

Employment of Non-Citizens Regulation 2008

Unvalidated References:

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 2 April 2009 and in force at 2 April 2009.

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Legislative Counsel

Dated 2 April 2009

No. 8 of 2008.

Employment of Non-Citizens Regulation 2008

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Employment of Non-Citizens Regulation 2008

MADE by the Head of State, acting with, and in accordance with, the advice of the National Executive Council under the Employment of Non-Citizens Act 2007.

PART I. – PRELIMINARY.

1. INTERPRETATION.

(1) In this Regulation, unless the contrary intention appears –
“International English Language Testing System (IELTS)” means the internationally recognised testing system for academic and vocational English;
“the Act” means the Employment of Non-Citizens Act 2007.

(2) Except so far as the contrary intention appears in this Regulation, Section 3 of the Act applies for the purposes of this Regulation.

2. TRANSLATION OF DOCUMENTS.

(1) Where a document is presented by a person for any purpose connected with this Act or Regulation, and the document is not written in English, the person must present at the same time a translation of the document into English.

(2) A translation referred to in Subsection (1) must be accompanied by a statement in English by the translator –

- (a) stating the translator’s full name, address and occupation; and
- (b) identifying the translator’s qualifications for making the translation; and
- (c) certifying the translation is a true and correct translation of the document.

PART II. – PRESCRIBED FORMS.

3. APPLICATION FOR WORK PERMIT.

An application for a work permit under Section 20(1)(a) of the Act shall be in Form 1 of Schedule 1.

4. APPLICATION FOR RENEWAL OF WORK PERMIT.

An application for renewal of a work permit under Section 25(1)(a) of the Act shall be in Form 2 of Schedule 1.

5. APPLICATION FOR BRIDGING WORK PERMIT.

An application for a bridging work permit under Section 23 of the Act shall be in Form 3 of Schedule 1.

6. WORK PERMIT.

A work permit issued under Section 34(1)(a) of the Act shall be in Form 4 of Schedule 1.

7. WORK PERMIT CARD.

A work permit card issued under Section 34(1)(b) of the Act shall be in Form 5 of Schedule 1.

8. EMPLOYER'S REGISTER OF WORK PERMITS.

An employer's register under Section 39 of the Act shall be in Form 6 of Schedule 1.

9. STATEMENT OF ARRANGEMENT FOR REPATRIATION.

A statement of arrangement for repatriation under Section 44 of the Act shall be in Form 7 of Schedule 1.

PART III. – RESERVED AND ADVERTISED OCCUPATIONS.

10. OCCUPATIONS RESERVED FOR CITIZENS.

For the purposes of Section 12(1) of the Act, occupations reserved for citizens are as specified in Schedule 2.

11. OCCUPATIONS TO BE ADVERTISED.

For the purposes of Section 13(1) of the Act, occupations to be advertised within Papua New Guinea are as specified as Schedule 3.

12. FORM OF ADVERTISEMENT.

For the purposes of Section 13(2)(a) of the Act, an advertisement must –

- (a) be placed in at least 1 separate edition of the Post Courier and the National newspapers; and
- (b) clearly define the position offered and the duties to be performed; and
- (c) stipulate the minimum qualifications and experience required to fill the position; and
- (d) measure at least 60 millimetres by 60 millimetres.

13. REPORT ON RECRUITMENT PROCESS.

(1) For the purposes of Section 13(2)(b) of the Act, an employer must submit to the Secretary a report containing –

- (a) 1 original clipping of the advertisement from the Post Courier or the National newspapers; and
- (b) details of the dates on which each advertisement was published; and
- (c) a statement justifying why a citizen is not suitable to fill the position.

(2) The original clipping referred to in Subsection (1)(a) must not be older than 3 months at the time of the report, which period shall be calculated from the closing date for applications.

PART IV. – LANGUAGE PROFICIENCY.

14. NON –CITIZEN DEEMED TO BE PROFICIENT IN ENGLISH.

Unless the Secretary determines otherwise, applicants who are citizens of the countries in Schedule 4 are deemed to be proficient in English.

15. PROOF OF PROFICIENCY IN ENGLISH.

(1) For the purposes of Section 17(1) of the Act, an applicant may prove his or her proficiency in English if the applicant –

- (a) has an International English Language Testing System (IELTS) certificate showing an overall band score of at least 4 in the General or Academic Module; or
- (b) has a certificate from a recognised English Language Instruction Institution which confirms the applicant's proficiency in English; or
- (c) has completed at least 5 years of secondary education at a school or schools that taught in English; or
- (d) has completed a 3 years tertiary qualification that was taught in English; or
- (e) can otherwise show, to the satisfaction of the Secretary, that the applicant is proficient in English.

(2) The certificates referred to in Subregulation (1)(a) and (b) shall not be older than 5 years at the time of application for the work permit.

