

Analysis of submissions

Easter Sunday Shop Trading Policy

1. Background

The Shop Trading Hours Act 1990 (the Act) was amended in 2016 to enable councils to make a policy to allow shops to open on Easter Sunday. The shops involved exclude garden centres, dairies, pharmacies, petrol stations and other shops which are allowed to open under the Act. Also excluded are liquor outlets which are covered by liquor licensing regulations.

On 17 February 2017, the governing body adopted the current Easter Sunday Trading Policy in consultation with the community. This Policy allows shops to open on Easter Sunday throughout the District.

Under Section 5C of the Act, the current Policy will automatically revoke on 17 February 2024, as it was not reviewed by 17 February 2022. To continue having an Easter Sunday Trading Policy, a new policy must be adopted.

On 24 February 2022, the governing body resolved that a new Easter Sunday Shop Trading Policy should be developed to continue to allow shops to open on Easter Sunday throughout the Far North District.

On 22 March 2022, the Strategy and Policy Committee agreed that a Statement of Proposal, including a draft policy allowing Easter Sunday trading throughout the District, would be the subject of public consultation.

1. Consultation on the draft policy

Consultation took place from 9 May to 26 August 2022, with an initial round of consultation from 9 May to 10 June, and a second round from 28 July to 26 August 2022.

The initial round of consultation was communicated widely via public notices placed in community newspapers, social media postings and email invitations sent to over 3,000 people on the Council's consultation mailing list. In addition, personalised email invitations to submit were sent to unions representing shop workers as well as to business associations in the District.

On 26 July 2022, the results of the first round of consultation were reported to the Strategy and Policy Committee with a recommendation to adopt a new policy to allow Easter Sunday shop trading to continue across the District. However, at this meeting, the Committee resolved that the proposed policy should 'lie on the table' to "*provide for email-invited input from religious organisations, including any inter-denomination associations, in the District*" (resolution 22/46 refers) and a second round of consultation took place with these religious groups

For the second round of consultation, a comprehensive list of email addresses of religious organisations and inter-denominational associations was prepared, initially from an Internet search and then supplemented by a further database of contacts provided by a church leader. The list was cross-referenced against the religious affiliations of people in the Far North District recorded in the 2018 Census to make sure it included contacts from all religious

denominations in the Far North representing 1% or more of the population¹. NB. Religious organisations with less than 1% of the population were not excluded from the mailing.

This report analyses the submissions received from both rounds of the consultation and makes recommendations. A numbered list of submissions is included in the Appendix and these numbers are used to refer to individual submissions in this report.

2. Summary of submissions

2.1 Overview

In total, 140 written submissions were received:

- 113 were from the first round of consultation and 27 from the second round
- 134 were made via a link on the council's website, while 6 were by email
- 122 were from individuals and 18 from organisations
- no submissions were presented orally.

In total, 62% of submitters were in favour of the draft policy, compared with 36% who were opposed and 2% who were not sure or unclear

¹ From the 2018 Census, main religious affiliations in the Far North are: Anglican (11% of the population), Catholic (8%), Māori religious beliefs (mainly Ratana) (6%), Christian no denomination (6%), Latter Day Saints (3%), Presbyterian, Congregational & Reformed (3%), Methodist (2%), Pentecostal (1%), Evangelical, Born Again (1%), Baptist (1%), and Jehovah's Witness (1%).

Support for the policy has increased from 48% in favour in 2017 to 62% in favour in 2022, as shown in Table 2 below. It should be noted that the 2017 and 2022 results are not strictly comparable, as the consultation in 2017 did not include emailed invitations to interested parties such as unions, business associations and religious organisations/ interdenominational associations.

Table 1: Level of support for a policy permitting Easter Sunday trading in 2017 compared with 2022

	2017 results		2022 results	
	Number of submissions	%	Number of submissions	%
In favour	22	48%	87	62%
Opposed	24	52%	50	36%
Unclear from their submissions	-	-	2	1%
I'm not sure	-	-	1	1%
Total	46	100%	140	100%

2.2 Reasons for supporting the draft policy

Following are the main reasons why submitters supported the policy.

