



Ōpōtiki District Council

**Local Easter Sunday Shop
Trading Policy**

2017



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1. INTRODUCTION

This Local Easter Sunday Shop Trading Policy (Policy) sets out the Ōpōtiki District Council's decision on allowing shop trading in the Ōpōtiki District on Easter Sunday. It is made in accordance with Part 2 of the Shop Trading Hours Act 1990 (the Act).

A policy provides councils with the ability to allow shops to open on Easter Sunday in their entire District or any part or parts of their District.

A policy cannot:

- control the types of shops that may open, or their opening hours;
- limit the Council's ability to undertake its duties, powers or functions under any other Act;
- apply to the sale and supply of alcohol which is regulated under the Sale and Supply of Alcohol Act 2012;
- address shop employee rights, which are governed by the requirements of the Act.¹

2. OBJECTIVE

The purpose of this Policy is to create a consistent approach to shop trading on Easter Sunday in the Ōpōtiki District by permitting all shop owners/operators to open their shops on Easter Sunday if they choose to.

3. POLICY

3.1 Any shop is permitted to open on Easter Sunday throughout the whole of the Ōpōtiki District.

3.2 Attached as Schedule One is an indicative map of the Ōpōtiki District which shows the three Wards (geographical areas) and settlements that make up the District.

4. ENFORCEMENT

The Council is not responsible for the enforcement of this Policy. Enforcement is undertaken by the central government department that is responsible for the administration of the Act.²

5. GLOSSARY

Unless the context requires otherwise, the definitions of words or terms used in this Policy that are also used in the Shop Trading Hours Act 1990 are those defined in that Act.

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—

¹ Refer to Part 2, subpart 2, 5G – 5L of the Act. For the avoidance of doubt, shop employees have the right to refuse to work on Easter Sunday.

² At the time of writing the Ministry responsible is the Ministry of Business, Innovation and Employment.

- 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.

Goods includes all personal chattels other than alcohol (within the meaning of the Sale and Supply of Alcohol Act 2012), money, and things in action.³

6. WHAT THE POLICY DOESN'T COVER

It is important to note that all shop employees have the legal ability to refuse to work on Easter Sunday without providing a reason to their employer and the Policy does not override shop trading provisions in other legislation such as the sale of alcohol.

We cannot include restrictions on opening hours and cannot require shops to open on Easter Sunday.

7. REVIEW

This Policy will be reviewed:

- i. within five years after the first Policy is adopted by the Council and then at intervals determined by the Council, or
- ii. earlier than five years at the request of the Council.

³ Examples of 'things in action' include debts of all kinds, the benefits of contracts, policies of insurance or assurance, company shares, beneficial interests under wills, and many other property interests.

Schedule One