16. PROOF OF PROFICIENCY IN PISIN OR HIRI MOTU.

An applicant may prove his or her proficiency in Pisin or Hiri Motu in the manner determined to be appropriate by the Secretary under the circumstances.

PART V. – GOOD CORPORATE CITIZENS OF PAPUA NEW GUINEA.

17. BENEFITS TO GOOD CORPORATION CITIZENS.

For the purposes of Section 52(2) of the Act, a Good Corporate Citizen may be granted work permits of up to 5 years in duration.

PART VI. – INFRINGEMENT NOTICES.

18. INFRINGEMENT NOTICE.

An infringement notice shall be in the form specified in Form 8 of Schedule 1.

19. AMOUNT OF INFRINGEMENT NOTICE.

The penalty specified in the infringement notice must not exceed 50 percent of the maximum fine that a court could impose for the offence as set out in Schedule 5.

20. EXTENSION OF TIME TO PAY.

If an infringement notice has been served on a person, the Secretary may, if he or she is satisfied that in all the circumstances it is proper to do so, allow a further period for payment of the penalty than the time period allowed in the infringement notice.

21. WITHDRAWAL OF INFRINGEMENT NOTICE.

The Secretary may withdraw an infringement notice served on a person by serving written notice of the withdrawal on the person –

- (a) within 28 days after the date of service of the infringement notice; or
- (b) if the Secretary allows a further period of time in which to pay the penalty for the offence mentioned in the notice –before the end of the further period.

22. REFUND OF PENALTY IF NOTICE WITHDRAWN.

If an infringement notice has been served on a person –

- (a) the person has paid the prescribed penalty in accordance with the notice; and
- (b) the notice is subsequently withdrawn,

the Secretary must arrange for the refund to the person of an amount equal to the amount paid.

23. PAYMENT OF PENALTY IF NOTICE NOT WITHDRAWN.

If a person served with an infringement notice pays the penalty specified in the infringement notice in accordance with this Section –

- (a) the person's liability in respect of the offence is discharged; and
- (b) further proceedings cannot be taken against the person for the offence; and
- (c) the person is not convicted of the offence.

24. PAYMENT OF PENALTY BY CHEQUE.

If a cheque is offered as payment of all or part of the amount of a penalty specified in an infringement notice, payment is taken not to have been made unless the cheque is honoured on presentation.

25. INFRINGEMENT NOTICE NOT COMPULSORY ETC.,.

Nothing in this Part –

- (a) requires an infringement notice to be served on a person in relation to an offence; or
- (b) affects the liability of a person to be prosecuted for an offence if the person does not comply with an infringement notice; or
- (c) affects the liability of a person to be prosecuted for an offence if an infringement notice is not served on the person in relation to the offence; or
- (d) affects the liability of a person to be prosecuted for an offence if an infringement notice is served and withdrawn; or
- (e) limits the amount of the fine that may be imposed by a court on a person convicted of an offence.

PART VII. – FEES.

26. FEES.

Fees payable under the Act shall be as set out in Schedule 6 in relation to matters specified in that Schedule.

SCHEDULE 1 – PRESCRIBED FORMS.

Employment of Non-citizens Act 2007.

Act, Sec. 20(1)(a) Form 1 Reg. Sec.3
APPLICATION FOR NEW WORK PERMIT
EMPLOYER DETAILS
All answers must be completed in block letters.
Copy of photo page of employee's passport []
Copy of updated curriculum vitae []
Copy of job description []
Certified evidence of education qualifications []
Copy of employment contract signed by both employee and employer []
Two recent, clear, colour passport sized photographs of employee []
Employer's right thumb print mark []
Evidence of membership of professional association (where relevant) []
Evidence of English Language Proficiency []
Employers Certificate of Incorporation from Investment Promotion Authority (IPA) []
Evidence of payment of fee (non –refundable) []
If the applicant does not hold a valid work permit, the applicant is outside PNG []
NATURE OF APPLICATION
1. Is this an application for a General Work Permit? Yes [] No [] (i.e. work of a commercial nature)
2. Is this an application for a Volunteer Work Permit? Yes [] No [] (i.e. work of a non – commercial, voluntary nature)
3. Is this an application for a Short Term Work Permit? Yes [] No [] (i.e. less than six months)
4. Is this an application for a Long Term Work Permit? Yes [] No [] [] (i.e. for six months or

