



**Committee Secretariat
Commerce Select Committee
FREEPOST Parliament
Parliament Buildings
Wellington 6160**

November 2015

Submission

Shop Trading Hours Amendment Bill

- 1.1** This submission is being made by Family First NZ, a registered charitable organisation that researches and advocates on family issues in the public domain.
- 1.2** **Family First OPPOSES the Bill**
- 1.3** We reject any liberalisation of Easter trading laws because workers deserve this special annual break to spend time with their families. A focus on economic improvement should never come at the cost of weakening the quality and special time that families can spend together. Anzac Day, Easter, and Christmas remain as the few times when the whole country stops and takes a break.

KEEP THE CULTURE

- 1.4** Benefits of a workforce taking holidays as a nation is not quantifiable. Observing religious and cultural holidays is not quantifiable. It is also difficult to quantify the value of work life balance. Yet research shows that families want more time together, kiwis are working too long, and Easter weekend is traditionally about family reunions, family camps, family holidays, and church attendance together.

- 1.5 The only people who will celebrate this law change will be those who will make the most money from it.
- 1.6 Public holidays are traditions. They create rituals for families, not based on shopping but on celebrating together, reconnecting, and making memories. Polls and research¹ have shown that both parents and children want to spend more time doing family things like picnics and holidays together. However, this is becoming increasingly difficult as the retail industry is required to work almost every day of the year, and shoppers focus on the holiday specials.
- 1.7 Rabbi Jonathan Sacks in *The Politics of Hope* said “Public parks make no economic sense at all. We leave a whole lot of space unbuilt on and not capitalised in any way, but that is not the reason we have them. We have parks because they do us good.... They do not make economic sense but they do us good.”²

CURRENT LAW ‘OUT OF DATE’ AND ‘UNFAIR’?

- 1.8 The Workplace Relations and Safety Minister stated, when introducing this Bill: “*The historical Easter Sunday shop trading exemptions are out of date and create an unfair advantage for certain businesses and regions that can continue trading while others stay shut. We know there is a demand from communities across the country to allow for shop trading on Easter Sunday, particularly from those districts who rely on tourism.*”³
- 1.9 We note that the liberalisation of the trading laws in this Bill only applies to Easter Sunday. If the arguments used by the Minister above were true, (which they aren’t), there would be no justification for opposing the liberalisation of Good Friday, Christmas Day and Anzac Day. Is that the ultimate goal?
- 1.10 The ‘unfair advantage’ referred to has only come about because of the inconsistent *application* of the law – not because of the law itself. Towns do have every right to protest that neighbouring towns can stay open when they can’t. The law needs to be consistent and enforced.
- 1.11 The Ministry of Business, Employment and Innovation (MBIE) should enforce the legislation rather than allow traders to deliberately flout the law.⁴

¹ http://www.stats.govt.nz/browse_for_stats/snapshots-of-nz/nz-social-indicators/Home/Social%20connections/contact-young-ppl-parents.aspx

² <http://www.rabbisacks.org/books/the-politics-of-hope/>

³ <http://www.beehive.govt.nz/release/easter-sunday-shop-trading-bill-introduced>

⁴ http://www.nzherald.co.nz/business/news/article.cfm?c_id=3&objectid=11242385

- 1.12** The inconsistency will also continue because one local authority may allow Easter Sunday trading while another local authority nearby may not change the restriction. This Bill does nothing to change that inconsistency. What *will* fix the inconsistency is for the law to be applied evenly and consistently across the nation.
- 1.13** Contrary to the claim, tourists will cope. Many countries have public holidays with shops closed, and tourists simply plan around it, accepting it as part of the local culture and identity. New Zealanders love visiting Pacific Island nations and still manage to enjoy themselves even when everything shuts down on a Sunday. There are two days that the whole of India is closed and they are not religious days; they are the Republic Day of India and Independence Day.⁵ Similar situations apply in other countries, for example Israel,⁶ and Islamic countries⁷. The current law is *not* out of date with international experience.
- 1.14** To argue that liberalising trading laws is justified because shoppers are able to shop online is a flawed argument. If it was a valid argument, retailers in NZ would have to be open 24/7.
- 1.15** This is also not an issue about choice as has been argued. For many workers, they don't have the luxury of choice as to whether they work or not. Coercion by employers on employees will be strong.
- 1.16** This is not about a religious holiday time relevant to only a proportion of the population. Anzac Day is also a day where shops must remain closed and has nothing to do with Christian celebrations. Many families do not observe the religious association with Christmas Day but it is still an important and vital family time in our culture. We should keep the culture.

CONSCIENCE VOTE

- 1.17** We are calling for National MPs to be allowed a conscience vote on this issue which has always been very contentious and for which individual politicians from all parties have held wide-ranging views. The Prime Minister has previously stated that "*Easter trading has always been a conscience vote in Parliament, so MPs are not bound by party lines...*"⁸

⁵ http://www.parliament.nz/en-nz/pb/debates/debates/51HansD_20151103_00000040/shop-trading-hours-amendment-bill---first-reading

⁶ http://goisrael.com/Tourism_Eng/Tourist%20Information/Discover%20Israel/Pages/Markets%20and%20Shopping.aspx

⁷ <http://saudiarabia.angloinfo.com/lifestyle/shopping/>

⁸ "Sorting out Easter trading not easy" Newstalk ZB 8 April 2010

'HOSPITAL PASS' TO LOCAL COUNCILS

- 1.18** Changes to trading laws should be done at a national level. It is the ad hoc local application of the laws that has led to the confusion and inconsistency over the past number of years.
- 1.19** This Bill will have similar problems to the decriminalisation of prostitution which has resulted in both residential areas and family shopping areas being affected, and local councils either powerless to act or unable to reflect the concerns and demands of their local communities. The cost of compliance and policy development will become a liability for local bodies.
- 1.20** We wish to appear before the Select Committee.



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