

**Reprint
as at 1 April 2010**



Minimum Wage Order 2009

(SR 2009/28)

Minimum Wage Order 2009: revoked, on 1 April 2010, by clause 7 of the Minimum Wage Order 2010 (SR 2010/31).

Anand Satyanand, Governor-General

Order in Council

At Wellington this 23rd day of February 2009

Present:

His Excellency the Governor-General in Council

Pursuant to section 4 of the Minimum Wage Act 1983, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following order.

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This order is administered by the Department of Labour.

Contents

| | | Page |
|---|---------------------------|------|
| 1 | Title | 2 |
| 2 | Commencement | 2 |
| 3 | Interpretation | 2 |
| 4 | Minimum adult rates | 3 |
| 5 | Minimum new entrant rates | 3 |
| 6 | Minimum training rates | 3 |
| 7 | Revocation | 4 |

Order

1 Title

This order is the Minimum Wage Order 2009.

2 Commencement

This order comes into force on 1 April 2009.

3 Interpretation

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 a trainee or a new entrant

industry training programme means an industry training programme that is registered on the National Qualifications Framework developed by the New Zealand Qualifications Authority pursuant to its functions under section 253 of the Education Act 1989

new entrant has the same meaning as in section 4(1) of the Act

trainee means a worker who is—

- (a) aged 16 years or more to whom the Act applies; and
- (b) required by his or her contract of service to undertake at least 60 credits a year of an industry training programme for the purposes of becoming qualified for the occupation to which the contract of service relates.

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, \$12.50 per hour:
- (b) for an adult worker paid by the day,—
 - (i) \$100 per day; and
 - (ii) \$12.50 per hour for each hour exceeding 8 hours worked by a worker on a day:
- (c) in all other cases,—
 - (i) \$500 per week; and
 - (ii) \$12.50 per hour for each hour exceeding 40 hours worked by a worker in a week.

5 Minimum new entrant rates

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

- (a) for a new entrant paid by the hour or by piecework, \$10.00 per hour:
- (b) for a new entrant paid by the day,—
 - (i) \$80.00 per day; and
 - (ii) \$10.00 per hour for each hour exceeding 8 hours worked by a new entrant on a day:
- (c) in all other cases,—
 - (i) \$400 per week; and
 - (ii) \$10.00 per hour for each hour exceeding 40 hours worked by a new entrant in a week.

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, \$10.00 per hour:
- (b) for a trainee paid by the day,—
 - (i) \$80.00 per day; and
 - (ii) \$10.00 per hour for each hour exceeding 8 hours worked by a trainee on a day:
- (c) in all other cases,—
 - (i) \$400.00 per week; and

- (ii) \$10.00 per hour for each hour exceeding 40 hours worked by a trainee in a week.

7 Revocation

The Minimum Wage Order 2008 (SR 2008/13) is revoked

Rebecca Kitteridge,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 26 February 2009.

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
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Notes

1 *General*

This is a reprint of the Minimum Wage Order 2009. The reprint incorporates all the amendments to the order as at 1 April 2010, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Minimum Wage Order 2010 (SR 2010/31): clause 7
