

## 6. SHOP TRADING HOURS ACT REPEAL (EASTER TRADING) AMENDMENT BILL - SUBMISSION TO PARLIAMENT

<b>General Manager responsible:</b>	General Manager Regulation and Democracy Services, DDI 941 8549
<b>Officer responsible:</b>	Legal Services Unit Manager
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### PURPOSE OF REPORT

1. To propose a draft submission for the Council to consider on the Shop Trading Hours Act Repeal (Easter Trading) Amendment Bill.

### EXECUTIVE SUMMARY

2. The Legal Services Unit presented a seminar to the Council on 11 July 2006, on two bills that propose amending the Shop Trading Hours Act Repeal Act 1990; the Easter Sunday Shop Trading Amendment Bill introduced to Parliament by Jacqui Dean (the Dean Bill) and the Shop Trading Hours Act Repeal (Easter Trading) Amendment Bill, introduced to Parliament by Steve Chadwick (the Chadwick Bill).
3. At the seminar it was noted that the Dean Bill has no implications for the Council, but the Chadwick Bill has implications for the Council, because it will enable territorial authorities to decide whether retail shops in their districts should be open on Easter Sunday, and will require territorial authorities, before making any such decision, to consult their communities by adopting the special consultative procedure provided for in Part 6 of the Local Government Act 2002.
4. The following options in relation to submissions on the Bills were put to the Council at the seminar:
  - (a) Support a combination of the amendments proposed in the two Bills.
  - (b) Support the Dean Bill in part or total, and oppose or make no submissions on the Chadwick Bill.
  - (c) Support the Chadwick Bill in part or in total, and oppose or make no submissions on the Dean Bill.
  - (d) Oppose both Bills.
  - (e) Oppose both Bills and put forward another proposal.
  - (f) Not make any submissions on the Bills.
5. Staff received guidance on the general views of the Council . This guidance indicated the Council's wish to make a submission opposing the Chadwick Bill. There appears to be no need for a submission on the Dean Bill, given the Council's view that it does not promote or necessarily support that Bill.
6. Attached to this report, as appendix 1, is a draft submission to the Select Committee on the Chadwick Bill.
7. As the Council's submission must be lodged with the Select Committee by 28 July 2006, the content of the submission, and whether anyone will appear to speak to the submission (and who that person/persons will be) must be resolved at this meeting.

## **FINANCIAL AND LEGAL CONSIDERATIONS**

8. If the Chadwick Bill is passed then the financial considerations for the Council are that it is likely to be required to undertake a special consultative procedure (SCP) to ascertain the views of its community on Easter Sunday trading. Carrying out a SCP incurs cost for the Council. A rough estimate of the cost of an average SCP process is \$30,000. (The cost for any specific SCP will differ depending on the issue being consulted on. The variables include advertising costs (more advertising may need to be done on a more significant issue), staff time costs (depends on the extent of the issue and number of hearings, etc), and the hearing costs themselves.)
9. If the Chadwick Bill is not passed then there are no financial considerations for the Council.

## **STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Adopt the draft submission attached as appendix 1.
- (b) Resolve whether or not the Council wishes to appear before the Select Committee in support of its submission, and if so, who will represent the Council before the Select Committee.