Support for Far North businesses relying on tourism

"I believe the current policy of allowing shops to be open be continued. Tourism is a significant economic driver in the Far North, and it is essential that tourists who travel to the Far North be able to enjoy shopping for essentials and also for recreation" (submission 107)

"The Far North depends heavily on tourism. The shops need to be open on Easter" (112)

It is not an issue as shops close on Sundays anyway

"Most shops are closed year-round on a Sunday in the Far North anyway" (118)

"In Kaikohe, where I am based, Easter is the peak time of retail sales over the year. It seems to be a time when family reconnects. I note that many of the shops and businesses close voluntarily" (140)

Support for Sunday markets

"We provide markets on Saturday but attend Kerikeri [market] on Sundays" (111)

Trading on Easter Sunday reflects current society

"It's the twenty-first century, after all" (30).

It's what the public would expect

"The public expects shops to be open during the holiday" (113)

Some shops can open on Easter Sunday anyway

"Understandably, some shops can open with conditions, or they have an area exemption for Easter Sunday local policy" (133)

General support

"Tautoko the shops opening on Easter Sunday" (110)

2.1 Reasons for opposing the draft policy

Work and commercial activity should not take precedence over free time, getting together with family and focusing on God and Jesus

"I think we should spend more time home with the family and less shopping" (6)

"Why should there be pressure to work all the time. I believe a 4-day working week and public holidays would be beneficial to the physical and mental health of our nation" (92)

"Easter is a time to be spent with whanau, but that is taken away when they're having to work" (118)

"As a follower of Jesus Christ, the focus should be on what Easter is really about, which is not spending money on things. But spending the Sunday focusing on Jesus and our families would be all the better for the health and well-being physically, emotionally and spiritually for our communities" (127)

"As a society, we are too focused on working and consuming goods rather than stopping, reflecting on life and spending quality time with friends and family" (132)

"Holidays (from "Holy Days" - referring to religious festivals) [are for] esteeming God, family and community above money. This is about esteeming the worth of the individual, separate to their work" (140)

Respect for Christian values and the Christian faith

"Why can't we still remember the Christian values handed down to us at Easter and use them to create a better society" (95)

"Easter Sunday is a very sacred day for Christians" (55)

"It's Easter Sunday!!! The most historical and special Sunday of the year. Keep it closed, keep it sacred" (116)

"I believe Easter Sunday is a sacred day and should be kept free" (120)

"Although there are many that may not believe in God and Jesus Christ, our religious beliefs ... should be accepted by all denominations, nationalities and cultures" (133)

"[Christianity] is ... integral to our values as a nation, and also to Te Tiriti. When considering the place of this faith (and religious festivals) in the future of our nation, an argument certainly could be made to suggest we are still significantly 'Christian' - and that this faith (or some of its traditions) does therefore merit significant esteem" (140)

Shops should not open on Sundays at all

"Sunday is the Lord's Day and too many people in too many places already overly commercialise sacred days. Not appropriate in my opinion" (117)

"Sunday is a day unto our God and Saviour Jesus Christ" (125)

"Six days of trading is sufficient enough, Sundays especially Easter Sunday should be reserved and dedicated to the Saviour Jesus Christ" (138)

"Before the influence of Christianity, slaves, servants and the lower classes were required to work all day, every day, and this is true of most cultures globally. A distinction of the Jewish, Christian and Muslim faiths is that 'God rested on the seventh day'. The point was that people are not supposed to be defined by their work. They should instead be recognised as individuals, defined by their relationships with family, community and God. So, quite apart from a time to stop to consider God / spiritual things in our lives, the idea of a 'day for no work' was about the protection of the poor and vulnerable" (140)