more)
Please indicate term of work permit required:
Short term: 6 Months []
Long term: 1 Year [] 2 Years [] 3 Years [] 5 Years [] (Good Corporate Citizens Only – see Notes) []
For official use only
Recommendation ...
EMPLOYERS DETAILS
All answers must be completed in block letters.
5. Employer: ... 6. Employer Address: ...
7. Tel: 8. Fax: ... 9. e –mail: ...
10. Industrial Division (selected from “PNG Classification of Industrial Divisions”)...
11. Industrial Division Code (selected from “PNG Classification of Industrial Divisions”): ...
12. How many Papua New Guinean employees are employed by this company? ...
13. How many non –citizen employees are employed by this company? ...
POSITION DETAILS
14. Job Title (as per position description): ...
15. Occupation (selected from “PNG Classification of Occupations”): ...
16. Job Code (selected from “PNG Classification of Occupations”): ...
17. Internal Company Position Code: ... 18. Province of Primary Work Location:...
19. Will the employee be required to travel to locations other than the primary work location? Yes No Go to question 21
20. If yes, please provide details: ...
21. Is this position a reserved occupation (see Notes)? Yes [] Application ineligible No [] Go to question 22
22. Is it a requirement that this position be advertised (see Notes)? Yes [] Go to question 23 No [] Go to question 24
23. If yes, attach relevant details (refer Notes): [] Copy of Advertisement [] Details of dates advertised [] Statement

EMPLOYEE DETAILS
36. Is the employee from a designated English Speaking country (see Notes)? Yes [] Go to question 40 No [] Go to question 37
37. If no, has the employee passed a test of English Language Proficiency? Yes [] Provide details at question 38 No [] Go to question 39
38. Evidence of English Language Proficiency: Education Institution Date test undertaken (dd/mm/yy) Results (Attach Certified Copy)
39. Please provide alternative proof of English Language Proficiency (see Notes).
SALARY PACKAGE OF EMPLOYEE
40. What is the total salary package (Salary and Non –salary) of Employee (see Notes)? Salary (i.e. Take Home Pay) Non –salary Allowances Total Salary Package K.. K.. K..
DECLARATION
41. We hereby declare that:
(a) All information provided in this application (including all attached documentation) is true and correct; and
(b) We understand that the provision of false or misleading information may result in the refusal of this application, or, in the event that the work permit is issued, cancellation.
Signature of Employer Signature of Employee COMPANY STAMP
Name of Employer (print) Name of Employee (print) Date
Right thumb print mark of employee
NOTES
This notes are provided to assist applicants with completing this application form. For further information, please refer to the Employment of Non –citizens Act 2007, the Regulation and the Work Permit Guidelines.
1. FEE SCHEDULE
General Long Term Work Permit: K,000 per year
General Short Term Work Permit: K500
Volunteer Long Term Work Permit: K100 per year
Volunteer Short Term Work Permit: K50
2. GOOD CORPORATE CITIZENSHIP

Only employers who have been granted Good Corporate Citizenship status by the
Minister for Labour and Industrial Relations may make application for five (5)
year work permits. For further information, please see the Work Permit Guidelines.
3. RESERVED OCCUPATIONS
Certain positions are reserved for Papua New Guinea citizens. Please refer to the PNG List of Occupations, the Regulation and the Work Permit Guidelines for further information.
4. POSITIONS TO BE ADVERTISED
Certain jobs must be advertised in Papua New Guinea before a work Permit can be issued to a non –citizen.
For further information, please refer to the PNG List of Occupations, the Regulation and the Work Permit Guidelines. Where it is a requirement that a position be advertised, you must attach the following to this application: (a) copy of the original advertisement; (b) details of the dates the position was advertised; and (c) statement why a PNG Citizen was not considered suitable.
5. COUNTRY OF ORIGIN/REPATRIATION
The Employment of Non –citizens Act 2007 requires that non –citizens be repatriated to their country of origin if their employment is terminated for any reasons. For further information, please see the Work Permit Guidelines.
6. ENGLISH LANGUAGE REQUIREMENTS
Section 17(1) of the Employment of Non –citizens Act 2007 requires that all non –citizens prove that they are proficient in English. Where a non –citizen is from a country not assumed to be proficient in English, they must provide evidence of English Language proficiency before the work permit can be granted. For further information, please see the Work Permit Guidelines.
7. SALARY PACKAGE OF EMPLOYEE
The total salary package of an employee consists of actual take home pay (e.g. the annual salary paid to the employee) plus any other allowances and benefits paid to, or on behalf of, the employee (e.g. air tickets, housing, living allowances etc).
HELPFUL HINTS:
Keep a copy of this application and all supporting documentation for your records Ensure that the application is complete and signed Consult the Work Permit Guidelines Ensure that all supporting documentation (other than originals) is certified true and correct
Contact Us: Fax: Or visit us at:

Employment of Non-citizens Act 2007

Act, Sec. 25(1)(a) Form 2. Reg. Sec.4
APPLICATION FOR RENEWAL OR EXISTING WORK PERMIT

APPLICATION CHECKLIST

All answers must be completed in block letters.

