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25 July 2006

Clerk of the Committee
Commerce Select Committee
Select Committee Buildings
Parliament Buildings
WELLINGTON

Dear Sir

SUBMISSION – EASTER SUNDAY SHOP TRADING AMENDMENT BILL

This submission is from the Rotorua Chamber of Commerce Incorporated. We wish to appear before the Committee to speak to our submission through the suggested Rotorua video link.

The Rotorua Chamber of Commerce is an affiliated member of the New Zealand Chambers of Commerce & Industry (Inc) (NZCCI), the national body for 30 Chambers of Commerce members throughout New Zealand. At the Annual General Meeting of NZCCI on 17 November 2005, the NZCCI unanimously supported a remit to support an amendment to the Shop Trading Hours Repeal Act 1990 so that territorial local authorities in conjunction with their communities would be empowered to make the decision as to whether Easter Trading should be allowed in their regions.

The Rotorua Chamber of Commerce represents over 450 organisations in the city of Rotorua, the principal tourist destination of New Zealand recording the highest number of international tourist visitor stay nights. Over 80 of the organizations membership are retail businesses in the city.

We have been provided with the mandate to speak on behalf of our membership as a result of focus group activity and the results of a recent membership survey.

During Easter 2005 and the hosting of a major Jambalaya Festival, Rotorua visitor accommodation industry was recorded as achieving very close to 100% occupancy reflecting approximately 10,000 visitors. In addition to these visitors staying in commercial accommodation, the monthly Private Accommodation Monitor suggests that a further 10,000 visitors are staying with friends and relatives, The population of Rotorua at Easter swells from 70,000 to close to 90,000.

With a strong tradition of hosting visitors to the city, the visitor industry is always seeking better and more effective methods of meeting customer needs. On Easter Sunday 2005 and prompted by the hosting of the Jambalaya festival, many retail operators participated in a colourful street market. This was a popular market and support of the event was evident from locals and visitors alike. Unfortunately it did attract the attention of Department of Labour officials and prosecutions for breeches of the Shop Trading Act eventuated.

As a result of this unfortunate consequence, The Rotorua Chamber of Commerce established a focus group to consider possible strategies to address this apparent anomaly in Easter Sunday trading between various tourist centres. The membership of this focus group was drawn from the Chamber of Commerce Executive, Rotorua District Council, Ready to Retail (an independent retailers association), a number of local owners of retail businesses and Steve Chadwick, the Member of Parliament for Rotorua. The first meeting of this focus group was 26 April 2005.

The outcome from this focus group was to:

1. Adopt a 'whole of business community' approach to seek an amendment to current legislation.
2. Through a series of surveys targeted at different sector groups, gauge the level of public support for changes to current legislation
3. Through the individual networks of the participants of the focus group seek support for change.
4. Cooperate on the formulation of an amendment to the current legislation

Survey results:

Summary of results of various Easter Trading Surveys

Steve Chadwicks Survey						
102 responses						
If yes, want ES trading?	Not compulsory to work?	Parliament	Councils	Would work on ES	Would shop on ES	Re-submit bill
44	50	35	25	23	39	41
58	58	58	58	58	58	58
76%	86%	60%	43%	40%	67%	71%

Easter Sunday Trading Survey Results- Chamber of Commerce Membership				
125 Respondents				
	The unavailability of retail services over Easter seriously impacts Rotorua's ability to provide services to visitors to the city	Retail outlets should be open on Easter Sunday (Retail outlets are broadly defined as any organisation that sells goods and services direct to the public)	Retailers should have the right to choose whether they open on Easter Sunday	Local Authorities after consultation should have the right to decide whether retailers in their region can open on Easter Sunday
Strongly Disagree	0.80%	3.20%	2.40%	8.80%
Disagree	4.00%	3.20%	4.00%	16.80%
Neither agree nor disagree	1.60%	5.60%	2.40%	12.00%
Agree	23.20%	33.60%	22.40%	19.20%
Strongly Agree	70.40%	54.40%	69.60%	42.40%

Easter Sunday Trading Survey Results- Swap Membership

28 respondents

	The unavailability of retail services over Easter seriously impacts Rotorua's ability to provide services to visitors to the city	Retail outlets should be open on Easter Sunday (Retail outlets are broadly defined as any organisation that sells goods and services direct to the public)	Retailers should have the right to choose whether they open on Easter Sunday	Local Authorities after consultation should have the right to decide whether retailers in their region can open on Easter Sunday
Strongly Disagree	0.00%	0.00%	0.00%	17.86%
Disagree	0.00%	3.57%	3.57%	14.29%
Neither agree nor disagree	3.57%	10.71%	0.00%	7.14%
Agree	14.29%	17.86%	10.71%	17.86%
Strongly Agree	82.14%	64.29%	85.71%	42.86%

Network Support:

1. At the Annual General Meeting of the New Zealand Chambers of Commerce unanimous support was given to a remit to amend the legislation.
2. At the Local Government New Zealand Annual Conference in July 2005, a remit was passed to support an amendment to the Shop Trading Hours Act to empower local authorities to use special consultative processes to determine local authority area population authority for Easter Sunday Trading

Formulation of the Amendment

All members of the focus group had the opportunity for input into the formulation of the amendment by the Rotorua District Council prior to the bill being passed to MP Steve Chadwick.

Community support for the bill

The Daily Post, Rotorua's only local daily newspaper, joined with the Chamber of Commerce, Retail Rotorua, Destination Rotorua Economic Development and MP Steve Chadwick to coordinate a petition to Parliament endorsing the amendment to current legislation. This petition of 3136 signatures was presented to the House on 29 June and will be tabled to the select committee in support of the amendment.

The petition also had the support of the SKAL Club of Rotorua, an association of senior executives from all of the major tourist attractions and hospitality establishments in the city.

Support – Key Points

The Chamber of Commerce, mandated by its membership and supported by public opinion strongly supports the bill for the following reasons:

1. The current law restricting shop trading hours over Easter is inequitable in its application. Retailers in Taupo, the closest town to Rotorua, may openly trade on Easter Sunday, Rotorua may not.
2. The Shop Trading Hours Repeal Act 1990 restricts trading on Good Friday and Easter Sunday to shops that: sell food, drink, household items, personal items, automotive fuels & accessories, souvenirs, duty free goods, food for immediate consumption, sell books at public passenger terminals, pharmacies, are at bona fide exhibitions. The Repeal Act of 2001 provided a further exemption to garden centres on Easter Sunday. The former Shop Trading Hours Commission provided exemptions to some towns & locations from 1981 - 89 but there is no legal mechanism to extend this list. In Rotorua this has resulted in adjacent retail outlets having different legally permitted hours of opening over the Easter period.
3. There is strong support for the amendment from the population of Rotorua, both resident and business, as indicated by the survey results and petition tabled.
4. There is wide support for the devolution of the decision to allow Easter Trading to local authorities as indicated by the support of the Local Government NZ Annual Conference and the New Zealand Chambers of Commerce Annual General Meeting.
5. The Chamber recognizes the importance of employee rights and their right to choose to work on Easter Sunday. Any social issues purported to be a justification for this law are covered adequately by the Employment Relations Act and Holidays Act. We endorse the inclusion in MP Steve Chadwick's bill for the protection of the rights of the employee. Employees who do not wish to work at Easter cannot be forced to do so by employers.

In conclusion we support the adoption of the Shop Trading Hours Act Repeal (Easter Trading) Amendment Bill.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Gordon', with a long horizontal flourish extending to the right.

Roger Gordon
CHIEF EXECUTIVE