Shop workers may be pressured to work on Easter Sunday

"It is all very well for those in management and government to say 'no one HAS to work'. Having been at the coal face, as it were, I know that in many environments workers do not actually have that choice" (105)

People can shop in advance

"Shops open long enough already for people to get all their shopping in advance" (19)

People can shop online 24x7

“People have the opportunity to shop online 24/7 as it is, so I really don’t see the purpose of opening on Easter Sunday” (119)

3. Analysis and Recommendations

3.1 Should the Council adopt a new policy to continue to allow Easter Sunday shop trading across the District?

Submissions in support of the proposed policy

Support for Far North businesses (including Sunday markets) relying on tourism

Staff analysis

Staff note that, as in 2017 when the current policy was adopted, the long Easter weekend involves an influx of visitors to the District. Allowing shops (including markets) to open for an additional day this weekend provides increased economic opportunities for the Far North and reflects the Council’s vision of A District of Sustainable Prosperity and Well-Being.

Supporting the tourist trade is particularly important as COVID-19 restrictions severely hit local tourist businesses, especially those relying on overseas tourists. Assisting businesses relying on tourism to trade on Easter Sunday will help their economic recovery.

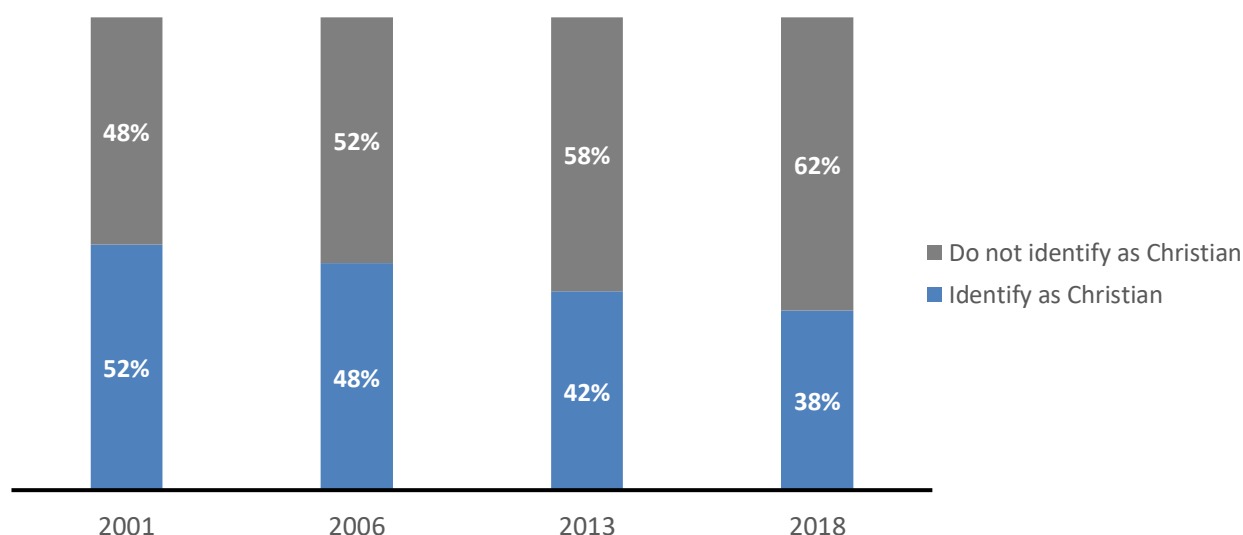
Regarding the economic benefits of Easter Sunday trading, in 2016 the Council made a submission to the government in support of the Shop Trading Hours Act being amended to allow shops to trade on Easter Sunday [see [Shop Trading Hours Amendment Bill Submission \(A1668683\)](#)] This submission pointed out that *“the Far North District’s economy is underpinned by tourism and our economic growth will be influenced by growing the tourism sector responsibly”*.

