

Rotorua District (Easter Sunday Shop Trading) Bill

Local Bill

Explanatory note

General policy statement

This Bill grants a partial exemption from the Shop Trading Hours Act Repeal Act 1990 to allow shops in the Rotorua District to be open on Easter Sunday during the period from 9 am to 5 pm. The Bill arises from Rotorua District Council's support for retailers and business enterprise within the Rotorua District.

Tourism is a 365-day a year industry and is one of New Zealand's largest contributors to both gross domestic product and goods and services tax. Rotorua has long been a tourist icon in New Zealand and annually welcomes over 1.4 million visitors to the District. The busiest period in Rotorua's annual visitor calendar is over the Easter weekend, where accommodation regularly outstrips supply.

Current legislation requires the retail sector in Rotorua to close their doors to the significant economic opportunity Easter visitors bring to the city, while a few kilometres down the road Taupo retailers are able to open.

The purpose of this Bill is to recognise the nature of Rotorua's retail environment over the Easter weekend, acknowledging the business community and allowing them to service and satisfy the retail demand accordingly.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. The Bill comes into force on the day after the date on which it receives the Royal assent.

Clause 3 defines terms used in the Bill.

Clause 4 sets out the purpose of the Bill.

Clause 5 provides that shops in the Rotorua District may be open on Easter Sunday during the period from 9 am to 5 pm.

Clause 6 addresses the effect of the Bill on employment agreements. This clause provides that the employment agreement of a shop worker in the Rotorua District must not be interpreted as requiring the shop worker to work on Easter Sunday during the period from 9 am to 5 pm unless the shop worker so agrees. This clause applies whether the employment agreement was entered into before or after the commencement of the Bill. However, the clause does not apply to a shop worker's employment agreement if the shop concerned was, before the commencement of the Bill, entitled to be open on Easter Sunday.

Clause 7 addresses the effect of the Bill on a mandatory opening provision in a lease, licence, contract, covenant, or agreement entered into before the commencement of the Bill. An example of a mandatory opening provision is one that requires a shop to be open at all times when it may be lawfully open. This clause provides that a mandatory opening provision is not to be interpreted as requiring the shop to be open on Easter Sunday during period from 9 am to 5 pm. However, the clause does not apply to a shop that, before the commencement of the Bill, was entitled to be open on Easter Sunday.

Steve Chadwick

Rotorua District (Easter Sunday Shop Trading) Bill

Local Bill

Contents

1	Title	6	Consequential protection for certain shop workers
	Part 1		
	Preliminary provisions	7	Effect of certain provisions in leases, licences, contracts, covenants, and agreements
2	Commencement		
3	Interpretation		
4	Purpose of Act		
	Part 2		
	Opening of shops on Easter Sunday		
5	Shops in Rotorua District may be open on Easter Sunday during period from 9 am to 5 pm		

The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Rotorua District (Easter Sunday Shop Trading) Act **2002**.

Part 1 **Preliminary provisions**

- 2 Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent.
- 3 Interpretation**
In this Act, unless the context otherwise requires,— 10
employment agreement has the same meaning as in section 5 of the Employment Relations Act 2000
mandatory opening provision has the same meaning as in section 8(3) of the Shop Trading Hours Act Repeal Act 1990

Rotorua District means the district of the Rotorua District Council under the Local Government Act 1974

shop has the same meaning as in section 2 of the Shop Trading Hours Act Repeal Act 1990

shop worker has the same meaning as in section 7(1) of the Shop Trading Hours Act Repeal Act 1990. 5

4 Purpose of Act

The purpose of this Act is to grant a partial exemption to shops in the Rotorua District from the restriction in the Shop Trading Hours Act Repeal Act 1990 on shops being open on Easter Sunday. 10

Part 2

Opening of shops on Easter Sunday

5 Shops in Rotorua District may be open on Easter Sunday during period from 9 am to 5 pm 15

(1) Shops in the Rotorua District may be open on Easter Sunday during the period from 9 am to 5 pm.

(2) **Subsection (1)**—

- (a) applies as a partial exemption from the Shop Trading Hours Act Repeal Act 1990; and 20
- (b) does not limit or affect any provision in that Act that allows certain shops to be open on Easter Sunday.

6 Consequential protection for certain shop workers

(1) An employment agreement entered into or made before, on, or after the commencement of this Act must not be interpreted as requiring a person who is a shop worker in a shop in the Rotorua District to work on Easter Sunday during the period from 9 am to 5 pm unless the parties to the employment agreement so agree. 25

(2) **Subsection (1)** does not apply to an employment agreement relating to a person who is a shop worker employed to work in, or from, or in relation to, any shop in the Rotorua District that, before the commencement of this Act, was entitled to be open on Easter Sunday under the Shop Trading Hours Act Repeal Act 1990. 30 35

- 7 Effect of certain provisions in leases, licences, contracts, covenants, and agreements**
- (1) A mandatory opening provision in a lease, licence, contract, covenant, or agreement entered into or made before the commencement of this Act must not be interpreted as requiring shops in the Rotorua District to be open on Easter Sunday during the period from 9 am to 5 pm. 5
- (2) **Subsection (1)** does not apply to a shop in the Rotorua District that, before the commencement of this Act, was entitled to be open on Easter Sunday under the Shop Trading Hours Act Repeal Act 1990. 10