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Employment of Non-Citizens Act 2007

I, the Honorable Mark Ivi Maipakai, MP, the Minister for Labour and Industrial Relations in by virtue of the powers conferred on me under Section 51 (1) of the *Employment of Non-Citizens Act 2007* and all other powers enabling hereby declare to be that non-citizens who are employed by contracted Service Providers to provide services at places in Manus Province that have been declared by the Minister for Foreign Affairs and Immigration to be relocation centres for the accommodation of refugees or non-citizens claiming to be refugees under Section 15B of the *Migration Act 1979* exempt from Section 6 of the *Employment of Non-Citizens Act 2007*.

This exemption only applies to non-citizens employed in occupations designated to be open to both PNG citizens and non-citizens within the Papua New Guinea Classification of Occupations List.

This exemption does not limit nor prohibit the full application of Sections 12, 13, 14, 15 and 16 of the Act.

Pursuant to Section 51 (2) of the *Employment of Non-Citizens Act 2007*, the following specific conditions are also placed against this exemption:

- 1 For the contracted Service providers at places in Manus Province that have been declared by the Minister for Foreign Affairs and Immigration to be relocation centres for the accommodation of refugees or non-citizens claiming to be refugees under Section 15B of the *Migration Act 1979*, they are to take all reasonable steps to provide employment opportunities to citizens and residents of Manus Province in accordance with the *Employment of Non-Citizens Act 2007*;
- 2 For the contracted Service Providers at places in Manus Province that have been declared by the Minister for Foreign Affairs and Immigration to be relocation centres for the accommodation of refugees or non-citizens claiming to be refugees under Section 15B of the *Migration Act 1979*, they are to take all reasonable steps to provide opportunities for human resource development and skills training to its employees who are citizens and residents of Manus Province;
- 3 For the contracted Service Providers at places in Manus Province that have been declared by the Minister for Foreign Affairs and Immigration to be relocation centres for the accommodation of refugees or non-citizens claiming to be refugees under Section 15B of the *Migration Act 1979*, it will be necessary to register all their non-citizen employees who require recognition with the appropriate professional assessing bodies;

Employment of Non-Citizens Act 2007—continued

- 4 For the contracted Service Providers at places in Manus Province that have been declared by the Minister for Foreign Affairs and Immigration to be relocation centres for the accommodation of refugees or non-citizens claiming to be refugees under Section 15B of the *Migration Act* 1979, it will be required that this gazettal notice be easily accessible and available at the time of any applicable work permit inspection by DLIR authorized officers; and
- 5 For the contracted Service Providers at places in Manus Province that have been declared by the Minister for Foreign Affairs and Immigration to be relocation centres for the accommodation of refugees or non-citizens claiming to be refugees under Section 15B of the *Migration Act* 1979, it will be their responsibility to repatriate their non-citizen staff at the completion of their contracts at the relocation centres. The repatriation of non-citizen staff through regular reporting to the Secretary of the Department of Labour and Industrial Relations.

Dated this at Port Moresby on 29th day of November, 2013.

Hon. M. I. MAIPAKAI,
Minister for Labour & Industrial Relations.