Trading on Easter Sunday reflects current society – it’s what the public would expect

Staff analysis

Staff consider that the balance of the submissions received (62% in favour vs. 36% opposed) reflects the fact that society in the Far North is becoming increasingly secular. See the figure below:

Figure 1: Census results for religious affiliation in the Far North District



Coincidentally, the fact that 62% of those who made submissions are in favour of shops trading on Easter Sunday exactly reflects the most recent Census result that 62% of people in the Far North do not identify as Christian.

It is not an issue as shops close on Sundays anyway

Staff analysis

If the new policy is adopted, shops will still be free to close when they wish, including on Sundays and on Easter Sunday in particular.

Some shops can open on Easter Sunday anyway

Staff analysis

Under the Act, a range of shops such as dairies, petrol stations, garden centres and pharmacies are permitted to open on Easter Sunday. Also, as a tourist town, Paihia has a dispensation for its shops to open on Easter Sunday. In this regard, Council staff consider it is unfair to allow only some shops in the Far North district to open and make other shops close.

In 2016, the Council's submission to the government in support of amending the Act said *"Council supports the intention of the Bill to address current trading inequities. Under the current legislation, Paihia retailers may legally open and trade on Easter Sunday whilst the remaining retailers in the wider Bay of Islands and throughout the Far North District have to remain closed. This includes tourism destinations such as Hokianga, Doubtless Bay and North Cape as well as emerging tourism destinations along the Pou Herenga Tai Twin Coast Cycle Trail"*.

Submissions against the proposed policy

Work and commercial activity should not take precedence over free time, getting together with family and focusing on God and Jesus

Staff analysis

Staff note that Section 5H of the Act protects workers who do not wish to work on Easter Sunday, as they can refuse to work on Easter Sunday even if asked to by their employer. This allows them to choose to have a family day or practice their religion if they wish.

Respect for Christian values and the Christian faith

Staff analysis

Council staff acknowledge the strongly held views expressed by religious organisations and interdenominational associations that Easter Sunday is a sacred day.

However, staff consider that observance of a religious sacred day is a personal choice. Section 5H of the Act protects this personal choice by safeguarding employees from being forced to work on Easter Sunday. In addition, the personal choices of employers are protected as they are not required to open their shops on Easter Sunday if they do not wish to.

Section 3(1) of the Act recognises the importance of Easter for the Christian faith by making Good Friday a public holiday where shops must remain closed, and protects the right of workers to refuse to work on Easter Sunday.

Shops should not open on Sundays at all

Staff analysis

The topic of the consultation was whether shops should be allowed to open on Easter Sunday, not whether they should open on Sunday at all. Local Councils do not have the authority to decide whether shops should close every Sunday.

As noted by some submitters, many shops in the Far North close on Sundays anyway. The decision to open or close on Sundays is the personal choice of these shop owners.

Shop workers may be pressured to work on Easter Sunday

Staff analysis

Staff note that section 5H of the Act is intended to protect shop workers from pressure of this nature, by protecting them from being forced to work on Easter Sunday. They can refuse to work on Easter Sunday without giving a reason to their employer.

People can shop in advance and/or shop online 24x7

Staff analysis

Shopping in advance is an option if shops are closed on Easter Sunday and people can also shop online. However, both these options do not offer the convenience of being able to purchase items from a physical shop, especially for tourists visiting the Far North on this long weekend. Also, physical shops may lose business to online retailers if they must close on Easter Sunday.

Recommendation

With 62% of submissions in favour of the draft policy to allow Easter Sunday shop trading throughout the District, **council staff recommend that the policy is adopted by the governing body**. Adopting the Policy will provide consistency with the two other local councils in Northland.

Reasons for this recommendation are summarised in the Statement of Proposal ([Statement of Proposal - Easter Sunday Shop Trading Policy 2022 \(A3675941\)](#)):

- “To support the social and economic well-being of communities in the District.
- The policy supports businesses that rely on tourist trade during the long Easter weekend.
- No complaints or issues have been recorded with the current policy which allows Easter Sunday shop trading across the District.
- Applying the Policy throughout the District is fair to all businesses.

