

Version  
as at 1 April 2022



## Minimum Wage Order 2021

(LI 2021/24)

Minimum Wage Order 2021: revoked, on 1 April 2022, by clause 7 of the Minimum Wage Order 2022 (SL 2022/44).

Patsy Reddy, Governor-General

### Order in Council

At Wellington this 22nd day of February 2021

Present:

The Right Hon Jacinda Ardern presiding in Council

This order is made under sections 4, 4A, and 4B of the Minimum Wage Act 1983—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Workplace Relations and Safety made after complying with section 5(2) of that Act.

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#### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

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

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## Order

### 1 Title

This order is the Minimum Wage Order 2021.

### 2 Commencement

This order comes into force on 1 April 2021.

### 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 433 of the Education and Training Act 2020

**specified social security benefit** means the following:

- (a) emergency benefit:
- (b) jobseeker support:
- (c) sole parent support:
- (d) supported living payment:
- (e) young parent payment:
- (f) 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 their 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 their 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 their 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, \$20 per hour:
- (b) for an adult worker paid by the day,—
  - (i) \$160 per day; and
  - (ii) \$20 per hour for each hour exceeding 8 hours worked on a day:
- (c) for an adult worker paid by the week,—
  - (i) \$800 per week; and
  - (ii) \$20 per hour for each hour exceeding 40 hours worked in a week:
- (d) in all other cases,—
  - (i) \$1,600 per fortnight; and
  - (ii) \$20 per hour for each hour exceeding 80 hours worked 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, \$16 per hour:
- (b) for a starting-out worker paid by the day,—
  - (i) \$128 per day; and
  - (ii) \$16 per hour for each hour exceeding 8 hours worked on a day:
- (c) for a starting-out worker paid by the week,—
  - (i) \$640 per week; and
  - (ii) \$16 per hour for each hour exceeding 40 hours worked in a week:
- (d) in all other cases,—
  - (i) \$1,280 per fortnight; and
  - (ii) \$16 per hour for each hour exceeding 80 hours worked 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, \$16 per hour:
- (b) for a trainee paid by the day,—
  - (i) \$128 per day; and
  - (ii) \$16 per hour for each hour exceeding 8 hours worked on a day:
- (c) for a trainee paid by the week,—
  - (i) \$640 per week; and
  - (ii) \$16 per hour for each hour exceeding 40 hours worked in a week:
- (d) in all other cases,—
  - (i) \$1,280 per fortnight; and
  - (ii) \$16 per hour for each hour exceeding 80 hours worked in a fortnight.

**7 Revocation**

The Minimum Wage Order 2020 (LI 2020/9) 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 2021, revokes and replaces the Minimum Wage Order 2020.

This 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:

- \$20 per hour for adult workers (increased from \$18.90 per hour); and
- \$16 per hour for starting-out workers and trainees (increased from \$15.12 per hour).

Issued under the authority of the Legislation Act 2019.  
Date of notification in *Gazette*: 25 February 2021.

**Notes****1 *General***

This is a consolidation of the Minimum Wage Order 2021 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

**2 *Legal status***

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

**3 *Editorial and format changes***

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

**4 *Amendments incorporated in this consolidation***

Minimum Wage Order 2022 (SL 2022/44): clause 7