

Minutes of a Panel Hearing of Submissions on the Draft Easter Sunday Shop Trading Policy 2025 held on Tuesday, 11 February 2025 in the Council Chambers, 10 Gorge Road, Queenstown beginning at 1.30pm

Present:

Councillor M Wong (Chair), Councillor L Cocks, and Councillor N Gladding

In attendance:

Carrie Williams (Policy Manager Strategy and Policy), Anthony Hall (Regulatory Manager), and Sophie Millar (Democracy Services Advisor)

No media, no members of the public were present.

Apologies

There were no apologies.

Commencement of Hearing

The Democracy Services Advisor called the meeting to order inviting the elected members to elect a chair.

On the motion of Councillor Cocks and Councillor Gladding it was resolved that Councillor Wong be elected to chair the hearing.

Motion carried.

Councillor Wong assumed the chair.

Declarations of Conflicts of Interest

There were no conflicts of interest.

Confirmation of Agenda

On the motion of Councillor Gladding and Councillor Cocks it was resolved that the agenda be confirmed without addition or alteration.

Motion carried.

Officer Report

Ms Williams took her report as read, highlighted that the only oral submitter had since withdrawn from the hearing, and noted the role of the panel would be to focus on receiving written submissions and making a recommendation to Council on a final policy.

Questions from panel

Questions from the panel focused on the role of Queenstown Lakes District Council (QLDC) in monitoring and enforcement of the policy as this is the responsibility of the Ministry of Business, Innovation and Employment (MBIE). Secondly, it was queried how MBIE would monitor and enforce the policy given they do not have offices or permanent staff in the area. It was noted that QLDC and MBIE have done joint investigations, and MBIE do have staff that can be sent into the district when needed.

Further questions from the panel focused on the potential addition of a clear review clause, and clarification of the 'rolling' 3-year policy review.

It was queried whether QLDC could circulate advice/communications on the relevant legislation annually ahead of Easter to both employees and employers if the panel were to include a recommendation to Council to include educational guidance within the policy.

Hearing of Submissions

There were no oral submissions, although the panel noted there was initially one submitter that had since withdrawn.

Deliberations

Deliberations initially focused on how to ensure policy doesn't negatively impact people, with emphasis on the districts migrant population. Specifically, that there is no explicit review clause in the draft policy, and it was noted that comparable policies in other districts include review clauses. Ms Williams noted it was likely a legislative oversight that no review clause/restriction had been included, reiterated the 3-year review period, and noted that the legislation is permissible in extending this timeframe should the panel wish to recommend this to Council.

The panel discussed the inclusion of wording to highlight the 3-year review cycle for public awareness, however decided the table in the draft policy stipulating the 3-year review cycle i.e. 'next review March 2028' was sufficient.

Further discussion included the merits of employee/ employer surveys at the time of policy review to discern how the policy was impacting businesses and employees, focussing on responsibilities of compliance. Concerns were voiced over the additional workload this may cause.

It was discussed whether to recommend to Council the inclusion of annual educational communications at Easter time around responsibilities under the relevant legislation (for both employers and employees). Concerns included potential issues with QLDC being perceived as giving legislative advice to employees and employers. There was unanimous support from the panel that the legislative provisions relevant to the policy be communicated for educational purposes to employees/employers annually ahead of Easter.

Support for the suggested change in wording under paragraph 18 in the officer report was unanimous.

The panel discussed the format of a revised recommendation following the recommendation to Council to include the relevant legislative obligations, noting the addition was not a condition of the overall recommendation to Council.

Original recommendation:

That the Hearing Panel:

1. **Note** the contents of this report;
2. **Receive** all written submissions to the draft Easter Sunday Shop Trading Policy 2025; and
3. **Recommend** to Council a final form of the Easter Sunday Shop Trading Policy 2025 to be adopted, following consideration of public feedback from the submissions.

Revised recommendation:

That the Hearing Panel:

1. **Note** the content of this report;
2. **Receive** all written submissions to the draft Easter Sunday Shop Trading Policy 2025;
3. **Recommend** to Council a final form of the Easter Sunday Shop Trading Policy 2025 to be adopted, following consideration of public feedback from the submissions; and
4. **Recommend** that Council include an outline of the Employment Relations Act 2000 obligations relevant to the draft policy.

On the motion of Councillor Cocks and Councillor Gladding it was resolved that the Hearing Panel:

1. **Note** the content of this report;
2. **Receive** all written submissions to the draft Easter Sunday Shop Trading Policy 2025; and
3. **Recommend** to Council a final form of the Easter Sunday Shop Trading Policy 2025 to be adopted, following consideration of public feedback from the submissions.
4. **Recommend** that Council include an outline of the Employment Relations Act 2000 obligations relevant to the draft policy.

Motion carried.

The hearing concluded at 2.05pm

ADDENDUM: 21 February 2025

After the conclusion of the hearing, it was determined that the discussion manifested confusion over which legislation relevant to the draft policy included the provisions that the panel had discussed and recommended be communicated for educational purposes to employees/employers annually ahead of Easter (e.g. relating to the employee's right to refuse work and associated employee responsibilities). After consultation with officers, the panel agreed over email that the relevant legislation, which should have been cited in point 4 of the resolution carried at the hearing, was in fact "the Shop Trading Hours Act 1990" rather than "the Employment Relations Act 2000."