- It does not prevent workers from opting not to work on Easter Sunday.
- It does not stop Christians observing their faith on this holy day”.

Council staff consider that the perceived disadvantages of Easter Sunday trading which emerged in the second round of consultation, that were not mentioned in the first round, are not sufficient to change this recommendation, for the reasons below:

Perceived new disadvantages of Easter Sunday trading that emerged from consultation with religious organisations and inter-denominational associations	Reasons these perceived disadvantages do not change the overall recommendation in favour of adopting the Policy
Easter Sunday is not a time for work. It is a time for getting together with family and focusing on God and Jesus	Under the Act, if Easter Sunday shop trading is permitted by the Council, shop workers can opt out of working on Easter Sunday to spend this time with family and/or focus on God and Jesus.
Shops should not open on Sundays at all – <i>“Sunday is the Lord’s Day”</i>	The topic of consultation was whether shops should be allowed to open on Easter Sundays, not whether they should open at all on Sundays. The Council does not have the authority to stop shops trading on Sundays other than Easter Sunday.
People can shop online 24x7. Therefore, it is not necessary for shops to open on Easter Sunday	This viewpoint does not consider the potential inconvenience to customers of not being able to purchase goods from shops on Easter Sunday, or the potential lost business by physical shops in the District if people shop online.

3.2 Submissions on the draft policy wording

Staff recommendation

As no submissions referred to the wording of the draft policy document, council staff recommend no changes to the policy wording based on the submissions received.

3.3 Staff recommendations for drafting clarification

Staff recommendations

Staff recommend the following minor drafting changes based on a final legal review of the draft policy document and to clarify the definition of “shop” as requested in the Strategy and Policy Committee meeting on 22 March 2022. As these changes are minor, there is no requirement to re-consult on the draft policy.

Amend the Policy wording as follows:

1. Replace the word “shop” with “Shop” throughout the Policy.
2. In the Definitions section amend the definition of “Shop” by adding the words “Shop has the same meaning as shop”. Capitalising the word “shop” in the Policy is a legal convention to indicate that this word has a special meaning in the Definitions section.
3. Also in the Definitions section, add the words “section 2 of” before “the Shop Trading Hours Act 1990” and delete the definition of “Shop employee” as this is not referred to in the Policy.
4. In the Application section of the policy, replace the words “legislative provisions” with “legislative instruments” and replace the words “licensing provisions” with “licensing laws”
5. In the Legislative Context section, change the date of the Sale and Supply of Alcohol Act from “2021” to “2012”.

“Tracked changes” to the draft policy showing recommended changes:

Background

The Shop Trading Hours Act 1990 was amended in 2016 to enable councils to decide whether retailers in their Districts can open on Easter Sunday. Council first adopted a policy to allow ~~shops~~ **Shops** to open on Easter Sunday in 2017.

Application

This Policy applies to all ~~shops~~ **Shops** in the Far North District.

This Policy does not override other legislative ~~provisions instruments~~, such as liquor licensing ~~provisions laws~~.

The Shop Trading Hours Act 1990 includes protective provisions so no ~~shop~~ **Shop** employee will be required to work on Easter Sunday.

Definitions

The following definitions apply to this Policy:

- **Council** – means the Far North District Council
- **Far North District** – means the area of jurisdiction of the Far North District Council (see attached map)
- **Policy** – means the Council’s adopted Easter Sunday Shop Trading Policy
- **Shop** – has the same meaning as **shop** in **section 2 of** the Shop Trading Hours Act 1990
- ~~Shop employee – has the same meaning as employee in section 5F of the Shop Trading Hours Act 1990.~~

Legislative Context

Easter Sunday shop trading is subject to various legislative controls including, but not limited to, the Shop Trading Hours Act 1990 and the Sale and Supply of Alcohol Act ~~2021~~ **2012**.