Applications must be accompanied by the following: (please tick appropriate box)

Copy of existing work permit []

Copy of Working Residing Entry Permit []

Copy of photo page of employee's passport []

Update curriculum vitae []

Copy of employment contract signed by both employee and employer []

Two recent, clear, colour passport sized photographs of employee []

Evidence of membership of professional associated (where relevant) []

Evidence of payment of fee (non –refundable) []

NATURE OF APPLICATION

1. Is this an application for the renewal of a General Work Permit? Yes [] No []

2. Is this an application for the renewal of a Volunteer Work Permit? Yes [] No []

3. Please indicate term of work permit required: Short term: 6 Months [] Long term: 1 Year [] 2 Years [] 3 Years [] 5 Years (Good Corporate Citizens Only – see Notes) []

EMPLOYER DETAILS

4. Employer Name: ...

5. Employer Address: ...

6. Telephone: ... 7. Fax: ... 8. e –mail: ...

EMPLOYEE DETAILS

9. Employee Surname (as shown in passport): ...

10. Employee Given Names (as shown in passport): ...

11. Date of Birth: Day... Month ... Year ...

12. Gender: Male [] Female []

13. Nationality (as shown in passport): ... 14. Passport Number: ...

EMPLOYER DETAILS

15. Existing Work Permit Number: ...

16. Is this application for renewal with the same employer? Yes [] Go to question 17 No [] Make application for new work permit
17. Is this application for renewal in the same employer? Yes [] Go to question 18 No [] Make application for new work permit
SALARY PACKAGE OR EMPLOYEE
18. What is the total salary package (Salary and Non –Salary) of the Employees (see Notes)? Salary (i.e. Take Home Pay) Non Salary Allowances Total Salary Package K ... K ... K ...
TRAINING
19. Under Section 26(1)(a) of the Employment of Non –citizens Act 2007, the Secretary may take into account an employer’s commitment to the training and development of Papua New Guinean workers when considering an application to renew a work permit. Please outline in an attachment to this application how the employer (and the employee) have contributed to the training and development of Papua New Guinean nationals.
DECLARATION
20. We hereby declare that:
(a) All information provided in this application (including all attached documentation) is true and correct; and
(b) We understand that the provision of false or misleading information may result in the refusal of this application, or, in the event that the work permit is issued, cancellation.
Signature of Employer Signature of Employee COMPANY STAMP
Name of Employer (print)
Date ...
For official use only Recommendation
NOTES
Good Corporate Citizenship –only employers who have been granted Good Corporate Citizenship status by the Minister for Labour and Industrial Relations may make application for five (5) year work permits.
Salary Package of Employee –total salary package of an employee consists of actual take home pay (i.e. the annual salary paid to the employee) plus any other allowances and benefits paid to, or on behalf of, the employee (i.e. air tickets, housing, living allowances etc).

Employment of Non-citizens Act 2007

Act, Sec. 23 Form 3. Reg. Sec. 5
APPLICATION FOR BRIDGING WORK PERMIT

NOTES
1. This application should only be used where an existing application for a new work permit has been lodged with the Department of Labour and Industrial Relations, and that application has yet to be approved
2. Where an application for renewal in the same position has been made, a bridging work permit is not required. Under the Employment of Non-citizens Act 2007, all renewal applications receive an automatic sixty (60) day extension.
3. To be eligible to apply for this work permit, the employee must have a valid work permit at the time of application and that work permit must be about to expire.
4. Granting of a bridging Work Permit does not automatically lead to the granting of a new Work Permit
5. All answers must be completed in block letters.
6. Applications must be accompanied by the following (please tick appropriate box): Copy of existing work permit [] Evidence of payment of fee (non-refundable) []
EMPLOYMENT DETAILS
1. Name & Address of Employer: ...
EMPLOYEE DETAILS
2. Employee Surname: ... 3. Employee Given Names: ... 4. Date of Birth: Day ... Month ... Year ... 5. Gender: Male [] Female []
WORK PERMIT DETAILS
6. Employees Existing Work Permit Number: ...
7. Work permit Expires: Day ... Month ... Year ...
8. New Application Lodged: Day ... Month ... Year ...
DECLARATION
9. We hereby declare that:
(a) All information provided in this application (including all attached documentation) is true and correct;
(b) We understand the granting of a Bridging Work Permit may not lead to the granting of a new work permit
(c) We understand that the provision of false or misleading information may result in the refusal of this application, or, in the event that the work permit is issued, cancellation.
Signature of Employer Signature of Employee
COMPANY STAMP
Name of Employer (print) Name of Employee (print)
Date ...

