not allowed to trade could be liable for a fine of up to \$1,000 for trading on Easter Sunday as enforced by the Ministry of Business, Innovation and Employment.

Advantages

- This option protects an important day in the Christian religion.
- This option provides for one day in which whānau, social, cultural and recreational benefits are supported through a guaranteed day where a majority of employees are not working.
- A limited number of shops will remain open to service the District on Easter Sunday.
- Removes concerns that some Employers and Employees may not fully understand their rights and obligations and the disputes this may raise.

Disadvantages

- Only limited shops would be able to open on Easter Sunday, reducing the opportunities for businesses to self-determine any benefits (revenue) in opening and some employees will lose the opportunity for additional working hours.
- This option may create inconsistencies between our District and other districts in the Bay of Plenty area, meaning tourists may choose to visit those other districts during Easter weekend. This could negatively impact our local economy.
- This option creates inconsistencies between those businesses that can open and those that cannot. This may also create 'risk taking' attitude, where businesses open anyway risking prosecution or a fine.

Summary of Proposal

Under the amended Shop Trading Hours Act 1990, Council is empowered to adopt a policy that allows shops to trade on Easter Sunday. Alternatively, Council may decide not to adopt a policy, in which case, shops must remain closed.

The policy can also determine whether shops in the whole of the district can trade or only those in some parts of the district (for example, only the CBD or main tourist attraction areas).

A policy cannot:

- (a) permit shops to open only for some purposes;
- (b) permit only some types of shops to open;
- (c) specify times at which shops may or may not open;
- (d) require shops to open;
- (e) limit Council's ability to undertake its duties under any other Act (e.g. the regulation of the sale and supply of alcohol)
- (f) address shop employees' rights (which are governed by the requirements of the Shop Trading Hours Act 1990 and which allows shop employees to refuse to work on Easter Sunday)

Having regard to all of the above, the Council is proposing a Policy that allows shops in the whole of the district to be open on Easter Sunday.

The Policy sets out the following:

- Any shop is permitted to open on Easter Sunday within the Kawerau District.
- Nothing in the policy requires any shop to open.

The policy also sets out that the policy does not:

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

Have Your Say On This Policy

Council is seeking your opinion on the Draft Easter Sunday, Shop Trading Policy 2025. Any person or organisation is welcome to make a submission on this policy.

The consultation period for the Draft Easter Sunday, Shop Trading Policy 2025 will begin on Monday the 17th of February 2025 and conclude on Monday the 17th of March 2025.

The Council will take all submissions into account when it decides on the final content of the policy.

Submission forms and copies of the Statement of Proposal are available:

- Online at the Council's website: www.kaweraudc.govt.nz
- At the Council Office and Library
- By phoning (07) 306 9009 and requesting a copy.

There are many different ways you can tell us what you think.

Submissions can be made:

Online: Visit our website - www.kaweraudc.govt.nz and use our online submission form.

Emailed to: submissions@kaweraudc.govt.nz
Please use subject heading – *Easter Sunday, Shop Trading Policy – Submission*

Posted to: Kawerau District Council
Attn: *Easter Sunday, Shop Trading Policy – Submission*
Private Bag 1004
Kawerau 3169

Dropped in to: Kawerau District Council
2 Ranfurly Court
Kawerau

Key Dates:

Submissions Open	17 February 2025
Submissions Close	17 March 2025
Proposed Submissions Hearing	26 March 2025
Council Deliberates and adoption (or not) of Proposed Policy	26 March 2025

Please note Kawerau District Council must receive written submissions by **5.00pm** on **Monday 17 March 2025**.

As part of the consultation process your submissions will be copied and made available to the public after the submission period closes.

You will have an opportunity to have your submission heard in person, during the hearing of submissions scheduled to be held on 26 March 2025. When you complete the submission form, please tell us if you would like to be heard.

Council will contact all submitters who wish to be heard, to confirm time, date and venue of the hearing.

Council will then deliberate on any changes required and choose whether or not to adopt the Easter Sunday, Shop Trading Policy during the Council meeting on 26 March 2025.

If you have any further queries or would like more copies of the Easter Sunday, Shop Trading Policy, please contact Council on 07 306 9009.

Submission Form

Draft Easter Sunday Shop Trading Policy

1. Have Your Say On This Policy

Council is seeking your opinion on the Draft Easter Sunday Shop Trading Policy. Any person or organisation is welcome to make a submission on this policy. The consultation period for the Draft Easter Sunday Shop Trading Policy will begin on 17 February 2025 and conclude on 17 March 2025.

The Council will take all submissions into account when it decides on the final content of the policy.

Submission forms and copies of the Statement of Proposal are available:

- Online at the Council's website: www.kaweraudc.govt.nz
- At the Council Offices and Library
- By phoning (07) 306 9009 and requesting a copy.