Objective

To support economic and social wellbeing by permitting ~~shops~~ **Shops** to open on Easter Sunday throughout the Far North District.

Policy

The Council permits ~~shops~~ **Shops** to open on Easter Sunday throughout the Far North District.

Monitoring and Implementation

Implementation of the Policy will be monitored by the Council.

The Policy must be reviewed no later than 5 years after it is adopted.

The Policy may also be reviewed in response to issues that may arise, at the request of the Council or in response to changes to legislative or statutory requirements (whichever occurs first).

Amending this Policy following a review will be subject to public consultation.

Map of the Far North District



APPENDIX 1 – LIST OF SUBMISSIONS RECEIVED

Number	Organisation
First Round of Consultation	
1	Individual submission
2	Individual submission
3	Individual submission
4	Individual submission
5	Individual submission
6	Individual submission
7	Individual submission
8	Individual submission
9	LL Copland
10	Individual submission
11	Individual submission
12	Far North ITM
13	Individual submission
14	Individual submission
15	Individual submission
16	Individual submission
17	Individual submission
18	Individual submission
19	Individual submission
20	Individual submission
21	Individual submission
22	Church
23	Individual submission
24	Individual submission
25	Individual submission
26	Northland Experiences
27	Individual submission
28	Individual submission
29	Individual submission
30	Individual submission
31	Individual submission
32	Individual submission
33	Individual submission
34	Individual submission
35	Individual submission
36	Individual submission
37	Individual submission
38	Individual submission
39	Individual submission
40	Individual submission
41	Puketū Farms
42	Individual submission
43	Individual submission
44	Individual submission

Number	Organisation
45	Individual submission
46	Individual submission
47	Individual submission
48	Individual submission
49	PartisanZ
50	Individual submission
51	Individual submission
52	Individual submission
53	Individual submission
54	Individual submission
55	Individual submission
56	Kaitaia Business Association
57	Individual submission
58	Individual submission
59	Individual submission
60	Te Puna Aroha
61	Individual submission
62	Individual submission
63	Individual submission
64	Individual submission
65	Alfa Boutique Motel
66	Individual submission
67	Individual submission
68	Individual submission
69	Individual submission
70	Individual submission
71	Individual submission
72	Individual submission
73	Individual submission
74	Individual submission
75	Individual submission
76	Hokianga Tourism Association
77	Individual submission
78	Individual submission
79	Te Kōtiu
80	Individual submission
81	Individual submission
82	Individual submission
83	Individual submission
84	Individual submission
85	Individual submission
86	Individual submission
87	Individual submission
88	Individual submission
89	Individual submission
90	Kapiro Residents Association
91	Individual submission

Number	Organisation
92	The Scullery Kerikeri
93	Individual submission
94	Individual submission
95	Individual submission
96	Te Rangi Orchards Ltd
97	Individual submission
98	Individual submission
99	Individual submission
100	Individual submission
101	Individual submission
102	Individual submission
103	Individual submission
104	Individual submission
105	Individual submission
106	Individual submission
107	Individual submission
108	Individual submission
109	Individual submission
110	Individual submission
111	Individual submission
112	Individual submission
113	Individual submission
Second Round of Consultation	
114	Individual submission
115	The Church of Jesus Christ of Latter Day Saints
116	Individual submission
117	Individual submission
118	Individual submission
119	Individual submission
120	Individual submission
121	Individual submission
122	Individual submission
123	The Church of Jesus Christ of Latter Day Saints
124	Individual submission
125	The Church of Jesus Christ of Latter Day Saints
126	Individual submission
127	Individual submission
128	Individual submission
129	Individual submission
130	Individual submission
131	Individual submission
132	Lifepoint Baptist Church
133	Waimate Taumarere Pastorate (Māori Anglican Church)
134	Individual submission

Number	Organisation
135	Individual submission
136	Individual submission
137	Individual submission
138	Individual submission
139	Individual submission
140	Individual submission