Employment of Non-citizens

Reg. Sec. 6
GOVERNMENT OF PAPUA NEW GUINEA
Department of Labour and Industrial Relations
Office of the Secretary
Employer/Company
Dear Sir/Madam,
This is to confirm that the Department of Labour and Industrial Relations has approved the Foreigner Work Permit noted below for the following employee of your company.
Employee Name:
Type of Work Permit:
Conditions (if any):
PNG Occupation Title:
PNG Occupation Code:
Company Position Code:
Issue Date:
Permit Expires end of:
Work Permit Number:

Signed
Secretary for the Department of Labour and Industrial Relations

Employment of Non-citizens

Employment of Non-citizens Act 2007	
Act, Sec. 34(1)(b) Form 5. Reg. Sec.7	
WORK PERMIT CARD	
PNG General Work Permit / PNG Volunteer Work Permit	
	PHOTOGRAPH
	RIGHT THUMB PRINT
WP No.:	
Nationality:	
Exp Date:	

Job Title:
Conditions:
Passport No.:
Secretary
Department of Labour & Industrial Relations

Employment of Non-citizens

Employment of Non-citizens Act 2007				
Act, Sec. 39(1) Form 6 Reg. Sec. 8				
EMPLOYER'S REGISTER OF WORK PERMITS				
Name of employer:				
Principle place of business:				
Full Name	Occupation	Work Permit No.	Expiry Date	Has this Work Permit be Cancelled?
*NOTE: Copies of all work permits and cancellation notices must be attached to this Register.				
Company Declaration				
I certify that the information contained within this Register is true and correct:				
(Print name):				
(Title):				
(Signature):				
Section 39 of the Employment of Non-citizens Act 2007 requires that all employers keep an employer's register in a format prescribed under the Regulation. It is acceptable for employers to reproduce the register to suit their own purposes. However, the information in this prescribed form must be included.				
This register must be produced to an Authorised Officer on request.				

Employment of Non-citizen

Employment of Non-citizens Act 2007	
Act, Sec. 44 Form: 7 Reg. 9	
STATEMENT OF ARRANGEMENT FOR REPATRIATION AND CANCELLATION OF WORK	

PERMIT
Name of employer:
Principal place of business:
Name of non-citizens:
Work Permit No:
Name(s) of dependents (if any):
Place of origin/repatriation:
Reason for Termination/Separation: Dismissed <input type="checkbox"/> Resigned <input type="checkbox"/> Completion of contract <input type="checkbox"/>
Other Transferred to Another Position <input type="checkbox"/> Death <input type="checkbox"/>
Date of Repatriation: <input type="checkbox"/>
Evidence of Repatriation: Travel Itinerary <input type="checkbox"/> Boarding Pass <input type="checkbox"/> Airline Ticket <input type="checkbox"/>
Return of Work Permit Card
Work Permit Card Attached <input type="checkbox"/> Note: a person who fails to return a work permit card commits an offence and is liable to a fine not exceeding K1000.
I certify that the information contained within the Statement is true and correct:
(Print name)
(Signature)
(Title)
(Date)
NOTE: This Statement must be directed to the Secretary, Department of Labour and Industrial Relations, P.O. Box 5644, Boroko N.C.D or by fax on (675) 325 6655 as soon as practicable after the termination of the non-citizen's contract of employment.

Employment of Non-citizens

Employment of Non-citizens Act 2007
58(1) Form 8. Reg. Sec. 18
INFRINGEMENT NOTICE
:
ervice: Day ... Month ... Year ...
To (Full name of the person on whom the Notice is served): ...
Of (Full address of the person, including company details, on whom the Notice is served): ...
I, (Name and position of the officer authorised to serve the Notice) ... being an officer permitted to serve

an Infringement Notice for the purposes of the Employment of Non-citizens Act 2007, have reasonable grounds to believe that at approximately ... am/pm, on (date, full name of month and year) ... at (insert name of place here) ... you contravened Section (insert section) ... of the Employment of Non-citizens Act 2007 in that (insert description of the offence) ...

Accordingly, I issue you with an Infringement Notice under Section 58 of the Employment of Non-citizens Act 2007. An amount of K (insert the amount of penalty in figures and write in full) ... is payable to the Department of Labour and Industrial Relations within 28 days of this Notice, or such other time as the Secretary allows.

RECIPIENTS DETAILS:

Full name and signature: ...

Position company details: ...

Phone: (0) ... (Mob) ... Fax: ... e-mail: ...

DETAILS OF OFFICER SERVING NOTICE:

Full name and signature: ...

Place of service: ...

Date: ... Time: ... AM/PM

Additional Comment (if needed): ...

Please refer to page 2 for more information in relation to this Infringement Notice. **THIS FORM**

MUST BE COMPLETED IN TRIPLICATE

IMPORTANT INFORMATION ABOUT THIS INFRINGEMENT NOTICE

What is the legal basis for the Infringement Notice?

