

Shop Trading Hours Act Repeal (Easter Trading) Amendment Bill

12 June 2006

Attorney-General

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990:

SHOP TRADING HOURS ACT REPEAL (EASTER TRADING) AMENDMENT BILL

1. We have considered the Shop Trading Hours Act Repeal (Easter Trading) Amendment Bill ("the Bill") for consistency with the New Zealand Bill of Rights Act 1990 ("the Bill of Rights Act"). The Bill is a Member's Bill in the name of Steve Chadwick MP. It is our understanding that the next Members' day is scheduled for Wednesday, 14 June 2006.
2. The Bill amends the Shop Trading Hours Act Repeal Act 1990 to enable territorial authorities to decide whether retail shops in their districts may be open on Easter Sunday. The proposed amendments 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.
3. The Bill extends the protective provisions under the Act, which are afforded to garden centres and their employees, to those affected by the Bill. These provisions include protecting employees with existing employment agreements from being required to work on Easter Sunday except by agreement; and protecting shops from being required to open on Easter Sunday under any mandatory opening provision in existing leases, except by agreement.
4. We refer to the advice prepared on the consistency of the Easter Sunday Shop Trading Amendment Bill with the Bill of Rights Act. For the reasons stated in that advice, in relation to trading on Easter Sunday, we have concluded that this Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act, in particular, the right to manifest one's own religion.

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