

Reprint
as at 1 April 2017



Minimum Wage Order 2016
(LI 2016/38)

Minimum Wage Order 2016: revoked, on 1 April 2017, by clause 7 of the Minimum Wage Order 2017 (LI 2017/11).

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 29th day of February 2016

Present:

The Right Hon John Key presiding in Council

This order is made under sections 4, 4A, and 4B of the Minimum Wage Act 1983 on the advice and with the consent of the Executive Council and on the recommendation of the Minister for Workplace Relations and Safety after complying with section 5(2) of that Act.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This order is administered by the Ministry of Business, Innovation, and Employment.

7 Revocation

5

Order

1 Title

This order is the Minimum Wage Order 2016.

2 Commencement

This order comes into force on 1 April 2016.

3 Interpretation

(1) In this order, unless the context otherwise requires,—

Act means the Minimum Wage Act 1983

adult worker—

- (a) means a worker aged 16 years or more to whom the Act applies; but
- (b) does not include—
 - (i) a starting-out worker; or
 - (ii) a trainee

industry training programme means an industry training programme that leads to a qualification that is registered on the New Zealand Qualifications Framework maintained by the New Zealand Qualifications Authority pursuant to its functions under section 246A of the Education Act 1989

specified social security benefit means the following:

- (a) domestic purposes benefit:
- (b) emergency benefit:
- (c) independent youth benefit:
- (d) invalid's benefit:
- (e) jobseeker support:
- (f) sickness benefit:
- (g) sole parent support:
- (h) supported living payment:
- (i) unemployment benefit:
- (j) widow's benefit:
- (k) young parent payment:
- (l) youth payment

starting-out worker means—

- (a) a worker aged 16 or 17 years to whom the Act applies and who—

- (i) has not completed 6 months' continuous employment with his or her current employer; and
- (ii) is not involved in supervising or training other workers:
- (b) a worker aged 18 or 19 years to whom the Act applies and who—
 - (i) has been continuously paid 1 or more specified social security benefits for not less than 6 months; and
 - (ii) has not completed 6 months' continuous employment with any employer (excluding any employment undertaken before the worker started to be paid any 1 or more specified social security benefits); and
 - (iii) is not involved in supervising or training other workers:
- (c) a worker aged 16, 17, 18, or 19 years to whom the Act applies and who—
 - (i) is required by his or her contract of service to undertake at least 40 credits a year of an industry training programme for the purpose of becoming qualified for the occupation to which the contract of service relates; and
 - (ii) is not involved in supervising or training other workers

trainee means a worker who is aged 20 years or more to whom the Act applies and who—

- (a) is required by his or her contract of service to undertake at least 60 credits a year of an industry training programme for the purpose of becoming qualified for the occupation to which the contract of service relates; and
 - (b) is not involved in supervising or training other workers.
- (2) Terms or expressions used and not defined in this order but defined in the Act have, in this order, the same meaning as in the Act.

4 Minimum adult rates

The following rates are the minimum rates of wages payable to an adult worker:

- (a) for an adult worker paid by the hour or by piecework, \$15.25 per hour:
- (b) for an adult worker paid by the day,—
 - (i) \$122 per day; and
 - (ii) \$15.25 per hour for each hour exceeding 8 hours worked by a worker on a day:
- (c) for an adult worker paid by the week,—
 - (i) \$610 per week; and

- (ii) \$15.25 per hour for each hour exceeding 40 hours worked by a worker in a week:
- (d) in all other cases,—
 - (i) \$1,220 per fortnight; and
 - (ii) \$15.25 per hour for each hour exceeding 80 hours worked by a worker in a fortnight.

5 Minimum starting-out rates

The following rates are the minimum rates of wages payable to a starting-out worker:

- (a) for a starting-out worker paid by the hour or by piecework, \$12.20 per hour:
- (b) for a starting-out worker paid by the day,—
 - (i) \$97.60 per day; and
 - (ii) \$12.20 per hour for each hour exceeding 8 hours worked by a starting-out worker on a day:
- (c) for a starting-out worker paid by the week,—
 - (i) \$488 per week; and
 - (ii) \$12.20 per hour for each hour exceeding 40 hours worked by a starting-out worker in a week:
- (d) in all other cases,—
 - (i) \$976 per fortnight; and
 - (ii) \$12.20 per hour for each hour exceeding 80 hours worked by a starting-out worker in a fortnight.

6 Minimum training rates

The following rates are the minimum rates of wages payable to a trainee:

- (a) for a trainee paid by the hour or by piecework, \$12.20 per hour:
- (b) for a trainee paid by the day,—
 - (i) \$97.60 per day; and
 - (ii) \$12.20 per hour for each hour exceeding 8 hours worked by a trainee on a day:
- (c) for a trainee paid by the week,—
 - (i) \$488 per week; and
 - (ii) \$12.20 per hour for each hour exceeding 40 hours worked by a trainee in a week:
- (d) in all other cases,—
 - (i) \$976 per fortnight; and

- (ii) \$12.20 per hour for each hour exceeding 80 hours worked by a trainee in a fortnight.

7 Revocation

The Minimum Wage Order 2015 (LI 2015/40) is revoked.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 1 April 2016, revokes and replaces the Minimum Wage Order 2015.

The order increases the minimum rates of pay for adult workers, starting-out workers, and trainees. The new minimum hourly rates of pay are as follows:

- \$15.25 per hour for adult workers (increased from \$14.75 per hour); and
- \$12.20 per hour for starting-out workers and trainees (increased from \$11.80 per hour).

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 3 March 2016.

Reprints notes

1 *General*

This is a reprint of the Minimum Wage Order 2016 that incorporates all the amendments to that order as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Minimum Wage Order 2017 (LI 2017/11): clause 7