In accordance with Section 58 of the Employment of Non-citizens Act 2007, the Secretary, Department of Labour and Industrial Relations (or delegate) may serve an Infringement Notice on a person if it appears that person has breached certain provisions of the Act. The form of the Notice, and other matters, are set out in Part VI of the [Employment of Non-citizens Regulation](#). Further information about Infringement Notices can be found in the Work Permit Guidelines which are available for purchase from the Department of Labour and Industrial Relations, Foreign Employment Division which is located at Moale Haus, Waigani, Port Moresby.

How do I pay the penalty?

The penalty must be paid by way of a bank cheque made out to the Department of Labour and Industrial Relations. The cheque must be delivered to the Department's Head Office (see details below) and an official receipt obtained. You must retain the receipt as proof of payment. Payment will be taken to be made only when the cheque is honoured on presentation.

Where do I pay the penalty?

The Department of Labour and Industrial Relations Head Office, Level 9, Pacific Place, Port Moresby, Papua New Guinea. This office is open from 8am to 1pm, Monday to Friday.

When is the penalty payable?

The penalty is payable within 28 days from the date of the Notice.

Can I apply for additional time to pay?

You can apply for additional time to pay the penalty. You must apply within 28 days of the date of this Notice. You must write to the Secretary, Department of Labour and Industrial Relations, and you must

say how much extra time you want and why your request should be granted. You will receive written notice of the Secretary's decision regarding your request for additional time. If you are not granted extra time, the penalty remains payable within 28 days from the date of this Notice, or 7 days after you were told that you would not be given the extra time to pay, whichever is the later.
Can the Infringement Notice be withdrawn?
Yes. The Secretary, Department of Labour and Industrial Relations may withdraw the Notice either before or after the penalty is paid. If you paid the penalty, and the Notice is withdrawn, your payment will be refunded.
Can I dispute liability for the offence in Court?
If you wish, the matter may be referred to Court. However, if you do that, and the Court finds against you, then, you could be:
(a) convicted of an offence; and
(b) ordered to pay an increased penalty, plus Court costs; and
(c) subject to other Court orders.
What happens if the penalty is paid within 28 days of the date of the Notice (or any extra time given by the Secretary, Department of Labour and Industrial Relations)?
If the penalty is paid, then:
(a) your liability for the offence is discharged; and
(b) you will not be prosecuted for the offence in Court; and
(c) you will not be taken to have been convicted of the offence.
What happens if I do not pay the penalty?
If you do not pay the penalty within 28 days of the Notice (or any extra time given by the Secretary, Department of Labour and Industrial Relations) you may be sent a Reminder Notice. Alternatively, the matter could be referred to Court.
What are the Department's contact details?
Any communications in relation to this Infringement Notice should be addressed to: The Secretary, Department of Labour and Industrial Relations, P.O. Box 5644, Boroko, NCD, Papua New Guinea, telephone (675) 323 2911, facsimile (675) 325 6655

SCHEDULE 2. – .

Employment of Non-citizens

Act, Sec.12(1) Reg. Sec. 10
OCCUPATIONS RESERVED FOR CITIZENS
Non-commercial Farmers or Farm Managers
Migration and Employment Agent
Pastrycook
Cook (General)

Gardener
Nurseryperson
Hairdresser (General)
Jeweller (General)
Ambulance Officer
Enrolled Nurse
Child Care Worker
Nanny / Babysitter
Preschool Aide
Teachers' Aide
Aged or Disabled Carer
Orderly and Nursing Support Worker
Bar Attendant
Café Worker
Gaming Worker
Doorperson or Luggage Porter
Waiters
Alarm, Security or Surveillance Monitor
Armoured Car Escort
Security Officer/Guard
Gallery or Museum Guide
Tour Guide
Tourist Information Officer
Travel Consultant (General)
Flight Attendant (Domestic)
Outdoor Adventure Guide
Outdoor Adventure Porter
Office Manager
Personal / Executive Assistant (General)
Secretary (General)
Legal Secretary
General Clerk
Word Processing Operator
Call or Contact Centre Team Operator
Receptionist
Accounts Clerk
Cost Clerk

Bookkeeper
Payroll Clerk
Bank Worker
Credit or Loans Officer
Insurance Consultant
Money Market Clerk
Statistical Clerk
Betting Agency Counter Clerk
Bookmaker's Clerk
Telephone Betting Clerk
Courier
Filing or Registry Clerk
Mail Clerk
Survey and Market Research Interviewer
Switchboard Operator
Order Clerk
Production Clerk
Purchasing Officer
Sales Clerk
Stock Clerk
Warehouse Administrator
Storeperson
Debt Collector
Human Resource Clerk
Library Assistant
Coding Clerk
Production Assistant (Film, Television, Radio or Stage)
Radio Despatcher
Insurance Agent
Sales Representatives
Property Manager