There are many different ways you can tell us what you think.

Submissions can be made:

Online: Visit our website - www.kaweraudc.govt.nz and use our online submission form.

Emailed to: submissions@kaweraudc.govt.nz

Please use subject heading – *Easter Sunday Shop Trading Policy – Submission*

Posted to: Kawerau District Council
Attn: Easter Sunday Shop Trading Policy – Submission
Private Bag 1004
Kawerau 3169

Dropped in to: Kawerau District Council
2 Ranfurly Court
Kawerau

Key Dates:

Submissions Open	17 February 2025
Submissions Close	17 March 2025
Proposed Submissions Hearing	26 March 2025
Council Deliberates and adopt (or not) Proposed Policy	26 March 2025

Please note Kawerau District Council must receive written submissions by **5.00pm** on **Monday 17 March 2025**.

As part of the consultation process your submissions will be copied and made available to the public after the submission period closes.

You will have an opportunity to have your submission heard in person, during the hearing of submissions scheduled to be held on 26 March 2025. When you complete the submission form, please tell us if you would like to be heard.

Council will contact all submitters who wish to be heard, to confirm time, date and venue of the hearing.

Council will then deliberate on any changes required and choose whether or not to adopt the final Easter Sunday Shop Trading Policy during a Council meeting on 26 March 2025.

If you have any further queries or would like more copies of the draft Easter Sunday Shop Trading Policy, please contact Council on 07 306 9009.

Submission Form (please provide feedback by 17 March 2025)

Name/Organisation _____

Phone Number _____

Address _____

Email _____

A hearing is proposed for 26 March 2025. Would you like to present your submissions in person to Council at the hearing?

Yes

No

1. What we'd like to know

Council is proposing the Draft Easter Sunday Shop Trading Policy as a means to support local businesses by providing them the option to trade on Easter Sunday and providing increased choice and convenience for residents and visitors.

Please tick your preferred option and provide any other feedback in the comments section below.

Option 1: Adopt a policy allowing all shops in the District to open on Easter Sunday

Option 2: Adopt a policy allowing shops in certain areas of the District to open on Easter Sunday

2. Need more information

Please visit our website www.kaweraudc.govt.nz

3. Terms and Conditions

Submissions are public documents. While personal contact details may be removed from any publicly available copy, the submitter's name will be published unless you specify otherwise.

I agree to the terms and conditions of this survey

4. Privacy Statement

The contents of your submission (not including your address and contact details) will be made public through Council agendas and as a result will be published on our website.

If you would like your name also kept confidential, please tick this box

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 no 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. Written notice must be given, 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).

Restricted trading days for shops

On three and a half days each year, almost all shops must close. But some shops can open with conditions, or they have an area exemption or Easter Sunday local policy.

What are restricted trading days?

The days when almost all shops must be closed under the Shop Trading Hours Act 1990 are:

- Christmas Day (a public holiday)
- Good Friday (a public holiday)
- ANZAC Day, until 1.00 pm on 25 April (a public holiday)
- Easter Sunday (not a public holiday)

Shop Trading Hours Act 1990 - New Zealand

Legislation (<https://www.legislation.govt.nz/act/public/1990/0057/latest/DLM212351.html>)

Definitions of 'shops' and 'goods'

A "shop" is a building or place where goods are kept or sold by retail. It includes an auction mart, barrow, stall or other parts of a market. It does not include a:

- private home, where the owner or occupier's effects are being sold
- building or place where agricultural products, pastoral products, and livestock are being sold by auction
- building or place where goods are being sold to wholesalers or dealers, who will sell the goods again.

"Goods" includes personal items other than alcohol, which is covered by the Sale and Supply of Alcohol Act 2012.

[Sale and Supply of Alcohol Act 2012 - New Zealand](#)

Legislation (<https://www.legislation.govt.nz/act/public/2012/0120/latest/DLM3339333.html>)

Check if your shop can open

There are 3 types of shops that can open on restricted trading days:

Type 1: Shops that are listed below.

Type 2: Shops that can open because of an area exemption.

[Working and trading on Easter Sunday \(https://www.employment.govt.nz/leave-and-holidays/public-holidays/working-and-trading-on-easter-sunday\)](https://www.employment.govt.nz/leave-and-holidays/public-holidays/working-and-trading-on-easter-sunday)

Type 1: List of shops that can open

1. Small grocery shop (for example, dairy, superette or fruit and vegetable mart)

Yes, you can open so long as:

The only goods you sell are food, drink, household items, and personal items.

The goods you sell are items people can't put off buying until the next day, such as baby formula or pet food, and the quantity of goods for sale is no more than needed to meet the needs of people in the area or travelling through.

2. Service station

Yes, you can open so long as:

The only goods you sell are food, drink, household items, personal items, petrol, oil, car parts and accessories.

