

Easter Sunday Shop Trading Policy



Approved by: Timaru District Council
Policy Type Strategic and Directional Policy
Date approved: 5 April 2022

Introduction

1. Purpose

- 1.1. The purpose of this policy is to enable shops to trade on Easter Sunday in the Timaru District if they wish to. The policy does not require shops to open on Easter Sunday.

2. Background

- 2.1. The [Shop Trading Hours Act 1990](#) was amended in 2016 to allow territorial authorities to adopt a local Easter Sunday shop trading policy to permit shops to open on Easter Sunday in an area comprising –
 - 2.1.1. The whole of its district; or
 - 2.1.2. Any part of parts of its district.
- 2.2. Council must use the [special consultative procedure](#) when deciding whether to adopt, amend, replace or revoke an Easter Sunday Shop Trading Policy.
- 2.3. In November 2017, following consultation with the community, Timaru District Council adopted the initial Easter Sunday Shop Trading Policy. This policy has been reviewed in 2022.

3. Scope

- 3.1. This policy applies to all shops within the Timaru District, with the exclusion of :
 - 3.1.1. those shops covered by the [Sale and Supply of Alcohol Act 2012](#)¹ and
 - 3.1.2. those shops covered by the [Shop Trading Hours Act 1990](#)² This provides Easter Sunday trading exemptions for garden centres, service stations, fast food outlets and cafes, souvenir shops, campground shops, shops in public transport terminals, and pharmacies.

¹ [Section 47](#) of the Sale and Supply of Alcohol Act 2012 restricts the sale and supply of alcohol on Anzac Day morning, Good Friday, Easter Sunday, and Christmas Day unless it is sold with a special licence, or the buyer is residing or lodging on the premises, or is present on the premises to dine.

² [Sections 4](#) and [4A](#) of the Shop Trading Hours Act 1990 establish these exemptions and the conditions which apply.

4. Definitions

Timaru District:

- 4.1. The geographic area depicted in Appendix 1.

Employer:

- 4.2. A person employing any employee or employees; and includes a person engaging or employing a homeworker – as defined in [section 5 of the Employment Relations Act 2000](#).

Shop:

- 4.3. 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 –
 - 4.3.1. A private home where the owner or occupier's effects are being sold (by auction or otherwise); or
 - 4.3.2. 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
 - 4.3.3. 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.
 - 4.3.4. As defined in [section 2 of the Shop Trading Hours Act 1990](#).

Policy Statements

5. Easter Sunday Shop Trading Policy

- 5.1. Shop trading is permitted on Easter Sunday throughout the Timaru District.

6. Right to refuse work

- 6.1. Under the Shop Trading Hours Act:
 - 6.1.1. employees have the right to refuse to work on Easter Sunday and they are not required to provide employers with a reason for not working.
 - 6.1.2. Employers are not allowed to compel any shop employee to work on Easter Sunday or to treat them adversely if they choose not to work.
- 6.2. Refer to the [subpart 2 of the Shop Trading Hours Act](#) for more details on employees' right to refuse work on Easter Sunday.

7. Enforcement

- 7.1. Timaru District Council has no enforcement powers in relation to Easter Sunday shop trading.

- 7.2. The Ministry for Business, Innovation and Employment (MBIE), through the Labour Inspectorate, is responsible for enforcing the Shop Trading Hours Act 1990.

8. Monitoring

- 8.1. Council will monitor the ongoing economic impact of enabling shop trading on Easter Sunday in the Timaru District through analysis of district spend data.
- 8.2. Council will consider the social and cultural impact of enabling shop trading on Easter Sunday in the Timaru District by seeking community feedback through appropriate mechanisms.

9. Reporting

- 9.1. As part of the five yearly review of this Policy, Council will receive a report on the economic, social and cultural impact of enabling shop trading on Easter Sunday in the Timaru District.

10. Policy Review

- 10.1. This Policy will be reviewed by Council, using the special consultative procedure, at least every five years.
- 10.2. This Policy does not cease to have effect because it is due for review, or is being reviewed.

Policy Ownership, References, Delegations, and Revision History

Policy Owner

Detail Group Manager and Unit Manager owners as appropriate. Include any ownership responsibilities (eg monitoring outcomes, reporting requirements)

Group	Unit	Ownership responsibilities
Commercial and Strategy	Strategy and Corporate Planning	Monitoring and Reporting responsibilities as set out in policy

References

Include references to legislation, regulation, or Council plans or procedures related to the policy

Title (and document reference)	Description (detail how document relates to policy)
Shop Trading Hours Act	Establishes the ability for Council to adopt Easter Sunday Shop Trading Policy. Sets out policy review requirements Sets out employer and employee responsibilities relating to Easter Sunday shop trading.

Delegations

Identify here any delegations related to the policy for it to be operative or required as a result of the policy

Delegation reference	Description (detail the delegations related to, or required by this policy)
None	

Revision History

Summary of the development and review of the policy

Revision	Description of amendments	Date Approved	Doc Ref
1	New Policy adopted by Council	17 Nov 2017	#1118913
2	Reviewed policy, including additional supporting information, monitoring and reporting requirements	5 April 2022	#1491243