Rental Salesperson
Real Estate Agent
Sales Assistant (General)
ICT Sales Assistant
Motor Vehicle Salesperson
Automotive Parts Salesperson
Pharmacy Sales Assistant
Retail Supervisor
Service Station Attendant
Door-to-door salesperson
Street Vendor
Checkout Operator
Office Cashier
Model
Sales Demonstrator
Telemarketer
Ticket Seller
Transport Conductor
Visual Merchandiser
Industrial Spraypainter
Paper and Wood Products Machine Operator
Photographic Developer and Printer
Plastics and Rubber Production Machine Operators
Sewing Machinist
Textile and Footwear Production Machine Operators
Motion Picture Projectionist
Crane, Hoist or Lift Operator (General)
Engineering Production Systems Worker
Boiler or Engine Operator

Bulk Materials Handling Plant Operator
Cement Production Plant Operator
Concrete Batching Plant Operator
Concrete Pump Operator
Paper and Pulp Mill Operator
Waste Water or Water Plant Operator
Weighbridge Operator
Agricultural and Horticultural Mobile Plant Operator
Logging Plant Operator
Earthmoving Plant Operator (General)
Backhoe Operator
Bulldozer Operator
Excavator Operator
Grader Operator
Loader Operator
Forklift Driver
Aircraft Baggage Handler and Airline Ground Crew
Linemaker
Paving Plant Operator
Road Roller Operator
Streetsweeper Operator
Chauffeur
Taxi Driver
Bus Driver
Charter and Tour Bus Driver
Passenger Coach Driver
Delivery Driver
Truck Driver (General)
Aircraft Refueller

Furniture Removalist
Tanker Driver
Tow Truck Driver
Car Detailer
Commercial Cleaner
Domestic Cleaner
Commercial Housekeeper
Domestic Housekeeper
Laundry Worker (General)
Drycleaner
Ironer or Presser
Carpet Cleaner
Window Cleaner
Builder's Labour
Drainage, Sewerage and Stormwater Labourer
Earthmoving Labourer
Plumber's Assistant
Concreter
Fencer
Building Insulation Installer
Home Improvement Installer
Paving and Surfacing Labourer
Crane Chaser
Driller's Assistant
Lagger
Mining Support Worker
Surveyor's Assistant
Baking Factory Worker
Brewery Worker

Confectionery Maker
Dairy Products Maker
Fruit and Vegetable Factory Worker
Grain Mill Worker
Sugar Mill Worker
Meat Boner and Slicer
Slaughterer (General)
Meat, Poultry or Seafood Process Worker
Chocolate Packer
Container Filter
Fruit and Vegetable Packer
Meat Packer
Seafood Packer
Product Assembler
Metal Engineering Process Worker
Plastics Factory Worker
Rubber Factory Worker
Product Examiner
Product Grader
Product Tester
Paper and Pulp Mill Worker
Sawmill or Timber Yard Worker
Wood and Wood Products Factory Worker
Cement and Concrete Plant Worker
Chemical Plant Worker
Clay Processing Factory Worker
Fabric and Textile Factory Worker
Footwear Factory Worker
Glass Processing Worker

Hide and Skin Processing Worker
Aquaculture Worker
Coffee Farm Worker
Cocoa Farm Worker
Coconut / Copra Farm Worker
Oil Palm Farm Worker
Rubber Farm Worker
Tea Plantation Worker
Sugar Cane Farm Worker
Mixed Crop Farm Worker
Fruit Farm Worker
Vegetable Farm Worker
Forestry Worker
Logging Assistant
Tree Faller
Garden Labourer
Horticultural Nursery Assistant
Beef Cattle Farm Worker
Goat Palm Farm Worker
Mix Livestock Farm Worker
Pig Farm Worker
Poultry Farm Worker
Sheep Farm Worker
Mixed Crop and Livestock Farm Worker
Hunter-Trapper
Pest or Weed Controller
Fast Food Cook
Pastrycook's Assistant
Kitchenhand

Freight Handler
Truck Driver's Offsider
Waterside Worker
Shelf Filler
Caretaker
Deck Hand
Fishing Hand
Handyperson
Motor Vehicle Parts and Accessories Fitter (General)
Autoglazier
Exhaust and Muffler Fitter
Radiator Fitter
Tyre Fitter
Printer's Assistant
Printing Table Worker
Recycling or Rubbish Collector
Vending Machine Attendant
Bicycle Mechanic
Car Park Attendant
Crossing Supervisor
Electoral or Telecommunications Trades Assistant
Leaflet or Newspaper Deliverer
Mechanic's Assistant
Sign Erector
Ticket Collector or Usher
Trolley Collector

SCHEDULE 3. – .