The goods you sell are items people cannot put off buying until the next day, such as baby formula or pet food, and the quantity of goods for sale is no more than needed to meet the needs of people in the area or travelling through.

3. Takeaway bar, restaurant, cafe

Yes, you can open so long as you only sell prepared or cooked food ready to be eaten immediately in the form in which it is sold.

4. Duty-free store

Yes, you can open so long as you are only selling duty-free items.

5. Shop providing services, rather than selling goods (for example, video rental store, hairdresser)

Yes, you can open so long as:

You only provide a service, such as renting videos or cutting hair.

You do not sell any goods, such as videos or hair products.

6. Real estate agency

7. Pharmacy

Yes, you can open without any conditions.

8. Garden centre

Yes, you can open so long as:

Your sole or principal business is the supply of plants or garden supplies or both.
The only restricted trading day you can open on is Easter Sunday.

9. Shop at any public transport terminal or station

Yes, you can open so long as you only sell books, magazines and newspapers, or duty-free items/souvenirs, or food that has been cooked/prepared and is ready to be eaten.

10. Shop in a premises where an exhibition or show is taking place

This includes markets, craft shows and stalls at these exhibitions and shows.

Yes, you can open so long as:

The shop/stall must be within the premises of an actual exhibition or show. This means the building/location but doesn't include, for example, the street that has been closed for the event.

The exhibition or show must be devoted entirely or primarily to agriculture, art, industry, science, or any of these. This is quite a strict requirement, and to be considered 'devoted' to a show or exhibition a shop must be selling goods that are connected in some way with the show. For example, arts and crafts at an art and craft show, or farming supplies at an agriculture show, rather than general goods.

11. Shop primarily selling only souvenirs

Yes, you can open so long as the criteria for whether or not an item is considered a souvenir is that it is connected to a New Zealand place or New Zealand culture.

If your shop is not listed

Shop owners are responsible for determining if they meet the criteria.

If your shop is not listed, then you must have an area exemption to open or you're opening on Easter Sunday under a local territorial authority Easter Sunday shop trading policy. Otherwise, you cannot open.

If your shop is on the premises of a show or exhibition or your shop sells souvenirs, contact us before assuming you can open.

[Contact us \(https://www.employment.govt.nz/employment-new-zealand/contact-us\)](https://www.employment.govt.nz/employment-new-zealand/contact-us)

Type 2: Shops in exemption areas

A limited number of geographical areas are covered by exemptions to the shop trading restrictions. These are generally tourist resorts such as Taupō and Queenstown.

Some shops in these areas can open on restricted days, but only if the exemption order allows.

Shops covered by area exemptions cannot change them, and no new exemptions can be granted.

Find out which areas have exemptions:

[Valid exemptions granted \(PDF, 2 MB\) \(https://www.employment.govt.nz/assets/uploads/documents/leave-and-holidays/employment-nz-valid-exemptions-granted.pdf\)](https://www.employment.govt.nz/assets/uploads/documents/leave-and-holidays/employment-nz-valid-exemptions-granted.pdf)

Contact us if you've any questions about existing area exemptions.

Type 3: Shops that open on Easter Sunday

Councils can put in place local policies that allow shops within their area, or parts of it, to trade on Easter Sunday. Once a council has created a local policy, they must notify the Ministry of Business, Innovation and Employment (MBIE).

[Working and trading on Easter Sunday \(https://www.employment.govt.nz/leave-and-holidays/public-holidays/working-and-trading-on-easter-sunday\)](https://www.employment.govt.nz/leave-and-holidays/public-holidays/working-and-trading-on-easter-sunday)

[Contact us \(https://www.employment.govt.nz/employment-new-zealand/contact-us\)](https://www.employment.govt.nz/employment-new-zealand/contact-us)

Opening on a restricted trading day is an offence

Shops that do not fit into one of the exemption categories, or are not in an area where a council has made a local Easter Sunday shop trading policy, commit an offence if they open and trade on restricted shop trading days.

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

- any agent, manager, supervisor, person acting or apparently acting in control of the shop

Mondayisation

The Mondayisation of a public holiday for an employee has no effect on shop trading restrictions. The trading restriction is not Mondayised and shops do not have to close twice.

[Public holidays falling on a weekend](https://www.employment.govt.nz/leave-and-holidays/public-holidays/when-a-public-holiday-falls-on-a-weekend) (<https://www.employment.govt.nz/leave-and-holidays/public-holidays/when-a-public-holiday-falls-on-a-weekend>)

[Public holidays and anniversary dates](https://www.employment.govt.nz/leave-and-holidays/public-holidays/public-holidays-and-anniversary-dates) (<https://www.employment.govt.nz/leave-and-holidays/public-holidays/public-holidays-and-anniversary-dates>)

Published: 25 August 2023

Last modified: 17 September 2024

Written for: Employers

Was this page helpful?

 Yes No