Employment of Non-citizens

Act, Sec. 13(1)

Reg. Sec. 11

OCCUPATIONS TO BE ADVERTISED

Assistant or Deputy Managers

Human Resources Adviser

Recruitment Consultant

Industrial Relations Advisor

Liaison Officer

Automotive Electrician

Motor Mechanic

Diesel Motor Mechanic

Motorcycle Mechanic

Small Engine Mechanic

Blacksmith

Electroplater

Metal Casting Trades Worker

Metal Polisher

Sheetmetal Trades Worker

Metal Fabricator

Pressure Welder

Welder

Fitter (General)

Fitter and Turner

Fitter-Welder

Metal Mechanist

Textile, Clothing and Footwear Mechanic

Panelbeater

Vehicle Body Builder

Vehicle Trimmer

Vehicle Painter
Bricklayer
Stonemason
Carpenter and Joiner
Floor Finisher
Painting Trades Worker
Glazier
Plasterer
Roof Tiler
Wall and Floor Tiler
Plumber (General)
Airconditioning and Mechanical Services Plumber
Drainer / Drainlayer
Gasfitter
Electrician
Lift Mechanic
Airconditioning and Refrigeration Mechanic
Electrical Linesworker / Electrical Line Mechanic
Technical Cable Jointer
Business Machine Mechanic
Communications Operator
Electronic Equipment Trades Worker
Electronic Instrument Trades Worker
Cabler (Data and Telecommunications)
Telecommunications Cable Jointer
Telecommunications Linesworker
Telecommunications Technician
Florist
Arborist

Landscape Gardener
Greenkeeper
Binder and Finisher
Screen Printer
Printing Machinist
Printing and Graphic Trades Worker
Canvas and Leather Goods Maker
Appeal Cutter
Clothing Patternmaker
Upholsterer
Cabinetmaker
Furniture Finisher
Picture Framer
Wood Machinist
Wood Turner
Gallery or Museum Technician
Library Technician
Broadcasting Transmitter Operator
Camera Operator (Film, Television or Video)
Light Technician
Make Up Artist
Sound Technician
Television Equipment Operator
Signwriter
Driving Instructor
Proof Reader
Auctioneer

SCHEDULE 4. – .

Employment of Non-citizens

Act, Sec. 17(3) Reg. Sec. 14
NON-CITIZEN DEEMED TO BE PROFICIENT IN ENGLISH
Antigua and Barbuda
Australia
Bahamas
Barbados
Belize
Canada
Cook Islands
Dominica
Federated States of Micronesia
Fiji
Gambia
Ghana
Grenada
Guam
Guyana
Ireland
Israel
Jamaica
Kenya
Kiribati
Lesotho
Liberia
Malawi
Malaysia
Maldives

Mali
Malta
Marshall Islands
Mauritus
Namibia
Nauru
Nepal
New Zealand
Nigeria
Palau
Philippines
Saints Kitts and Nevis
Saint Lucia
Samoa and American Samoa
Seychelles
Sierra Leona
Singapore
Solomon Islands
South Africa
St. Vincent & Grenadines
Swaziland
Tanzania
Tonga
Trinidad and Tobago
Tuvalu
Uganda
United Kingdom
United States of America
Vanuatu

Zambia
Zimbabwe

SCHEDULE 5. – .

Employment of Non-citizens

Act, Sec. 58(2) Reg. Sec. 19		
AMOUNT OF INFRINGEMENT NOTICE		
Offence specified in the Employment of Non-citizens Act 2007	Maximum fine that a court can impose	Maximum penalty which can be specified in the infringement notice
6(1)	K20,000.00	K10,000.00
6(2)	K10,000.00	K5,000.00
6(3)	K10,000.00	K5,000.00
11(2)	K10,000.00	K5,000.00
35(2)	K1,000.00	K500.00
36(2)	K1,000.00	K500.00
39(4)	K1,000.00	K500.00

SCHEDULE 6 – . .

Employment of Non-citizens

Act, Sec. 61 Reg. Sec. 26		
FEES		
1	Application for General Work Permit	K1000.00 for each year of the worker permit
2	Application for Volunteer Work Permit	K100.00 for each year of the work permit
3	Application for Bridging Work Permit	K100.00
4	Application for General Short Term Work Permit	K500.00
5	Application for Volunteer Short Term Work Permit	K50.00

6	Application for Renewal of General Work Permit	K1000.00 for each year of the work permit
7	Application for Renewal of Volunteer Work Permit	K100.00 for each year of the work permit
8	Duplicate Work Permit	K100.00 for each copy
9	Duplicate Work Permit Card	K100.00 for each copy
10	Lodging an Appeal	K50.00
11	Copy of the Employment of Non-citizens Guidelines	K25.00

Office of Legislative Counsel, PNG